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ORIGINAL MAILED**

April 10, 2017

House Judiciary Committee
Attn: Rep. Matt Claman, Chair
State Capitol, Room 118
Juneau AK 99811

Re: HB 200 - Jungle Primary Election

Dear Chair Claman and Committee Members,

I listened to the hearing on HB 200 this afternoon, and I am writing to provide what I hope is some useful information. It may be somewhat disjointed, because I am responding to some of the questions and concerns that were raised at the hearing. I think that the "top-two" primary is a very bad idea, and strongly oppose that idea for Alaska. I will attend your hearing on Wednesday to testify and answer questions.

This type of primary has been called a "jungle" primary for years. That is why I use this phrase. I have enclosed four articles - two from California and one from Louisiana, use that phrase. I personally think of it as a "demolition derby." Everyone crashes into everyone else, until only two cars are left running. The chaos is remarkable. The last two candidates standing - the top two vote getters - proceed to the general election.

First, a couple of initial comments. The system was not adopted by voter initiative in all the states where it exists. In California, the Legislature placed the issue on the ballot. Louisiana is not even an initiative state. Normally, where this matter is considered, it is supported by incumbent legislators who believe that the system will better protect their reelections because of the confusion engendered by the system.

Second, Washington State Grange v. Washington State Republican Party, 552 U.S. 442 (2008) is a limited decision. In Footnote 11, the Supreme Court of the United States left open the issues of ballot access, trademark protection of party names, and campaign finance for future litigation.

If the jungle primary is adopted in Alaska, I am almost certain that there will be future litigation. This litigation will center around the issues of ballot access, right of free political association, and the separate elections for governor and lieutenant governor mandated by Article III, Sections 3 and 8, of the Constitution of Alaska.

You should get the input of the minor parties in Alaska before adopting the jungle primary. These parties will be destroyed by the jungle primary. There has never been a "top-two" election for State or Federal office in California or Washington in which a minor party was able to qualify for the general election ballot, unless there was only one candidate of a major party running for that office. A minor party will thus never be able to meet the 3% standard to retain qualified party status. The only way a group could become a qualified party or retain their status would

be with a registration drive. However, no party in Alaska has obtained qualified status the first time by a registration drive. The qualified parties in Alaska all first gained party status by meeting the vote test. This included the Libertarian Party in 1982, the Alaskan Independence Party in 1982 (with the help of a court case), the Green Party in 1990, and the Republican Moderate Party in 1998.

This was also true during the years that Louisiana had a "top-two" primary as well. After Louisiana lost in the United States Supreme Court in 1997 in *Foster v. Love*, Louisiana changed its system so that there are now no primaries - just general elections in November (for Congress) and a run-off in December, if no candidate gets 50% in November.

In addition, political science research and experience demonstrates that the system used in California and Washington does not decrease polarization, does not elect more moderate office-holders, and depresses voter turn-out.

Comparing November 2010 with November 2014, the California voter turn-out declined more than in any other state. In November 2010, there were six parties on the ballot for all statewide offices. In November 2014, there was only one Democrat and one Republican for each office, with no write-in candidates allowed. California is the only state in which the 2014 voter turn-out was less than 70% of what it had been in November 2010,

In November 2016, the top-two system in California resulted in two Democrat candidates on the ballot for United States Senate. Among California voters who cast a ballot, 16% left the U.S. Senate line blank. This was the worst fall-off for a California U.S. Senate election in 75 years.

In addition, the November 2016 election demonstrated that a result can be obtained where there are two candidates of a single major party, and all the mischief that results from this. This problem for certain election districts was recognized by the Committee during the hearings earlier today.

Finally, according to political science professor Boris Shor, who studies polarization, according to data released several months ago, California has the most polarized legislature in the nation and the Washington Legislature ranks fifth. In recent years, even the Nebraska Legislature has become more polarized. I do not know where Alaska ranks, but we certainly do not need more polarization in the Legislature of Alaska.

Although I have no empirical data on these points, I believe that the chaos of the jungle primary will result in higher campaign expenses, more political rhetoric, and less voter interest in the campaign. With everyone having to attack everyone else for the top two positions, it will be harder to sort good information from bad. Clear party labels and party primaries, rather than a jungle primary, provide better information to the voters and enable them to exercise their knowledgeable choices.

Additionally, the mathematics of each individual race, rather than the philosophies of the candidates, will dictate each campaign. As was observed in the enclosed Op-Ed, the most obvious effect of the jungle primary is to convey a clear advantage to the party that runs fewer candidates for an office. This is most clear in California, where write-ins are not allowed.

House Judiciary Committee
April 10, 2017
Page 3

Alaska will have a different problem. The mathematically logical approach in Alaska might be, for example, to get two Democrats on the general election ballot, and then run a Republican candidate as a write-in, hoping to get all the Republican votes while the Democrats lose because they split the Democrat votes.

Also, as recognized at the hearing, withdrawal and substitution of candidates will be a thorny problem.

I am sure that each of you can think of more problems with the jungle primary than those that I have mentioned in this letter. I am looking forward to testifying on Wednesday.

The "top-two" jungle primary is simply a bad idea that should not be adopted in Alaska.

Thank you.

Very truly yours,

KENNETH P. JACOBUS, P.C.

By


Kenneth P. Jacobus

KPJ:me

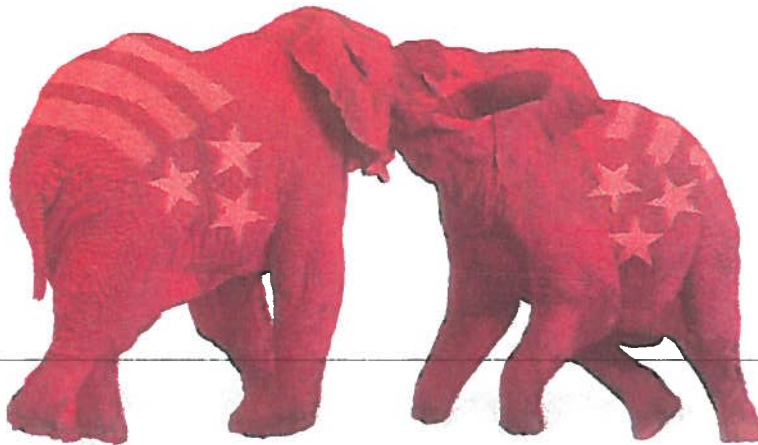
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Law of the jungle: Louisiana prepares for a "jungle primary"

The U.S. Senate race draws a record crowd of 24 candidates. Anything can happen in the Nov. 8 primary

By Jeremy Alford @LaPoliticsNow and Clancy DuBos @clancygambit

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The election to succeed U.S. Sen. David Vitter, R-Metairie, has attracted a record-setting 24 candidates for the Nov. 8 primary — nine Republicans, seven Democrats, six no-party or independent candidates and two Libertarians. The five or six best-financed candidates are bunched together atop the latest independent polls and have garnered the lion's share of voters' attention.

The exceptionally large field has forced major candidates to focus on shoring up their geopolitical bases rather than chasing crossover votes. It also has fostered intraparty attacks — particularly among the Republicans — as candidates fight for votes among the same segments of Louisiana's conservative electorate.

The leading GOP candidates include U.S. Rep. Charles Boustany of Lafayette, U.S. Rep. John Fleming of Minden, state Treasurer John Kennedy and retired Air Force Col. Rob Maness, both of Madisonville. Also garnering lots of national attention — but not nearly as much local support — is former Ku Klux Klan leader and neo-Nazi David Duke.

Two Democrats lead their party's field — Public Service Commissioner Foster Campbell of Bossier City and attorney Caroline Fayard of New Orleans.

Also trying to make his presence felt as an independent is former state Sen. Troy Hebert of Jeanerette. He has filed two lawsuits so far over how his candidacy has been treated. One was filed — and later withdrawn — against a pollster who

mistakenly identified him as a Republican, while the other was lodged against televised debate organizers for excluding him from the stage. The other candidates include former U.S. Rep. Anh "Joseph" Cao, R-New Orleans, who doesn't seem to have an actual campaign structure, and 15 other lesser-knowns. Among them are dark horse Democrat Josh Pellerin, an Acadiana oil executive who still could end up spending loads of his own money, and New Orleans businessman Abhay Patel, a newcomer who has made impressive inroads with the Constitution-loving wing of the GOP. Both Pellerin and Patel have professional staffs and have executed media buys.

"The field got carried away and nobody wanted to step out," says Roy Fletcher, a Baton Rouge media consultant. "Nobody is breaking out of the pack because no one is saying anything. Somebody is going to have to get out there and say something, do something."

On the Republican side, Boustany, Fleming, Kennedy and Maness have lobbed verbal bombs at each other — and a super PAC supporting Kennedy has torched the TV airwaves with attack ads aimed at Boustany and Fleming. Maness and Fleming, in particular, are competing for far-right conservative voters.

In the 2014 U.S. Senate election, Vitter helped clear the field of Republican candidates, which factored heavily into U.S. Sen. Bill Cassidy's victory over then-Sen. Mary Landrieu, a Democrat. No such mastermind is scripting this year's race in either political party, and the sheer volume of high-profile candidates is keeping many top GOP officials from making endorsements in the primary.

Not so on the Democratic side. Fayard has the support of New Orleans Mayor Mitch Landrieu and Mary Landrieu, while Campbell has the all-out backing of Gov. John Bel Edwards. That split among the state's leading Democrats has made it difficult for either Fayard or Campbell, whose campaigns have a frosty relationship, to grab the party's official endorsement.

The split loyalties in both mainline parties also make it impossible for any one candidate to reap the full benefits of coordinated campaign efforts by national Republicans or Democrats. Besides, even after committing some colossal gaffes, Donald Trump is expected to carry Louisiana easily. That will leave Senate candidates on their own to turn out their bases on Election Day.

Many political observers have cast the Nov. 8 ballot as two mini-primaries — one for Democrats, one for Republicans and conservatives — playing out inside Louisiana's storied "jungle" primary. Unlike most states, Louisiana uses an open primary system in which all candidates run against each other on the first ballot. If no one gets more than 50 percent on Nov. 8, the top two finishers will advance to the Dec. 10 runoff, regardless of party. With so many candidates competing in the primary, a runoff is virtually a certainty, which means Louisiana will be the last state to choose its new senator.

[click to enlarge](#)



The term "jungle primary" is a spot-on characterization of Louisiana's no-holds-barred electoral system, which contrasts sharply with the closed primaries held almost everywhere else in America. Closed primaries are limited to candidates of a particular party.

The Bayou State's open primary system tends to favor the extremes on opposite ends of the political spectrum and therefore often leads to a left-versus-right (Democrat-versus-Republican) showdown in the runoff. That may not be the case in the Senate race, however, because of the large field of candidates and the crowded GOP field.

State Sen. Norby Chabert of Houma, a former political consultant, says the typical runoff scenario is "not a guarantee" this time.

"If anything, what's happening now is actually emphasizing the jungle nature of the way we do things," he said, echoing the speculation in many quarters that, despite our state's Republican leanings, we could see an all-Democrat runoff.

Fletcher, having reviewed the permutations, agrees. "I don't think we should ignore that possibility," he says.

That outcome would be a nightmare for the GOP, and the chances of that nightmare becoming a reality increase as front-running Republicans play it safe on the issues in order to protect their respective bases around the state. For example, all are pro-life, pro-gun, pro-oil, anti-Obama, anti-Hillary Clinton, anti-union and, of course, pro-Trump — though some may be less enthusiastic in their support of the GOP presidential nominee after his latest pronouncements.

The same could be said of the leading Democrats, except there are only two of them to divide the 40-42 percent of the electorate that reliably votes "D" in national elections. On the Republican side, at least four major candidates — plus at least two more with 5-8 percent of the vote on average — will be competing for the other 58-60 percent of the vote. Add to that another 5 to 8 percent gobbled up by the 15 or more also-rans and it's easy to see how "jungle" is an apt political metaphor in Louisiana this year.

According to averages from the most recent public polls, no candidate has a more consolidated geographic base than Boustany. His hold on the Acadiana vote is the strongest in the field and has tightened significantly after extensive media buys. He has the added advantage of a congressional district that touches four of the state's seven major media markets — including two of the three largest in New Orleans and Baton Rouge. Boustany's opponents face a difficult decision: either go into Acadiana and try to compete, or try to contain Boustany to Acadiana and cut off his growth elsewhere.

They may be helped by accusations in a recently published book about a killing spree in Jefferson Davis Parish, where eight women's murders remain unsolved. Citing unnamed sources, author Ethan Brown claims in *Murder in the Bayou* that Boustany was a client of several murdered prostitutes, though he makes it clear the congressman is not suspected of having anything to do with their deaths. Boustany vigorously denied the accusations and has sued Brown and publisher Simon & Schuster for defamation — and accused Kennedy of promoting media coverage of Brown's allegations.

Fleming likewise has a strong regional hold in northwest Louisiana. He also has benefited from a massive television buy. Unlike Boustany, who has doubled down on firming up his Acadiana base, Fleming has spread his media barrages from Shreveport to metro New Orleans. He aims to run the right of the rest of the field, but even that narrow patch of political real estate is crowded.

Kennedy has a split base: the Northshore and greater Baton Rouge, though he has run statewide more than any of the other candidates.

Fayard, from New Orleans, and Campbell, from northwest Louisiana, have very different regional strengths and have tried to gain ground on each other's home turf. Campbell's campaign gets traditional Democratic support among teacher unions, while Fayard's campaign has the backing of many young progressives in the party and pro-charter school organizations. They are competing fiercely for Democratic votes in New Orleans, where Fayard has the mayor's support. But many other politicians and groups are backing Campbell.

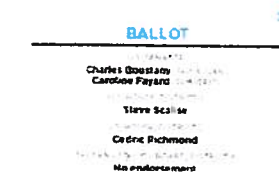
Headed to Election Day , candidates at every level will be competing for voters' attention against a presidential race like no other.

"It's going to have to happen on TV, in commercials," Fletcher says. "It won't happen anywhere else."

Such is the law of the political jungle.

Jeremy Alford is the editor and publisher of LaPolitics.com. Follow him on Twitter @LaPoliticsNow.

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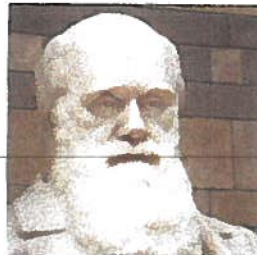
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Op-Ed California's jungle primary: Tried it. Dump it.



A voter is seen on June 3 filling out her ballot for the California primary election. (Los Angeles Times)

By **Harold Meyerson**

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So, California, how's that new primary system working out for you?

JUNE 21, 2014, 6:00 AM

Though county registrars are still tallying the votes in several close contests, the memory of California's June primary has already begun to fade from the state's collective consciousness — assuming, that is, that it ever made an imprint there at all. Before it vanishes altogether, though, Californians should take away one lesson from June's balloting: The state's new method for conducting primary elections is an asinine idea that can lead to perverse and anti-majoritarian consequences.

Under the so-called jungle primary system, which came into being through a 2010 ballot measure that voters narrowly ratified, primary voters can cast their ballot for any candidate in the June election, and the top two finishers, regardless of party, advance to the November runoff. Both the 2012 and the 2014 primaries were conducted under these rules, so we can now look at the effects this new process has had on California politics.

The first and most obvious effect the jungle system has had is to convey a clear advantage to the party that runs fewer candidates for an office. In 2012, four Democrats and two Republicans ran in the June primary to represent the newly redrawn 31st District in Congress. Situated in the western part of the Inland Empire, the district had a clear plurality of Democrats — but because the Republican candidates divided their votes two ways while the Democrats split their votes among four candidates, the two candidates who made it into November's general election were the Republicans.

The eventual victor, Gary Miller, chose not to seek reelection this year, in part because his politics were so out of sync with the sentiments of district voters.

This month, the California primary contest for a statewide office almost ended equally bizarrely. Three Democrats and two Republicans ran for the office of state controller, and when the election-night vote counting was done, the Republicans finished one-two in the count. Subsequent counting of absentee and provisional ballots has elevated two of the three Democrats above the second Republican; the vote totals for second place remain very close and still aren't resolved.

“

The most obvious effect the jungle system has had is to convey a clear advantage to the party that runs fewer candidates for an office.

But if a few thousand votes had shifted, voters in one of the country's most liberal states could have faced a runoff this November between two Republicans, even though the three Democrats on the primary ballot amassed more votes than the two GOP contestants, and even though just 28% of California voters are Republicans while 43% are Democrats.

Precisely because California is so heavily Democratic, it's often the case that more Democrats than Republicans will run for open seats. For that very reason, though, the process tends to give the advantage to Republicans, though the party's relentlessly falling registration figures make clear that most Californians wish to steer clear of the party and its standard-bearers.

When the jungle primary was placed before state voters in 2010, its advocates argued that it would increase voter participation by opening up previously closed primary elections to nonpartisan voters. Though volumes of election statistics show that nonpartisan voters tend to be less engaged in politics than party members, the jungle system's champions insisted that given the chance to vote in primary elections, the nonpartisans would flock to the polls and overall participation would rise.

It hasn't worked out that way. When the vote count in this June's primary is completed, turnout will probably be about 25%, which would make it the lowest ever. A multitude of factors have contributed to the ongoing decline in voter participation, but it's clear that the jungle primary has done nothing substantial, if, indeed, anything at all, to arrest it.

The jungle system was also supposed to reduce political polarization, according to the business interests and others who championed it. The idea was to diminish the influence of [tea party](#) Republicans within the GOP and of pro-labor liberals in Democratic ranks.

To date, few if any tea party Republicans have been dislodged. A number of self-professed moderate Democrats do hold seats in the Legislature, but that's been the case since roughly 2002, when the state's leading energy and banking interests realized the days of Republican rule were over and began to back candidates in Democratic primaries. Recently, some of these moderates abstained on a bill that would raise the state's minimum wage — a dubious achievement for legislators who disproportionately represent the state's poorest districts.

That's the book on the jungle primary. It's time for state voters to scrap it.

Harold Meyerson is editor at large of the American Prospect and an op-ed columnist for the Washington Post.

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How top-two primary system has changed California politics

Carla Marinucci Updated 8:14 am, Tuesday, May 6, 2014

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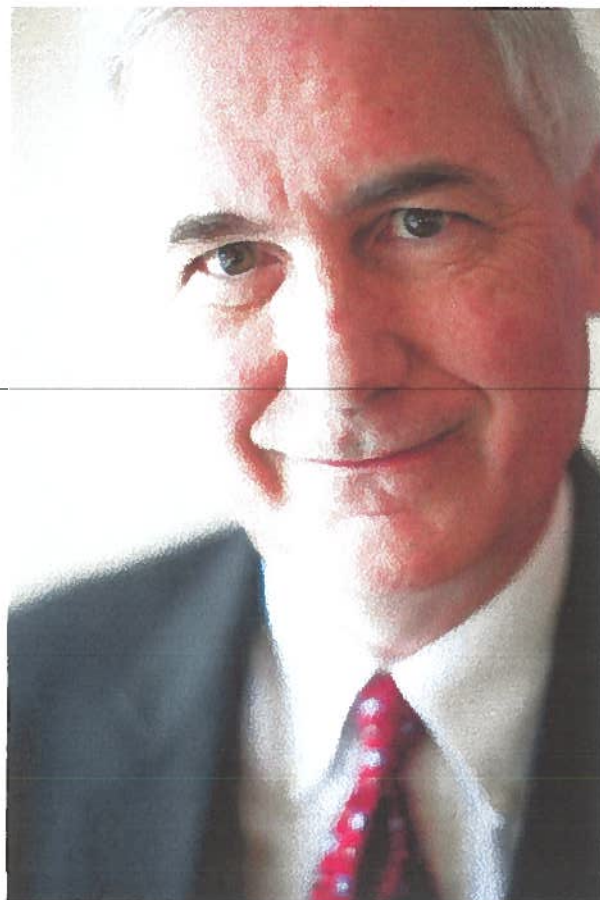


IMAGE 1 OF 4

Conservative icon Rep. Tom McClintock confronts a strong challenge from fellow Republican Art Moore, a West Point graduate who spent more than a decade in the military.

California's political campaigns are already combative and expensive, but the top-two primary system, in effect this year for the first time in statewide races, has upped the ante by forcing new strategies in fundraising, polling and even the timing of attack ads.

And it may be the political consultants, not the voters, who benefit most, some experts say.

The new system, in which the top two finishers in the June 3 primary races advance to the November general election regardless of party, "is exponentially more complicated than a traditional primary system," said Democratic pollster Ben Tulchin.

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Tulchin, whose clients have included the state Democratic Party and Lt. Gov. Gavin Newsom, said the system has created a host of complications, and a lot of business, for consultants advising once-safe candidates who now have to contend with expensive primary challenges from candidates on all sides of the spectrum.

Many candidates must calculate how to run back-to-back elections against the same challenger - weighing the merits of expending effort and money before the June primary versus keeping the powder dry for November.

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It's all different

"Everything is so much more expensive," said Ruben Barrales, president and CEO of Grow Elect, which works to elect Republican Latinos. "We're doing polling earlier than ever, and every race is different (than it used to be) - even in the same district."

When top-two primaries were first put into effect in congressional races in 2012, there were several instances in which a Democrat wound up being pitted against a Democrat in the general election, with no Republican on the ballot, and vice versa. In one heavily Democratic district in Southern California, a host of Democratic candidates split their party's vote in the primary, leaving two GOP candidates to face each other in the runoff.

This is the first year in which top two is in play in races for state constitutional offices, including governor.

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Julie Griffiths, a Republican strategist, said the new system is "causing business interests to weigh in more often and more generously" on behalf of Democrats who are "business friendly" in races where Republicans are unlikely to make a credible challenge.

Under top two, she said, "the money movement has changed - and it has increased dramatically."

Hair pulling aside, the new system has at least partly fulfilled advocates' hopes by creating more competitive primaries, said Steve Spinner, a Democratic fundraiser.

'Poster child' race

Spinner is campaign chairman for Ro Khanna, a Democrat who is mounting a strong challenge in the South Bay to seven-term Rep. Mike Honda, D-San Jose. He calls the race a "poster child" for why the new system works.

Under the old system in the heavily Democratic district, a second-place finish in the primary for Khanna would have been the end of the line. Under top two, however, Khanna can finish second and live to fight in November, competing with Honda for Republicans' votes.

"Every time someone retires or an incumbent is perceived as having a weak record, you'll see more pragmatic and visionary candidates enter, and less pandering to the far left and far right," Spinner said. "Now we can have races in our own backyards, in California, that are run like battleground states in a presidential election - with voters fully engaged in the process, supporters canvassing and candidates debating on the issues."

Voters put the top-two system in place when they approved Proposition 13 in 2010. Its author, former state Sen. and Lt. Gov. Abel Maldonado, argued that the old primary system produced candidates acceptable mainly to party activists who demanded ideological purity.

But experts who convened recently for a symposium on the new system at the UC Berkeley Institute of Governmental Studies were mixed on its effects.

Douglas Ahler, a scholar at the institute, said his studies show "little evidence that the top-two format benefits moderate candidates." Partisan voters, he said, are still most likely to vote in primaries.

Left, right still dominate

Tulchin agreed that even under the new system, California's 2014 primary "still favors the more progressive candidates on the Democratic side, and the more conservative candidates on the Republican side."

Polls in the gubernatorial campaign seem to bear that out: Gov. Jerry Brown is well out in front, and the No. 2 candidate is Assemblyman Tim Donnelly of Twin Peaks (San Bernardino County) - a Tea Party favorite who is trouncing a more moderate Republican, Neel Kashkari.

But Democratic strategist Katie Merrill said the new system has reshaped some races, including the hotly contested Southern California contest to replace retiring Rep. Henry Waxman, D-Los Angeles.

Democrats in the 21-candidate field, rather than simply worrying about one another, now have to contend with a high-profile independent: author and New Age spiritual guru Marianne Williamson, whose name recognition and loyal following in a district that includes Malibu and Beverly Hills could catapult her into the general election.

Unique political landscape

David Brady, a political science professor and deputy director of the Hoover Institution at Stanford University, said the full effects of California's new system aren't yet fully felt in what is already a unique national political landscape.

"The United States is the only country that has democracy within the parties - before you can run against the other party," Brady said. "That is unique, but it has consequences. It weakens parties."

Which is why party loyalists who fought the top-two system from the start, and third-party candidates - who are more likely to be shut out of the general election entirely under the system - are still railing against it.

"Can you imagine a Kentucky Derby with two horses?" asked Bob Mulholland, a Democratic Party campaign adviser. "This is the way the communists run it."

Shifts in campaign strategy

Three California races where the top-two primary system is making a difference.

Silicon Valley

Rep. Mike Honda, D-San Jose, a favorite of labor, is battling Democratic challenger Ro Khanna, a former Obama administration trade representative with the backing of many tech-industry executives. Also vying for a top-two slot are two Republicans: Silicon Valley executive recruiter Joel VanLandingham and Stanford physician Vanila Singh.

Bottom line: The 17th Congressional District, where Democrats outnumber Republicans 2 to 1, is also home to the largest bloc of "no party preference" voters in California: nearly 32 percent. That makes Honda's re-election, almost a given under the old primary system, a far greater challenge if he ends up in the November runoff with Khanna.

Sierra foothills

Conservative icon Rep. Tom McClintock confronts a strong challenge from fellow Republican Art Moore, a West Point graduate who spent more than a decade in the military.

Bottom line: McClintock, who would have been invincible under the old primary system in the overwhelmingly Republican Fourth Congressional District, could have problems in a November runoff with Democrats and independents able to choose between him and Moore.

Southern California

The retirement of Democratic Rep. Henry Waxman in the wealthy region that includes Beverly Hills and Malibu prompted 21 candidates to run to replace him - 11 Democrats, four Republicans, one Green Party member, one Libertarian and four "no party preference" candidates.

Bottom line: The huge field in the 33rd Congressional District, especially in the Democratic ranks, could enable a dark horse such as New Age guru Marianne Williamson, an independent with big name recognition, to sneak into the November runoff.

Carla Marinucci is senior political writer for The San Francisco Chronicle. E-mail:

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H E A R S T



Liberal lion Mike Honda in D.C., where he has support from the Democratic establishment. He has served seven terms in Congress but faces challenges from within his own party Jose Luis Magana-AP

2014 ELECTION

California's New Jungle Primary System

Joe Klein

May 14, 2014



"I'm Guessing," says Dan Schnur, who is running for California secretary of state, "that not many of you lie awake at night wondering what the next California secretary of state will do." There is laughter from the crowd of maybe 30 voters. And you, too, dear readers--especially those of you who don't even live in California--may be wondering why a candidate for a decidedly obscure political office is worthy of your attention.

Well, part of it is that Dan Schnur is an interesting guy, a longtime consultant to moderate Republicans like Arnold Schwarzenegger and John McCain. But he isn't a Republican anymore. He's running as an Independent. "I'm in favor of marriage equality and lower taxes," he begins. "I'm tough on crime and pro-choice. I'm for

immigration reform and for using test scores as a valuable measure of students' progress. Yes, the reason that I'm running as an Independent is that neither party will have me."

But that's not exactly accurate. He's running as an Independent because there were two political reforms enacted during Schwarzenegger's time as governor of California. They were below the radar but startling, the sort of reforms that are near impossible because incumbent politicians usually block them--but they were passed by public referendum and initiative in 2010, and Schnur was one of those at the heart of the campaign to get them enacted.

The reforms are ingeniously simple. There is no more gerrymandering in California, no more congressional or state legislative districts tailored to the needs of the incumbents or the majority political party. District lines are now drawn by an independent commission to reflect actual community borders. (The commissioners are forbidden by law from knowing where the incumbents live.) Second, primaries are now multipartisan: the top two vote getters, regardless of party affiliation, face off against each other in the general election. Schnur co-chaired the Voices of Reform project on redistricting. "I wasn't too involved in the top-two primary reform," he says. "I didn't think it would make much difference ... but I've learned: this could be enormous." Schnur and his colleagues may have actually created an electoral system that favors centrists rather than politicians who play to their party's base. On June 3, California will go to the polls in what politicians have taken to calling the Jungle Primary.

California's Fourth Congressional District is a perfect primer for the curiosities of the Jungle. Tom McClintock, 57, is the three-term incumbent and has long prided himself on his "constitutionalist" orneriness. He is, in other words, a Tea Party Republican. His district, in the Central Valley and foothills, is very conservative but perhaps not as extreme as McClintock is. He is, for example, in favor of amnesty for Edward Snowden, the NSA leaker, because Snowden helped expose the criminal proclivities of the federal government and "I'd rather have him home talking to us than over there talking to the Russians."

At a well-attended Saturday-afternoon meeting in the town of Mariposa, near the entrance to Yosemite National Park, McClintock endorsed a candidate for county supervisor and then addressed the crowd, many of whom wore cowboy hats and sported some elaborate facial hair. They were all het up over the federal government and the "left-wing environmentalists," as McClintock described them, calling the federal tune in Yosemite. Some of their complaints sounded reasonable: a local toad was about to be labeled "threatened," which would further limit the local water supply (there's been a terrible drought in California)--but the toads were dying out, according to the locals, because the feds had stocked the lakes with trout, which ate the tadpoles. The feds were also proposing to close down stables and rafting businesses along the Yosemite waterways.

McClintock is a smart politician who knows the issues, knows what his constituents care about and can make it seem as if he's as angry as they are. He takes lonely--his opponents say obstructionist--stands against the various agencies of the Department of the Interior. He "speaks truth to power," as he told the folks in Mariposa. In the past, he didn't have many electoral cares; the

Democrats have never had much of a chance in either the old or new Fourth District. But now McClintock has to worry about Art Moore, who is also a Republican.

Moore, 36, is a razor-sharp recent combat veteran, an Army major returned to his hometown of Roseville, the most populous community in the Fourth District. He is a graduate of West Point who served tours in both Iraq and Kuwait. He is also, however, a stone-cold neophyte who hasn't really been to political boot camp yet. He is, he says, "a conservative," and he checks the appropriate boxes on most conservative issues, like Obamacare--but he also is "a bit more libertarian" than McClintock on social issues like gay marriage and abortion. Most important, though, is his style: he's the opposite of McClintock's lone gunslinger. "You've got to sit down and negotiate with those you don't agree with," he says. "[McClintock] has a perfect conservative voting record, but what has he got done? He voted to shut down the federal government--to close Yosemite--which really hurt this

district. I'm in favor of building coalitions and seeing if we can make some progress on the issues."

Moore admits that he would not have run under the old system. McClintock has the party base locked up and the power of incumbency. But if Moore can make it into the general election against McClintock, he may be able to access independent and moderate Democratic voters as well as his brand of conservative Republicans. "In the Jungle Primary, everybody has to run to the center," says Fred Keeley, a former state rep from Santa Cruz who co-chaired the Voices of Reform project with Schnur, "because that's where the votes are."

McClintock claims not to be worried about Moore. He tells me that his "most substantial opponent" in the Fourth District is an Independent named Jeffrey Gerlach. It's a lovely tactic to pretend that Moore doesn't matter and a sign that uniprimary politics can get pretty interesting: a Republican opponent like Moore, who might appeal to moderates in November, when more people are paying attention, is McClintock's worst nightmare in the Jungle.

Indeed, across the state in Silicon Valley, there has been an outbreak of electoral weirdness in the 17th Congressional District--which, in some ways, is a mirror image of the race in the Fourth: Mike Honda, a traditional labor liberal, is opposed by a more moderate Democratic newcomer named Ro Khanna. Khanna, 37, is an Indian American, an intellectual-property lawyer who worked in Barack Obama's Commerce Department and has close ties to the President. He has also reportedly raised \$3.7 million--far more than Honda--from Silicon Valley tech titans, who are just beginning to flex their political muscles (much as Hollywood did during the Vietnam War). Khanna is an impressive candidate, fluent on every issue and, in some cases, downright courageous: he is willing to challenge the public-employee unions--all of which support Honda--on issues like accountability and pension reform. Most of the major newspapers in the district have endorsed Khanna.

But the 17th District also has a semiplausible third candidate--a Republican named Dr. Vanila Singh, 43, a young and attractive professor of anesthesiology at Stanford University Medical School. Singh is a neophyte and can seem foggy on the

issues, but she has positioned herself cleverly--she's another social liberal, and she's willing to negotiate with the Democrats about the Affordable Care Act. In fact, since about 25% of the district votes Republican, she might pose a credible primary threat to Khanna, the Democratic moderate. And so, after she declared her candidacy, there was a sudden flowering of old-style urban ward politics in and around San Jose. Suddenly, Singh had two Republican challengers--one named, confusingly enough, Vanish Singh Rathore (who was eliminated from the ballot because the signatures on his petitions were not remotely plausible); the other, Joel Vanlandingham, offered petitions that included signatures from Khanna supporters.

Khanna denies any hand in this. "I would have to be pretty stupid to get involved in that sort of thing," he says. "I mean, Vanlandingham was really tough on me in the League of Women Voters debate."

There are some who say that the Jungle will cause a lot of rumbling but no real results. "The rubber meets the road when the moderates go to Congress," says Samuel Popkin of the University of California at San Diego. "The evidence suggests they stick with the party line." The evidence is skimpy, though--just the 2012 election, when the Jungle was brand-new and most politicians weren't completely aware of its possibilities yet. Some felt the traditional pull of partisan loyalty and chose not to challenge their party's stalwarts.

Khanna was one such in 2012, when he chose not to challenge the venerable Representative Pete Stark, a devoted liberal and the only admitted atheist in the House. Another young Democrat, Eric Swalwell, made that race and beat Stark, which sent a signal throughout the state that the Jungle was open for business: you could challenge incumbents of your own party and maybe even win.

Honda seems a bit mystified by all that has happened. His is a classic American story. He spent part of his youth imprisoned in a Japanese-American internment camp in Colorado during World War II. He was inspired, not embittered, by the experience. He became a teacher and then a school principal, then commenced a public life that culminated in seven terms in Congress. His campaign office is in a

Service Employees International Union hall. He greets me wearing jeans and cowboy boots and a red, white and blue Democratic donkey tie.

He sees his career as many incumbents do: a list of local projects funded, of ideological battles fought--in his case, the relentless pursuit of social justice and civil rights. He remembers helping get a nanotechnology bill passed in 2003 at the behest of Silicon Valley, but now the techno-wizards have abandoned him in favor of Khanna. "I'm an orchardist," he says. "That nanotechnology bill planted the seeds for the trees that are bearing the fruit in Silicon Valley now. But I guess no one remembers those who plant the trees."

It is hard not to have sympathy for Honda, but the political orchard he and his generation planted was poisoned over time by partisanship and paralysis, and now it has been replaced by a jungle. We'll see what sorts of glorious fruits and subtle poisons the Jungle brings forth.
