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# REMAPPING A NATION WITHOUT STATES

Personalized Full Representation for  
California's 21st Century

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PREPARED FOR THE  
CALIFORNIA PROGRAM

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## Executive Summary

California is a state of many distinct regions. To give citizens a voice on regional issues and to reinvigorate California's Legislature, the state's central institution of self-government, we propose Personalized Full Representation for the 21st Century (PFR21), a system of representation by means of regionally based legislative elections that will allow the state's citizens to set the agenda for their regions and for the state as a whole. By reshaping the stage on which legislative politics is played out, California can make state government more attentive to regional issues and give its citizens a means of holding elected officials accountable for addressing regional problems. PFR21 would break the partisan stranglehold on California's legislative outcomes and put the state at the forefront of political and policy innovation.

Although proportional representation is common in electoral systems around the world and was adopted by many U.S. cities in the early 20th century, it is currently not used for legislative elections in any state. PFR21 is a big idea, representing a major change for California and the possibility of electoral reform throughout the country. It would require constitutional revision (the first since the 1960s), possibly a constitutional convention (the first since 1878). Big ideas are hard to bring to fruition. However, given the recent history of reform efforts in California, it is clear that incremental change is inadequate to the tasks of reinvigorating the Legislature, improving governance, and reviving public confidence in the state's republican institutions.

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Today, there are about as many Californians as there were Americans at the close of the Civil War.<sup>1</sup> The Americans of 1870 lived in a nation of 37 states, each with its own independently elected officials responsible for and accountable to their own geographically distinct political units. The Californians of 2008 live in a “nation” without states—a nation comprising more than a half dozen regions, each with its own economy, ecology, and political culture. The San Joaquin Valley, with its expansive agricultural fields and pervasive poverty, is as different from the high-tech corridors of the San Francisco Bay Area as Mississippi is from Massachusetts. Northern California, with one-fortieth of California’s population spread out across one-fourth of the state’s land mass, has little more in common with the teeming Los Angeles basin than Wyoming does with New York City.

Californians recognize the distinctiveness of their state’s regions and acknowledge that transportation, environmental, and economic issues are often regional in nature.<sup>2</sup> But the underlying reality is that California has lacked effective political and governmental tools scaled to highlight and respond to regional needs. Cities and counties are simply too small, and the state is far too large.

In response to these deficiencies of size and scale, Californians have developed numerous organizations devoted to promoting regional coordination and leadership, from councils of governments to university research centers, from multi-county economic development organizations to independent think tanks.<sup>3</sup> The Legislature has intermittently focused on this issue,<sup>4</sup> providing funding for regional transportation blueprint planning<sup>5</sup> and setting regional targets for greenhouse gas reduction.<sup>6</sup> State agencies have become more responsive to regional concerns and more adept at producing and analyzing regional data, and there is a complex network of special government districts dedicated to managing a vast array of air, water, transportation, and other issues on the substate level.

Many of these regional institutions go to great lengths to involve the public in their deliberations through surveys, public hearings, and even local participation on their governing boards. This gives citizens with an active inter-

est in a specific policy area the opportunity to have their opinions heard. The missing piece in this puzzle is representation that gives a voice to those who do not have the time or resources to be actively involved in regional policymaking. Californians can express their dissatisfaction with the broad direction of their region by voting out local politicians, but these public officials often have little control over regional outcomes. Voters can attempt to influence the work of regional agencies by supporting different statewide candidates, but this is a sledgehammer when a scalpel is needed.

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The resolution to this dilemma is not obvious. Past attempts to create regional governments have been unsuccessful.<sup>7</sup> It is hard to see how further efforts along these lines would lead to a different outcome. Local and state officials are unlikely to cede their formal powers to regional governments, and creating a new level of bureaucracy is unlikely to be a popular policy reform.

## Personalized Full Representation for California's Regions

To address this problem and reinvigorate California's Legislature, the state's central institution of self-government, we propose Personalized Full Representation for the 21st Century (PFR21), a system of regional legislative elections that will allow California's citizens to set the agenda for their regions and for the state as a whole. PFR21 would create a powerful mechanism for holding the Legislature accountable, break the partisan stranglehold on legislative outcomes, and put California at the forefront of political and policy innovation.

Under PFR21, every legislator would be elected by and answerable to the voters of a specific region, thereby establishing a connection between citizens and regional representatives. This new bond would tug against the temptation of legislators to listen only to the siren calls of ideology or party. To be successful, they would have to think harder about how state policy helps or hurts their region. Regional caucuses would become important new political actors: legislators from all parties representing the San Joaquin Valley Region, for example, would have a shared interest in agriculture issues. By reshaping the stage on which legislative politics is played out, California can make state government more attentive to regional issues and give its citizens a way to hold elected officials accountable for addressing regional problems.

The accompanying map (figure 1) presents one way of dividing California into political regions. The regions we propose are generally coterminous with the boundaries of media markets. Deliberation is at the heart of the democratic process, and public political communication generally occurs in California by means of the broadcast media. Our proposed regional setup draws on analyses of economic, cultural, and ecological criteria developed by others.<sup>8</sup> By necessity, we have split or combined some regions. For example, although we recognize the economic, cultural, and ecological distinctiveness of the Central Sierra counties, they are too sparsely populated to stand alone as a political region. Therefore, we split the Central Sierra counties between Gold Country and the San Joaquin Valley.<sup>9</sup>

Figure 1: California's Political Regions



**Northern California:** Del Norte, Humboldt, Lake, Lassen, Mendocino, Modoc, Nevada, Plumas, Sierra, Siskiyou, Trinity, Butte, Colusa, Glenn, Shasta, and Tehama

**Gold Country:** Alpine, Amador, El Dorado, Placer, Sacramento, San Joaquin, Stanislaus, Sutter, Yolo, and Yuba

**San Joaquin Valley:** Fresno, Kern, Kings, Madera, Tulare, Merced, Calaveras, Inyo, Mariposa, Mono, and Tuolumne

**Bay Area:** Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma

**Central Coast:** Monterey, San Benito, San Luis Obispo, Santa Barbara, and Santa Cruz

**Greater Los Angeles:** Los Angeles, Orange, and Ventura

**Inland Empire:** Riverside and San Bernardino

**San Diego Border:** Imperial and San Diego

The 360 seats in our proposed unicameral legislature would be apportioned among California’s eight regions according to their respective populations (see table 1). Within each region, half the seats would be elected by district, the other half by proportional representation. For example, the Central Coast would have 11 legislators, the San Diego Border region 36.<sup>10</sup>

**Table 1. Regional Representatives**

Region	Population	Regional Seats
Northern California	1,057,153	10
Gold Country	3,531,141	34
San Joaquin Valley	2,873,191	27
Bay Area	7,244,855	69
Central Coast	1,440,896	14
Greater Los Angeles	14,219,013	136
Inland Empire	4,109,782	39
San Diego Border	3,294,410	31

*Source: Current Population Survey, 2006.  
Note: Assumes 360 seat unicameral legislature;  
half elected from single-member districts.*

Californians would cast two votes on Election Day, choosing 1) an individual to represent their district, and 2) a party to represent their region. That is, one vote for a neighbor to represent you, one vote for the party to lead your region

Under this system, the individual who wins the plurality of votes in each district election is elected to the Legislature, as under the current system. The remaining regional seats would be filled in order from ranked party lists of candidates made available to the public. Each party would receive seats in proportion to the number of “party list” votes it received. A party would need to reach a threshold of 5 percent to win seats under this system.<sup>11</sup> Individual district candidates could be included on the regional party lists. If they won their dis-

### How PFR21 Works

In this new system, the seats in the Legislature would be apportioned to California’s eight regions in proportion to their respective populations. Within each region, half the seats would be elected by district, the other half by proportional representation. For example, the Central Coast region would have 11 legislators, the San Diego Border region 36. Californians would cast two votes on Election Day, choosing: 1) an individual to represent their district, and 2) a party to represent their region. One vote for a neighbor to represent you, one vote for the party to lead your region.

The individual who wins the plurality of votes in each district election is elected to the Legislature, as under the current system. Since there are more districts under PFR21, there will be a more personal connection between legislators and those they represent.

The remaining regional seats would be filled in order from ranked party lists of candidates. Party lists help maximize ethnic and gender representation as well as increase skills and knowledge within the Legislature.

Each party would receive seats in proportion to the number of “party list” votes it received. A party would need to reach a threshold of 5 percent to win seats under this system. More parties mean more choice for the citizens of California’s regions.

Individual district candidates could be included on the regional party lists. If they win their districts, party list apportionment would skip to begin with the next candidate on the list. This innovative system will improve representation on the regional level and reinvigorate California’s Legislature.

tricts, party list apportionment would skip to the next candidate on the list. In its most limited form, this proposal would require amending Article 21 of the State Constitution through a ballot measure, though the scenario presented may require constitutional revision.

## Innovating with a Tested System

The full representation system we propose is similar in its design to those used to elect members of Germany's Bundestag (lower house), Mexico's Cámara de Senadores and Cámara de Diputados, and New Zealand's unicameral House of Representatives.<sup>12</sup> Our proposal has been expressly tailored to improve the political functioning of the legislative branch of California's government with a focus on the pressing need for regional representation. The plan honors the political salience of regions that is already a part of California's governing documents and practices. The requirement that legislative districts respect regional boundaries is written into the state constitution.<sup>13</sup> (A court-appointed expert rejected the Senate's proposed redistricting plan for the 1990s because it did not respect regional boundaries.<sup>14</sup>)

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Proportional and mixed electoral systems are more common worldwide than systems that rely exclusively on single-member districts. It is telling that when American experts advise fledgling democracies, they propose electoral systems with multimember districts and proportional representation, and innovations such as the "single non-transferable vote" (SNTV) system used to elect the members of the Wolesi Jirga, Afghanistan's lower house.<sup>15</sup> Indeed, Woodrow Wilson, political science professor turned president, argued passionately for the adoption of a parliamentary system of government for the United States,<sup>16</sup> and the Proportional Representation League of the United States actively promoted the implementation of parliamentary systems on the municipal level from 1893 to 1932.<sup>17</sup>

Full representation systems are more democratic than our current system, which effectively shuts out the voices and preferences of millions of Californians. The clustering of Democrats and Republicans into communities of the like-minded makes it inevitable that large numbers of districts will be uncompetitive in general elections, often for long

stretches of time, even under "fair" redistricting plans. In such areas, there is little reason for the candidate of the majority party to pay any attention to the views and concerns of voters in the minority. For purposes of representation, it is as if those on the losing side had not even voted. This is similar to the effect of the Electoral College in presidential elections, where candidates can safely ignore millions of citizens in California, New York, and Texas because their votes can have no effect on the outcome.

Under full representation, every voter counts. Because each extra vote for a party increases its chances of winning an additional seat, no voter's concerns can be safely ignored. Due to the lower threshold for winning seats, a full representation system gives a voice to those whose interests are not reflected by the agendas of the major parties as well as to those who identify with a major party but who are in the permanent minority in their district. The current system overlooks these people and hence actively cultivates apathy and suppresses civic engagement.

In addition to making statewide election outcomes more reflective of the concerns of all voters, full representation increases political diversity, and hence deliberation, at the regional level. Illinois used a form of proportional representation involving multimember districts and cumulative voting from 1870 to 1980. This system "gave a voice to a critical minority so that Democrats in the suburbs had a spokesperson for their district," writes Abner Mikva, a retired federal judge, U.S. Representative, and Illinois legislator. "Similarly in Chicago you had Republican representatives and these Republican outcomes in a city that was dominated by the Democratic Party."<sup>18</sup> Under PFR21, each region of the state would have both Democrats and Republicans representing it in the state Capitol, and most likely third-party legislators as well.

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The accompanying scenarios explain how such a system might work in practice for two of California's regions: Northern California and the Bay Area.

### PFR21: Two Scenarios

While it would be possible to implement this system and maintain the current number of chambers in the Legislature (2) and legislators (40 in the Senate and 80 in the Assembly), for the reasons spelled out in this report we believe that it is important to sharply reduce the population of California’s legislative districts. The following scenarios envision a 360-seat unicameral legislature. One hundred eighty of these seats would be decided in single-member district elections, and the rest would be apportioned by votes for party lists using a calculation that produces the same results as the method Thomas Jefferson developed in 1792 for assigning congressional seats to the states.<sup>a</sup>

#### Northern California Regional Scenario

Under PFR21, Northern California, the least populous region, would have 10 seats, five chosen by means of single-member district elections. Let’s assume that Republicans win four of the five single-member districts in this region and the Democrats win one seat,

roughly in line with past electoral outcomes. Let’s further assume that party list votes mirror current party registration,<sup>b</sup> with third party and “decline to state” registrants splitting their party list votes evenly between the Republican list and a third party such as the Libertarians. This would result in:

- 51 percent of party list votes for the Republicans
- 37 percent for the Democrats
- 12 percent for the Libertarians

To apportion the remaining seats so that party representation matches the proportion of party list votes they receive, the following equation would be applied for each party:  $\text{Number of Votes the Party Received} / (\text{Number of Seats Party Holds} + 1)$ . The party with the largest quotient would receive the next available seat. This process would be repeated until all seats were allocated. The table below shows the results of this calculation for Northern California using percentages to represent total votes.

## Apportioning Remaining Seats for Northern California

Seat	SEATS			GREATEST REMAINDER		
	Republican	Democrat	Libertarian	Republican	Democrat	Libertarian
5th	4	1	0	51	37	12
6th	4	2	0	10.2	18.5	12
7th	4	3	0	10.2	12.3	12
8th	4	3	1	10.2	9.25	12
9th	5	3	1	10.2	9.25	6
10th	5	4	1	10.2	9.25	6

*Note: Greatest remainder numbers listed in the 5th seat row are percentages of party list votes; other rows calculate  $\text{Votes} / (\text{Seats} + 1)$ ; party with greatest remainder receives next seat.*

The apportionment of seats for this region, therefore, is:

- 5 for the Republicans (4 elected by district, 1 representing region, or 50 percent of the total number of seats)
- 4 for the Democrats (1 elected by district, 3 representing region, or 40 percent of the total number of seats)
- 1 for the Libertarians (1 representing region, or 10 percent of the total number of seats)

This roughly matches the party list percentages. As the number of seats in a region grows, these approximations become more precise.

#### *Bay Area Regional Scenario*

PFR21 is likely to increase Democratic and third-party representation in Northern California, as it may for the San Joaquin Valley and the San Diego Border Region, but it would also likely increase Republican and third-party representation in the Bay Area and the Greater Los Angeles region. To show how it might work for a region currently dominated by the Democratic Party, here is a scenario to apportion the 69 seats for the Bay Area, 34 of which would be selected by single-member districts.

We assume that Democrats win 30 of those seats and Republicans win 4, in line with past elections. Let's assume that party-list voting reflects current party registration status with half of "decline to state" and third-party voters in this region (28 percent of registrants) supporting the Democratic Party and the other half split roughly between the Green Party and the Libertarian Party. This would result in:

- 65 percent of party list votes for the Democrats
- 21 percent for the Republicans
- 8 percent for the Greens
- 6 percent for the Libertarians

The apportionment calculation would result in:

- 46 Democratic legislators (30 elected by district, 6 representing the region, or 67 percent of the total number of seats)
- 14 Republican legislators (4 elected by district, 10 representing the region, or 20 percent of the total number of seats)
- 5 Green Party legislators (7 percent of the total number of seats)
- 4 Libertarian Party legislators (6 percent of the total number of seats)

This is a substantially more ideologically diverse representation for the Bay Area than at present, though Republicans elected from this region may have more in common with Bay Area Democrats than with San Joaquin Valley Region Republicans.

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*a This system is called the "D'Hondt method." Among the countries that use this system are Argentina, Belgium, Chile, Colombia, Czech Republic, Denmark, Ecuador, Finland, Israel, Italy, Japan, The Netherlands, Paraguay, Poland, Romania, Scotland, Spain, Turkey and Wales.*

*b Office of the California Secretary of State, Report of Registration as of September 5, 2008: Registration by County.*

## How PFR21 Will Improve Governance

For more than three decades, there have been two major indictments of the California Legislature. First, citizens and political observers alike complain that the “politicians” in the Legislature do not well represent the interests of the voters. The widespread sense that lawmakers had become a separate political class, out of touch with ordinary citizens, propelled the successful campaign to enact term limits in 1990. By limiting the length of legislative careers, term-limits proponents argued, California would create a “citizen legislature” more representative of the electorate. In certain important respects, they have been proven right. Terms limits cleaned out the old hands and speeded the arrival of Latino, Asian, and female lawmakers, with the result that the demographics of the Legislature more closely mirror those of a rapidly changing state. But they have not eased the basic complaint: Californians remain as unsatisfied as ever with the quality of representation they receive in Sacramento. In an October 2008 poll conducted by the Public Policy Institute of California (PPIC), only 25 percent of voters said they approved of the Legislature’s performance.<sup>19</sup>

Second, according to its critics, the current Legislature is not just out of touch; it is also incompetent, slow to deal with many major state issues, often careless and sloppy when it does act, and neglectful of its duty to oversee state operations and programs. On a whole range of issues, from fiscal policy to education to infrastructure, voters are dissatisfied with the quality of the policy made in the state Capitol.

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By reconfiguring legislative elections along regional lines, PFR21 would reshape the political playing field and, along with it, the nature of the state’s political conversation. Within each region, there would be a separate legislative campaign, and voter choice among the parties and the ideas they offer. For the first time, there would be a way to talk about regional issues, debate different approaches to

dealing with them, and chose a policy direction to advance in the Legislature.

Today, such discussions rarely occur in state legislative campaigns. Most Californians get their political information through news reporting and political advertising in commercial media—television, radio, and newspapers—that operate across whole regions. But legislative politics is generally conducted on a much smaller scale. Except in the least populated regions, where one legislative district or two might take in the entire region, most urban regions have numerous Assembly and Senate districts, too many of them for these electoral contests to be judged newsworthy by media outlets seeking large audiences. For the commercial media to devote air time or column inches to follow the Assembly election in California’s 54th Assembly District may please some prospective voters in San Pedro, but it invites many more viewers and readers in Whittier, Santa Clarita, and Pasadena to change the channel or turn the page. Covering legislative elections often makes no economic sense.

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The same economic realities that keep legislative races largely out of the news also discourage the use of regional media in campaign advertising. In heavily populated regions, it is inefficient and prohibitively expensive for legislative campaigns to buy advertising in regional broadcast and print media to reach voters; they would have to buy the whole expensive media pie to reach a small slice of the electorate. Unable to reach voters through the channel by which most Californians get most of their political information—broadcast television—campaigns and special interest groups rely heavily on direct mail. Most legislative races typically play out in obscurity and often degenerate into “gotcha” attacks on candidates based on small personal foibles; voters learn which candidate took

how much in per diem payments, but nothing about how the candidates would reduce traffic congestion on the regional freeways. This is particularly true for primary election campaigns, where the great majority of legislative elections are settled.

Under PFR21, the key legislative elections that award power in the state Capitol would be more about policy and party, less about individual candidates. In the San Joaquin Valley, the parties could debate how to raise the region's low personal income level, relieve its air pollution, and improve its level of educational attainment. Bay Area parties could debate how to prevent high housing prices from discouraging the growth of the region's high-tech industry. In the Sacramento region, the contending parties could debate their proposals to manage growth while protecting the region's quality of life. Because these debates would be conducted and their outcomes decided at a regional level, touching the interests of the entire regional electorate, they would likely receive coverage in the commercial news media, and the campaigns would likely use paid advertising in regional media to make their case to voters, increasing the amount of information available to all voters.

### A Better Statewide Discussion

This reconfigured system would also sharpen the debate on statewide issues and make it easier for voters to hold the Legislature accountable and to shift the direction of the state. Issues that take center stage in Sacramento—reducing emissions of global warming gases, reforming health care, providing adequate water supply—barely register in legislative races. This is partly because there are so few real contests and partly because there is so little news coverage that requires candidates to address these issues in any breadth or depth. While legislative elections can, and sometimes do, shift the balance of power between Democrats and Republicans, the results can rarely be said to be “about” some statewide policy issue or another.

PFR21 would bring statewide issues to the fore in legislative elections, alongside regional issues. The division of legislative seats in California would be determined by the success of each party in the regional elections, in which the electorate would be choosing among the party agendas offered to them. These agendas would get the kind of public scrutiny and discussion, in the commercial news media and online, that is now reserved for gubernatorial elections. Since every vote would count

in the outcome of the election, the contending parties would find it necessary to reach out to all parts of the electorate with policies to meet their needs and values, and to build and sustain coalitions with grassroots organizations concerned about particular issues. Were the majority party in the state Capitol to fail to meet its responsibilities (for example, in the management of state finances) or its promises (for example, to improve the quality of schools), the minority parties would be able to offer an alternative and ask voters to hold the majority party accountable for its failures.

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### More Political Competition

In addition to changing the nature of California's political conversation, PFR21 would reshape legislative politics, creating more political competition. Over much of the last half century, party control of the Legislature has been largely baked into the system. As Bruce E. Cain, professor of political science at the University of California, Berkeley, has pointed out, there are two electorates in California, one statewide, the other legislative, which often yield different results.<sup>20</sup> The statewide electorate, in elections for governor and ballot measures, swings between Democrats and Republicans, and between conservative and liberal positions on initiative measures. The same electorate, voting in legislative races, has produced Democratic control of both houses of the Legislature for the last 40 years, except for one cycle in the mid-1990s, when Democrats briefly lost control of the Assembly. The difference in outcomes is largely due to unequal distribution of the electorate across legislative districts. Districts have equal populations, but Democratic-leaning areas of the state tend to have larger populations of noncitizens and children who cannot vote. As a result, Democrats win a greater share of seats than of overall votes cast in legislative elections. PFR21 would assure that the party balance in the Legislature reflected the actual party preferences of the voters in each election.

## More Electoral Opportunities for Third or Fourth Parties

In the past, in California and across the United States, third parties have occasionally challenged the major-party duopoly, pushing new ideas and invigorating political competition. However, California's current method of electing legislators reinforces a two-party system,<sup>21</sup> which is increasingly out of line with the preferences of the citizens of this state. The absence of third-party legislators does not signal voter satisfaction with the two major parties. A recent PPIC poll reported that 52 percent of Californians believe that a third major political party is needed because the two major parties are not doing an adequate job of governing.<sup>22</sup> About one-fifth of California voters are now registered as political independents: some of them to the left of the Democrats, some of them moderates, others libertarians.<sup>23</sup> Yet third-party or independent candidates rarely win, except in unusual circumstances, such as the extraordinarily low-turnout special election that propelled a Green party candidate into an Oakland Assembly seat in 1999 or as a result of the personal popularity that allowed former San Francisco Supervisor Quentin Kopp to win three terms in the Senate as an independent. These voices are not often heard in the Legislature because the threshold for entry in terms of votes and dollars in California's huge legislative districts is so high.

One important effect of PFR21 would be to lower the barriers to political success for minor or new parties. Minor parties with the support of 5 percent or more of the electorate within a region would be able to win a place, and have a voice, in the Legislature. Even the possibility that disaffected voters could band together to win a slice of the seats in the Legislature would be reason for the major parties to be more attentive and responsive to voter concerns.

## A Greater Voice for Minorities

Some observers have raised Voting Rights Act objections to full representation voting systems like PFR21. Their objections fall primarily into two categories: 1) legal concerns that districting schema other than single-member districts are unconstitutional, and 2) worries that full representation systems will muffle the voices of racial and ethnic minorities in legislative contests.

For two decades following the passage of the Voting Rights Act in 1965, the courts were hostile to districting plans, particularly in the South, that did not seek to maximize the representation of racial minorities through "major-

ity-minority" districts. This jurisprudence has slowly been replaced by a more permissive interpretation of the requirements of the law.<sup>24</sup> In the words of a recent U.S. Supreme Court majority opinion, "The decision to rely on single-member geographic districts as a mechanism for conducting elections is merely a political choice—and one that we might reconsider in the future."<sup>25</sup>

Although constitutional jurisprudence in the area of voting rights will continue to evolve, the practical advantages of systems of full representation for different ethnic communities could not be clearer. In fact, such systems have long been vehicles for maximizing ethnic diversity in governing bodies without resorting to techniques such as the creation of majority-minority districts, which necessarily dilute the influence of ethnic communities outside of these districts and hence reduce their participation in elections in districts in which they are not the majority. A review of the history of full representation on the municipal level in Ohio, by Kathleen Barber, retired professor of political science at John Carroll University, underscores the advantages of these systems for ethnic minorities:

"Proportional representation also encouraged fairer racial and ethnic representation. It produced the first Irish Catholics elected in Ashtabula, and the first Polish-Americans elected in Toledo. In Cincinnati, Hamilton, and Toledo, African-Americans had never been able to win city office until the coming of PR. Significantly, after these cities abandoned PR, African-Americans again found it almost impossible to get elected."<sup>26</sup>

Barber also points out that the ultimately successful campaigns to eliminate these systems were based explicitly on opposition to the minority representation they had created. Far from being a challenge to regional-level minority representation in California and diversity in the state legislature, personalized full representation is the system that best guarantees it, particularly as regional ethnic diversity continues to grow.<sup>27</sup> Further, it helps to create ideological as well as ethnic diversity for those members of ethnic communities who have different political preferences than do the majorities of their communities.

## A Less Dominant Role for Money

PFR21 would also change the role of money in politics. Today, money is critical in legislative elections—and bol-

sters the influence of the statewide interest groups that can provide it. Because legislative races do not receive much attention in the commercial news media, it falls to the candidates themselves to communicate directly with voters. Elsewhere in America, where the median lower-house district has about 40,000 residents, candidates can do much of that work through face-to-face contact, local organizing, and events. In California, however, districts are too big for retail politics; candidates must seek votes wholesale, largely through paid advertising, an expensive proposition in districts that range from almost a half million residents (for the Assembly) to nearly a million (for the Senate). It is now typical, in a competitive primary or general election contest for an Assembly seat, for the two candidates to raise and spend, between them, a total of more than \$1 million—a sum difficult to raise but still relatively small when measured by the expense of communicating with the many voters in each district. But even where legislative candidates succeed in raising all the funds needed for paid advertising, their voices are often drowned out by independent expenditure committees funded by economic interest groups like gaming tribes, unions, real estate brokers, and trial lawyers. It is not unusual for such committees to spend two or three times as much as the candidates themselves. Increasingly, the interest groups set the agenda and frame the messages of legislative elections.<sup>28</sup>

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Under PFR21, districts would have fewer residents—less than half as many as current Assembly districts and less than a quarter as many as for current Senate seats—and candidates would need to raise fewer dollars to communicate with them. Money would remain important, but in these smaller districts political assets acquired through direct contact with voters—candidates’ prior service and performance in local government, their reputations in their careers, their neighborhoods, and in civic society, their ability to harness local grassroots organizations—would have

greater relative weight than they do now. Major statewide interest groups may still inject independent expenditure dollars into certain campaigns to help friendly candidates win election, as in the support that dental associations typically give when a dentist runs for the Legislature. But since district elections will no longer determine the partisan balance of the Legislature, special-interest groups with deep war chests would be more likely to focus their dollars and efforts on the regional party contest. And on that larger stage, big-dollar campaigns will be more visible both to the news media and the electorate, making it easier for voters to judge their motives and impact.

### Improved Representation

The advantages of PFR21 extend beyond the political effects of sharpening the debate over issues and increasing legislative accountability by means of the ballot. Under PFR21, the Legislature would be stronger, both as a representative institution and as a policy-making body.

The combination of California’s relentless population growth and its small legislature has produced the nation’s most populous legislative districts. California’s Assembly districts each contain about 471,000 persons, requiring members to represent about *three* times as many people as do members of the House of Representatives of Texas, which has the next largest lower-house districts, and about *ten* times as many people as the average lower-house lawmaker in other states.<sup>29</sup> As James Madison wrote in the *Federalist Papers*, “No political problem is less susceptible of a precise solution than that which relates to the number most convenient for a representative legislature.”<sup>30</sup> There is no disputing, however, that, in Madison’s words, “by enlarging too much the number of electors, you render the representatives too little acquainted with all their local circumstances and lesser interests.”<sup>31</sup>

By reducing the number of residents of legislative districts by nearly 60 percent, PFR21 would improve the acquaintance of voters and those they elect—not to the levels of other state legislatures but at least to the levels California enjoyed in the early 1960s, a time of greater trust in the Legislature. It would send to the state Capitol a larger group of legislators with a greater variety of ethnic backgrounds, occupations, educational training, and life experiences, the variety needed to represent the most complex society and economy in the nation. Because these legislators would be elected under rules that make it possible for the voters to change party control of the

Legislature at any election, they would have greater reason to listen not just to the lobbying corps in Sacramento but also to the views of the broader electorate in their regions.

### Strengthening the Legislature as Policy-making Institution

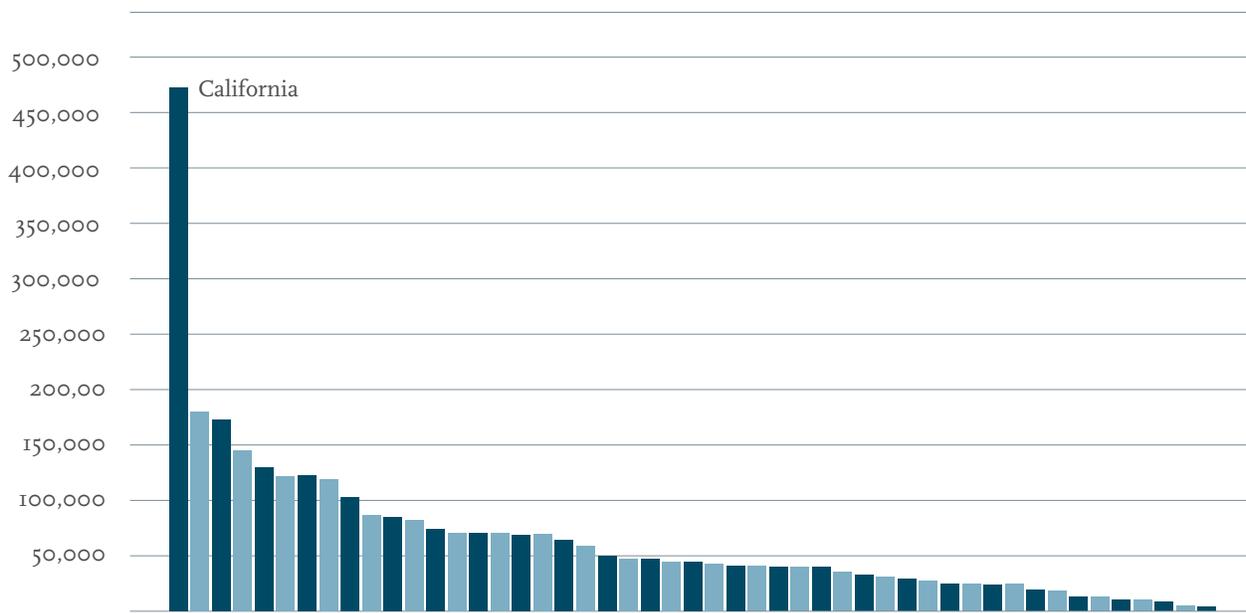
PFR21 also directly confronts a flaw in the current Legislature that has not been widely addressed because the solution runs against the cheap and easy cynicism that blames all our ills on “politicians.” Lawmaking is work and, as in any other institution, the amount and quality of the work done by a legislature depends on the number of workers, the skills they bring to the job, and the system used to organize the effort. Much of the media and popular commentary about the Legislature charges or implies that the reason the Legislature does not do good work is the quality of the members themselves. But there is no evidence that the legislators Californians elect are less capable, on average, than those in states where the legislatures are more highly regarded. The major difference between California and other states is the small number of lawmakers in relation to the size of the state. Just as newspapers serving large and diverse urban regions need large news staffs to cover those regions adequately—and are having to reduce the amount and quality of news reporting as declin-

ing revenues force them to lay off hundreds of reporters—legislatures in heavily populated states are unlikely to work well if they are too small.

PFR21 would both increase the number of members in the Legislature and expand the skills and experiences that lawmakers can bring to bear on complex issues. The use of party lists would allow each party to present expert candidates experienced in such areas as public finance, health care, criminal justice, and the environment, the kind of prospective members who can improve the quality of lawmaking but are not likely to run for, or get elected to, district seats under the current system. Today, legislators typically sit on a half dozen or more standing or select committees; few ever master, in the short time they are in Sacramento, all the issues those committees deal with. By contrast, a Legislature under PFR21 would permit policy specialization by members, allowing them to explore one or two areas more deeply on committees.

In addition, PFR21 would allow and, indeed, because of the larger membership, force the Legislature to develop a more robust committee system. Unlike today’s system, where committees do little real policy development and serve mostly as speed bumps or dark corners where lobby-

Figure 2: 2007 Population of Lower House Legislative Districts, by State



Source: National Conference of State Legislatures, U.S. Census Bureau.

ists and special interests strangle bills, the committee system under PFR21 could do the kind of lawmaking that the electorate expects: hold hearings, screen rival approaches, write comprehensive legislation, consider amendments, and report the results to the Legislature as a whole and to the public. A large Legislature and its committees and subcommittees would have the time and manpower to conduct serious oversight of state government, a function badly neglected under the current system.

### Small Ideas Are Not Equal to California's Big Challenges

PFR21 would represent a major change for California, and a bold departure for the nation as a whole. Only one other state, Nebraska, has a unicameral legislature. Although proportional representation is common in electoral systems around the world and was adopted in many U.S. cities in the early 20th century, it is currently not used for legislative elections in any state. PFR21 is a big idea. It would require a constitutional revision (the first since the 1960s), possibly a constitutional convention (the first since 1878).

Big ideas are hard to bring to fruition. However, given the recent history of reform efforts in California, it is clear that incremental change is not adequate to the tasks of reinvigorating the Legislature, improving governance, and reviving public confidence in the state's republican institutions. For the first time in decades there is a growing interest from groups across the political spectrum in fundamental constitutional reform.<sup>32</sup> Whatever their merits, term limits on lawmakers have not improved the public's regard for their elected representatives. Redistricting reform will keep incumbents from drawing their own district lines, but it will have little or no effect, most experts believe, on who gets elected to the Legislature or how they behave in office.

A state so large, with so many people and such distinct regions, which operates at the leading edge of a fast-paced and increasingly competitive global economy, has outgrown government institutions tailored in the 19th century. After years of mending and trimming, California needs to be refitted with a legislature that is equal to the challenges ahead. PFR21 can do the job. 🗳️

## Notes

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- 1 United States Census Bureau, *Population, Housing Units, Area Measurements, and Density: 1790 to 1990* (Washington, DC: United States Census Bureau, 1993).
- 2 *California Regional Progress Report: One State, Many Regions, Our Future* (San Francisco: California Center for Regional Leadership, 2007).
- 3 Andrew E. G. Jonas and Stephanie Pincetl, “Rescaling Regions in the State: The New Regionalism in California,” *Political Geography* 25, no. 5 (2006): 482–505. The roots of the statewide movement to focus on regional governance in California stretch back at least 50 years, isolated municipal efforts even further. The Commonwealth Club of San Francisco created the Regional Plan Association of the San Francisco Bay Counties as early as 1924, and Los Angeles County established the first Air Pollution Control District in 1947.
- 4 Speaker’s Commission on Regionalism, *The New California Dream: Regional Solutions for 21st Century Challenges* (Sacramento, 2002).
- 5 Sustainable Communities Strategy, California State Senate Bill 375 (2008).
- 6 California Global Warming Solutions Act of 2006, California State Assembly Bill 32 (2006).
- 7 Alfred Heller, *The California Tomorrow Plan* (Los Altos, CA: William Kaufmann, 1971).
- 8 Jed David Kolko, David Neumark, Ingrid Lefebvre-Hoang, *Business Location Decisions and Employment Dynamics in California* (San Francisco: Public Policy Institute of California, 2007); *California Economic Strategy Panel, California Economic Strategy Panel Regions* (Sacramento, CA: Workforce Development Agency, October 2006).
- 9 Following PPIC, we divide the fast-growing and culturally distinct “Inland Empire” region from the “Greater Los Angeles” region. We also acknowledge the important differences between the northern and southern parts of the San Joaquin Valley, and add San Joaquin and Stanislaus counties to the Gold Country Region. These areas are a part of the Sacramento media market and are becoming increasingly intertwined with the economy of the state capital. Many regional schemas recognize the Northern Sacramento Valley as a distinct region. It also does not have adequate populations to function as an independent political region.
- 10 If there are an odd number of legislators, the extra seat is an additional single-member district.
- 11 Because a party must receive sufficient votes to win a single seat in any given region, the “effective threshold” for regions with populations of less than 2 million is higher than 5 percent. Under our proposal for a 360-seat unicameral legislature, the effective threshold for Northern California is 10 percent and for the Central Coast is 7.1 percent.
- 12 Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-six Countries* (New Haven, CT: Yale University Press, 1999).
- 13 The full text of Article 21 of the California Constitution, “Reapportionment of Senate, Assembly, Congressional and Board of Equalization Districts,” reads: SECTION 1. In the year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, the Legislature shall adjust the boundary lines of the Senatorial, Assembly, Congressional, and Board of Equalization districts in conformance with the following standards: (a) Each member of the Senate, Assembly, Congress, and the Board of Equalization shall be elected from a single-member district. (b) The population of all districts of a particular type shall be reasonably equal. (c) Every district shall be contiguous. (d) Districts of each type shall be numbered consecutively commencing at the northern boundary of the State and ending at the southern boundary. (e) The geographical integrity of any city, county, or city and county, or of any geographical region shall be respected to the extent possible without violating the requirements of any other subdivision of this section.
- 14 Personal interview, Tim Hodson (former Senate legislative staff member), September 25, 2008.
- 15 United Nations Assistance Mission in Afghanistan, “Fact Sheet: Single Non-Transferable Vote (SNTV) System.”

- 16 Woodrow Wilson, *Congressional Government: A Study in American Politics* (Boston: Houghton Mifflin and Company, 1901).
- 17 Douglas J. Amy, *Real Choices/New Voices: How Proportional Representation Elections Could Revitalize American Democracy* (New York: Columbia University Press, 2002).
- 18 Steven Hill, *10 Steps to Repair American Democracy* (Sausalito, CA: PoliPoint Press, 2006), 65. Steven Hill is the Director of the Political Reform Program at the New America Foundation.
- 19 Mark Baldassare, Dean Bonner, Jennifer Paluch, and Sonja Petek, *PPIC Statewide Survey: Californians and Their Government* (San Francisco: Public Policy Institute of California, October 2008).
- 20 Gerald C. Lubenow and Bruce E. Cain, *Governing California*, (Berkeley, CA: Institute of Governmental Studies, 2006).
- 21 William H. Riker, "The Two-Party System and Duverger's Law: An Essay on the History of Political Science," *American Political Science Review* 76 (1982), 753–66.
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- 23 California Secretary of State, "Report of Registration."
- 24 Richard H. Pildes, "The Decline of Legally Mandated Minority Representation," *Ohio State Law Journal* 68 (2007), 1139–84.
- 25 Clarence Thomas, Majority Opinion, *Holder vs. Hall* (1994), from "Justice Thomas on Full Representation Voting Systems," <http://www.fairvote.org/?page=544>.
- 26 Kathleen L. Barber, *Proportional Representation and Electoral Reform in Ohio* (Columbus: Ohio State University Press, 1996), 295.
- 27 Hans P. Johnson, "A State of Diversity: Demographic Trends in California's Regions," *California Counts: Population Trends and Profiles*, (San Francisco: Public Policy Institute of California), 3.
- 28 For data on spending by candidates and independent expenditure committees in recent legislative races, see California Fair Political Practices Commission, *Independent Expenditures: The Giant Gorilla in Campaign Finance* (Sacramento, June 2008).
- 29 Calculated from data on the number of state legislators, National Conference of State Legislators, <http://www.ncsl.org/programs/legismgt/about/numoflegis.htm>, population estimates by the U.S. Census Bureau, <http://factfinder.census.gov/servlet/SAFFPopulation>, and the California Department of Finance, <http://www.dof.ca.gov/Research/Research.php>.
- 30 Alexander Hamilton, James Madison, and John Jay, *The Federalist: A Collection of Essays* (New York: Colonial Press, 1901), 305.
- 31 *Ibid.*, 49.
- 32 For a skeptical assessment of the effects of redistricting reform, see Eric McGhee, *Redistricting and California Politics* (San Francisco: Public Policy Institute of California: 2008); and Mark Paul, "Redistricting Reform Draws a Map of Great Disappointment," *San Francisco Chronicle*, January 28, 2007. The Bay Area Council, a business organization representing major firms in the San Francisco Bay Area, has called for a constitutional convention, and the idea has received strong support from members of the Courage Campaign, an online progressive community. See Jim Wunderman, "California Government Has Failed Us," *San Francisco Chronicle*, August 21, 2008; and "Should the Courage Campaign Call for a Constitutional Convention?" at <http://www.couragecampaign.org/page/s/ConstitutionVote>.



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