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KC Fiscal Focus: California Constitutional Reform Experts Reach Common Ground on Reform Options for California

By David Kersten, [Kersten Communications](#)

In recent years there has been a lot of talk and work done on “reforming” California government, but the state still appears to lack a broad-based consensus about what needs to be done to “fix” California government.

Kersten Communications has conducted research on the issue and has found that the state’s foremost constitutional reform experts agree on major portions of what a constitutional reform package should look like.

Experts agree that a reform package should include initiative process reform, reform of the state-local governance system, legislative term limits reform, a consolidation of the executive branch, and electoral reform. Experts may differ somewhat on the specifics of each proposal, but have found an extraordinary amount of common ground in most of the major reform issue areas (Note: for more information on the experts cited in this article see Appendix I for biographies of the experts).

Perhaps the most contentious reform issue is lowering the state Legislature’s 2/3 vote requirement for the passage of a state budget and revenue increases, which tends to divide experts along ideological lines with more conservative experts wanting to retain the vote requirement and more liberal experts advocating for lowering the vote requirement.

In recent months, Kersten Communications has undertaken an in-depth review of the literature on the issue and conducted a series of interviews with reform experts. The following analysis presents an overview of what experts say a reform package should include.

California Lacks a Workable System of Government

The primary problem with California government is that it is not really a system of government but a mix mash of hundreds, potentially thousands, of constitutional amendments and revisions that have been made to the California Constitution since it was originally drafted by constitutional convention in 1849.

“You can’t possibly end up with anything worse than what we have now,” said Mark Paul, co-author of the book [California Crackup](#), in an interview discussing California government. Paul later suggested that things could still get worse with the passage of future ballot measures.

[California Crackup](#) outlines the major problems with California government and proposes a series of fixes.

Paul and Joe Mathews, co-author of California Crackup, agree, stating that “California’s government has never quite worked. California’s Constitution had no framers and the state had no Founding Fathers. For its entire history, it has relied upon a series of improvisations, each one piling new unintended consequences on the last,” according to the [website for California Crackup](#).

Paul compares California government to the [Winchester Mystery House](#)--a tourist attraction in San Jose, California. The Winchester Mystery House is an extravagant maze of Victorian craftsmanship that has 160 rooms and countless architectural oddities.

For example, the house has a switchback staircase that has seven flights with forty four steps, yet only rises about nine feet with each step being just two inches high, according to the [Winchester Mystery House website](#).

“Every election adds another room to the Mystery House,” Paul says, noting that the passage of Propositions 22 and 26 in the last election are steps in the wrong direction and are examples of people carving out portions of their turf because that is what the system encourages.

Paul compared the current California Constitution to the Articles of Confederation—the system of government established directly following the American Revolution. The articles were replaced by the current U.S. Constitution less than a decade after being enacted.

“The Articles of Confederation cannot be rewritten,” Paul said, noting that major constitutional reform is needed in California and the key thing about reform proposals is that we do them together.

He compared the redesigning of the California Constitution to designing a car. “We need to do it comprehensively...we can only do reform by making all the pieces work together,” Paul said.

Creating a Workable System of Government Requires Fixing the State’s Political Institutions

A review of the literature on California government reform shows that there is broad agreement among the experts that creating a workable system of government requires fixing the state’s failed political institutions, namely the legislative and executive branches of government and the initiative process.

[UC Berkeley Professor Bruce E. Cain](#) and [Stanford University Professor Roger G. Noll](#), two advisors to the 1996 California Constitution Revision Commission and authors of

several widely cited articles and reports on structural reform, believe that institutional reform is key.

“If the cause, as argued here, is the death of a thousand cuts from a series of initiatives that have created a budgetary process that lacks accountability, the only solution is wholesale reform of California’s governance structure,” wrote Cain and Noll, in a 2010 article, titled “Institutional Causes of California’s Budget Problem” (35).

“Such wholesale reform requires either many separate initiatives or a constitutional revision. In either case, there are no obvious candidates to provide the energy and money to fix the problem,” state Cain and Noll, (“Institutional Causes,” 35).

Cain and Noll state “the less apparent and more contested aspect of California’s budget problem, is how California’s political institutions contribute to the recurring crisis. Whereas citizens, responding to the visible aspect of the budget problem, tend to blame elected officials for failing to adopt a timely budget, policy analysts tend to emphasize the budgetary effects of California’s political institutions” (1).

“Moreover, because the institutions that create these perverse incentives are hard-wired into the state constitution, they are difficult if not impossible for elected officials to change, even if they recognize and seek to correct the problem. Our primary conclusion is that until the political institutions that create the perverse incentives are fixed, California’s fiscal problems will persist, especially during economic downturns,” wrote Cain and Noll (2).

Paul and Matthews outline a number of institutional reforms in *California Crackup* such as initiative reform, lowering the 2/3 legislative vote requirement for passage of a budget and taxes, and reforming the state-local relationship.

Here is a summary of the major institutional reforms that experts say are needed:

Reduce 2/3 Vote Requirement for Passage of a Budget and Taxes in the California Legislature: Perhaps the greatest accountability failure, and most widely discussed, is the inability of California voters to hold the Legislature accountable for its actions on the state budget and tax policy measures. The California Constitution requires a 2/3 vote for the passage of a state budget that includes increased tax revenues, and any stand alone tax measure that increases tax revenues. This effectively allows a minority of lawmakers, namely Republican lawmakers, to effectively block the passage of state budgets that include increased tax revenues. The problem is that this current vote requirement ensures perpetual stalemate over the budget while obscuring accountability. Each party blames the other for the stalemate, while voters simply blame the whole Legislature for not working together.

Similarly, the current 2/3 vote requirement for tax measures that increase tax revenues, prevents the closure of even the largest and most egregious tax loopholes, while also preventing the public from holding either party responsible. The result is a tax system

that is loophole-ridden, and extensively out of date. Campaign incentives ensure that Republicans will not vote for even the most common sense tax measures, such as cracking down on offshore tax havens. Voters on the other hand, by and large, favor the closing of tax loopholes but the current system obscures legislative accountability for maintaining the status quo.

As state tax revenues continue to improve, the majority vote provision for budgets that do not include tax increases will allow Democrats to pass budgets with merely majority support—therefore improving accountability. Yet this degree of accountability will continue to breakdown during economic downturns unless the Democrats capture a 2/3 majority in each house of the California Legislature.

Experts are divided on whether getting rid of the 2/3 vote is a good idea.

In an August 2010 email, [UC San Diego Political Science Professor Thad Kousser](#) wrote:

You are correct to note that there is a consensus among academics that the 2/3 rule is “backward,” while conservatives (including conservative academics) oppose this change because it might lead to bigger government. But I think it is important to note that us lefties don’t support shifting to a majority rule on the budget because it will lead to bigger government—in fact, most of us doubt that it will lead to a much higher level of spending. I think the major justification is that it allows budget deals to happen more quickly, and for the final deal to represent what the median voter wants. It’s about representation and the lack of gridlock, rather than a preference for larger government.

Paul says getting rid of the state’s 2/3 vote requirement is “central to making government work” because it would “make the Legislature more accountable.” Paul emphasized that he thought it would be key to do this as part of a broader package of reforms as opposed to a stand alone measure which would have little chance of passing.

“I have one change I want to do, I want to get rid of the 2/3 vote to raise taxes and pass a budget. I think that it would reintroduce politics, not that it would give you nirvana...it would lead to some bad policies, but it would force both sides to actually grapple with the real issues which they don’t have to do now,” said [John Ellwood, professor of Public Policy at the Richard and Rhonda School of Public Policy at UC Berkeley](#), at a 2009 conference held at UC Berkeley.

(Note: For additional discussion of expert views of the 2/3 vote requirement, see Kersten Communications report titled [“Two Schools of Academic Thought Emerge on How to Break Budget Gridlock in Sacramento,”](#) August 2010.)

Initiative Process Reform: The state’s current initiative process has created a whole host of problems that permeate all of state government. California’s current initiative process prevents the California Legislature from being held accountable for much of the state’s governance and public policy actions. Major policy changes passed via initiative, most notably Proposition 13, have contributed to the state’s fragmented and

unaccountable system of state and local public finance. Measures such as Proposition 13, Proposition 218 and Proposition 26, significantly restrict the ability of local governments to raise tax and fee revenue. Still others such as Proposition 10, Proposition 49, Proposition 1A, and Proposition 63, lock in spending of large portions of the state budget that cannot be changed in any way except through an additional ballot initiative.

The initiative process is responsible for creating a disjointed and complex system of governance and policy that is almost entirely outside of the control of the legislative and executive branches of government.

“Right now you can change the rules of the game as Proposition 13 did, with only 50% plus one person. Most political scientists say if you are going to change the rules of the game that should be hard, you should not make that too easy because that is going to mess things up often,” said [Henry E. Brady](#), professor of public policy and Dean of the Goldman School of Public Policy at the University of California at Berkeley, during a budget forum hosted by the university in 2009. “Most political scientists, including all that I know, say this is just backwards. We got it backwards,” Brady said.

“As pointed out in our earlier book, *Constitutional Reform in California*, the fact that constitutional change requires only a majority of those voting on an initiative but two-thirds of the legislature locks in key features of the fiscal status quo unless and until a well-funded interest group sponsors an initiative that gives the statewide electorate the chance to change the system,” wrote Noll and Cain in “Institutional Causes of California’s Budget Problem” (24).

“I do place high priority on initiative reform, but more as a means for stopping more damage in the future. I do not see fixing the past errors as very likely,” said Roger Noll, in an email to KC.

“I think an initiative process that is somewhat tighter is workable,” Noll continued.

“The easiest fix is that all initiatives must be self-financing: expenditure increases must be paired with tax increases or cuts in other programs, and tax cuts must specify what expenditure(s) will be cut. This requirement would make initiatives far more difficult to pass and hence less attractive to interest groups as a means for getting around the legislature,” Noll said.

“There is value to the process, the problem is the way we do it,” said Paul, noting that the initiative process in Switzerland is a great model of direct democracy where it allows an additional route for citizens to participate in the process without all the flaws of the California system.

In *California Crackup*, Paul and Mathews outline specific proposals to change the initiative process. In summary, they suggest that the process should be more integrated with the legislative process. They would have initiative proponents submit language to the Legislative Counsel’s Office, “which would produce the actual legislative language of

any measure that circulates. This would help prevent drafting errors and unintended consequences and produce clearer initiatives,” states California Crackup (175).

“Most important, initiatives would no longer be immune from legislative amendment. Any initiative that passes would be subject to amendment or elimination by the legislature. There should no longer be two classes of laws—one passed by the legislature and subject to amendment, and one passed by the voters and essentially protected from amendment,” Mathews and Paul wrote (175).

Reform the Fragmented, Illogical, and Unaccountable State-Local Governance System: The state-local system of governance and finance is highly fragmented, illogical and unaccountable. Many lengthy reports have been written on this specific issue that span hundreds of pages defining the problem and proposing solutions. For example, a 1996 report by the California Constitution Revision Commission found that “a key problem in the state-local relationship is that there is no overarching goal or principle guiding the relationship. The resulting assignment of responsibilities between state and local governments, particularly the counties, is confused and follows no objective path. As a consequence there is no accountability for each program” (61).

“The absence of clearly defined responsibilities for operating and financing government services has weakened the accountability of government officials to the public. In many instances, the state controls the program requirements and dictates how a program operates, but often leaves little room for local flexibility and creativity. As a result, local communities have limited ability to respond to local needs and to develop innovative approaches to solving community problems,” states the 1996 report (61).

A 1993 report by the California Legislative Analyst’s Office (LAO) concluded, “in short we find that California’s existing “system” of government is dysfunctional...while the difficulties inherent in attempting to reorganize our system of government may appear to be insurmountable, we believe that a fundamental reorganization of state and local government responsibilities is required” (111).

The report noted a series of major problems in the state-local relationship including:

- Counterproductive fiscal incentives
- Inappropriate assignment of responsibilities
- Failure to avoid duplication and realize economies of scale
- Inappropriate exercise of administrative oversight
- Unproductive competition for resources
- Lack of accountability for program outcomes
- Erosion of local control

A 2000 LAO report reached the same conclusions.

“The realignment of state and local responsibilities and taxation power needs to go forward. Communities should have the right to decide what level of local services they

want to provide, but should not bear primary responsibility for paying for the excess of spending over a state-determined and state-financed minimum. In a diverse state, a closer connection between revenues and expenditures in each unit of government gives citizens choices about trade-offs between taxes and services,” wrote Cain and Noll (“Institutional Causes” 33)

“The fiscal relationship between the state and local governments is a disaster, but judging from recent initiatives the voters seem to prefer making it worse, not better,” Noll wrote in an email to KC.

In short, the state-local governance and finance system in California is a complicated mess that ensures the inefficient use of taxpayer dollars and a lack of program accountability. Describing all the problems and solutions is beyond the scope of this analysis but it is clear that major reform is necessary.

Legislative Term Limits Reform: A historical review of the California Legislature shows that its effectiveness has been significantly diminished from the institution that it once was.

William K Muir, Jr. wrote a book in 1982 titled “Legislature: California’s School for Politics,” which described the California Legislature as a model Legislature for state Legislatures across the nation. Muir based his conclusions on dozens of interviews with legislators and legislative staff members.

Muir said the California Legislature was like a school that “educates its members in the science of public policy and the arts of politics” (xii).

But as Paul and Mathews point out, things are much different as a result of the passage of Proposition 140, which imposed term limits on the Legislature of three two-year terms in the State Assembly (six years total) and two four-year terms in the State Senate (eight years total) (73).

“More than any single measure, Prop. 140 closed the door on the “school for politics” that Sandy Muir had studied just fifteen years earlier,” Paul and Mathews wrote. “By the end of the decade, these tight new limits...would deprive the legislature of policy experience and weaken personal bonds between members. They would make it harder for the legislature to reckon with big issues—and leave even more of the field for the initiative process,” Paul and Mathews wrote (73).

Paul and Mathews concluded that Prop. 140 caused the California Legislature to be a “badly weakened institution” (74).

“Term limits constrain the ability of a legislator to develop either expertise in a policy area or a record of accomplishment on which to base future campaigns, and also increase the importance of campaign financing and the dependence of legislators on interest groups,” wrote Cain and Noll (“Institutional Causes,” 32).

A ballot measure has qualified for the February 2012 ballot which would alter California's term limits to allow California legislators to serve a total of 12 years in one or both houses.

Cain and Noll find that "the measure would reduce the proportion of inexperienced legislators and increase the long-term accountability of legislators for current action" (32).

"Most likely, this measure would lead to a small improvement in the functioning of the legislature," Cain and Noll conclude (32).

"I believe that eliminating or lengthening term limits would be beneficial, but has no chance [of passing]," Noll said in an email to KC, when asked about where the change fits into to the overall reform picture.

"I think it would make a real difference," said UC San Diego Political Science Professor Thad Kousser, when asked about term limits reform. Kousser is an expert in structural reform issues and author of the book "Term Limits and the Dismantling of State Legislative Professionalism."

Kousser has done extensive research on the impact of term limits on the California Legislature and legislatures in other states and said he believes it is a critical aspect of reform.

Consolidation of 'Highly Fragmented' Executive Branch: One less talked about institutional reform is the consolidation of California's fragmented executive branch. The current fragmented state of the executive branch weakens political accountability of California's constitutional officeholders and executive branch governance.

"A highly fragmented executive branch is another unique feature of California's governance institutions," wrote Cain and Noll (25). To illustrate, Cain and Noll used the example of the governance of education which is by far the largest state and local program area.

"Management of state education is divided among an independently elected Superintendent of Public Instruction, who heads the Department of Education; the Secretary of Education, who holds the education portfolio in the governor's cabinet; and the State Board of Education, the voting members of which are appointed by the governor. The superintendent serves as the nonvoting secretary of the board. The Secretary of Education, while periodically invited to make a presentation to the board has no formal relationship with either the Department or the Board," state Cain and Noll (25).

"Similar fragmentation is present in financial management, which is diffused among an independently elected treasurer, an independently elected controller, an independently

elected Board of Equalization, and the Director of Finance (appointed by the Governor), who heads the Department of Finance,” state Cain and Noll (25).

“Fragmentation of the executive branch has the effect of reducing accountability for the performance of state government. Fragmentation can affect the budget because it interferes with the ability of the governor to manage all aspects of the budget and to make trade-offs among programs that are controlled by other executive officials,” Cain and Noll conclude (25).

Roger Noll suggests a consolidation of the executive branch in a chapter he wrote for the 1996 book *Constitutional Reform In California*. The 1996 California Constitutional Revision Commission, of which Noll was a member, and Paul and Mathews reach similar conclusions.

Noll argues that the executive branch would be “more responsive to voters if more agencies were brought into the governor’s administration and the governor and legislature were given more authority to reorganize the executive branch” (58).

“In particular, this chapter proposes that the California Constitution should be amended to eliminate the direct election of the Board of Equalization, the commissioner of insurance, the treasurer, the superintendent of public instruction, and the secretary of state, and that the election for lieutenant governor should be combined on a single ticket with the office of governor. This proposal would leave three statewide elections: a governor/lt. governor pair, attorney general, and controller,” Noll wrote (58).

Electoral Reform: There is a greater divergence in views among structural reform experts when it comes to electoral reform. Most experts tend to agree that some electoral reform is necessary but disagree on the specific proposal and likely impact.

Electoral reform proposals can be further broken down into five additional categories:

Top-Two Primary Nomination System: This recent change in the primary nomination system provides that the top two vote getters in the primary move on to the general election, regardless of party affiliation. Under the prior nomination system, known as a semi-closed primary system, the top two vote getters for each party, Democrat or Republican, moved onto the general election ballot. Former State Senator Abel Maldonado requested that this change be put on the ballot as a condition of gaining his vote for the 2009 budget deal.

The measure is intended to provide for more moderate candidates by discouraging candidates from pandering to the extremes in the primary election.

California voters approved the change in 2010, but it is tough to gauge the relative impact of the change at this early stage. More will be known after a review of the experience of the change is in place for the 2012 election.

Redistricting Reform: In 2008, California voters approved Proposition 11 which transferred the authority to draw legislative district lines for the California State Senate and State Assembly from the California Legislature to an independent citizens' commission.

The theory behind the change is to provide for more competitive elections, and reduce the number of "safe" seats controlled by the Democrats and Republicans. Proponents believe that more competitive elections would lead to increased numbers of centrist legislators and a greater willingness of legislators to compromise on the issues.

This commission is currently in the process of redrawing the lines based on the 2010 census. The redrawn districts will first apply to the 2012 election cycle.

"The so-called Prop. 11 commission almost certainly will draw district lines to put more seats in the competitive range than the legislature did last time, and as one study has shown, that should result in at least one-fifth of the seats being potentially competitive," state Noll and Cain ("Institutional Causes," 23).

"But whether this effect translates into a large enough group of centrist legislators to force a compromise on fiscal matters is open to question, given that the Republicans first initiated and enforced party line discipline on their members in the late nineties when the elections were held under district lines that were drawn by the court," state Noll and Cain ("Institutional Causes," 23).

UC San Diego Political Science Professor Thad Kousser says he does not think the redistricting change will make a huge difference, but will produce more competitive seats which is a good thing. "It's not the silver bullet," Kousser said, adding that that more will be known in 2012 about the relative impacts when the effects of the new redistricting and primary nomination reforms settle in.

"My expectation is that the new redistricting system and open primaries will have a beneficial effect on the legislature, but the effect will not be huge—and won't fix the problems," said Roger Noll, in an email to KC.

Proportional Representation: Experts are more divided on whether proportional representation would make a difference in providing for a less polarized, more representative Legislature.

Paul and Mathews advocate for moving to a system of proportional representation (PR) in California (126). California's current system, commonly referred to as a system of single-member plurality districts, provides for the election of the highest vote getter in each legislative district. This system is also known as a winner-take-all system.

Systems of proportional representation elect members to the legislature based on the overall percentage of votes in the electorate as a whole. PR provides for the election of smaller parties whose voters are geographically dispersed, making it impossible to win a

plurality in any one district, but could garner a significant portion of the vote statewide. PR systems commonly set some minimal threshold, such as 5%, above which a party must win to get representation in the Legislature.

Paul and Mathews note that “in much of the rest of the democratic world, and particularly outside the former British colonies, nations have rejected single-member plurality electoral systems in favor of proportional representation to elect their legislative bodies” (126).

There are many different types of proportional representation models and hybrid models, but in general proponents of proportional representation believe that the winner take all system serves to exaggerate the strength of the majority party, emphasize the views of each party’s most partisan voters, and close out independent and minor-party voices, according to Paul and Mathews (127).

“Under PR, the emphasis is on full and accurate representation of voices across the political spectrum and on building coalitions and consensus among them,” Paul and Mathews wrote (127).

Paul and Mathews support a system of PR that was originally adopted in West Germany after World War II. The so-called mixed member system would allow Californians to cast two votes on election day: one vote for the individual they want to represent their local district, and a second vote for a party list of candidates to fill at-large seats in the Legislature (134).

“In other words, Californians would retain what is most familiar and friendly about the current system—an individual representative tied to a particular place—while having all the democratic advantages offered by multimember districts and proportional representation. It is an opportunity to have the best of both worlds,” Paul and Mathews wrote (134).

Kousser said PR would be a major change and that proponents of PR tend to only focus on the benefits of PR without talking about the downsides.

Kousser said under a PR system you would lose the tie between voters and their districts because representatives would have to be elected from either larger regional areas or on a statewide basis. Kousser said he believes this connection is something that California voters value and would be unlikely them to give up.

“The Democrats could win a plurality, but not be able to govern,” Kousser said, noting that California could still experience the legislative gridlock that paralyzes many PR systems in cases where a single party fails to gain 50% of the votes.

Kousser said he did not believe California has a major disenfranchised block of voters that would be represented under a PR system. He did believe such a system would give candidates more room to compete for the growing numbers of independent voters.

“I do not think PR would make much of a difference. I think a better idea is a much larger unicameral legislature,” said Roger Noll, in an email to KC.

“If I had to pick a PR method, I would use the German system: single member districts plus a substantial part of the legislature elected by PR. In any case, a PR proposal has no chance at this juncture until the effects of the redistricting commission and the open primary are observed,” Noll concluded.

Reduction in the Size of Legislative Districts: Many experts have noted that California’s legislative districts are too large and should be made smaller to provide for improved representation. This would only be possible by expanding the total size of the State Legislature which currently has 120 total members, including 80 State Assembly members and 40 State Senators.

Paul and Mathews wrote, “The combination of California’s relentless population growth and its small legislature has given us the nation’s most populous legislative districts. California’s Assembly districts each contain about 471,000 persons. Assembly members represent about three times as many people as do members of the Texas House of Representatives, which has the next largest lower-house districts, and about ten times as many as the average lower-house lawmaker in other states,” according to data provided by the Census Bureau and National Conference of State Legislatures (139).

“I also think a larger legislature (smaller districts) would be beneficial, but only marginally so,” said Roger Noll, in an email to KC, adding that “a side effect is that the districts would be more homogeneous and so many representatives would be even more ideological.”

Unicameral Legislature: Experts also argue that California would benefit from moving to a unicameral legislature.

David W. Brady and Brian J. Gaines make the case for moving to a unicameral legislature in their essay “A House Discarded? Evaluating the Case for a Unicameral California Legislature,” which was published in Cain and Noll’s book *Constitutional Reform* in 1996.

Brady and Gaines note that California’s bicameral legislature was modeled after the federal system, which was the result of the famous “Great Compromise” that was rooted in suspicion between states, and especially in the small states’ fears of their larger neighbors (195).

“In California, however, the existence of two legislative chambers was largely an accident of mimicry, grounded neither in abstract theory nor in political exigencies. In that light, it is not surprising that calls for unicameralism have periodically arisen in the frequent bouts of constitutional reform the state has since undergone,” state Brady and Gaines (196).

“The main bonuses in dropping one chamber are gains in visibility and accountability. In a unicameral system, constituents are directly tied to a single representative. It is harder, therefore, for representatives in a single house to duck responsibility for their actions, and it is easier for the voters to assign responsibility for policies to particular politicians or parties. The possibility for divided partisan control of the legislature is removed,” wrote Brady and Gaines (232).

As previously mentioned, Roger Noll believes a much larger unicameral legislature would be a good reform to make.

Paul and Mathews also support moving to a unicameral legislature (136-137).

“In the United States, Nebraska has had a one-house legislature since 1937, affectionately known as the “Unicam,” that is considered a model of civility (it is nonpartisan) and efficiency,” Paul and Mathews wrote (137-138).

“Merging the Assembly and State Senate into a single house would provide California the same benefits other unicameral systems enjoy. It would eliminate the cost of maintaining separate committee and leadership staffs in each chamber, simplify and shorten the legislative process, and make it easier for voters to oversee their representatives and hold them accountable,” Paul and Mathews wrote (138).

Conclusion

This analysis has sought to provide an overview of what constitutional reform experts believe to be the most important elements of a constitutional reform package. More proposals exist than have been covered in this paper, such as campaign finance reform, which deserve attention as well but are beyond the scope of this analysis.

In short it is clear to the experts, the public, and policymakers that California’s political institutions are failing and in need of reform, but no consensus around a reform package has emerged.

A review of the literature and interviews with the experts have shown that there exists much common ground among the reform experts about what elements and concepts a comprehensive reform package should include.

Within most categories, there are various reform options, particularly in the areas of initiative reform and electoral reform. The details of each reform proposal would need to be hashed out further, but there appears to be broad agreement about the issues that need to be addressed.

As Cain and Noll note, “there are no obvious candidates to provide the energy and money to fix the problem,” which is why California continues to be stuck with its dysfunctional system, or rather lack of a system, of government (35).

The [Think Long Committee](#), backed by billionaire Nicolas Berggruen, is currently putting together a package of reforms, with first installment due out sometime soon.

The [California Forward](#) effort has produced a package of reforms, but few experts believe the reform package contains the institutional changes necessary to bring about meaningful reform. That effort used a consensus-based approach which resulted in the most contentious areas of reform going largely unaddressed.

Experts have thoroughly explained the problems and proposed concrete solutions, but California lacks reform champions with the ability to provide or raise the resources to get the job done.

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Appendix I: Biographies of Constitutional Reform Experts Cited in Article

Bruce Cain, Heller Professor of Political Science & Director, UC Washington Center, Washington, DC. Cain came to UC Berkeley in 1989 from the California Institute of Technology, where he taught from 1976 to 1989. A summa cum laude graduate of Bowdoin College (1970), he studied as a Rhodes Scholar (1970-1972) at Trinity College, Oxford, England.

In 1976 he received his Ph.D. in political science from Harvard University. His writings include *The Reapportionment Puzzle* (1984), *The Personal Vote* (1987), written with John Forejohn and Morris Fiorina, and *Congressional Redistricting* (1991), with David Butler.

He has also co-edited numerous books, including *Developments in American Politics*, Volume I - IV, with Gillian Peele, *Constitutional Reform in California*, with Roger Noll, *Racial and Ethnic Politics in California*, Vol. II, with Michael Preston and Sandra Bass, and *Voting at the Political Fault Line: California's Experiment with the Blanket Primary* with Elisabeth R. Gerber (2002).

Source: UC Berkeley

Joe Mathews, co-author of *California Crackup*. Mathews is an Irvine senior fellow at the New America Foundation and a fourth-generation Californian, writes about his home state and its politics, media, labor, and real estate. He is the author of *The People's Machine: Arnold Schwarzenegger and the Rise of Blockbuster Democracy* (PublicAffairs, 2006), an account of Governor Schwarzenegger's first term and his use of ballot measures as governing tools.

Before joining New America, he was a reporter for eight years at the *Los Angeles Times*, where he covered state and presidential politics, education, labor, and the city of Compton. Previously, he covered the Justice Department for *The Wall Street Journal*. His stories have appeared in *The New Republic*, *The Washington Post*, *Politico*, and Condé Nast *Portfolio*. He writes regularly on the web at [NBC's Prop Zero](#), [Fox and Hounds Daily](#), and [The Daily Beast](#).

Source: Californiacrackup.com

Thad Kousser, Associate Professor of Political Science, at the University of California San Diego. Kousser obtained his Ph.D. from UC Berkeley in 2002 and joined the University of California San Diego faculty in 2003.

Kousser spent the 2009-2010 year at Stanford University working on California constitutional reform as a Visiting Association Professor at the Bill Lane Center for the American West and as a W. Glenn Campbell and Rita Ricardo-Campbell National Fellow and Robert Eckles Swain National Fellow at the Hoover Institution.

He has authored, co-authored, or edited the books *Term Limits and the Dismantling of State Legislative Professionalism* (Cambridge, 2005), *Adapting to Term Limits: Recent Experiences and New Directions* (PPIC, 2004), *The New Political Geography of California* (Berkeley Public Policy Press, 2008), and *The Logic of American Politics, 4th Edition* (Congressional Quarterly Press, 2009). His work has also been published or forthcoming in journals such as the *American Political Science Review*, the *Journal of Politics*, *Political Analysis*, *Legislative Studies Quarterly*, *State Politics and Policy Quarterly*, and the *Journal of Law, Economics, and Organization*. He is a recipient of the UCSD Academic Senate's Distinguished Teaching Award, the Faculty Mentor of the Year Award, serves as co-editor of the journal *State Politics and Policy Quarterly*, and has worked as a staff assistant in the California, New Mexico, and United States Senates.

Source: UC San Diego Department of Political Science

Roger G. Noll, professor of economics emeritus at Stanford University and a Senior Fellow at the Stanford Institute for Economic Policy Research, where he directs the Program in Regulatory Policy.

Noll has written numerous articles on constitutional reform issues and was an advisor to the Constitutional Revision Commission from 1994-1996.

Noll also is a Senior Fellow and member of the Advisory Board at the American Antitrust Institute, and a member of the Advisory Board of the AEI-Brookings Joint Center on Regulation.

Noll is the author or co-author of twelve books and over three hundred articles and reviews. Noll's primary research interests include technology policy; antitrust, regulation and privatization policies in both advanced and developing economies; the economic approach to public law (administrative law, the judiciary, and statutory interpretation); and the economics of sports and entertainment.

Source: Stanford Institute for Economic Policy Research

Mark Paul, co-author of *California Crackup*. Paul is a visiting scholar at the Institute of Governmental Studies at UC Berkeley, has written about California policy and politics for three decades as a journalist, policy thinker, and state official.

He began his newspaper career as editorial page editor of the *Oakland Tribune* and, for nineteen years, was an editorial writer, columnist, and deputy editorial page editor at the *Sacramento Bee*, where he won the 2000 Best in the West award for his editorials on the Gray Davis administration. He later served as deputy treasurer of the state of California and was policy director for the 2006 California gubernatorial campaign of Phil Angelides. From 2007 through 2010 he was senior scholar at the New America Foundation.

His recent work on California issues has appeared in the *Los Angeles Times*, *San Francisco Chronicle*, the *Sacramento Bee*, *The California Journal of Politics and Policy*, and *The American Interest*. He has been a visiting lecturer in the Department of History at Simon Fraser University in British Columbia, and a visiting instructor at Stanford University.

He is the author of “Diplomacy Delayed: The Atomic Bomb and the Division of Korea, 1945,” in *Child of Conflict: The Korean-American Relationship, 1945-53* (Seattle: University of Washington Press, 1983); co-author, with Micah Weinberg, of “Remapping the California Electorate,” in R. Jeffrey Lustig, ed., [*Remaking California: Reclaiming the Public Good*](#) (Berkeley: Heyday, 2010); and co-author, with Micah Weinberg, of [*“Public Affluence, Private Squalor: California’s Dual Pension Crisis.”*](#)

Source: Californiacrackup.com

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