

# Recommendations for the June 8, 2010 Election

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*Californians are about to vote in our midterm primary, one of the most important elections in our four-year political cycle. It also produces one of our longest ballots with a wide range of federal, state, and municipal decisions before us. As a Republican, my recommendations pertain to my party primaries although many of these votes will be open to all voters. Some will also be specific to Cupertino and neighboring areas. Like I normally do, I also include both major parties' recommendations for statewide propositions.*

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## Summary of Recommendations

<b>Vote for</b>	<b>Office or Referendum</b>	<b>Jurisdiction</b>	<b>Candidate / Vote</b>
1	Governor	State Primary	<b>Steve Poizner</b>
1	Lieutenant Governor	State Primary	<b>Abel Maldonado</b>
1	Secretary of State	State Primary	<b>Damon Dunn</b>
1	Controller	State Primary	<b>Tony Strickland</b>
1	Treasurer	State Primary	<b>Mimi Walters</b>
1	Attorney General	State Primary	<b>Steve Cooley</b>
1	Insurance Commissioner	State Primary	<b>Mike Villines</b>
1	Board of Equalization Member (District 1)	State Primary	<b>Kevin R. Scott</b>
1	Senator	Federal Primary	<b>Tom Campbell</b>
1	Representative (District 15)	Federal Primary	<b>Don Barich</b>
1	Assemblymember (District 22)	State Primary	<b>Eric Shooter Hickok</b>
1	Superior Court Judge (Office 7)	State	<b>JoAnne McCracken</b>
1	Superior Court Judge (Office 11)	State	<b>Vanessa A. Zecher</b>
1	Superior Court Judge (Office 19)	State	<b>Julia Alloggiamento</b>

<b>Vote for</b>	<b>Office or Referendum</b>	<b>Jurisdiction</b>	<b>Candidate / Vote</b>
1	Superintendant of Public Instruction	State	<b>Diane A. Lenning</b>
1	Assessor	Santa Clara County	<b>Larry Stone</b>
1	District Attorney	Santa Clara County	<b>Dolores Carr</b>
1	Sheriff	Santa Clara County	<b>Laurie Smith</b>
1	Proposition 13	State	<b>Yes</b>
1	Proposition 14	State	<b>No</b>
1	Proposition 15	State	<b>Yes</b>
1	Proposition 16	State	<b>No</b>
1	Proposition 17	State	<b>No</b>

# Recommendations

<b>Governor</b>		
<u>Jurisdiction</u> State Primary	<u>Vote for</u> 1	<b>Steve Poizner</b>
<p>Although other nominal candidates are on the ballot, this is a two person race between Poizner and Meg Whitman. Although the campaign’s incredibly heated rhetoric would imply otherwise, they are actually quite similar. Both were very successful Silicon Valley high-tech entrepreneurs, and both politically come from California’s center-right. Both have potential to be good governors under ongoing, highly difficult fiscal circumstances.</p> <p>However, they are running rather different campaigns. There are telltale signs when a candidate has a major strategic advantage (in this case money) but lacks true political knowhow, and Whitman has been a textbook case: she speaks in generalities, declines media interviews, skips debates, and holds tightly-controlled public appearances. Instead, she had invested enormous sums of money in mass marketing through television and radio ads, spreading a message that is nonspecific about her and almost laughably harsh about Poizner. She wants her money to defeat Poizner while she herself stays in the background, knowing neither victory nor defeat through a choreographed effort.</p> <p>However, paying consulting firms to market is not the same as conducting a good race. Given her detached campaign style, can she really compete effectively in the general election? A primary is supposed to test, sharpen, and showcase one’s campaign skills so that party members feel confident that a candidate enters the big leagues prepared, in this case against State Attorney Gen. Jerry Brown, who has already won four statewide elections. However, she has been buying her way out of a challenge, and no non-wealthy candidate could win with such an otherwise lackluster effort.</p> <p>Poizner is different. Although his political career has been brief and likewise fueled by his wealth, in 2006 we did elect him as state insurance commissioner, a significant statewide office. This means he already has a record of managing a state agency and making specific and public decisions. He also appears more connected with regular people, a big plus both in a general election and once elected: a few years back, Poizner stepped away from his work to serve as a part-time high school teacher for one year. Few wealthy politicians would do that. He has also participated in debates that Whitman skipped. This shows a willingness to handle both policy issues and campaign tactical risk. In this general election, we need more than just Whitman’s ability to buy commercials. Although either Whitman or Poizner may become a good governor, Poizner is a more rounded candidate for November.</p>		

## Lieutenant Governor

Jurisdiction  
State Primary

Vote for  
1

**Abel Maldonado**

The two main candidates are Maldonado, who was recently appointed to fill a vacancy in the office, and State Sen. Sam Aanestad. Because this is a state office, my vote is largely guided by California's ongoing fiscal crisis. Last year, Maldonado was one of only a few Republicans who negotiated in good faith to blend tax and fee increases with spending cuts in an attempt to balance the budget. When parts of that plan came to an emergency popular vote last May, I largely supported that compromise. Most other Republican leaders, including Aanestad, however, stuck to a simplistic message that this horrendous situation could be resolved through spending cuts alone, which would have triggered an even more massive and abrupt suspension of contracts and services. Maldonado, with the Governor and several chambers of commerce, realized this and showed courage by actually compromising. As a result, I think that Maldonado is more deserving of a statewide nomination.

I should note that Maldonado proposed Proposition 14, against which I argue strenuously below. Although we disagree on this signature issue of his, I nonetheless feel that he is the right choice.

## Secretary of State

Jurisdiction  
State Primary

Vote for  
1

**Damon Dunn**

Dunn's decision to seek public office is notable: a former professional football player who has been involved in helping disadvantaged youth and other community work, Dunn is the kind of person whom the Republican Party desperately needs to attract. He is certainly preferable to the other candidate, Orly Taitz, a leading activist in the so-called "birther" effort that is simply the latest in a long string of conspiracy theories that mindlessly distract from real issues.

I should note here that the secretary of state is a technical position, one that quite literally functions as the secretary or record keeper of the state. A career professional selected through a merits-based appointment process should hold this office, so I continue to believe that this vote is both unnecessary and counterproductive. Nevertheless, given our options, Dunn is certainly our most appropriate representative in the general election.

## Controller

Jurisdiction  
State Primary

Vote for  
1

**Tony Strickland**

State Sen. Strickland, despite being the losing nominee for state controller in 2006, remains the best choice. At just forty years old, he is a potential rising star in the Party and is best equipped to represent us in the general election. The other candidate, former California City Mayor David Evans, is running a low-key campaign that is unprepared to compete with a Democratic incumbent in November. For all intents and purposes, Strickland is the only major candidate in this race.

## Treasurer

Jurisdiction  
State Primary

Vote for  
1

**Mimi Walters**

Walters is running unopposed.

## Attorney General

Jurisdiction  
State Primary

Vote for  
1

**Steve Cooley**

Cooley seems the best of three fairly viable candidates. As the district attorney of Los Angeles County, Cooley brings both great experience and also crucial name recognition and support from a major Democratic stronghold, which would be a tremendous asset to the ticket in November. The other candidates, former Chapman Law School Dean John Eastman and State Sen. Tom Harman, may also make good attorneys general but would be more risky nominees.

### Insurance Commissioner

Jurisdiction  
State Primary

Vote for  
1

**Mike Villines**

Although this race ostensibly has two candidates, only one is really viable. Villines, a state assemblyman, has shown courage by being willing to negotiate the state budget crisis with Democrats even though doing so cost him his position as Assembly minority leader. He is also the much more politically experienced candidate, which will come in handy in a competitive general election. The other option, Brian Fitzgerald, is an attorney with experience in insurance regulation. However, he is running a shoestring campaign and needs a stronger political background before we should entrust him with a statewide nomination.

### Board of Equalization Member (District 1)

Jurisdiction  
State Primary

Vote for  
1

**Kevin R. Scott**

This vote is ultimately ceremonial because the district's overwhelmingly Democratic lean virtually ensures that their nominee—likely the incumbent—will win in November. Of the two options, Scott is far more organized and deserving of the nomination. The other, Rae Williams, appears to be largely a nominal candidate.

### Senator

Jurisdiction  
Federal Primary

Vote for  
1

**Tom Campbell**

Because of the importance of this vote, I give a detailed explanation for it in Appendix A.

### Representative (District 15)

Jurisdiction  
Federal Primary

Vote for  
1

**Don Barich**

In all likelihood, this vote is largely inconsequential. Rep. Mike Honda will probably win a landslide reelection in this Democratically-dominated district, so who we nominate will make little difference. However, three individuals have put themselves forward, so we need to pick one. Raymond Chukwu is running for a third time after we selected him in both 2004 and 2006. We do not need to go down that road again given his previously lackluster campaigns. Of the other two, Barich strikes me as taking more nuanced political positions (such as supporting an immigration reform compromise). That may carry some sway in this district. However, if Scott Kirkland, the other candidate, wins, I will be happy to support him. Barich had also raised a bit more money than Kirkland as of the last FEC filing period, which may indicate a greater ability to compete in November.

### Assemblymember (District 22)

Jurisdiction  
State Primary

Vote for  
1

**Eric Shooter Hickok**

Hickok is running unopposed.

### Superior Court Judge (Office 7)

Jurisdiction  
State

Vote for  
1

**JoAnne McCracken**

The only other option, Thomas Spielbauer, is running a quixotic campaign with a ballot statement that explicitly includes criticism of potential litigants, a gross departure from judicial neutrality and ethics. McCracken, a deputy district attorney who is amply qualified, should win by default.



### Superior Court Judge (Office 11)

Jurisdiction  
State

Vote for  
1

**Vanessa A. Zecher**

Unlike the race for Superior Court Office 7 (above), judicial elections are typically difficult because candidates are ethically bound not to discuss their personal views. The result is that voters must typically choose on the basis of resume and community endorsements. Ideally, California would switch to the federal system in which judges are appointed on their merits rather than elected. Until that happens, however, we remain responsible for this decision.

In this case, both candidates have extensive legal backgrounds with mainstream professional careers. Both also have endorsements from Superior Court judges and other local leaders. However, Zecher has the endorsement of the County Republican Party, and this tilts my vote in her direction. Given that less than a quarter of county voters are now Republicans, her willingness to remain in the Party is courageous and impressive. If she shares Republican beliefs in a neutral and professional judiciary, she will make a good judge.

### Superior Court Judge (Office 19)

Jurisdiction  
State

Vote for  
1

**Julia Alloggiamento**

Like with Superior Court Office 11 (above), voters are forced to fly partially blind when deciding how to vote. In this race, I prefer Alloggiamento over the only other candidate, Bob Camors, for a couple of reasons. First, Camors quite unnecessarily has strayed into announcing personal political positions, such as listing liberal abortion and immigration views on his website. This shows a lack of self-discipline that is dangerous for a judge. Second, Alloggiamento has a broad array of community experience that makes her a well-rounded professional. I should note that the County Republican Party has endorsed Camors, possibly because he is technically a member. However, his clear liberal leanings diminish that affiliation's significance.

## Superintendent of Public Instruction

Jurisdiction  
State

Vote for  
1

**Diane A. Lenning**

A crowded group of twelve candidates is seeking to replace the term-limited incumbent as head of the State Department of Education. Probably this vote will simply force a runoff between the top two candidates given the unlikelihood of anyone attaining a majority now. Two Democratic legislators—Gloria Romero and Tom Torlakson—are possibly the frontrunners for these slots with Larry Aceves, a former school district superintendent, nipping at their heels.

The remaining options are mostly shoestring conservative candidates, many of whom are local school teachers seeking a dramatic career promotion. To the extent that they garner any attention, it will only be to split support among them. As a result, my vote here is primarily symbolic: conservatism stands for a strong, holistic education, and I wish I could vote for a qualified, politically-savvy candidate who held such values. In the absence of this, I shall cast a protest vote for one of these obscure alternatives.

I choose Lenning for three reasons. First, she won the California Republican Assembly (CRA) endorsement. The CRA is not a group with which I regularly agree, but winning on the floor of their March convention took some degree of organization. Second, she ran last time, which may boost her name recognition. Third, she has ties to various educational organizations and fifteen years of high school teaching experience. She also setup a website, which is more than can be said for a couple of other candidates.

## Assessor

Jurisdiction  
Santa Clara County

Vote for  
1

**Larry Stone**

Stone is running unopposed.

### District Attorney

Jurisdiction  
Santa Clara County

Vote for  
1

**Dolores Carr**

I supported Carr, the incumbent DA and a former judge, last time and shall do so again. I will note that she has been dogged by some conflict of interest allegations, but there have been no definitive findings, making the issue hard to factor into this vote. The other candidate, Jeff Rosen, one of the deputy DAs, is partially running on the basis of a schism among lawyers in the DA's office, some of whom support Carr while others do not. This dispute is over issues like management style and litigation strategy, but these too are very difficult for an outsider to weigh. Ultimately, I fall back on my initial impression of her as a stronger, more law-and-order candidate.

### Sheriff

Jurisdiction  
Santa Clara County

Vote for  
1

**Laurie Smith**

To some extent, my decision here follows an "if it ain't broke, don't fix it" line of thought. Smith, who in 1998 as a Republican became the first female sheriff in state history, is running for a fourth term. Although issues always arise with such an important position, her tenure has been devoid of massive controversy. Her two opponents seem passionate about law enforcement and public safety, but I see no reason to stop supporting her at this time.

### Proposition 13

Jurisdiction  
State

Vote for  
1

**Yes**

This is a miniscule issue. The proposal would make it harder for earthquake retrofitting of masonry (generally brick or stone) structures to trigger a property reassessment. The Legislature approved it unanimously, but, because of our arcane election rules, we must sign off on this noncontroversial idea too before it is implemented.

**State Democratic Party: Yes**

**State Republican Party: Yes**

### Proposition 14

Jurisdiction  
State

Vote for  
1

**No**

Because of the importance of this vote, I give a detailed explanation for it in Appendix B.

**State Democratic Party: No**

**State Republican Party: No**

### Proposition 15

Jurisdiction  
State

Vote for  
1

**Yes**

The time has come for Americans, including my fellow conservative Americans, to appreciate the negative role of money in our campaigns. Fundraising has become the fuel of politics, and a candidate with money is often (although certainly not always) much more viable than one without. Optional public funding is a creative way to dampen this problem: candidates could use equal amounts of public money to compete, thereby decreasing their entanglements with and biases toward wealthier constituencies.

Proposition 15 creates a voluntary public financing option in California for candidates in one selected race (for secretary of state) with the possibility of expanding to other races later. This proposal has a lot of fine print including the amount of provided funding, the qualifications for participating, and other incentives. Ultimately, if implemented, its success will hinge on these particulars, but I think that this is worth a try. We need reform, and this is a serious-minded effort to create it.

I must note that this is not about inhibiting free speech. Unlike some other supports of Proposition 15, I do not necessarily believe that the First Amendment permits regulation of special interest spending, but nevertheless the voluntary nature of this proposal makes that concern moot. Also, regarding cost, some object to public funding on fiscal grounds. However, as expensive as campaigns are now, they would still represent only a speck of governmental budgets. Plus, this particular proposal does create counterbalancing new revenue.

Although it is often seen as such, I would encourage voters not to see this as an issue along which liberals and conservatives should divide. This is more of a general, good-government proposal.

**State Democratic Party: Yes**

**State Republican Party: No**

## Proposition 16

Jurisdiction  
State

Vote for  
1

**No**

This would greatly expand the requirement for a popular vote to be held when a municipality wants to change its primary electricity provider. This is a terrible idea. California is already addicted to voting, and our ballots are too long and complicated. If we do not like our local leaders' decisions about electricity, we already have the opportunity not to reelect them. Requiring voter approval for all sorts of specific laws is not the solution and leaves voters confused and alienated from what should be a simple electoral process.

Also, I do note that private electricity interests funded the signature gathering effort to put this on the ballot. They presumably think it will be harder for their contracts to be changed through a popular vote than through the local governing body's actions. This is special interest influence at its crassest.

**State Democratic Party: No**

State Republican Party: Yes

## Proposition 17

Jurisdiction  
State

Vote for  
1

**No**

A voter petition drive put this on the ballot, which means special interests (in this case, certain automobile insurance interests) wrote it and sponsored the signature gathering effort. I begin any review of such propositions erring on the side of a No vote unless I see some compelling reason to do otherwise. I see no such reason here. This particular proposal would alter some of the rules governing how insurers can change criteria for setting automobile insurance rates. The particulars do not necessarily matter, nor does the general question of whether automobile insurance should be regulated at its current levels. The only question here is whether changes should occur on the insurers' own terms using a bill that they have written. The answer is no.

**State Democratic Party: No**

State Republican Party: Yes

## Appendix A

### Explanation of Recommendation for U.S. Senator

I support Tom Campbell, but, having said that, this important choice was a close call. The context of this vote should not be lost: we are selecting Sen. Barbara Boxer's main competitor in the general election, and it is vital for that competitor to win. Boxer exists on the Senate's fringe: within weeks of her last reelection, she became the first senator in years to challenge electors' credentials when Congress certified the Electoral College's vote. This surrounded the presidency with unnecessary doubt and controversy when national healing was crucial. Her combative behavior has only continued since, encapsulated in a widely-noted 2009 committee hearing in which she bizarrely reprimanded a brigadier general for calling her "ma'am"—a perfectly valid reference—instead of "Senator." Although I am sure she is sincere in her convictions, replacing her must be our central objective here. She simply lacks the temperament needed to be a senator.

Campbell stands in sharp contrast. He has had a remarkable career in the political mainstream. Calm, thoughtful, and incredibly experienced, he enjoys broad respect and would immediately be a more qualified senator than some longer-serving members. As a former congressman, state budget director, Sanford law professor, and Berkeley business school dean, Campbell's resume is remarkable. He has worked closely on everything from financing to Sub-Saharan African and has done so thoughtfully and pragmatically. He would make an impressive senator.

Unfortunately, I cannot yet say the same about the two other main candidates. Carly Fiorina, a high-profile former Silicon Valley executive, comes to the race without a record of political positions or accomplishments. She has also run a very negative campaign reminiscent of Boxer herself. If we do nominate Fiorina, she would certainly rebut Boxer's long-cultivated and quite wrong image as a spokesperson for women, but beyond that, Fiorina remains too risky to bestow this serious responsibility on her at this time.

The third candidate, State Assemblyman Chuck DeVore, deserves a bit more comment. Probably the most conservative candidate, DeVore has risen from obscurity through an effortful, grassroots campaign. Since he is only in his forties, he will have the opportunity to mature later into a state political leader. For now, however, he is a product of the State Legislature's Republican minority that failed to reach a budget compromise last year and remains stuck on vague no-new-taxes sound bites even as the state went through fiscal crisis. DeVore needs to cultivate a more nuanced grasp of political negotiation and compromise.

Nevertheless, Campbell brings a significant disadvantage to the table: the Senate remains a body that actually can influence abortion, the tragic issue that has debilitated our country, and Campbell's position is certainly inadequate. Unlike DeVore and Fiorina, Campbell is fully pro-choice, even supporting the intact dilation and extraction (D&X) abortion method (known popularly as a "partial-birth" abortion because the child is partially delivered before its head is crushed for easy removal). This is remarkable and incredibly disappointing. Still, I have decided not to make this concern dispositive for a couple of reasons.

First, the Senate will likely not get to vote on any meaningful abortion regulation in the next six years. It will, however, play a role in judicial selections, and this in turn will influence whether abortion returns to its proper place as a legislatively-handled issue. Here, Campbell's record is certainly more positive than Boxer's (which could hardly be worse): he explicitly supported Judge Bork's 1987

Supreme Court nomination and continues to defend that decision. That attitude could prove very helpful if a president critical of *Roe v. Wade* were to put a nomination before a liberal or closely-divided Senate.

Second, and more importantly, conservatism in America is putting itself more and more into a box, and various sub-wings of conservatism are cultivating images and reputations that simply will not build a governing majority again. Whether it is the ultra-nationalism that people like Tom Tancredo promote, the anti-intellectualism that Sarah Palin romanticizes, or the hyper-polemics of Rush Limbaugh that have made some conservatives almost as hate-filled as the American political far left, we are failing to show attractive and convincing leadership.

The fact that human life remains unprotected in America today does not have to do as much with the public opposing it as with the Republican Party, the natural defender of the unborn, stumbling repeatedly on other issues. Even pro-life Americans do not find the Republican Party that appealing, especially here in California. In 2008, Californians voted for President Obama by the widest margin of any presidential ticket since 1936. However, on the same day, the same voters just barely defeated Proposition 4, a good proposal requiring parental notification when a minor seeks an abortion. Exit polling shows that of people who voted pro-life, 40% also voted for Obama. More remarkably, John McCain performed very poorly relative to Proposition 4 in key demographic groups:

<i>November 4, 2008 Edison Media Research Exit Polling in California as Reported by CNN</i>		
<b>Demographic group (% of electorate)</b>	<b>Voted for McCain</b>	<b>Voted for Proposition 4</b>
Income less than \$50K (30%)	31%	50%
Mothers with children under 18 (21%)	36%	54%
Latino (18%)	23%	53%
African-American (10%)	5%	51%
Asian (6%)	35%	57%

I bring this up now to say simply that pro-life candidates cannot win general elections if they cannot even consolidate voters who support parental notification. I would greatly prefer now to vote for a well-qualified and thoughtful pro-lifer, but just advancing unproven pro-life candidates to the General Election is not a solution. It would put our chances of winning this seat at risk and create the very real irony that a June pro-life victory may result in a November triumph for one of the Senate's most enthusiastically outspoken pro-choice members.

The road to rebuilding the Republican Party is complicated and requires a much longer conversation than is appropriate here. However, I do believe that Campbell exudes the qualities and qualifications that will help with that restoration. Competence, intelligence, and coalition-building must become the Party's new hallmarks, and Campbell will help with this. Only then can its tremendous humanitarian work on behalf of the unborn bear fruit.

If all this is a bridge too far for fellow social conservatives, I understand. Nonetheless, I suggest that conservatives should join all Californians in selecting this impressive public servant.

## Appendix B

# Explanation of Recommendation for Proposition 14

Passing Proposition 14 would be a serious mistake. It would eliminate most primary elections, races in which candidates of the same party run against each other for their party's slot in a general election. Instead, all candidates of all parties would run against each other on the general election ballot, and the top two, regardless of party, would proceed to a second phase of the general election. The winner of that vote would then be elected. This plan is flawed in four ways:

### **1. A major party may be totally unrepresented in the second round.**

Imagine this scenario. During a campaign under this system, a poll is released showing the candidates of the leading two parties (Party A and Party B) with the following support:

<i>Hypothetical Poll</i>	
<b>Hypothetical Candidate (Party)</b>	<b>Support</b>
Johnson (Party A)	20%
Hernandez (Party A)	17%
Smith (Party B)	16%
Jones (Party B)	10%
McDonald (Party B)	9%
Wu (Party B)	8%
Jacobi (Party B)	6%
Nelson (Party B)	3%
Undecided	11%

Clearly, Party B is collectively more popular. Its candidates garner 52% to Party A's 37%. However, under these rules, if the election reflects this poll, then Party A's Johnson and Hernandez would move into the second phase leaving Party B totally unrepresented. That is not equitable. Party B would be denied representation in the second round simply because more of its members decided to run.

Some argue that this plan will help more moderate candidates who are better prepared to lead the state. However, as the example above showed, second-round slots would merely go to candidates fortunate enough to run in a party fielding fewer candidates. It would have nothing to do with their moderate, liberal, or conservative philosophy.

### **2. Party bosses would become more powerful.**

Returning to the poll in the above example, such a scenario would have another negative consequence: Party B's leadership would likely try to reduce the number of Party B candidates. Since



candidate Smith was Party B's strongest in this poll, it would be very much in the leadership's interest to pressure candidates Jones, McDonald, Wu, Jacobi, and Nelson out of the race to shift votes to Smith. The leadership would be led by survival instinct: regardless of whether Smith was a good candidate, the Party would primarily care about preserving a second-round slot. Smith would be the best way to do this, so the leadership would rally to Smith. Ironically, although supporters of Proposition 14 say it will make politics more democratic, the outcome will be the exact opposite since party hierarchies would have a much greater need to inject themselves into the process.

This is what effectively happened in our 2003 gubernatorial recall election. Our current recall rules are fairly similar to Proposition 14, and that election saw a lot of accomplished candidates strong armed out of the race. On the Republican side, there were originally five major candidates (Schwarzenegger, Rep. Darrell Issa, then-State Sen. Tom McClintock, businessman and 2002 gubernatorial nominee Bill Simon, and former Baseball Commissioner Peter Ueberroth). Since Schwarzenegger had the highest initial poll numbers, Issa, Simon, and Ueberroth bowed out of the race in deference to him. This left only McClintock, who stayed and ultimately won 13% of the vote. Had it not been for Schwarzenegger's overwhelming margin of victory, that 13% may well have cost Republicans the governorship. Meanwhile, on the Democratic side, then-State Insurance Commissioner John Garamendi was quickly nudged out of the race to consolidate then-Lt. Gov. Cruz Bustamante's support.

Did any of this mean that Issa, Simon, Ueberroth, or Garamendi were less talented leaders than Schwarzenegger or Bustamante? Not necessarily. It simply meant that initial polling strength (which may have been more reflective of initial name identification than anything else) played a fatalistic role in the race.

What Proposition 14 supporters do not understand is that our current system for regular elections resolves this issue very well. A primary election provides parties an orderly and democratic opportunity to make their choice. Because all parties are guaranteed a slot on the general election ballot, they can afford to let their own candidates build their campaigns and compete vigorously. Initially unknown candidates have time to grow their support without causing problems for the party because, ultimately, everyone can get behind their nominee after the primary. This proposal would simply destroy that democratic process. The new virtue would not be good candidates but fewer candidates since the fewer the candidates, the greater a party's chance at a second-round slot. Party leaderships will, and understandably so, be forced to play an unhealthier role strong arming these elections.

### **3. It will create redundant elections.**

This proposal also contains a bizarre requirement: the top two candidates would proceed to the second round even if the strongest candidate wins a majority. Take the following two hypothetical (but likely quite common) elections results from a first round:

<i>Hypothetical Election Result 1</i>	
<b>Hypothetical Candidate (Party)</b>	<b>Support</b>
Stevenson (Party A)	64%
Lewis (Party B)	15%
Martinez (Party A)	12%
Anderson (Party B)	9%

<i>Hypothetical Election Result 2</i>	
<b>Hypothetical Candidate (Party)</b>	<b>Support</b>
Wong (Party B)	53%
Bradley (Party A)	47%

In Result 1, it is clear that voters have chosen Stevenson. However, under this proposal, Stevenson and Lewis would still need to run in the second round. But why? Given how bloated and long our ballots in California already are, what virtue is there in forcing yet another election? There is none.

The situation in Result 2 is even worse. Here, as actually happens sometimes, only two candidates have filed to run. However, bizarrely, the vote means nothing. All that the candidates did was each qualify for the second-round slots. This first round ended up being just a massive, government-sponsored poll. What is worse, the candidates likely each wasted a lot of money and effort to win that poll. While theoretically both Wong and Bradley could agree just to sit out that first round and start spending money in the second, realistically neither candidate would be prepared to endure the negative expose of losing this first vote. Surely, there is too much money in politics already without wasting more on elections that do not matter.

At very least, there should have been a provision that if one candidate received a majority in the first round, that candidate would be automatically elected without the need for a second. Admittedly, federal law does require that congressional candidates win in the November second round, so the proponents' hands were tied on that point. However, Proposition 14 primary effects state elections, and this quirk could have been fixed for those. This is simply an example of poor draftsmanship, and numerous unnecessary elections would occur as a result.

#### **4. Other reforms are better.**

It should be noted that in 2008, we approved Proposition 11, a wonderful government reform plan to resolve our significant gerrymandering problem. However, Proposition 14 is no Proposition 11. That plan was a well-crafted, thoughtful, and pointed systemic improvement. It was never hampered by the negative side effects that Proposition 14 hemorrhages.

Not only that, but good people are currently developing other innovative and thoughtful election reform ideas. These include adopting instant runoff voting, consolidating our multi-phased primary in

presidential election years, making the secretary of state and judges appointed rather than elected, and expanding gerrymandering reform to include U.S. House races. It is a pity that this purported good-governance proposal made it on the ballot first.

### **Conclusion**

Proposition 14 was surely well intentioned, and I respect that proponents want improvements to an electoral system genuinely in need of further reform. However, this is not that reform. It would not accomplish its own goals and is fraught with negative side effects. We must vote No.