

# COMMENTARY



## IS THIS REALLY NECESSARY?

### Where Are The Elections?

The 1986 elections in California revealed some shocking statistics. Seven statewide elections (U.S. senator, governor, lieutenant governor, secretary of state, controller, attorney general and treasurer) included six incumbents running for reelection. The four state board of equalization districts included three incumbents running again. Of the 45 congressional districts, 42 incumbents sought reelection. Out of 20 state senate seats and 80 state assembly seats potentially contested, 18 and 70 incumbents, respectively, sought a return to Sacramento. Hence, of 156 non-local elected positions, 139 involved incumbents seeking reelection.

Every single one of these 139 incumbents seeking reelection succeeded. Not a single one suffered a defeat. This security prevailed notwithstanding the political party of the incumbent or the economic condition of the area involved. Even more disturbing was the margin of victory.

Except for the well-publicized race between Cranston and Zschau and one close Assembly race in District 68, the closest margin of any incumbent anywhere in the state was 7%. The margin available to the incumbent was typically over two to one. No real contest at all.

In order to fully appreciate the extent of current incumbent entrenchment we present below a chart for each position, indicating the incumbent's percentage and the nearest challenger's vote.

**DISTRICT INCUMBENT CLOSEST CHALLENGER**

### CONGRESS

1	68%	27%
2	No Incumbent	
3	76%	24%
4	70%	30%
5	75%	22%
6	74%	26%
7	67%	33%
8	60%	38%
9	70%	30%
10	71%	27%

11	74%	26%
12	No Incumbent	
13	70%	30%
14	72%	26%
15	71%	27%
16	78%	19%
17	60%	40%
18	71%	29%
19	72%	27%
20	73%	27%
21	No Incumbent	
22	74%	23%
23	66%	32%
24	88%	7%
25	76%	21%
26	65%	35%
27	64%	34%
28	77%	21%
29	85%	15%
30	63%	35%
31	71%	27%
32	69%	29%
33	72%	27%
34	61%	40%
35	77%	23%
36	57%	43%
37	64%	36%
38	55%	42%
39	74%	24%
40	60%	38%
41	68%	30%
42	73%	25%
43	73%	24%
44	64%	34%
45	77%	21%

**STATE SENATE** (four-year terms - only 1/2 of forty positions up for election in 1986)

2	56%	41%
4	64%	36%
6	61%	40%
8	No Incumbent	
10	71%	29%
12	56%	44%
14	69%	31%
16	No Incumbent	
18	65%	33%
20	65%	35%
22	68%	29%
24	72%	24%
26	100%	No Opp.
28	79%	21%

30	72%	25%
32	66%	34%
34	66%	34%
36	61%	39%
38	85%	15%
40	69%	29%

### ASSEMBLY

1	71%	29%
2	68%	33%
3	No Incumbent	
4	75%	26%
5	No Incumbent	
6	67%	33%
7	67%	31%
8	No Incumbent	
9	55%	45%
10	67%	33%
11	75%	26%
12	72%	24%
13	77%	23%
14	74%	26%
15	67%	33%
16	85%	11%
17	71%	25%
18	No Incumbent	
19	No Incumbent	
20	No Incumbent	
21	70%	25%
22	No Incumbent	
23	68%	29%
24	64%	33%
25	71%	27%
26	74%	26%
27	73%	25%
28	72%	28%
29	72%	26%
30	67%	33%
31	70%	30%
32	100%	No Opp.
33	No Incumbent	
34	70%	30%
35	66%	33%
36	73%	25%
37	75%	24%
38	68%	33%
39	60%	40%
40	73%	27%
41	67%	30%
42	100%	No Opp.
43	60%	38%
44	59%	37%
45	68%	27%
46	71%	22%
47	89%	11%
48	85%	13%
49	78%	20%
50	80%	20%
51	69%	28%
52	69%	31%
53	53%	43%
54	No Incumbent	
55	60%	28%
56	84%	16%



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57	70%	28%
58	67%	31%
59	71%	29%
60	53%	45%
61	70%	25%
62	72%	28%
63	58%	42%
64	73%	27%
65	69%	32%
66	65%	35%
67	75%	25%
68	50%	48%
69	70%	30%
70	72%	28%
71	64%	33%
72	No Incumbent	
73	67%	34%
74	87%	13%
75	69%	26%
76	74%	24%
77	74%	26%
78	57%	40%
79	65%	31%
80	65%	34%
<b>U.S. SENATE</b>		
	49%	48%
<b>GOVERNOR</b>		
	61%	38%
<b>LIEUTENANT GOVERNOR</b>		
	54%	42%
<b>SECRETARY OF STATE</b>		
	69%	26%
<b>CONTROLLER</b>		
	No Incumbent	
<b>ATTORNEY GENERAL</b>		
	66%	30%
<b>TREASURER</b>		
	83%	8%
<b>BOARD OF EQUALIZATION</b>		
1	56%	39%
2	54%	42%
3	60%	35%
4	No Incumbent	

It is easy to be impressed by the defeat of three Supreme Court judges in what was an unusual no confidence vote, and in so doing to underestimate the extent to which current office holders have rigged the rules to prevent an effective challenge. These Supreme Court justices do not have gerrymandered districts or campaign contribution advantages comparable to executive and legislative office holders. Most important, a reading of the numbers in the table above, position by position, revealing both the number

of incumbents reelected and the breath-taking margin of their victories, is quite shocking.

The reality does not reflect a healthy democracy. In fact, it is fair to conclude that California does not have an electoral two-party system. To be sure, politicians in Sacramento and Washington are divided into separate political parties and they function within their legislative bodies in a moderately competitive manner. However, the checks and balances of a multiparty system must extend to the electorate to be meaningful. It does not help a great deal to have two "clubs" in Sacramento and Washington if their members are insulated from electoral competition as to the persons they purport to represent.

One would hope that these legislators, secure in their incumbency, would spend a great deal of time supervising the regulatory system described in this publication and would not worry about catering to monied interests to raise money for apparently meaningless campaigns. However, such is not the case. Instead, the current legislative preoccupation with money is one of the causes of existing electoral monopolies.

The excessive incumbency advantage is caused by three major factors: 1) the gerrymandering of districts; 2) use of incumbent advantage for electoral purposes; and 3) campaign contribution advantage. The first and last of these factors are most in need of immediate reform.

Common Cause and others have suggested in past years the creation of an independent commission to set boundaries for the various legislative districts. It is clear the Legislature, controlled by one or the other party, cannot be entrusted with this fundamental constitutional task. An independent entity of some type, preferably of judicial makeup, must draw these boundaries. If democracy is to work in California, or anywhere, the boundaries for representation must be drawn around natural communities. People must know who their representative is. The elected official must represent a geographic territory with a natural center and with sensible and understandable boundaries. The current pattern of ink-spill districts designed to maintain a Republican or Democratic balance for incumbent reelection must give way to districts based on natural community identification. If these natural factors are to be adjusted at all, it should be in the direction of greater competition between the parties, not less.

One would perhaps fear that greater competition between the parties might

lead to greater campaign spending and excessive campaign contribution influence. However, the situation is so bad at present that it is unlikely that structuring the districts for real elections could hardly make matters worse. To be sure, there is excessive influence by monied interests in Sacramento. In fact, anyone who has worked any length of time in the capitol is concerned by the level of corruption. Our legislators are not all for sale, but money buys access and access buys influence and votes. The atmosphere in Sacramento is one of pervasive and cynical corruptive influence.

In 1984, the average spending for the state Assembly (general election only) was \$253,000. For the state Senate, it was \$543,000. The overwhelming majority of this money (over 70%) comes from contributions by interest groups with business before the Legislature. Only 13% of all the state legislative campaign money in 1984 was collected in amounts of under \$100. The average legislator now receives from 55-66% of his/her money from PACs. In 1984, approximately 47% of all campaign contributions were received in amounts of \$5,000-plus.

It is the incumbents who are receiving this money. In 1976, legislative incumbents outraised challengers 2.6 to 1. By 1984 Assembly incumbents outraised challengers 14 to 1 and Senate incumbents outraised challengers 63 to 1. Challengers actually raised less money in 1984 than they did in 1976. Unsurprisingly, incumbents won 98% of the reelection races in 1984, and, as we have already pointed out, 100% in 1986. And, as the table above indicates, very few of these races were even close. Most involved 2 to 1 or greater margins.

These problems are exacerbated by the increase in off-year fundraising. In 1985, a non-election year, legislative incumbents raised over \$17 million. As of July 1, 1985 legislative incumbents had over \$12 million in cash on hand for their upcoming elections. Most important, almost all off-year money is raised by incumbents; for example in 1983 the figure was 99.7%. Further, candidates are now "transferring" money between each other, which has the effect of both hiding the source of contribution for a given candidate, and increasing the influence of those candidates receiving large monies from special interests. In the 1982 general election, candidates received 31% of all their money in transfers and other partisan contributions from political parties and other candidates. These transfers may come in amounts of over \$100,000 and



are usually made in the last weeks of the campaign.

Common Cause has proposed a Campaign Spending Limits Act to give challengers a chance, and to somewhat inhibit the corruptive influence of special profit-stake interests in legislative policies. This Campaign Spending Limits Act includes contribution limits, expenditure ceilings, and limited matching funds from a tax check-off mechanism. Below is the outline of the Campaign Spending Limits Act of 1986 as proposed by Common Cause. The group is now drafting similar provisions for a 1988 citizens' proposition.

The Center for Public Interest Law supports this Act and urges its adoption. It is unlikely that the Legislature, consisting obviously of incumbents, would ever countenance a serious vote for such a measure. However, the proposition mechanism in California can be used for good as well as mischief.

The Common Cause proposition now being organized for presentation in the 1988 election will give Californians a chance to take their government back into their own hands, to create possibly real contests for electoral office, and to restore a measure of meaningful electoral democracy to our state.

## OUTLINE OF CAMPAIGN SPENDING LIMITS ACT OF 1986

### I. Expenditure Limitations

	<i>Primary</i>	<i>General</i>	<i>Total</i>
ASSEMBLY	\$150,000	\$225,000	\$375,000
SENATE	\$250,000	\$350,000	\$600,000

### II. Key Contribution Limitations (per election)

- Individuals \$1,000
- Organizations \$2,500
- PACs receiving all contributions in amounts of \$50 or less ("Small Contributor PACs") \$5,000
- Transfers between politicians Prohibited
- Non-election year contributions Prohibited
- Limit on total contributions in a two-year period by organizations \$200,000

### III. Limited Matching Funds From Tax Check-off

Threshold amount candidates must raise (in contributions up to \$1,000) to qualify for matching funds:

Assembly Candidates	\$20,000
Senate Candidates	\$30,000

Candidates cannot receive matching funds unless they face substantial opposition

Contributions matched at following ratios:

- \$250 or under 3:1
- \$250 or under from in-district sources (individuals only) 5:1

Maximum amount of matching funds per candidate:

	<i>Primary</i>	<i>General</i>	<i>Total</i>
ASSEMBLY	\$75,000	\$112,000	\$187,500
SENATE	\$125,000	\$175,000	\$300,000

