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**TITLE Results and Implications: The June “Top-Two” Primary
& California’s 2012 Legislative Races**

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Results and Implications:
The June “Top-Two” Primary & California’s 2012 Legislative Races

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Executive Summary

This report summarizes some basic results of California’s June 2012 “Top-Two” primary. It focuses on legislative offices with multiple districts within the state: California State Assembly, California State Senate, and United States House of Representatives.

- **There Are Some Same Party Runoffs.** Across the 153 California State Assembly, California State Senate, and United States Representative primary contests, the new “top-two” primary (implemented alongside new legislative districts) generated 9 Republican-vs.-Republican races and 20 Democrat-vs.-Democrat races.
- **Many Races Remain Uncompetitive.** In almost 60% of the primaries in the Assembly, State Senate, and House elections, the first place candidate in the primary earned more than 50% of the vote and is likely to win the general election.
- **Typically One Candidate Has Broad Support.** Most first place candidates received at least 25% of the vote, lowering the odds that extreme candidates would win the primary through excessive splitting of the electorate in races with many candidates.
- **Same-Party Runoffs Make the ‘Uncompetitive’ Competitive.** Some districts that would normally be uncompetitive because they favor one party now have competitive races with same-party runoffs.
- **Some Voters Backed Candidates Unlikely to Win.** In primary elections with at least four candidates, many voters cast their ballots for candidates that placed fourth or worse; in about 2/3rds of those elections the votes cast for “lost causes” exceeded the difference between the second and third place candidates.

The data for this report comes from the *California Target Book*. The James Irvine Foundation funded this research through a grant to the California Institute of Technology.

Introduction

There are two key differences between the “semi-closed” primary election law California used from 2002-2010 and the state’s new “top-two” primary in 2012. The first change allowed any voter to vote for any candidate; if a Republican voter wants to vote for a Democratic-identifying candidate, the “top-two” law allows this voter to do so. The second change redefined the purpose of the primary: while the old law selected the nominees of each party to compete in the general election, the new “top-two” primary selects the two candidates with the most votes for the November general election, even if they are from the same party. If two Democrats get the

most votes in the primary, then the November election features those two Democrats and no other candidates (“write-in” candidates are only allowed in the primary).

Californians passed the “top-two” primary law in the same election cycle as redistricting reform. The new Citizens Redistricting Commission carried out the usual decennial redistricting, instead of the legislature, and drew the political map of California. The two reforms jointly provided a unique opportunity to study rare events like elections between two incumbent politicians. While the coincidence of redistricting and the first use of the top-two primary produced opportunities for study in individual districts, though, the reforms may have a joint effect; as a consequence, both laws influence the results presented here.

Table 1: Results of the June Primary: Types of Races for November

Type	Rep. v. Rep.	Rep. v. Dem.	Dem. v. Dem.	Rep. v. Oth.	Dem. v. Oth.	Unopp.	Total
Assembly	7	57	12	0	2	2	80
Senate	0	16	2	0	2	0	20
House	2	41	6	1	3	0	53
Total	9	114	20	1	7	2	153

As a result of these new laws, many voters will see something quite different than what they saw in the past for November general elections: “same-party runoffs.” Across the three types of offices analyzed here, there will be nine Republican-on-Republican races, twenty Democrat-on-Democrat races, and eight races where a “No Party Preference” or third party candidate won the second spot in the “top-two.” Altogether, 114 of the 153 races (about 75%) are traditional Republican against Democrat elections.

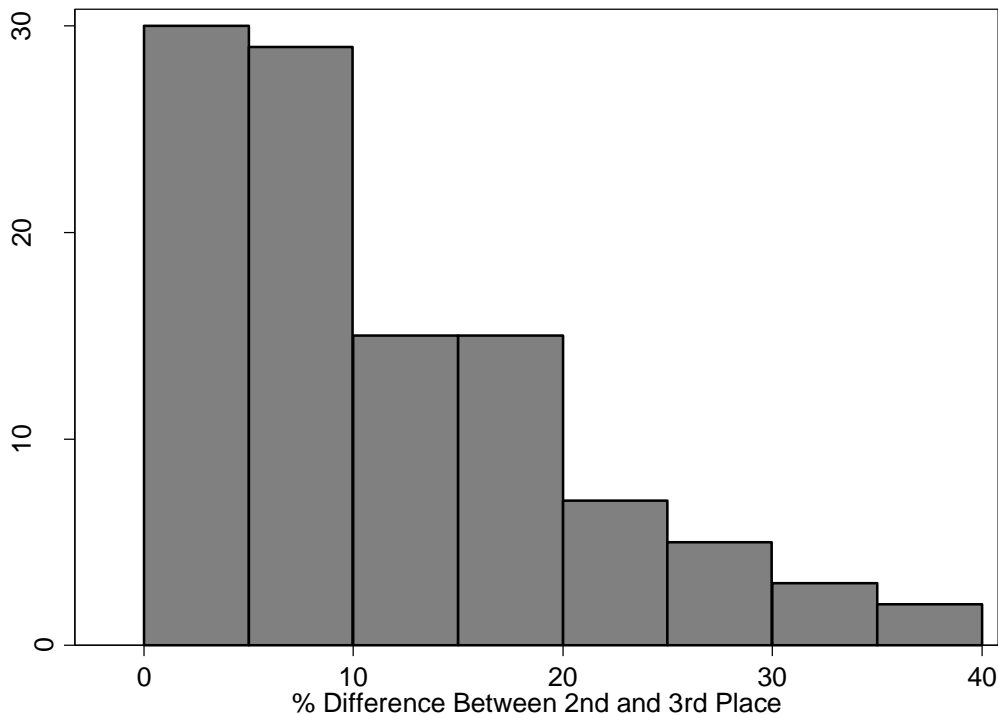
At the Assembly level, only just above 70% of the races will feature a Republican against a Democrat. In two races, a Democratic candidate ran unopposed and no write-in candidate qualified (AD14 and AD64); in several other districts, a write-in candidate managed to qualify for the November ballot even though only one candidate appeared on the June primary ballot. For example, in AD31, James Bennett (R) received 299 write-in votes and qualified for the November election.

Overall, many voters in California will face a new type of general election in November: the same party runoff. While some of this is attributable directly to redistricting (for example: the race between incumbent Democrats Brad Sherman and Howard Berman in Congressional District 30), some of the same-party runoffs occur in open seats as well. The aggregate state totals can tell us a little bit about how we got here, what happened in the primary, and how reasonable were those results.

Competitiveness

The definition of a “competitive primary” in the top-two setting is debatable. One possible way to measure competitiveness is to look at the difference between the vote for the 2nd place and 3rd place candidates. Since the top-two candidates make the general election ballot, arguably the most important measure of competitiveness is what percent of the vote separates the last candidate on the November ballot from the alternative candidate who fell short. Many of the races did feature relatively competitive contests for the second and final slot on the November ballot.

Figure 1: Competitiveness in the Race for 2nd Place



In nearly thirty races less than five percentage points separated second from third place in the June Primary (among races with at least three candidates). Almost sixty of these races were within ten points. Some races, though, were still quite uncompetitive; a handful had third place candidates earning virtually none of the vote. Furthermore, 47 of the 153 Assembly, State Senate, and House elections had no more than two candidates; in those elections both candidates on the ballot advanced automatically regardless of their vote totals.

Another perspective involves looking at the vote share of the first-place candidate. A first-place candidate with a vote share over fifty percent is likely to win the November election against any of the alternative candidates. Of the eighty Assembly races, half featured a first place candidate who won more than fifty percent of the vote (see Table 2, below). The twenty State Senate races tended to be less competitive; in only four, or twenty percent, of those did the first place candidate get less than half of the primary vote. The primary elections for United States

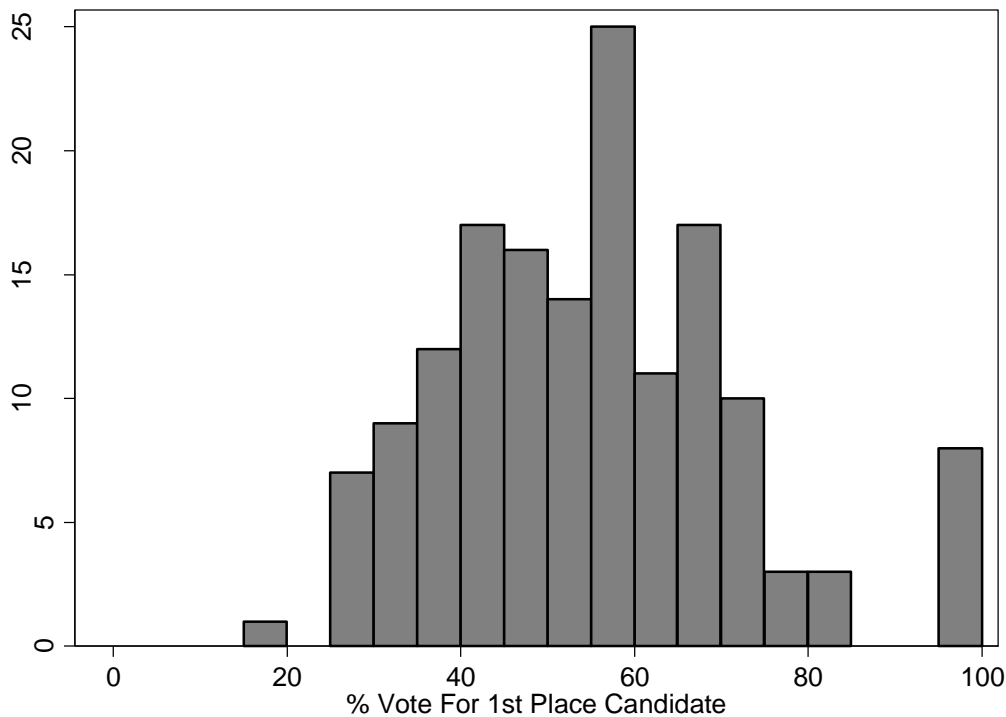
Representative fall between those two extremes; about two-thirds featured a candidate who won more than half the vote. Overall, nearly sixty percent of all the races featured a candidate who got more than fifty percent of the vote. While some of these races may turn out to be surprises in November because of the additional campaigning, differences in the general and primary election voters, or other reasons, the overall picture is that many of the top-two races will not be very competitive in November.

Table 2: How many races will be really competitive in November?

1st Place Vote Share	Assembly	Senate	House	Total
Under 50 Percent	40	4	18	62
	50%	20%	34%	41%
Over 50 Percent	40	16	35	91
	50%	80%	66%	59%
Total Number Districts	80	20	53	153

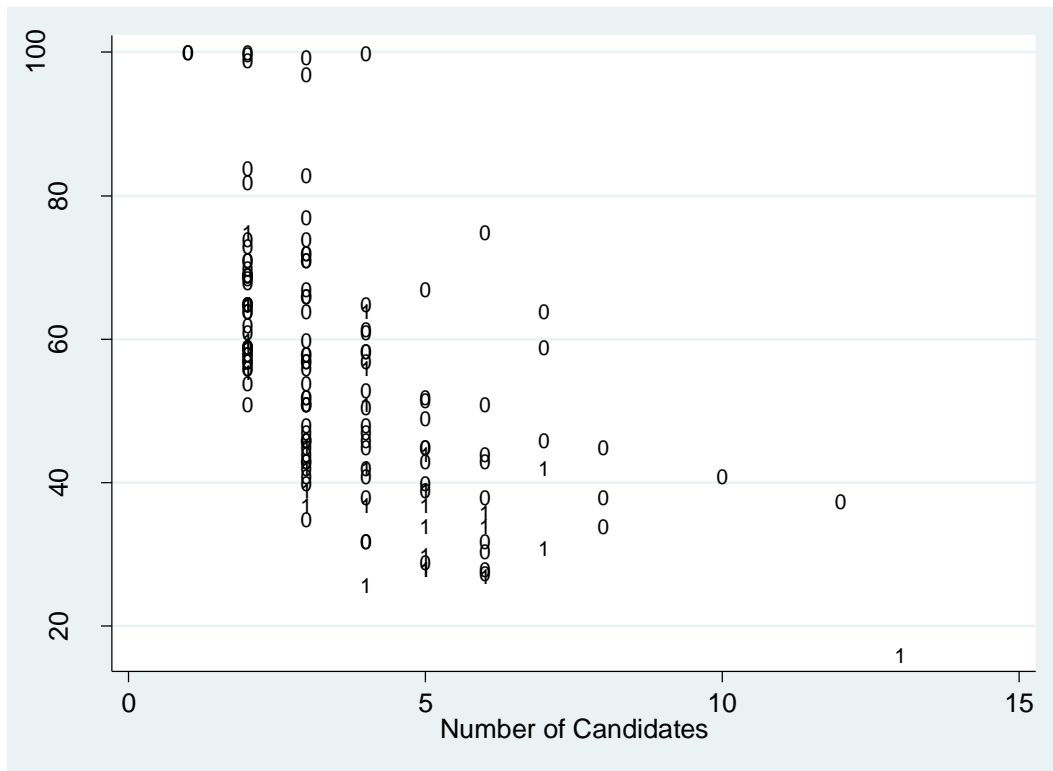
Some races will feature very little competition in the general election. Figure 2, below, provides more detail about what fraction of the vote the first place candidate received. A number of races featured a first place candidate with not just more than fifty percent of the vote, but also more than sixty percent (52 out of the 153 Assembly, Senate, and House races). Most of the candidates who earned between 95-100% of the vote were either unopposed or faced only write-in campaigns (allowed in the primary but not in the general election).

Figure 2. Vote share of 1st Place Candidate (Assembly, State Senate, House).



The data presented in Figure 2 also point to a more optimistic interpretation of the top-two primary as well: it rarely produced first place candidates with small shares of the vote. In Congressional District 8, the first (Gregg Imus, R) and second (Paul Cook, R) place candidates earned 16% and 15% of the vote in a field of ten Republicans, two Democrats, and one “No Party Preference” candidate. The third place candidate (Phil Liberatore, R) fell 240 votes shy of Cook. One risk with many candidates and a top-two primary is that the vote splits between so many possible contenders that two candidates from the same party desired by a very small number of voters (in this case, 31% between both Imus and Cook) could end up as the only alternatives. The data in Figure 2 shows that the Imus-Cook election is a rare event; in just about every election at least one candidate got more than 25% of the vote. The number of candidates in the election does tend to decrease the size of the first place candidate’s share, although the data is quite noisy (Figure 3, below).

Figure 3: Vote Share of First Place Candidate and the Number of Candidates (“1” implies a same party runoff, “0” otherwise.)

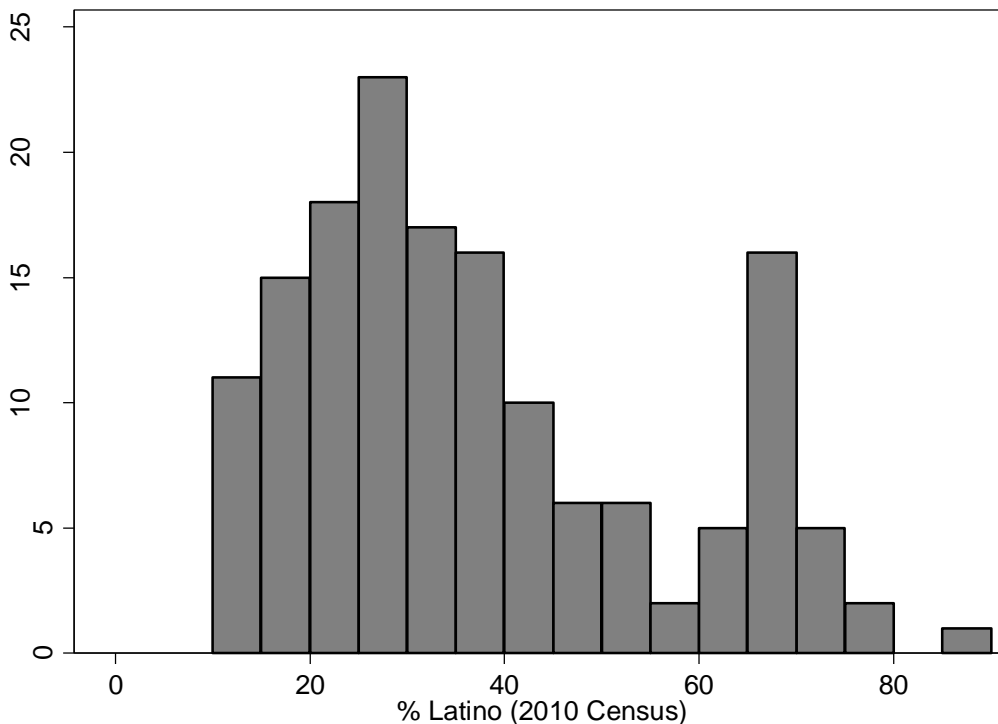


Two stories emerge about competitiveness, then. On one hand, the top-two primary operating in conjunction with new legislative districts appears to have produced many uncompetitive races – as did the old primary election system. On the other hand, the ‘worst case’ scenario of extreme candidates winning because the electorate split many ways between more moderate candidates appears to certainly be a rare case. So, while the new primary did not suddenly make more primaries competitive, it does not appear to have made for dramatically less competitive elections either.

Majority Minority Districts

With California's large Latino population, Latinos are a majority in many districts. Of the 37 districts across the Assembly, State Senate, and House races that have more than half of their 2010 census population identified as Latino, 7 feature same-Party Democratic runoffs (18.9%). Of the 116 districts without a Latino majority, 13 feature same-Party Democratic runoffs (11.2%). Nevertheless, about the same proportion in both (73% of Latino-majority districts, 75% of other districts) have traditional Republican-on-Democrat races in November. The remaining races include unopposed Democrats and Democrats against other candidates (No Party Preference, Peace and Freedom, and so on). The percent difference in same-party runoffs between majority Latino districts and other districts, although true, is in practical terms also very small.

Figure 4: Latino Population in California Assembly, State Senate, and House Districts

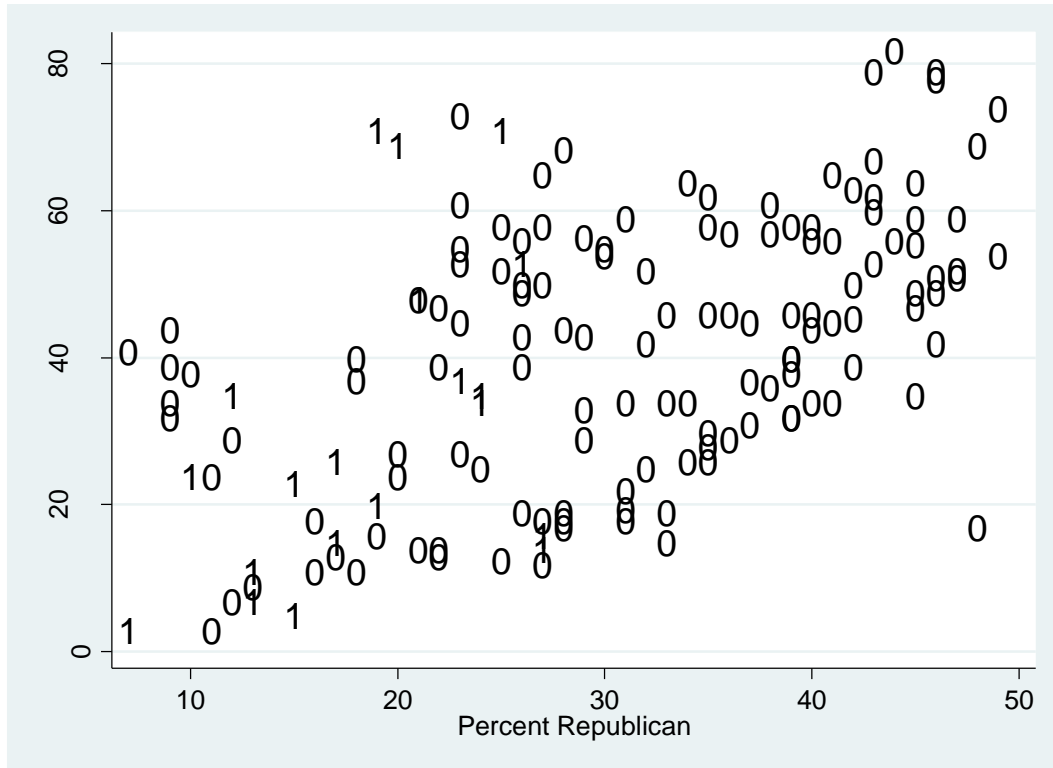


There are other ways to think about race and ethnicity and the results of the new primary. Figure 5, below, plots the relationship between the percent of the district population that identifies as “White, Non-Hispanic” and the percent of the voters registered with the Republican Party. The general trend in this plot moves up the page and to the right, signally a positive relationship between the percent of white voters and the percent of voters registered with the Republican Party in each district. The ones and zeros on the plot represent whether or not the race is a same-party Democratic runoff: if the marker is a “1” it is a race with two Democrats in November, if it is a “0” then it is not.

Notably in Figure 5, there are no Democrat-on-Democrat general elections for districts with more than 30% of the electorate registered with the Republican Party. However, there are

elections with both high and low percentages of white voters in Democratic districts that produce Democrat-on-Democrat elections. The implication of Figure 5 is that the probability of a same-party Democratic runoff is more related to Democratic strength than to racial or ethnic composition.

Figure 5: Race, Party, and Primary Type; Same Party Democratic Runoffs Marked as “1.”

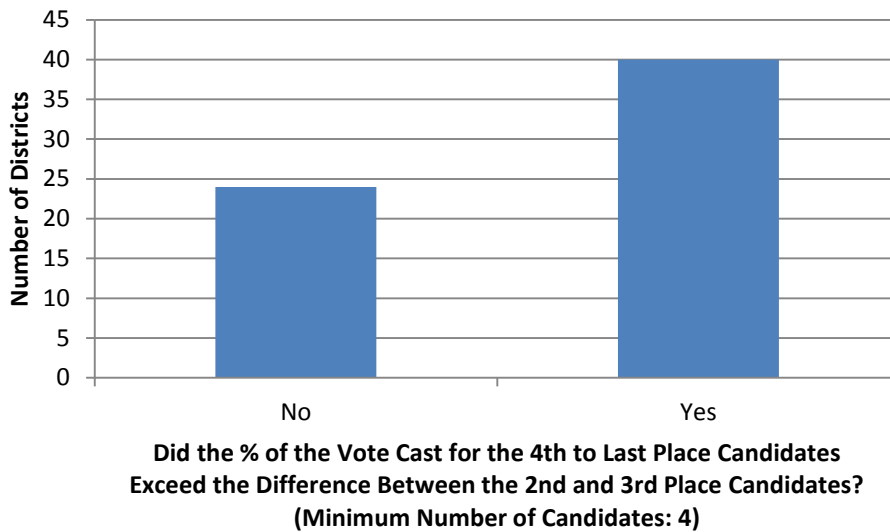


“Strategic Desertion”

Weak parties or candidates may experience “strategic desertion” when voters believe candidates are unlikely to win an election. The intuition behind this idea rests with the preferences of voters: a voter may not want to “waste” her vote on a candidate who has no chance of winning. Interpreting this idea for the top-two primary in California, voters may perceive the three strongest candidates as potential winners. Votes for weaker candidates – those that finished fourth or worse – may be considered “wasted,” although there are many reasons a voter may desire to cast such a ballot aside from influencing the outcome of this election. For example, a voter could decide to simply vote for the candidate she most prefers, regardless of the candidate’s electoral strength (“sincere voting”).

Voters may also find it difficult to coordinate on an alternative candidate in races with many choices, even if they wish to do so. One measure of whether or not a “coordination failure” may have occurred is if the percent of the vote for the 4th (and on to the last place candidate) exceeds the difference between the second and third place candidate. That is, if all the voters who picked the fourth to last place candidate picked the third place candidate, the result of the election would be different. In the races with at least four candidates, this happens frequently.

Figure 6. Potential Coordination Failures.



Out of 64 races (Assembly, State Senate, and US House) with at least four candidates, voters may have lost an opportunity to change the outcome in 40 of them (if they all voted for the third place candidate instead). This is particularly interesting because these coordination failures may be associated with “same party” runoffs --- the situation where one party splits enough of the vote so that two candidates of the other party advance to the November election.

Table 3. Potential Coordination Failures and Same Party Runoffs (Minimum Number of Candidates = 4).

Possible Coordination Failure?	Other Election Type	Same Party Runoff	Total
No	20 83.33%	4 16.67%	24 100%
Yes	25 62.5%	15 37.5%	40 100%
Total	45 70.31%	19 29.69%	64 100%

The most problematic example of this kind of coordination failure occurred in Congressional District 31. CD31 features a race between two Republicans in November: Gary Miller (an incumbent) and Bob Dutton. In the primary, Miller earned 27% of the vote and Dutton earned 25%. Four Democrats also ran, splitting between them 48% of the vote. The closest Democrat, Pete Aguilar, had 23% of the vote; that meant that the fourth, fifth, and sixth place Democrats split 25% of the vote. Since the difference between Dutton and Aguilar was only 2%, these votes for later-place Democrats cost the Democratic Party an opportunity to have a candidate in a

Congressional District in which the Democrats have a six point registration advantage over the Republicans and 49% of the population is Latino and 12% is African-American.

The Miller-Dutton type of election is an outlier in the general trend, though. Table 4, below, shows the types of elections that occur in different kinds of districts: Republican leaning districts, Democratic leaning districts, and districts in which Republican and Democratic registration numbers are within five percentage points (“toss-ups”). There is one race (Miller-Dutton) between two Republicans in a Democratic leaning district and no elections between two Democrats in Republican leaning districts. These results hold true even if the “toss-up” category is eliminated and we just look at the difference between Republican and Democratic registration. Even if the Miller-Dutton type race is not normatively optimal, it is rare.

Table 4: Election Type by District Type

Election Type	Rep. Dist.	Dem. Dist.	Toss-Up	Total
R. v. R.	8	1	0	9
R. v. D.	31	69	14	114
D. v. D.	0	20	0	20
R. v. Oth.	1	0	0	1
D. v. Oth.	0	7	0	7
Unopposed	0	2	0	2
Total	41	98	14	153

Party Composition of the California Assembly

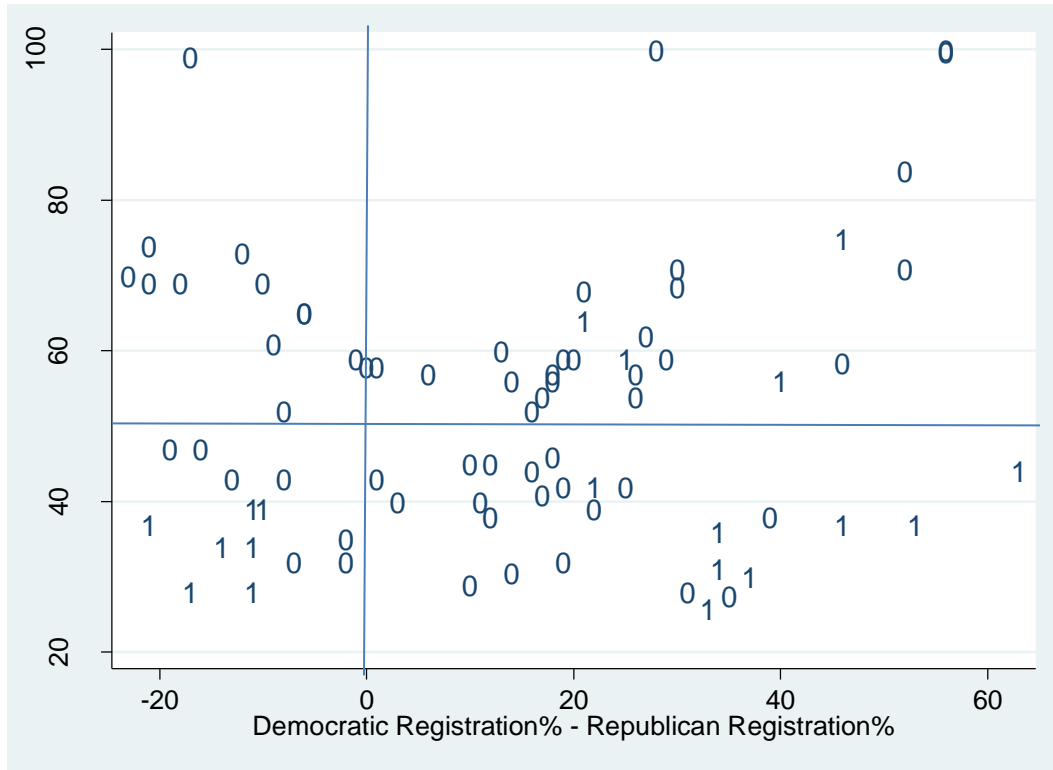
This aggregate data can give us a sense of the likelihood one party or another wins a seat in November. Figure 7, below, plots two interesting quantities. The first, on the horizontal axis, is the difference between the percent of the electorate registered with the Democrats and the Republicans. A score of negative five, for example, would mean that the Republicans had five percentage points more of the electorate registered with their party than with the Democrats. Conversely, a score of positive five would mean the Democrats had an advantage over the Republicans. A score of zero would represent a district tied between with any amount of unaffiliated and third party registration. Note that most districts in California lie to the right of zero in Figure 7 because the state tends towards the Democrats.

The vertical axis in Figure 7 represents the vote share of the first place candidate in the June 2012 primary in each of the Assembly districts. Candidates above 50% are likely winners regardless of the primary type. At the Assembly level, no same-party runoffs of one party occur in districts that favor the other party by registration, so the same party runoffs below the 50% line are going to stay within that party regardless of who wins the election. The interesting races between the parties occur in the relatively few races below the 50% horizontal line and near the 0% Democratic-to-Republican registration vertical line.

Not all of those races will be competitive, of course. If the candidate of one party earned about 40% of the vote and two candidates from the other party earned about 60% of the vote, the

second place finisher will perhaps have a better chance to win the election. As a rough measure, though, this plot shows how few races really are “toss-ups” in November between the parties.

Figure 7. Partisanship and Primary Results. A “1” indicates a same-party runoff.



Conclusion

The “top-two” primary, coupled with redistricting reform, has certainly changed the political landscape of California. So far, it has produced neither the outcomes hoped for by the most optimistic supporters nor the dire consequences predicted by its detractors. Some legislative races will be more competitive in the general election than they would be otherwise. A very few showed the potential downsides of the new primary system. Of course, much will be learned after November 6, 2012; once the general election outcomes of these legislative races throughout California are settled, we will be able to evaluate the effects of electoral reforms like the top-two primary in more detail.

There are several important avenues of exploration for researchers after the November election. The data presented here in this brief report just outlines the starting point for this future work. That work will address issues such as: how much money did campaigns and outside groups spend – and what effect did it have? Did candidates who appeared strong in the primaries win in the general elections? Did any of the third-party or nonpartisan candidates win? Furthermore, researchers will have to wait until the legislators take office to find out what they do once they are there; it will take some time before political scientists, politicians, and policy makers can produce their final analysis of this new primary election law.