

# Orange County Register

## Opinion

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### CALIFORNIA FOCUS

## 'Voter Choice': reform-free reform

Initiative would impose election system that failed in Louisiana and France



**SHAWN STEEL**  
IMMEDIATE PAST  
CHAIRMAN OF  
THE CALIFORNIA  
REPUBLICAN  
PARTY

Last month – in a matter of hours – the Legislature approved Senate Constitutional Amendment 18, a ballot initiative to preserve political parties' right to choose their nominees by guaranteeing every party fielding a candidate in the primary will also be represented on the

November ballot. Critics scoff that legislators supporting SCA 18 acted from pure political self-preservation. But let's not let the perfect be the enemy of the good. I don't care if the 100 legislators who voted "yes" did so because their horoscope said to – passing SCA 18 was the right thing to do.

SCA 18 will compete with the misleadingly christened "Voter Choice Initiative," which would replace the traditional party primary with a system in which the top two vote-getters in the primary, regardless of party affiliation, face each other in the general election. Since legislative districts are so heavily gerrymandered that only a few are competitive, many California voters would find themselves choosing between either two Democrats or two Republicans in the November election.

This is not reform. Indeed, "Voter Choice" supporters – a small group of wealthy self-identified reformers – don't contend the current system

is ineffective or disenfranchising voters or intrinsically bad. They simply don't think it produces enough officeholders who fit their ideological preferences. Thus, this is less an attempt to reform the system than to bias it to produce a desired outcome, e.g. the election of more "moderates."

Unfortunately, there is scant evidence that a top-two system would do that. Louisiana adopted it nearly 30 years ago, and has hardly been transformed into a citadel of moderation. Indeed, in 1991 the system resulted in a gubernatorial runoff between white supremacist David Duke and the notoriously corrupt former governor, Edwin Edwards. Faced with this noxious choice, Louisiana voters held their nose and picked Edwards – who was later imprisoned for bribery and fraud.

France is another singular example of the top-two system's splintering effect. In France's 2001 presidential election, it produced a runoff between incumbent President Jacques Chirac and right-wing extremist Jean Le Pen. Lacking a real choice, French voters – a large number of whom detested Chirac – cast their ballot unenthusiastically for the lesser of two evils.

What the Voter Choice Initiative is likely to do is virtually obliterate third parties because their candidates could never garner sufficient votes to make the runoff. It would raise barriers to running for office by making it a much more expensive undertaking. Partisan primaries are less costly because candi-

dates only communicate with fellow party members. Switching to a top-two system forces candidates to fund two, much costlier general election campaigns – rendering all but millionaire candidates even more dependent on special interest money.

If initiative backers don't like our gerrymandered legislative districts, their money and energy would be better spent taking reapportionment from the Legislature and the governor and putting it in the hands of special commission – like the panel of retired judges which produced the fair reapportionment of 1991.

Which takes me back to why the state Legislature's speedy approval of SCA 18 is a good thing. Obviously, many SCA 18 supporters acted from what they perceive as their own self-interest. Some also shared SCA 18 sponsor Sen. Ross Johnson's principled opposition to ending the right of political party members to choose their own nominees and denying smaller parties a place at the table of democracy.

But regardless of the various motives at work, I applaud the result because it gives California voters a real opportunity to choose what kind of elections system they want – retaining some semblance of the traditional party primary or switching to the chaotic free-for-all used by Louisiana and France. It would present a more genuine choice than most California voters would have if the "Voter Choice" advocates get their way.