

Is California's top two primary system working?

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By Jaime Fuller

California's primary on Tuesday left seven intraparty congressional races for November.

Seven out of 53 congressional seats isn't a whole lot, but the supporters of the "top two" primary system — which has all candidates, regardless of party, face off in a super primary where the two poll leaders advance to the general election — never promised that the change would revolutionize politics in the state, especially in federal congressional races. Proposition 14, which legislated the election change in June 2012, was mostly focused on giving moderates a chance to get elected in state legislatures. Even if California managed to elect more moderates to Congress, it wouldn't do much but change the composition of their delegation. Making the entire legislative branch bend to the will of their ballot measure was a bit too much to ask.



Ro Khanna speaks with voters in San Jose on May 24, 2014, before heading out to canvas neighborhoods two weeks before the California primary vote. (Nick Otto for the Post)

So is it working? Ethan Rarick, director of the Robert T. Matsui Center for Politics and Public Service Institute of Governmental Studies at the University of California, Berkeley warns that the system has only been in place for one and a half election cycles, so we can't make any grand judgments on the system's success. If you look at Tuesday's results, however, there aren't many congressional races you can point to where moderates made the final round — even in those seven races where two members of the same party made the runoff.

In District 4, incumbent Rep. Tom McClintock made the runoff with fellow Republican Art Moore. McClintock is a conservative and friend of the tea party, while his challenger has positioned himself as the moderate alternative -- a reverse of the "establishment v. tea party" narrative that has plagued this primary cycle.

"If McClintock wins," however, Rarick says, "the system didn't work."

The other race that Rarick thinks could be proof of the system working as intended is the 17th District in Silicon Valley, where incumbent progressive Mike Honda [will face off against](#) Ro Khanna, who has the backing of many in the tech industry. On the other hand, Rarick notes, the two candidates' differences can be mostly chalked up to style, not ideology.

The 25th District, where two Republicans are competing to take over for retiring Rep. Buck McKeon, is cited as an example of top two working. Given the two candidates' conservatism, the differences may, again, be due more to style than politics. The Democratic candidate in the race, who didn't make it to the general election, ended up endorsing one of the remaining Republicans. "Recommending a Republican for Congress may not sit well with some in my party," candidate Lee Rogers [said in a statement](#) on Wednesday, "but I didn't create the rules and I care too much about our district to let it fall to a dishonest carpetbagger who is interested only in himself, like Tony Strickland."

In most of the other congressional races, the same outcomes happened that would have occurred under the old primary system anyway. The ideologically pure Republican and the predictably lefty Democrats made the runoff, just as they would have if two separate primaries had been held. In 2012, Democratic Rep. Zoe Lofgren defeated Republican Robert Murray in the general election. In 2014, she is likely to defeat Democrat Robert Murray. There might be two Democrats running in the race this year, but the politics haven't changed one whit.

In June 2010, soon after Proposition 14 was passed, the New York Times held a panel where they asked several academics and political consultants how they thought the top two primary would work. Barbara Sinclair, a political scientist at UCLA wrote,

Voters are likely to be the losers, at least initially. They may have more "choice" but are likely to have less information. Candidates will not even need to list their party affiliation on the ballot.

Certainly finding out a candidate's party will not be difficult for those who pay any attention, but the cacophony of many candidates "selling their own wares" in a context of limited media coverage of most races is only likely to get worse.

Ironically, it is possible that the eventual result will be party-affiliated voters relying more on party endorsements and the truly unaffiliated voting in lower rather than higher numbers.

Rarick made a similar conclusion after this election. "The biggest reason this system is unlikely to work," he said, "is that voters can't identify moderates from the rest of the candidates. Voters go off party cues. They can't differentiate one Democrat from another."

Exhibit A: The California secretary of state race. The frontrunner in the race, Leland Yee, was indicted for money laundering — it all involved someone named Shrimp Boy — and dropped out of the race in March. He still came in third place.

Dan Schnur, who was [endorsed](#) by the San Francisco Chronicle and was hoping to become the first

independent candidate elected statewide in California — he was also communications director for John McCain's 2000 presidential campaign — came in 23,793 votes behind Yee. In that New York Times panel in 2010, [Schnur wrote](#),

Critics of Proposition 14 argue that the initiative's passage will not produce an increase in the number of moderate candidates, pointing to a similar measure enacted in Washington State that has not led to dramatic change. Further, one unanticipated consequence could be to make campaigns here even more expensive, as the money needed to reach out to general election electorates in both spring and fall could be considerable. But Californians seem to have decided that their own brand of political populism is cheap at twice the cost.

A study [released](#) by the Public Policy Institute of California at the end of April showed that more independents voted in the top two primaries in 2012, but they seem to cast their vote by leaning toward either party, not by staying in the middle. Races have [definitely gotten more expensive](#) too — but that could be due to changing federal election law (Citizens United and co.) more than changing state election law.

The critics appear somewhat prescient, while Schnur ended up behind a candidate who was charged with trafficking firearms. Or, as Rarick puts it, "Candidates look for a D or an R on the ballot." When they see someone with no party affiliation, like Schnur, "they pass over it."

Analysis by political scientists at the Monkey Cage blog last year [reached the same conclusions](#). "While voters are generally quite moderate and were willing to cast crossover votes (roughly 12 percent of our participants who voted for a major party candidate did so), they largely failed to discern ideological differences between extreme and moderate candidates of the same party, particularly if they were challengers." They found that voters weren't voting for more moderates in state legislative elections either.

The top two primary has only been in play for 1.5 elections, sure, but it definitely doesn't seem to have changed California politics much yet.