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### Title

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### Permalink

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### Journal

California Journal of Politics and Policy, 8(2)

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### Publication Date

2016

### DOI

10.5070/P2cjpp8230564

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## **Some General Election Consequences of California's Top-Two Primary System**

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Approved by the electorate in 2010, California's Proposition 14 amended the state constitution and adopted the top-two primary system for congressional, statewide, and state legislative elections. Instead of separate party primary elections for a given office, the amendment mandated that a single primary election open to all registered voters be held. The top two vote getters, irrespective of party affiliation, would advance to the general election.

Advocates for the reform argued that the new system would produce more competitive contests and result in more ideologically moderate elected officials. Yet, initial research suggests that these outcomes have mostly *not* taken place (Ahler et al. 2014, 2015; Kousser et al. 2014; Kousser 2015; Masket 2013; McGhee 2015). In this paper we focus on one clear consequence of the top-two primary system, general elections that are contested between candidates of the same political party.

Under the old system, same party general elections could not occur. Under the new system they can, and do, take place. About one in six state legislative and congressional general elections in the 2012 and 2014 election cycles have pitted a Democrat against a Democrat or a Republican against a Republican. The purpose of this paper is to analyze this phenomenon and its consequences for electoral competitiveness and polarized voting.

### **Background**

It is not difficult to develop intuitions about why the adoption of the top-two primary might have important electoral and institutional effects. For example, under the previous, "closed" system, a moderate Democrat candidate might have had a more difficult time advancing to the general election against a more traditional or even liberal Democrat in a primary election limited to registered Democrats. A single all-inclusive primary offers a moderate Democrat more potential supporters, especially because registrants with no party preference are permitted to vote. The same is true for a moderate Republican candidate.

Whatever one's intuitions, previous theoretical research on primary rules suggests that their consequences are hard to predict and are unlikely to have consistent and uniform effects. For instance, open party primaries not restricted to party registrants can produce more ideologically

extreme outcomes than closed primary systems (Chen and Yang 2002; Cho and Kang 2015; Cooper and Munger 2000; Oak 2006). The reasons have to do with the complicated decisions of potential candidates under different institutional rules and the interplay between voters and candidates that takes place.

Empirically, previous research reports uneven, and often modest, effects of primary rules. The most thorough analysis is McGhee et al. (2014), which analyzes the relationship between the degree of primary openness and the ideological extremism of legislators. Relying on more extensive data than previous studies and addressing a variety of important measurement issues, McGhee et al. (2014) reports minimal effects of primary rules on ideological extremism. To be sure, it is possible that general patterns do not apply to California as its short-lived experience with a version of an open primary system—a “blanket primary”—appears to have been more consequential (Alvarez and Sinclair 2012; Bullock and Clinton 2011).

The top-two primary system was used to select general election candidates in 2012 and 2014. Keeping in mind that campaigns, candidates, and voters have had little time to adjust to the reform (Sinclair 2015a, 2) and there may be a long period of adjustment before the state arrives at a new, potentially more moderate equilibrium (McGhee 2010, 12), a handful of initial studies report modest, at best, effects. Ahler et al. (2014) reports that in an experiment comparing the old and new ballot forms, moderate candidates were not advantaged with the top-two primary ballot. Kousser et al. (2014) compares legislators elected under the new rules in 2012 to those elected under the old rules in 2010 and finds virtually no change in the congruence between the ideological locations of legislators and voters in 2012. McGhee (2015) analyzes the legislative scorecards issued by the California Chamber of Commerce and finds “fairly mixed” evidence for an effect of the top-two primary system.

Among studies that do find effects, the significance appears modest. Kousser (2015) analyzes statewide contests in 2014 and finds some effects on campaign strategies and candidate entry decisions but no ultimate effect on general election outcomes. Grose (2014) finds more ideological moderation in state legislative roll call voting among Democrats (but not Republicans) in 2013 compared to 2011, but the biggest shift—among Democrats in the state senate—may have been due to factors unrelated to the top-two.<sup>1</sup>

The one area where the effects may have been more substantial has to do with general elections between candidates of the same party. In an analysis of an assembly general election between two Republicans, Sinclair (2015b) explains how the more moderate of the two (Frank Bigelow) beat the conservative (Rico Oller). Sinclair and Wray (2015) analyze Google Trends data for state legislators seeking reelection and find that the “single greatest predictor of search volume is whether the legislator faced a co-partisan challenger” (10). Nagler (2015) analyzes turnout in same party general elections and finds that partisans of the excluded party had a higher rolloff (abstention) rate, which could limit the electoral advantage of the more moderate candidate of the other party.

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<sup>1</sup> “In 2013, Republican senators almost universally represent districts with very low percentages of Democratic voters—and most Republicans in the senate in 2013 were not newly elected in 2012. In contrast, Democratic senators (post-2013) represent a wider range of districts and a significant number were newly elected in 2012. Some of the newly elected Democratic senators represent districts in which the Democrats do not have a substantial electoral edge. This means that the mean Democratic senator ideology may have shifted due to a few key pickups in districts where constituents are not particularly partisan. Thus, Democratic senators moderated while Republican senators became more conservative” (Grose 2014, 14).

General elections with candidates of the same party are a clear consequence of the adoption of the top-two primary system. Under the old system, they could not take place. Our purpose in the remainder of this paper is to analyze their occurrence and a variety of electoral consequences. Our findings offer a host of new insights.

## Data

We focus on California's U.S. House and state legislative (assembly and senate) elections from 2002 through 2014. Elections in the 2002–2010 period were held under the old primary system and serve as a useful baseline. With 173 districts (53 house, 80 assembly, and 40 senate) and seven elections years, there are 1,071 elections for analysis.<sup>2</sup> Much of the data we rely on are publicly available from the California Secretary of State's website (<http://www.sos.ca.gov/elections>). Most of our analyses consider the party registration advantage in a district. To create this measure, we relied on the last report of registration before each election and computed the Democratic and Republican percentages of all registrants. The party registration advantage is simply the absolute value of the difference. Higher values indicate one of the parties has a larger advantage.

We also use the 2012 and 2014 Cooperative Congressional Election Study (CCES) common content surveys, made publicly available through Dataverse (<http://projects.iq.harvard.edu/cces/data>). Because of their large national sample sizes there are sufficient observations to compute district-level estimates of voting behavior in congressional (U.S. House) elections. Across the two surveys for California congressional districts, there is an average of about 100 respondents per district per election year and 60 voters. Specifically, we focus on ideological and partisan voting polarization. Relying on the traditional questions tapping ideological and partisan identification we compute and analyze the differences in preferences between liberals and conservatives (ideological polarized voting) and Democrats and Republicans (partisan polarized voting).

## Results

Table 1 shows the distribution of party registration advantage for the two electoral periods. In both the first (2002–2010) and second (2012–2014) periods there are only a small number of districts that would be judged highly competitive based on the balance of party registration. In the first period just five percent of districts had a party advantage of five percentage points or less, and in the second period the figure was nine percent. In contrast, in almost half the districts in both periods (44 percent and 47 percent, respectively), one of the major parties enjoyed a registration advantage of at least 20 percentage points. The possibility for the top-two to bring electoral competition where it otherwise would not take place follows from the observation that there are so many districts in California dominated by one party. If primary elections in these districts produce candidates of the same party, instead of observing a general election with the candidate from the party favored by the registration advantage winning easily, candidates of the same party may find themselves in close, competitive elections.

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<sup>2</sup> Although there are 40 senate seats, there are 140 (not 280) senate elections to analyze over the seven election cycles because only half the seats are up each year due to the four-year term length for senators compared to the two-year terms for the house and assembly.

**Table 1. The Distribution of Party Registration Advantage**

<b>Party registration advantage (%)</b>	<b>2002–2010</b>	<b>2012–2014</b>	<b>Total</b>
0–5	5	9	6
5–10	12	16	13
10–20	40	29	37
20–30	21	25	22
30–40	10	9	9
40+	13	13	13
N	765	306	1,071

Note: Party registration advantage is the absolute value of the difference between the Democratic and Republican shares of all registrants in a district based on the final report of registration in advance of the general election. Cell entries report the percentage of U.S. House, state Assembly, and state Senate elections with the indicated levels of party advantage for each period and overall.

Overall, 17 percent of congressional and state legislative general elections in the 2012 and 2014 election cycles have been between candidates of the same party. This type of election is much more likely to occur in districts where one party has a sizable registration advantage. When party registration advantage was less than five percent, only one of 26 elections involved two candidates from the same party.<sup>3</sup> In contrast, when party registration advantage was more than 40 percent, 16 of 40 elections involved candidates from the same party.

Table 2 shows the full relationship between party registration advantage and type of general election. As one party gains a registration advantage, general elections between a Democrat and Republican decline from 96 percent (registration advantage of less than five percentage points) to 43 percent (registration advantage over 40 points). A greater party registration advantage is associated with more same party general elections, though the increase is not linear. Where the party advantage ranged from five to 20 percentage points, 12 percent were same party elections. In the party advantage range of 20 to 40 points, 20 percent of elections were between candidates of the same party.

Uncontested general elections (those where only one candidate entered the primary) and those between a major party candidate and a minor party candidate were more common in districts with a greater party registration advantage, increasing from zero percent where the registration advantage was less than 5 points to 18 percent where the advantage exceeded 40 points.

For comparison, Table 2 shows the relationship between general election type and party registration in the 2002–2010 period when the top-two primary system was not in effect. Consistent with the more recent data, the rate at which major party candidates faced no competition or competition from a third-party candidate were higher in districts with more lopsided party balances. About one in four elections (26 percent) were uncontested or between a major party candidate

<sup>3</sup> In CD-25 in 2014, the Republican Steven Knight beat the Republican Tony Strickland. In terms of party registration, there were nearly identical numbers of Democrats and Republicans (37.24 percent and 37.19 percent, respectively), producing a party registration advantage score of 0.05 percentage points.

**Table 2. Party Registration Advantage and the Same-Party General Election Candidates**

Party registration advantage (%)	2012–2014			2002–2010	
	D-R	<i>D-D or R-R</i>	Other	D-R	Other
0–5	96	4	0	97	3
5–10	84	14	2	96	4
10–20	84	10	6	92	8
20–30	75	20	5	93	7
30–40	67	19	15	84	16
40+	43	40	18	74	26
Total	76	17	7	90	10

Note: Party registration advantage is the absolute value of the difference between the Democratic and Republican share of all registrants in a district based on the final report of registration in advance of the general election. Cell entries report the percentage of each type of election for the given periods. D-R is a general election between a Democrat and Republican. D-D/R-R is a general election featuring two candidates of the same party. Other includes all remaining elections, typically a major party candidate against a minor party candidate or a major party candidate in an uncontested election.

and a minor party candidate in districts with a party registration advantage over 40 points compared to just three percent in districts where the partisan balance was nearly even.

Because same party general elections are more likely to occur where one party has a strong registration advantage, it is likely—or at least plausible—that same party general elections produce or heighten electoral competition where there otherwise would be none or less. To investigate this possibility, we use a common measure of electoral competitiveness—whether the winning candidate received less than 60 percent of the vote (a competitive election) or more than 60 percent of the vote (an uncompetitive election). Based on this measure, 62 percent of the same party general elections were competitive compared to just 38 percent of the elections between a Democrat and Republican.<sup>4</sup>

The higher rate of competitive elections with candidates from the same party is noteworthy in part because those elections are more likely to take place in districts traditionally associated with low rates of competitiveness. Consider the 2002–2010 period. The first column of entries in Ta-

<sup>4</sup> There was only one race between a major party candidate and a nonmajor party candidate that was competitive. In CD 33 in 2012 Democrat Henry Waxman beat Bill Bloomfield who ran as an independent with 54 percent of the vote. In the 2002–2010 period only 18 percent of the elections between a Democrat and Republican were competitive.

**Table 3. Election Competitiveness by Party Registration Advantage and Election Type**

<b>Party Registration Advantage (%)</b>	<b>2002–2010 D-R</b>	<b>2012–2014 D-R</b>	<b>2012–2014 D-D or R-R</b>
0–5	77 (35)	96 (25)	100 (1)
5–10	44 (90)	61 (41)	86 (7)
10–20	20 (282)	40 (75)	56 (9)
20–30	3 (148)	16 (56)	60 (15)
30–40	0 (61)	0 (18)	100 (5)
40+	0 (72)	0 (17)	44 (16)
Total	18 (688)	38 (232)	62 (53)

Notes: Cell entries report the percentage of elections that were competitive—the winner received less than 60 percent of the vote—in the designated categories. The numbers of elections on which the percentages are based are in parentheses.

Table 3 shows the relationship between party registration advantage and electoral competitiveness in races where a Democrat faced a Republican.<sup>5</sup> A strong negative relationship is evident. In the districts most closely divided between the parties, 77 percent of elections were competitive. Where the party advantage was 20–30 points just 3 percent were competitive and there were no competitive elections out of the 133 elections held where the party registration advantage exceeded 30 points.

As shown in the second column of entries in Table 3, a similar, though stronger, pattern is evident for the 2012–2014 period. Where the party registration advantage was smaller, there were even more competitive elections in the 2012–2014 period compared to the 2002–2010 period. For example, where the party advantage was less than 5 points, 96 percent (24 of 25) of elections were competitive in 2012–2014 compared to 77 percent in 2002–2010. But, in the districts where the party advantage was greatest there were no competitive elections in 2012–2014, as was the case in 2002–2010.

The clear exceptions are same party elections. At every level of party registration advantage same-party elections are more competitive than two-party elections. Given the smaller number of elections, the percentage differences can be misleading, but even so it is clear that where there was little or no competition in the 2002–2010 and 2012–2014 periods with two-party elections, same-party elections were more competitive. Twenty-one of the 36 same-party elections (58 per-

<sup>5</sup> Uncontested elections and those between a major party candidate and a minor party candidate are excluded from Table 3.

cent) held in districts where the party advantage was 20 points or more, were competitive, compared to just 10 and 1 percent competitive elections in two-party contests in the 2012–2014 and 2002–2010 periods, respectively.

More competitive elections are typically associated with higher turnout. On the one hand, because same-party elections are more likely to be close and have higher spending levels, they might also have higher turnout. On the other hand, given that Nagler (2015) found that partisans of the excluded party were more likely to abstain in same-party elections, it is possible that same-party elections might be a unique instance where greater competitiveness brings lower turnout.

To investigate the turnout effects of same-party elections, we focus on “voter rolloff.” Rolloff is the difference in turnout at the top of ballot and turnout for a lower ballot contest. For example, in 2014 the gubernatorial election was the top of the ticket election. In the 47th assembly district there was a same-party general election between two Democrats (Cheryl Brown and Gil Navarro). In the assembly election 23.5 percent of registered voters in the district voted while 25.6 percent of registered voters in the district voted in the gubernatorial election. Rolloff, then, was -2.1 percentage points ( $23.5 - 25.6 = -2.1$ ) in that election.

We focus on rolloff rates rather than actual turnout rates for a variety of reasons. First, by comparing turnout within districts (but across elections) we control for all factors that systematically vary across districts. Second, because gubernatorial elections are held in midterm election years, there are never coinciding presidential and gubernatorial elections, which means there is always a high profile (presidential or gubernatorial) election at the top of the ticket that drives turnout decisions for many registrants.

Consistent with Nagler’s (2015) individual-level results, we find substantial rolloff in same-party elections. In the 53 same-party elections the average rolloff was 7.2 percentage points compared to 2.8 percentage points in two-party elections, for a rolloff difference of 4.4 percentage points. Because previous research shows that rolloff tends to be greater in presidential years and in elections that are less competitive, we estimated a model of rolloff that includes these factors. The first set of entries in Table 4 are estimates from a simple OLS regression based on the 2012-2014 elections that includes dummy variables for same-party elections and other elections (major party/minor party and uncontested elections), treating two-party elections as the baseline. As shown in the table, rolloff is 4.4 points greater (more negative) in same-party elections, and larger than the rolloff differential in other elections.

The estimates in the second column of Table 4 are based on a model that also includes a dummy variable distinguishing presidential (2012) from gubernatorial (2014) election years, the degree of party registration advantage in districts, and a set of indicators for how competitive the final general election outcome was. As shown in the table, rolloff was 4.2 percentage points greater in the presidential year of 2012 compared to the gubernatorial year of 2014 and there was also notably more rolloff (6.1 percentage points) in elections where the winner received more than 90 percent of the vote. At the same time, the estimated effect of a same-party election on rolloff remains at 4.4 points. Thus, while same-party elections are associated with closer elections, they also appear associated with greater rates of turnout rolloff.

The last variable we consider is voting polarization. Given the large and growing ideological differences between the parties and the fact that the California Legislature is the most polarized of all state legislatures (Shor and McCarty 2011), we expect polarized voting along partisan and ideological lines in general elections between a Democrat and a Republican. But, in same-party elections, the relationship between partisanship, ideology, and voting may be much weaker. With



**Table 4. Rolloff in General Elections**

<b>Independent variable</b>	<b>2012–2014</b>	<b>2012–2014</b>	<b>2002–2010</b>
Election type			
D-R (baseline)	–	–	–
D-D or R-R	-4.4** (0.4)	-4.4** (0.3)	N/A
Other	-3.2** (0.7)	-1.6** (0.5)	-3.1** (0.4)
Presidential year		-4.2** (0.2)	-4.1** (0.2)
Party registration advantage		.004 (.01)	-.01 (.01)
Electoral competitiveness (winner's vote)			
< 60% (baseline)		–	–
60-90%		-0.3 (0.3)	-0.3 (0.2)
>90%		-6.1** (0.9)	-7.6** (0.6)
Constant	-2.8** (0.2)	-0.6** (0.2)	-1.9** (0.2)
Adjusted R <sup>2</sup>	.27	.69	.70
S.E.E.	2.8	1.9	2.2
N	306	306	765

Notes: In presidential years, rolloff is defined as the difference between turnout in a district election (U.S. House and state assembly) and presidential turnout in a district. In gubernatorial election years rolloff is the difference between turnout in a district election and gubernatorial turnout in a district. Higher rates of rolloff are indicated by negative values of greater magnitude. See text for details.

\* indicates  $p < .10$ ; \*\* indicates  $p < .05$ .

candidates of the same party, there is no obvious role that voters' partisan loyalties could play. And to the extent that candidates of the same party are ideologically similar, voters' ideological preferences may not be much related to voting either.

To investigate the question of voting polarization we turn to the 2012 and 2014 Cooperative Congressional Election Study common content surveys, described earlier. These surveys include congressional district identifiers (but not state legislative district identifiers), and there is an average of about 60 voters per district per election year. For each district in each year we compute ideological and partisan voting polarization. Ideological voting polarization is the difference in voting between self-identified liberals and conservatives. Partisan voting polarization is the difference between Democratic and Republican party identifiers. If everyone in one group votes for one candidate and everyone in another group votes for the other candidate, then the voting polarization score is 100. If the two groups vote for the candidates at identical rates, the polarization score is 0.

**Table 5. Voting Polarization in California Elections for the House of Representatives**

	Type of General Election	
	D-R	D-D <i>or</i> R-R
Ideological voting polarization	76	59
Partisan voting polarization	86	55

Notes: Cell entries report the median levels of voting polarization in different and same-party general elections for California congressional elections in 2012 and 2014. Ideological voting polarization is the difference in vote percentages between self-identified liberals and conservatives. Partisan voting polarization is the difference in the vote percentages between self-identified Democrats and Republicans.

Table 5 reports median polarization scores for the two types of elections. First, consider California congressional elections where a Democrat runs against a Republican. In those races there is substantial ideological and partisan voting polarization. The median level of ideological voting polarization is 76 percentage points while the median level of partisan voting polarization is even higher, 86 percentage points. In the same-party general elections, the levels of polarized voting are notably smaller, but still substantial. Ideological voting polarization is reduced to 59 percentage points while partisan voting polarization is reduced to 55 percentage points. Thus, even when candidates of the same party face off in general elections, voters' ideological and partisan preferences remain related to their ballot choices, a point we return to below.

## Conclusion

Most people agree that the adoption of the top-two primary system in California represented a potentially significant reform with possibly far-reaching consequences. Yet, analyses of its effects based on the first two election cycles during which it has been used to select general election candidates have typically not reported substantial effects. To be sure, minimal initial effects may not imply lack of longer-term effects, as “California’s elected officials, party elites, prospective candidates, and voters are in the process of charting out the contours of a new electoral regime, and it may take several years to reach some new equilibrium” (Masket 2013, 188). At the same time, what is notable about the first two election cycles is the occurrence of a nontrivial number of general elections with candidates of the same party.

Because same-party elections occur disproportionately in districts where one party has a substantial party registration advantage, an effect of the top-two primary is to enhance the importance of the general election relative to the primary. In a typical and only marginally competitive California legislative district, where one party is clearly dominant, the traditional party primary system selects two candidates—one representing the dominant party and the other representing the minority party, with third parties depending on petition drives to place a candidate on the ballot. In this context, the general election outcome is nearly certain. The dominant party candidate typically wins, and the minority party typically loses. By default, the main purpose of the minority party primary is to choose the loser at the general election. The top-two primary offers a solution to this problem by allowing for two candidates of the same party to advance to the

general election. As we have shown, this is a common phenomenon and is associated with heightened electoral competition where ballot choices remain strongly associated with voters' ideological and partisan preferences.

Going forward, there are a variety of issues to be addressed. First, while occurring more commonly in districts where one party is dominant, some notable same-party elections have taken place elsewhere. For example, in a district with a modest Democratic Party registration advantage of six percentage points, two Republicans advanced to the general election in the 31st House District in 2012 because too many Democrats entered the primary election and therefore deprived the party of even having a chance of winning the seat. One focus of future research should be to understand better the tactics the state parties employ to try and avoid scenarios like this and to control the process, perhaps with their endorsement powers (Kousser et al. 2015).

Second, in districts where one party has a substantial party registration advantage, why do some primaries produce two candidates of the same party, but others do not? In this paper, we have not investigated the correlates of same-party general elections beyond the degree of party registration advantage. But it seems likely that other factors are at play, too, and the possibilities should be investigated.

Third, our finding that substantial ideological and partisan voting polarization is evident in same-party general elections is intriguing. It is possible that the appearance of partisan voting polarization is merely the result of the fact that party and ideological identification are closely related in contemporary American politics. But even if that is the case, the question remains as to why we observe ideological voting polarization in same-party general elections. One possible explanation is that voters perceive and act on ideological differences between the candidates, even when of the same party. Moreover, given that same-party elections occur most commonly in districts that strongly favor one of the two parties, it is also possible that in these elections the more ideologically *extreme* candidate may be advantaged, which could help explain the general lack of a moderating influence of the top-two primary reported in previous research. At this point, these are conjectures, but they strike us worthy propositions for future empirical tests.

In conclusion, the parties, candidates, potential candidates, and political strategists are clearly still adapting to the new system, and adaptation requires time. Indeed, after initially resisting the introduction of the direct primary in the early 20th century, political parties successfully adjusted to its place in American electoral machinery. Hence it is too early to tell what the ultimate consequences of the top-two primary system will be. At the moment, though, it can be said that California is serving the classic function assigned to every state as a laboratory of democracy, experimenting with an alternative mechanism of democratic control.

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