What Strategy? Major Party Candidates for Legislative Office in California Under the Top-Two System

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Californians passed Proposition 14 at the June 2010 primary election. This marked the second time in 6 years that such a reform had been attempted, with Proposition 62 having failed in 2004, and was just the most recent change to Californian primaries going back to the blanket primary adopted with Proposition 198 in 1996 (and struck down as unconstitutional by the Supreme Court in *California Democratic Party v. Jones* (2000).) The top-two system advances the top two vote-getters from the "primary" election, regardless of party, into the general election. Its proponents argued that the new system would "help elect more practical office-holders who are more open to compromise." (English et. al., 2010) Political scientists, however, greeted that claim with skepticism. Donovan (2012) argues that the changes caused by a very similar top-two system in Washington have been minor, with small increases in turnout and campaign spending, but no changes to the partisan structure of the state legislature. Smith (2013) argues that, while the new rules might have hurt third parties, more substantial damage to third parties was done by the proposition's enabling legislation and changes to minor parties outside the new system. Masket (2012) notes that the major parties in California quickly responded to the new changes by moving towards a system of party endorsements, and his later work with coauthors suggests that response is somewhat effective, most notably among devoted partisans. (Kousser, Lucas, Masket & McGhee, 2013)

An open question in this area, though, is whether parties have been able to shape the field of candidates prior to voting decisions at the primary election. This is not a trivial question. In 2012, there were a total of 28 same-party races in California, and 2014 featured 25 of these contests. Why were there so many? After all, out of 153 legislative races, one or the other major party was shut out of 16-18% of them. One reason could be that the proposition is working as intended, offering moderates or members of the minority party a real choice in overwhelmingly partisan districts. If this is the case, then parties might not particularly care about the contests in these districts. In 2012, for example, the 28 districts with these contests were approximately 10 points more partisan than districts with either both

parties or only one candidate.[1] Another way of looking at this is to count the number of districts where

two-same party candidates might have denied residents a choice that they might have made—districts

where the other party would have had a shot at winning. In 2012, there were 5 districts where Brown

won (or lost) by less than 20 points that had a same party contest, and 9 such districts using the Obama

vote (including all 5 of the Brown districts). Thus, by one measure, very few of the 153 legislative

elections in 2012 featured a chance for much partisan mischief/mismatch. Similar results obtain for the

districts with same-party contests in 2014. However, three contests deserve some closer attention, and

we will turn to them now.

The 31st Congressional district in 2012 featured two Republicans running in a district that Obama

carried by 16 points, Brown carried by 8 points in 2010 and would carry by 4 points in 2014. How did this

happen? The two Republicans were Gary Miller, then-current member of Congress from a somewhat

nearby district who moved to avoid running against Ed Royce, and State Senator Bob Dutton. They

advanced to the general election after a field of 4 Democrats divided up 48% of the vote, with Dutton

beating Pete Aguilar (the top Democratic performer, who went on to win election from the district in

2014) by about 2 percentage points. Two elections deserve greater attention because they are the only

examples of repetition in the dataset. Assembly district 76 had a same party contest in both 2012 and

2014, each with the Republicans only. The non-incumbent in 2014 was a write-in candidate who got 28

votes. This would seem to be a case where the Democratic Party has fallen down in candidate

recruitment, though not terribly. The 76th district was narrowly lost by Obama in 2012, won by Obama

by 5 points in 2008, and lost by Brown by 14 points in 2010.[2] Thus, the district has only been won by a

Democrat once, and only in a Democratic wave year. However, the Democrats have not fielded a

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[1] This difference holds whether we use the measure of Obama's vote share in those districts in 2012 or Brown's vote share in those districts in 2010.

[2] San Diego County does not post online the full statement of vote sent to the secretary of state, which includes breakdowns of vote for offices by all of the various districts within those counties, so I cannot determine the Brown/Kashkari vote breakdown for 2014 in the district. Brown narrowly carried San Diego County as a whole by approximately 2 points while winning statewide by 20 points.

candidate in the 76th district in either election. Interestingly enough, a low number of candidates seems to be the norm for Assembly elections in San Diego; there were a total of 9 official candidates for the 6 Assembly seats either fully (5) or partially (1) in San Diego County in 2014. This may have been an excusable situation, as there were 20 candidates for those same seats in 2012; a crucial difference between the two years is that San Diego had a nationally-covered scandal and mayoral election right during the filing period.[3] It is quite possible that both county parties were distracted during this crucial period for candidate recruitment. AD 76 was not the only district to have same-party contests in both years; assembly districts 39 and 47 and congressional districts 35 and 40 did as well. However, in all 4 of these latter contests—all of which were within the Democratic Party—the Republican Party had very little incentive to act to shape the field; all of these districts are overwhelmingly Democratic in their leaning and it would be shocking for two Republicans to somehow make it to the general election, which would be their only hope for capturing the seat (as Gary Miller did in CD 31 in 2012, albeit in a more competitive district than any of these).

Another measure of whether the parties are acting strategically, despite these same-party contests happening, is to examine the results of them. Yes, a same-party contest inherently means that the opposite party was shut out. As discussed above, though, there are very few districts where this might have made a difference in the final outcome, with respect to the numbers of partisans elected. But, perhaps, they could have affected *which* partisans got elected. While an analysis of groups within the parties getting included/shut-out is beyond the scope of this paper, we can ask whether incumbents have fared poorly under this system. This treats parties as agents of the governing more so than of the governed. However, some caveats are in order. Some incumbent losses in 2012 are more the product of redistricting, which was taken out of direct partisan control by Propositions 11 in 2008 and 20 in 2010,

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[3] The San Diego special mayoral election was held on February 11, 2014, and the signatures-in-lieu of filing fee period ended on February 20, 2014.

particularly when two incumbents were drawn into the same district. That said, how did the incumbents in same-party contests fare?

In 2012, 14 incumbents ended up in same-party contests in November. Of these, 4 faced each other due to redistricting (Sherman/Berman and Hahn/Richardson, both for Congress), so they aren't relevant to this discussion. Of the remaining 10, 8 were Democratic and 2 were Republican contests. Half of those Democratic incumbents were defeated in November: Pete Stark and Joe Baca in Congress and Michael Allen and Betsy Butler in the Assembly. Thus, the 2012 data suggest that the Democratic Party was either not particularly interested in defending their incumbents from challengers or was unable to do so. The "primary" in Pete Stark's district featured only Stark, his eventual defeater in fellow Democrat Eric Swalwell, and a candidate with no party preference. Joe Baca's contest was similar, except that Gloria Negrete McLeod was a sitting state senator whose district overlapped with the new congressional district and Baca's home was not in the new district. In the Assembly, 4 Democrats, 1 Republican, and 1 NPP challenged Allen in the primary, with Levine (the only other candidate with elective experience) advancing to the general. Butler was defeated by the other quality candidate in the contest, then-Mayor Richard Bloom, who emerged from a primary with 3 Democrats and 1 Republican. All four of these districts are overwhelmingly safe for the Democratic party. Thus, 2012 suggests that the parties did not fall asleep at the switch, but rather, are parties more concerned with winning seats for their party than for their incumbents. In 2014, 12 incumbents were in same-party contests. Of these, 3 were Republican and 9 were Democratic. Only one of these incumbents was defeated, Democrat Raul Bocanegra was narrowly defeated in the overwhelmingly safe 39th Assembly district. The primary that yielded this contest featured only 3 Democrats.

Another measure of the parties acting strategically involves monitoring learning. In the aggregate, a decrease from 28 to 25 of these contests would imply little learning. In particular, the

repetition of AD 76 as a same-party contest, in a difficult but possibly winnable district for the

Democrats, would suggest that the San Diego Democratic Party didn't learn, though the Filner

resignation and subsequent special election for mayor could account for this. Another metric we could

employ would be to see if the parties reacted. If a party is behaving strategically, there should be no

more than 2 candidates from that party in any district, or at least 2 quality candidates. First, it should be

noted that 64 fewer Democrats ran in 2014, approximately 0.5 per seat. Republicans, on the other hand,

had only 2 fewer candidates, with a difference of only 0.02 per seat. Thus, overall, there was much less

interest in running on the Democratic ticket in 2014 (as one would expect, given the national headwind

Democrats faced in 2014). Given this context, the data on changes in candidates in districts that were

same-party contests in 2012 are interesting. Table 1 presents the data. In DD districts,[4] the average

number of Democratic candidates dropped sharply, and some of this drop occurred amongst quality

candidates. However, there was an increase in Republican candidates, though not of quality candidates.

The DD contests thus seem to have drawn out layman Republican candidates who figured they could

contest the election, possibly "giving voters a real choice," but the fact that these districts are all at least

leaning Democratic (if not downright safe) kept quality Republicans away. Intra-Republican contests,

however, have no such effect on the Democrats, who did not react in these districts. Again, most of

them are safe, but the 31st Congressional district is again instructive. In 2012, the Democrats didn't seem

to be particularly organized, as the party favored Aguilar, but didn't really expend much public effort to

clear the field or pool resources behind him. In 2014, he faced Joe Baca, a former member of Congress

in both the primary. Baca is interesting, because he had previously run in *another* same party contest in

2012, running against Gloria Negrete McLeod in the 35th district. He is also not particularly popular in

Democratic circles, having made enemies of the Sanchez sisters and others (notably Latinas and other

female Democrats). This is instructive; in the one 2012 RR district where a Democrat could have won in

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[4] To simplify the terminology, I occasionally use the notation of DD or RR in this paper to refer to a same party
contest with two Democrats or two Republicans, respectively.

2014, the Democrats ended up with 2 quality candidates, one of whom proved to be immune to

persuasion. Thus, the story seems to be one where there hasn't been much need for parties to act

strategically, and in the one instance where one party had that need, they failed to do so the first time,

learned from their loss, and then their effort failed the second time (though without any negative

consequences).

Table 1   Changes in Numbers of Candidates From 2012 to 2014 in 2012 Same-Party Districts

	DD in 2012	RR in 2012
Change in # of Dems	-2.2	-.11
Change in # of Reps	+1.29	-2.67
Change in # of Quality Dems	-.19	0
Change in # of Quality Reps	-.06	-.78

Note: DD refers to a district where two Democrats faced each other in 2012; RR refers to two
Republicans. "Dems" and "Reps" used as abbreviations for Democrats and Republicans

Reacting to what happened last time is not particularly strategic. A strategic party would seek to

maximize its chances of holding on to "its" seats and stealing (through getting 2 candidates into the

general) some of the other party's seats. First, it is worth noting that the Democrats, as a party,

behaved more "strategically" in that there were only 3 seats where no Democrats entered the election

in 2012, whereas Republicans left 22 seats uncontested. However, all 25 of these contests were in very

safe seats for the opposite party, and this lack of entries could easily be the product of strategic

candidates rather than party influence. The only real path to victory in these seats is to field 2

candidates in your party while the opposing party fields 4 (or more) candidates, none of whom are

particularly strong. Surviving the primary to face any candidate from the dominant party is a recipe for a

loss, and the only way for 2 minority party candidates to make the general election would be for the

majority party to split their vote. Overall, 75% of the safe seats for the Democrats and 84% of the safe

seats for the Republicans drew 1 or fewer candidates from the disadvantaged party.

When the party was advantaged, more candidates from that party ran for that seat. The

similarity in the means by party presented in Table 2 are striking; candidates ran for seats where their

party had a chance and the data are almost identical for both parties. However, the mean can possibly

obscure the true import of the data in the case of competitive seats. If no candidates are fielded in a

competitive seat, that is a failure of candidate recruitment. Conversely, if too many candidates run, they

risk splitting the vote and handing the opposing party a freebie (as happened in CD 31 to the

Democrats). As already mentioned, all of the districts with no candidates from one party were lost

causes, so the parties did not make any mistakes in that direction. However, the GOP had more than 2

candidates in 6 competitive seats, and the Democrats had that in 5 potentially competitive seats. Let us

examine these in more detail.

Table 2   **Mean Number of Partisans by District Competitiveness[5]**

	Mean Number of Democratic Candidates	**Mean Number of Republican Candidates**
Safe Republican	1.07	2.13
Competitive	1.84	1.84
Safe Democratic	2.10	1.09

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[5] District competitiveness was determined by the margin of Brown over Whitman in that district in 2012. Districts where the margin of victory/defeat was more than 10 points were considered 'safe,' and districts with smaller margins were considered competitive. Similar results obtain using either the Obama vote margin or the registration margin, though the registration margin is somewhat noisier.

Table 3 lists the seats that were potentially "overcontested" in 2012, meaning that the seat was arguably competitive and one (or more) parties offered more than two candidates. Two of these are repeated for both parties, the 47th and 52nd Congressional Districts. These districts have been relatively hotly contested over the years, averaging 3.5 major party candidates, compared to 3.19 over all districts.

Table 3   Possibly Overcontested Seats in 2012

Democrats Possibly Overcontested	Republicans Possibly Overcontested
	AD 8 (1/4)
AD 21 (4/1)	
	AD 60 (1/3)
	CD 3 (1/4)
	CD 16 (2/3)
CD 26 (4/1)	
CD 31 (4/2)	
CD 47 (4/4)	CD 47 (4/4)
CD 52 (3/5)	CD 52 (3/5)

Numbers in parentheses are the number of Democrats/Republicans running for that seat in 2012

It is unclear whether either party should have somehow managed the number of candidates better, as both of these contests only had one quality candidate on either side. After those, there were 5 districts where the slew of candidates faced only one opponent from the other party. These are not overcontested, in that, with the opposite party only having one candidate, there is going to be one other

candidate to face them, by definition.[6] This leaves CD 31 again as the only real strategic error. As

previously discussed, the Republicans fielded 2 quality candidates in a district that leans Democratic,

and the Democrats fielded 4 candidates (one of whom was quality). In the end, the two Republicans

faced each other in the general election. Democrats made efforts to support their top candidate, Pete

Aguilar, in 2012, and redoubled those efforts in 2014, with DCCC endorsing Aguilar in 2013. However,

even after having lost the seat due to splintered efforts in 2012, an intra-party split came close to

dooming Aguilar in 2014 again, as previously discussed.

Conclusions

Have the parties adapted to the new strategic environment of California's top two primary

system? The data presented here suggest that, by and large, they have. Scholars have previously noted a

shift to endorsements and noted that these are somewhat effective (Masket 2012; Kousser, Lucas,

Masket & McGhee 2013). The analysis here suggests that, where the parties have been unsuccessful in

managing the field of candidates, it is likely due to idiosyncratic factors. It is important to remember that

there are numerous strategic actors at play here: both parties, but also the scores of candidates, some

of whom may be more or less strategic. In the end, some of these actors are relatively immune to

persuasion, cajoling, or strategic imperatives.

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[6] Of course, this presumes that the party fielding an "excessive" number of candidates is certain that there will only
be one candidate from the opposing party, because if another candidate sneaks in, their wide field of candidates
could be overcontested.

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