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Prisoners of Our Own Device: California Politics 2010

by David Mermin

California voters know two things about the state they still (mostly) love: it's broke and it's broken. Six years ago, frustrated with a dysfunctional state government and angry about unsolved problems and a misbegotten energy deregulation scheme, voters threw an electoral fit and recalled the unpopular governor, Gray Davis, replacing him with the country's first immigrant-bodybuilder-movie star-governor. Surely an action hero who knew how to blow away the bad guys and get to happily-ever-after in a brisk two hours could knock some sense into those politicians and get the job done in Sacramento.

While Governor Schwarzenegger has been a fascinating political figure, at least as confounding to his fellow Republicans as to the opposition Democrats, the bottom line is that the experiment in government by Hollywood theatrics hasn't worked. The national financial implosion has hit California worse than most other states, and the structural problems that prompted the 2003 recall election remain worse than ever. For political observers, the question in 2010 is whether we are likely to see another electoral earthquake as a result – including fundamental reform of state government – or if voters will revert to more typical California form, using ballot initiatives to add another layer of contradictory requirements and priorities that will make the state even more impossible to govern.

Recent polling data offer some support for those who expect a wave of change. The public standing of the state's political leadership as a whole has never been lower. Governor Schwarzenegger's job approval rating has dipped to 27% approval/65% disapproval in the most recent Field Poll¹ – lower approval than any governor except Gray Davis the month before his recall (22%). Yet the action hero still looks almost pumped compared to the state legislature, which has reached a new all-time low of 13% approval/78% disapproval. Beyond the low esteem for current leadership, voters

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also perceive a broader dysfunction in state government: in Public Policy Institute of California (PPIC) polling,² an all-time high of 73% say the state is run by a few big interests looking out for themselves rather than for the benefit of all the people (20%), while 80% think the state budget process in California is in need of major changes.

Would-be reformers are seeking to tap this vein of voter disgust with several initiatives that are seeking a place on the 2010 ballot, including shortening the legislative session; revising term limits; and most dramatically, calling a constitutional convention that would have the power to completely restructure state government. (In addition, two reforms have already qualified for the June ballot: an open primary system that would put candidates of all parties into a single primary; and public financing for secretary of state elections.)

Of the various reform measures being circulated, perhaps most important in ameliorating the state's perpetual budget crisis is a proposal to reduce the vote requirement to pass a state budget, currently set at two-thirds of both the Assembly and the Senate. While Democrats hold a comfortable majority in both houses, the partisan divisions are so deep that it has become nearly impossible to reach a two-thirds majority for a budget, year after year, leading to nearly annual breakdowns in the state's ability to pay its bills. Only two other states have such a high bar for passing a budget. At least two initiatives that would reduce the two-thirds requirement are in circulation, one that would reduce the requirement to 55%, and another that would reduce it to a simple majority. Recent polling shows a mixed reaction to this concept among Californians, with the PPIC poll showing 53% *in favor* of a 55% requirement to pass a budget, and the Field Poll showing 52% *opposed* to lowering the threshold to a simple majority.³

As usual, the menu of ballot initiatives extends beyond reforming government to include at least a few hot-button social issues. Anti-abortion groups are likely to submit yet another "parental notification" initiative limiting access to abortion for teenage girls, even after being defeated three consecutive times already (in 2005, 2006, and 2008). A measure to legalize and tax the sale of small amounts of marijuana, framed as a potential solution to the budget crisis, has majority support in a recent poll and will appear on the 2010 ballot. And it's a question of when, not if, California will have another titanic battle over marriage equality for same-sex couples – some activists want to forge ahead with a repeal of last year's Proposition 8 in 2010, while others believe the winning strategy is to aim for a younger, more progressive electorate in 2012.

California voters will also be choosing a new governor and several statewide officials in 2010. Between term limits and incumbents moving up to run for new offices, most of the statewide races will be open seats, with competitive primaries likely up and down the ballot. California is an increasingly blue Democratic state in national politics – it hasn't voted Republican for president or elected a Republican senator in over 20 years. Because California now has no ethnic majority group (non-Hispanic whites are about 45% of the population, and shrinking), the nearly all-white Republican Party has a very severe long-term challenge to broaden its appeal if it wants to remain competitive. However, the off-year electorate that will turn out to vote in 2010 will be much older and whiter than the state as a

whole, and as Governor Schwarzenegger proved in winning the recall election and reelection by wide margins, certain kinds of Republican candidates can still compete and win.

The crop of gubernatorial candidates is an interesting mix of the old and the new. Remarkably, all four major candidates from both parties are based in the Bay Area, while Southern California, home to 60% of the state's population, has not produced a candidate. On the Republican side, all three major candidates – former eBay CEO Meg Whitman, Insurance Commissioner Steve Poizner, and former congressman Tom Campbell – are considered moderates, at least in the sense that they are not pushing traditional conservative social issues. Campbell has the clearest plans for dealing with the budget crisis but by far the least money for his campaign; Poizner, who ran as a moderate in 2006, is trying to be the most "conservative" (anti-tax, anti-government) on economic issues, and Whitman is running on her business experience but spent this fall trying to explain why she has rarely registered to vote.

On the Democratic side, Attorney General Jerry Brown, who has lost several campaigns for president but usually wins his races in California, would have the distinction of being California's youngest-ever and oldest-ever governor should he return to the office. San Francisco Mayor Gavin Newsom's withdrawal from the field means Brown can spend the next several months expanding on his base of older voters who remember his governorship in the '70s (and his father's in the '60s) as better days, and building a campaign war chest. Newsom's decision has increased speculation that another Democratic candidate may enter the race, but time is running short for any new candidate to raise the kind of money needed for a serious TV campaign before the June primary. New media and social networking are growing in importance, but for now, effective TV ads still win California elections.

The challenge facing all the candidates is to show they have the ability to lead the state out of its deepening crisis. In an October Lake Research Partners poll,⁴ California voters clearly expressed their desire for change, as just 9% want the next governor to continue Schwarzenegger's policies, while 76% want someone who will take the state in a new direction. They also scored two very specific qualities as most important in their next governor: one who can make tough choices to balance the state budget (mean 8.9 on a scale of 0 to 10 in importance) and has a specific plan for improving the economy (8.9). At the same time they are looking for broader leadership skills as well – someone who can bring people together to solve problems (8.8), is a good manager (8.8), and has a vision for California's future (8.7). The candidate who can convey all of that in a few memorable 30-second TV ads (and has the money to put them on the air) is likely to win. Notably all these are more important than some traditional measures like experience in government (7.8).

Despite the voters' insurrectionary mood, there is no reason to expect significant partisan shifts in either the legislative or the congressional delegation in 2010. In part this is driven by California's bifurcated political geography. The traditional North/South divide in California politics has in recent years given way to an even more pronounced Coastal/Inland divide – clear not only in partisan politics but on initiatives as well. Look at any county-by-county map of a close election and you will see Democrats or progressive issue positions dominating the coastal counties from Mendocino in the north to Los Angeles

in the south, and the swath of inland counties including the Central Valley and Inland Empire voting heavily Republican or conservative. Gerrymandering of legislative and congressional districts has reinforced this geographic divide, with very few districts competitive in partisan terms. In the last three election cycles, 159 races have been held in California congressional districts and only one district has changed party hands – the 11th CD, where my client Jerry McNerney defeated Richard Pombo in 2006. The most interesting places to watch in 2010 are districts like the 11th that straddle blue coastal and red inland California, as well as the two big coastal counties that used to be strongly Republican but are shifting slowly more Democratic with each passing year – Orange and San Diego.

Will the blue trend continue in those areas or will Republicans stage an off-year comeback? Recent polling suggests Republican base voters are more motivated and less discouraged than they were in the last two election cycles, while the Democratic base, always more difficult to turn out in an off year, may be less energized. President Obama won eight California congressional districts represented by Republicans last year; look for Democrats to push for wins in those districts with stronger challengers and intense turnout efforts, while Republicans try to pick off Democratic seats in the redder inland areas. Regardless of the outcome in 2010, the long-term demographic and ideological trends are clearly on the side of the Democrats unless Republicans can find a way to reach Latino and Asian voters and socially tolerant suburban moderates.

All told, 2010 looks to be a fascinating and perhaps defining year in California politics. Still, for political junkies the real fun begins in 2011, when the new census leads to a redistricting process quite different from past decennial cycles that could set off a free-for-all in 2012. Proposition 11, passed by the voters last year, sets up an independent commission that will draw the lines for the state legislature, and there may be a similar measure covering congressional districts on the 2010 ballot. In any case, the new commission, required to follow population shifts and respect “communities of interest” but *not* to protect incumbents or partisans, is likely to draw dozens of truly competitive state legislative districts for the first time in twenty years.

Meanwhile, congressional districting, which in California traditionally involves creating several new districts to account for population growth, is projected to include one *less* district this time around. If the legislature retains control of the congressional line-drawing process *and* a Democrat is governor, look for majority Democrats to force some Republican incumbents to run against each other while others have to face more Democratic voters in their districts. If a Republican is governor, look for stalemate and a court battle, or possibly a bipartisan incumbent protection plan. At the same time, a constitutional convention could be underway if voters approve that initiative, with the whole structure of California government up for grabs.

For those who enjoy the spectacle of politics, the next three years in California promise plenty of entertainment. Whether they promise real progress on the state’s very serious problems is more in doubt. Certainly voters are ready and eager for change; they know something isn’t working and they want to fix it. But the paradox of democracy – especially the direct democracy of ballot measures in this state – is that part of our problem is the previous fixes, enacted by voters expressing their values and priorities in self-contradictory ways. Will voters continue to

tinker with their government? Will they go for a clean sweep and a constitutional convention? Will a leader emerge who can make sense of these contradictory impulses and bring enough factions together to make some hard choices that move the state forward? This pollster’s Magic 8-Ball says, “You will have to wait.” ■

- 1 The Field Poll, 1,005 registered California voters, Sept. 18-Oct. 5, 2009.
- 2 Public Policy Institute of California poll, 2,006 California adult residents, Aug. 26-Sept. 2, 2009.
- 3 Ibid.
- 4 Lake Research Partners poll of 800 likely California primary voters, Oct. 11-15, 2009.