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California's Open Primary: Not an Open and Shut Case

Darry Sragow

Now that a couple of election cycles have been run in California under the open or so-called “jungle” primary approved by the voters in 2010, political insiders have been sifting through last year’s primary and general results hoping to assign meaning to outcomes that are, depending on your point of view, either random or the consequence of several interrelated variables.

Most of the people I know in politics pay no attention to the stock market, and most of the people I know who invest in stocks pay little attention to day-to-day politics. But they share a common trait. Just as some Americans are obsessed with figuring out what causes the performance of the financial markets, especially individual publicly traded equities, so, too, others pour over past election results to divine the presumed predictors of future campaign outcomes.

In the long run, it’s not what the stock gurus or political gurus *think* the explanation is for what may be going on at any moment, but how the markets, financial or electoral, *behave* that really matters.

The 2014 election cycle left few footprints on the California electoral landscape. The Democrats swept every statewide office, kept commanding control of both houses of the legislature, and actually increased their share of the Congressional delegation. Almost every incumbent was reelected. Putting aside the op-ed debate regarding the open primary’s virtues and vices, it has yet to meaningfully alter the partisan outcome of California elections. That’s the bottom line; that’s how the political market performed.

Does that mean the open primary can be judged a failure? Not in the least, certainly not yet. It has the potential to change the long standing rules of political engagement and election outcomes in ways that candidates and campaign strategists are just beginning to understand, never mind the voters themselves.

In contemplating how the open primary may ultimately alter political behavior and election results in California, here are three things to think about.

The first is context. The open primary is the latest in a series of implicitly related steps by California voters to blow the doors off what they perceive to be an essentially closed governing process. It is, in economic terms, another in a series of anti-trust measures enacted by the voters to provide themselves with a broader, more appealing range of choices. And unless and until the voters get what they want, we should expect to encounter more reform efforts.

In 1990, the first volley imposed stringent term limits on California statewide officeholders and members of the State Assembly and Senate. In essence the voters recognized that they couldn’t stop themselves from reelecting incumbents and crafted a self-imposed solution that, it is almost universally agreed, if nothing else facially diversified the California legislature by ethnicity, gender, gender preference, and age.

Whether term limits achieved everything reformers had in mind can certainly be debated. But whatever harm the open primary inflicts on incumbents is largely redundant. The voters had already put the brakes on the advantages (in most election cycles) of long-term incumbency.

In 2008, the voters took the next step and approved Proposition 11, assigning responsibility for drawing the lines for State Assembly, State Senate and Board of Equalization districts to a 14-member Citizens Redistricting Commission. The Commission's mandate was broadened to include Congressional seats by Proposition 20 in 2010.

That same year, as noted, also saw the establishment of the third major reform, the open primary.

For more than two decades, California voters have been expressing deepening dissatisfaction with the performance of both the state and federal governments, especially the legislative branches. This unhappiness has been confirmed in opinion research and in California it has manifested itself in alarmingly decreased turnout and a significant drop in Democratic and Republican registration, particularly the latter.

Nationally, voter desperation is evidenced by periodic swings in the partisan make up of Congress. In California, our direct democracy mechanisms have empowered the voters to take matters more directly into their own hands, not only by passing four structure-altering ballot measures but also by essentially declaring the 2002 gubernatorial election results null and void and calling for a do-over in the form of a successful recall campaign.

All of which is to say that, in economic terms, the political process isn't offering voters the choices they want, so, at least in California, they keep taking matters into their own hands to try to force open the electoral marketplace.

Second, it might be useful to consider that the open primary is turning the electoral process into one that looks a little more like the stock market. An investor starts with an essentially unlimited number of investment opportunities, presumably narrows the choices to just a few, then maybe a couple, and finally makes a decision.

Historically, American voters have had only two choices at the polls, and they often express that choice as having to pick the lesser of two evils. The significance of the open primary is not so much, as political insiders view it, that everyone can vote in the primary. Rather, it's that essentially everyone can run in the primary. The observation that the new system complicates the life of campaign strategists turns the discussion on its head, into one about them, instead of the voters.

From the perspective that ultimately matters, that of the marketplace, the new rules of the game may finally give the voters what they have been wanting for more than two decades: Lots more credible options from which to choose. In theory, if political activists eventually seize the open primary as a tool to substantially widen the menu of viable candidates from whom voters can pick, the open primary may turn out to be a true game changer.

Third, the kicker in all of this is what it always is: Money.

The information level of California voters, particularly in legislative races, is, by the standards of most states, stunningly low. Voters are often forced to choose based on what they can learn from paid campaign ads. Consequently, for example, if more moderate Democrats are being elected to the state legislature, it is because those candidates are doing what they need to do to win the support of well-funded business interests who have the ability and the will to dominate the dialogue in that specific district. The notion that these moderates are winning because they are capturing the support of unaligned or centrist voters is incidental to the fact that

their direct and indirect campaign contributors are simply bludgeoning the opposition into submission.

Similarly, although the open primary offers great promise for candidates who are something other than a Democrat or a Republican, these independent or third party candidates are, at least for the time being, suffering from a complete lack of identification.

Voters attribute certain characteristics to the Democratic and Republican brand names. Although many tell opinion researchers they like the idea of supporting a candidate who is neither a Democrat nor a Republican, a candidate unknown by name and carrying no banner, or an unknown banner, labors at a huge disadvantage, no matter how receptive many voters may be in theory.

Until more independent or third party candidates enter the electoral arena with significant existing name recognition or sufficient funds to purchase that recognition, and until occasional voters recognize the importance of the June election, the open primary's potential to broaden the voters' choices in the political marketplace may be stillborn.

For now, the open primary may be best known among insiders for the aberrations it produces: the Inland Empire Congressional race in 2012 that should have gone to the Democrats but wound up being a general election race between two Republicans; the short-lived prospect on election night 2014 that in an overwhelmingly Democratic state both of the fall candidates for State Controller might be Republicans.

But, again invoking the comparison between predicting the stock market and predicting election results, a caveat often heard in the investment world but almost never in politics is very much on point. In attempting to predict the impact of the open primary on California politics, taking into account term limits plus independent redistricting plus new independent expenditure spending patterns, *Past performance may not be indicative of future results.*

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