State and Local Direct Democracy
Governing by the Ballot

Arnold Schwarzenegger might be remembered as the direct democracy governor. Schwarzenegger’s first experience with statewide politics was as the public face and chief funding source behind a popular 2002 California ballot initiative that increased spending on after-school programs. His initiative, Proposition 49, was seen as an effort by the Hollywood actor to prepare for a future bid as a Republican gubernatorial candidate. Direct democracy soon paved the way to the governor’s office for Schwarzenegger. Fiscal crisis and voter dissatisfaction in 2003 led to a recall of the incumbent governor, Gray Davis, and Schwarzenegger won a free-for-all special election that was part of the recall vote. As governor, he moved from campaigning for ballot initiatives to trying to govern with them. After being elected, Schwarzenegger promoted several ballot measures to advance policies that he could not push through the state legislature. At the height of his popularity, he weighed in on 10 measures on the November 2004 ballot, including some that determined the fate of his plans to deal with the budget crisis he inherited. The California Republican Party even mailed a 12-page, multicolored brochure entitled “Governor Arnold Schwarzenegger’s Ballot Proposition Voter Guide” to millions of voters. Voters sided with the governor on nine of the 10 measures on which he voiced an official position.

Schwarzenegger later discovered that it can be difficult to govern by initiative. In 2005 he sponsored additional initiatives, asking the people to support his fiscal agenda after the Democratic-controlled legislature would not pass some of his key proposals. Schwarzenegger established ballot-measure committees to funnel interest-group contributions to his direct democracy battles, and called a special election in November 2005 for the sole purpose of letting voters have the final say on his policies. That time, voters rejected all four of the governor’s proposals, including a measure to weaken the legislature’s control over budgeting. Schwarzenegger’s style of “going to the people” illustrates how places with direct democracy can have different styles of politics than places that do not. As we will see in this chapter, direct democracy can have important effects on how citizens, groups, and elected officials are able to affect what government does.

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Introduction

The link between citizens and their government can be quite different at the state and local levels than at the national level. State legislators and local governments regularly refer matters to voters for their approval; in fact, most states require that amendments to state constitutions ultimately be approved by voters. In nearly half the states, people can draft their own legislation and petition to have a public vote to approve or reject it. Additionally, many local governments, including those in states that do not allow the usage of direct democracy at the state level, permit the processes. Some of our biggest cities—including Baltimore, Columbus, Dallas, Denver, Detroit, Houston, Jacksonville, Los Angeles, Miami, Milwaukee, New York, Phoenix, Portland, San Antonio, San Diego, San Francisco, Seattle, and Washington, D.C.—permit citizens to propose charter amendments to be placed on the ballot for fellow citizens to either adopt or reject. In fact, a majority of Americans reside in cities and towns where they can vote directly on matters of public policy. Processes of direct democracy can leave elected representatives with limited influence over public policy. It is difficult to understand state and local politics in much of the nation without considering the effects of direct democracy.

In many American states and communities, citizens have more ability to affect what their governments do than other people in almost any other political system in the world. Apart from areas in Switzerland, no other places with such freewheeling democratic arrangements exist. In its most extreme form, direct democracy gives people outside the corridors of power the potential to cut taxes, propose tax hikes or new spending programs, veto most laws passed by elected representatives, and even remove elected officials from office. This contrasts dramatically with how American citizens participate in national politics. Although the United States is one of the few advanced democracies to have never put a question of national policy or constitutional design up for a public vote, these questions are commonly decided by voters at the state and local levels. Americans regularly decide on matters such as local school funding, land use rules, social policy, or how much their state should borrow for specific long-term projects. The scope of direct democracy varies widely across the states, and thus provides one of the key features distinguishing politics in some states and cities from those in other places.

In this chapter, we consider American direct democracy as a grand democratic experiment that allows us to consider, in effect, whether more democracy is “better.” That is, does democratic politics work “better” when citizens are given more direct control over their government? As we shall see, no consensus exists among political observers, pundits, journalists, scholars, or politicians about these questions. We also illustrate that each state has a unique set of rules defining how direct democracy works, and these rules affect how much the process is used. Politics and policies can be fundamentally different in states with freewheeling forms of direct democracy.

Institutions of Direct Democracy

Three main features of direct democracy are the referendum, the initiative, and the recall. Almost every state uses some form of referendum. As Figure 4.1 reveals, 24 states have some form of a statewide initiative, 24 allow a statewide popular referendum (most of which also provide the initiative), and 18 states have provisions for the recall of state officials.

Referendum

A referendum is a public vote on a statute or a constitutional amendment that has already been considered by a state legislature or local government. The most widely used instrument of direct democracy in the American states
(and localities) is the **legislative referendum**. In the case of the legislative referendum, elected officials have control over the question that voters will consider, although legislators are often bound to place certain items on state ballots. Use of legislative referendums at the national level is quite widespread, with nearly every advanced democratic nation other than the United States using the process. Every American state has some provision for a legislative referendum—particularly for state constitutional matters. Most state constitutions require that voters approve constitutional amendments via referendum, and some require that voters approve when a state issues debt. Legislators may also choose to defer to the wisdom of voters and allow them to have the final say over controversial issues, such as tax increases.

The **popular referendum**, by way of contrast, allows a person or group to file a petition to have a public vote on a bill that the legislature has already approved. Every state with the initiative process (except Florida, Illinois, and Mississippi) also allows citizens to propose popular referendums. The popular referendum is effectively a public veto of a law. Proponents may qualify popular referendums for the ballot by collecting a certain percentage of signatures in a set amount of time following the passage of the legislation in question.

### Initiative

The two types of initiative process in the United States are the direct initiative and indirect initiative. The **direct initiative** allows
a person or group to file a proposed bill with a state office, and then collect signatures from voters to qualify the measure for a spot on the state ballot. If the initiative qualifies, voters have a direct say on approving or rejecting the proposal. If voters approve the measure, it becomes law. An indirect initiative functions as a petition to have the legislature consider a bill proposed by citizens. This is similar to the Swiss system. If the indirect initiative qualifies by collecting enough signatures, the legislature can adopt or reject the bill. If it is rejected by the legislature, it must be placed on the ballot to give voters a chance to approve or reject the proposal.

Direct and indirect initiatives appear on the ballot if sufficient signatures are collected. Rules for qualifying initiatives vary across the states, but the number of signatures on petitions required to qualify typically is set as a fixed percentage of votes cast in a previous election, or as a fixed percentage of all registered voters. Most states with any sort of initiative process only have direct initiatives; however, a few (Alaska, Maine, Massachusetts, and Wyoming) have indirect initiatives only. Five additional states (Michigan, Nevada, Ohio, Utah, and Washington) allow both direct and indirect initiatives. Depending on the state, a legislature may submit to voters an indirect initiative that it rejected, along with its own alternative proposal; alternatively, the legislature may simply take no action.

Recall

The recall allows a person or group to file a petition for a public vote to remove an elected official from office prior to when the official’s term expires. The first place in the United States to adopt the recall was the City of Los Angeles in 1903. Many cities and 18 states now have rules allowing for the recall of elected officials, although the process is rarely used at the state level. Only two governors have been recalled: Lynn Fraiser of North Dakota in 1921, and Gray Davis of California in 2003. A gubernatorial recall in Arizona came close to being successful, but before the process was completed Governor Fife Symington was forced to resign in 1997 after being convicted of bank fraud by a federal jury. There have been numerous successful recall efforts of state legislators and local elected officials, however.

In most states that allow the recall process, the signature requirement for qualification is much greater than that required for initiative and referendum. Some states require that proponents of either a state or local recall establish compelling grounds to have a vote to remove an elected official (such as criminal misconduct), whereas other states’ rules are less restrictive or have no formal requirement that substantial misconduct be established in order to proceed with a recall. States also differ in how recalls are conducted. In some situations, voters are given two choices on one ballot: first, they decide if the official should be removed, then they may decide who should replace the official. This was the case with the California recall, where, after deciding on
Governor Davis’s fate, voters then had 135 candidates to choose between (including actor Arnold Schwarzenegger, porn publisher Larry Flint, ex-child actor Gary Coleman, and at least two adult “entertainers,” Angelyne and Mary Carey; see Figure 4.2). In other cases, voters are only asked the question about recall. In these cases, the office is left vacant until the next election, a replacement is appointed, or a special election is conducted later to fill the vacancy.

More Responsible and More Representative Government?

Part of the difficulty in assessing the merits and pitfalls of direct democracy lies in how we define what a “better” democratic system might look like. One way to consider this task is to ask if direct democracy in the states makes politics more responsible and more representative. Early advocates of direct democracy claimed that it could do both.

The Promise of Direct Democracy

Direct democracy has its roots in the Populist and Progressive movements of the late 19th century and early 20th century, respectively. In the early 1900s, campaign contributions were largely unregulated, and bribery and graft were not uncommon in state legislatures. State and local elected officials were paid poorly, and, with few laws regulating political corruption, they were subject to influence by firms seeking favorable treatment from government. As one observer of the 1880s Oregon legislature noted, it consisted of “breifless lawyers, farmless farmers, business failures, bar-room loafers, Fourth-of July orators [and] political thugs.” Many elected officials had little enthusiasm for social, economic, and political reforms that may have had widespread support among the general public.

To Populist and Progressive reformers of that era, representative government alone could not be trusted to serve the public interest. Their goal was to give the public greater influence over the behavior of elected officials. Reformers were suspicious of the power that wealthy economic interests had over elected representatives. In this context, then, reformers argued that by giving people the ability to write their own laws and veto unpopular laws passed by legislators, public policy would be more representative of public opinion. Likewise, it was assumed, then, that elected officials would often work to protect powerful economic interests by doing such things as granting monopolies, giving away public resources, blocking health and safety regulations, and blocking anticorruption laws. If the public could use direct democracy as an end run around these elected officials, reformers assumed that public policy would become more responsible.

Defending Direct Democracy

Prior to being elected president in 1912, Woodrow Wilson offered a pragmatic defense of the instrumental use of the initiative. Wilson argued that if a state legislature was unable or unwilling to pass popular legislation, citizens could directly propose and adopt laws themselves to correct any legislative “sins of omission.” Even indirectly, the mere threat of an initiative—a “gun behind the door,” as Wilson called it—could pressure recalcitrant legislators to take action. For Wilson, direct legislation was not a radical solution; he foresaw the device being used sparingly. The initiative would serve as a stopgap mechanism, a benign tool that would “restore,” not “destroy,” representative government. The expedience of direct legislation, according to Wilson, could bring “our representatives back to the consciousness that what they are bound in duty and in mere policy to do is represent the sovereign people whom they profess to serve.” As a prodding instrument, then, the initiative had the potential of directly or indirectly bringing forth substantive policy changes in the American states.
Figure 4.2
California Recall Ballot

样例选票

图4.2
加利福尼亚州召回投票

罗伯特·C·曼宁海姆，民主
退休企业主

弗兰克·A·麦卡利史·Jr．，民主党
医生

保罗·“奇普”·迈兰德，民主党
高尔夫球手

丹尼斯·杜根·麦克马洪，共和党
银行家

迈克·麦克利，共和党
艺术家

迈克·P·麦卡锡，独立
二手车商

鲍勃·麦克莱恩，独立
工程师

汤姆·麦克林·多克，共和党
州参议员

乔纳森·米勒，民主党
小企业主

卡尔·A·梅尔，共和党
企业主

斯科特·A·麦克尼，民主
企业执行官

多雷恩·穆西，共和党
患者教育者

范·伍，共和党
电视制作人

保罗·W·瓦宁，共和党
金融家

詹姆斯·M·范德文特，共和党
副总裁

比尔·沃恩，民主
结构工程师

马科·瓦尔德斯，民主
空气污染科学家

穆罕默德·阿斯佛，独立
企业主

安杰琳娜，独立
演员

道格拉斯·安德森，共和党
抵押贷款经纪人

艾瑞亚· ordinances
自然法

布鲁克·亚当斯，独立
企业执行官

亚历克斯·L·史密斯，共和党
公众政策策略师

吉姆·霍夫曼，共和党
教师

凯恩·哈密，垒球
州税务官
This was, in part, the promise of direct democracy 100 years ago. In considering how direct democracy works in American states and communities today, it is important to consider the adoption of direct democracy in its historic context. We assess how it might make politics more representative of public opinion and consider whether it makes policy more responsible. The latter quality, of course, is much more difficult to assess.

**Populist Origins of Direct Democracy**

Although states in New England have practice with town meeting forms of local government that provide for direct citizen voting on policy questions, direct democracy did not exist at the state level prior to the late 1890s. Eighteen of the 24 states that currently have the initiative process adopted it between 1898 and 1914. Many of the early initiatives reflected the agenda of groups that agitated for adoption of direct democracy. Issues such as suffrage, Prohibition, labor laws, and electoral reforms were common in the first decade that direct democracy was in use.

The initiative process at the state level was first adopted in South Dakota in 1898, but it was first used statewide in Oregon in 1904. Several political movements that included organized labor, disaffected farmers, proponents of the so-called single-tax, Prohibitionists, and women’s suffrage advocates pressed their states to adopt the initiative, recall, and referendum. These direct democracy tools were part of a larger set of reforms advocated by the Populist Party in the 1890s including direct election of U.S. senators, direct election...
of the president, direct voter control candidate nominations, direct primary elections, and the income tax.

Although short-lived on the political scene, the Populists were one of the most influential third parties in American history. Their attack on the disproportionate influence of powerful economic interests (railroads, banks, mining firms, and monopolies) had great appeal to laborers, western farmers, and miners. Democrat William Jennings Bryan, who ran for president on the Populist ticket in some states in 1896, was soundly defeated, but he ran very strong in western states, sweeping Populist and “Fusion” Democrats into Congress and state legislatures. Bryan spent part of his career in the 1890s promoting direct democracy in states where Populists had political success. States where Bryan had his greatest electoral appeal, as well as states where Socialist presidential candidate Eugene Debs ran strongest early in the 20th century, were most likely to amend their state constitutions to allow some forms of direct democracy by 1914. Recall that Figure 4.1 illustrates how direct democracy is more common in the West, in part because Populists had greater political influence there and because some of these states were just forming their first constitutions when Populists and Progressives were most influential.

Adopting Direct Democracy during the Progressive Era

Whereas the Populists set the stage for U.S. direct democracy in the 1890s, most states actually adopted institutions of direct democracy during the Progressive era of the next two decades. Populists and Progressives differed in their critiques of American representative government. As such, the Populists’ saw that common people were trustworthy and competent, and that elected legislators were neither. The Populists’ goal was to take power away from incumbent politicians, vested interests, and party machines, and give it to voters. Progressives, on the other hand, were more sympathetic to the legislative process, but wanted to “liberate representative government from corrupt forces so that it might become an effective instrument for social reform.” The Progressive model aimed to use direct democracy to improve representative government, rather than replace it. Early advocates of direct democracy envisioned a process that allowed regular citizens to resolve a particular grievance. But modern direct democracy may have evolved into a process where professional politicians and wealthy interests use initiatives and referendums to advance their own agendas.

The Ebb and Flow of Ballot Initiatives

From the 1930s to 1960s, as legislatures became more professional and anticorruption laws took hold, direct democracy was used less. It made a comeback, however, as groups again began to use the initiative process to promote public votes on policy questions. There was a steady increase in the number of ballot measures qualified in all states since the 1960s. After a decline in the 1940s and 1950s, use of initiatives reached a new peak in the 1990s, when there were nearly 400 initiatives on statewide ballots—far more than any other decade. Annual use of initiatives remained relatively high by historic standards after 2000. It is important to remember that roughly 60 percent of all initiatives that qualify for state ballots are rejected by voters; however, measures that pass can have a powerful effect on the design of state political institutions and on the political agenda.

Studies find a large degree of stability in terms of the subjects of ballot measures on which voters have been asked to decide over most of the last 100 years. The most common initiatives since 1980 have been governmental reform measures such as term limits and campaign finance regulation (23 percent) and taxation questions (22 percent). Social and moral issues (17 percent) and environmental measures (11 percent) are the next most common questions. Some attribute the revival of direct democracy in recent decades to a new
generation of citizens who demand more say in politics, but who are less interested in traditional forms of participation via representation by political parties. Others note that the rise of initiative use in the United States corresponded with the proliferation of new interest groups, and with the maturation of a sophisticated industry of campaign professionals promoting the use of initiatives.

**Direct Democracy and National Politics**

Battles over several state initiatives from the later decades of the 20th century have set the stage for major policy debates at the national level. Contemporary initiative efforts in the states sometimes become part of larger campaigns that shape the issues discussed by politicians in Washington, and those trying to win election to federal office. Antitax initiatives from the late 1970s—most notably, California’s Proposition 13 in 1978—foreshadowed the enthusiasm for the Reagan-era federal tax cuts of the early 1980s. Initiatives in California and Washington targeting affirmative action set the tone for national debate on the policy in the late 1990s. That same decade, voters in over a dozen states decided the fate of proposals to limit state legislative terms. Popular enthusiasm for term limits may have led some aspiring candidates for Congress to take positions in favor of short tenure in office (although several years later, many of those same members had less enthusiasm for limiting how long they should serve).

State initiatives and referendums proposing to ban gay marriage in 2004 had effects that spilled over on the presidential election. Voters were more likely to evaluate George W. Bush and John Kerry in terms of the gay marriage issue if they lived in one of the 13 states where there was a gay marriage ban measure on the state’s ballot. Initiative activists with an eye to the national stage have gotten their proposals on the ballot in multiple states to promote their causes and set the national agenda. As a result, measures backed by national groups advocating such things as increasing the minimum wage, eminent domain, school choice, nuclear freeze, term limits, the repeal of affirmative action, and tax cuts have each gotten their measures on the ballot in several different states.

Nonetheless, most of the initiatives and referendums to reach a state’s ballot are homegrown proposals. This does not mean that most initiatives are the product of the “average” citizen who rallies the grassroots to challenge an established order. The initiative process is also used by a wide array of interest groups, by business groups, and by political parties. Ballot initiatives targeting the use of public services by illegal immigrants have been used by the Republican Party in attempts to mobilize supporters or drive a wedge through the rival party’s base. Democrats have made similar attempts to mobilize likely Democratic voters with minimum wage initiatives. Incumbent politicians, candidates for office, and wealthy individuals also promote their pet causes with initiatives. In states where expensive petition campaigns are required to qualify for the ballot, many of the same powerful interest groups that dominate legislative politics—trial lawyers, teachers’ unions, nurses, insurance companies, and casinos and Indian tribes—also fund campaigns promoting and opposing initiatives.

**The Explosion Continues**

In the 2006 general election, there were 74 initiatives and five popular referendums on the statewide ballots of 37 states. On the ballots of all 50 states, there also were hundreds more local referendums and initiatives. Substantively, ballot propositions cover a remarkable range of issues; some of the issues involved are complex, whereas others are relatively straightforward. Some measures make national headlines; others remain obscure in terms of public or media attention. Voters have cast ballots dealing with issues as diverse as banning gay marriage, punishing negligent doctors, prohibiting the confinement of pregnant pigs, limiting the taxation and spending powers of state governments, funding stem cell research, and ending affirmative action.
Most Americans think that marijuana should be made legal for medical purposes. A 2005 Gallup Poll found 78 percent of Americans favored legalizing marijuana for medical use. Despite the popularity of medical marijuana, the federal government and nearly all the state legislatures have repeatedly rejected the policy. Not to be stymied by their elected officials, citizens in 11 states (as well as those in the District of Columbia) have used ballot initiatives to pass laws allowing physicians to prescribe marijuana to patients suffering chronic pain.

Those sympathetic to direct democracy often suggest that elected officials are sometimes more responsive to lobbyists than public opinion. The initiative, they say, allows citizens to vote on laws that their state legislatures refuse to enact. Although ballot campaigns may be expensive, they claim that money cannot buy a ballot initiative victory at the polls. How can money buy a public policy that the citizens of a state don't want? On the other hand, critics of direct democracy suggest the legislative process is a better way to make policy because elected officials are more knowledgeable about complex issues. They claim that special interest money can buy public policy. Medical marijuana ballot initiatives are an example, they say. The successful measures do not reflect public opinion, but instead are the brainchild of a few wealthy people who don’t even live in their states. Indeed, in the past decade George Soros, who earned billions in currency markets; George Zimmer, founder of the Men’s Wearhouse clothing chain; and John Sperling, founder of the for-profit University of Phoenix, funneled millions of dollars to qualify medical marijuana initiatives in Alaska, Arizona, California, Montana, Oregon, and several other states. Much of the money was spent on collecting signatures to qualify for the ballot. Regardless of whether either interpretation is correct, direct democracy will continue to have important consequences on state politics and policy in the states permitting the plebiscitary process.
programs and social welfare benefits to illegal aliens. In many states, virtually no subject matter is off-limits.

Looking just at the November 2004 ballot, six states featured initiatives banning same-sex marriage, whereas another five had legislative referrals on the same topic. Four states had measures dealing with tort reform and medical malpractice, with voters in Florida and Nevada being faced with competing proposals authored by dueling doctors and trial lawyers. Floridians and Nevadans also voted to raise the minimum wage. Coloradoans approved a measure mandating utility companies to develop alternative energy sources and raised taxes on tobacco, but rejected a proposal calling for the proportional allocation of electors for the Electoral College. Voters in Montana approved legalizing marijuana use for medicinal purposes. Californians voted on 16 statewide measures, including 11 initiatives and one popular referendum; one of the five initiated measures approved on Election Day was a proposition authorizing the state to issue $3 billion in state bonds over 10 years to finance embryonic stem cell research. As voters in Florida, Nebraska, and Oklahoma all voted to expand gambling operations in 2004, their counterparts in Michigan and California opted to rein in gambling operations by Native American tribes, and voters in Washington nixed the expansion of slot machines in current gaming establishments.²⁹

Differences across Initiative States

States differ with regard to how directly democratic their direct democracy processes are in practice. In most of the United States, direct democracy is limited to legislative referendums used at both the state and local levels. Most western states that adopted the initiative early have rules that allow citizens to draft constitutional initiatives as well as statutory initiatives. Statutory initiatives are more readily amended or repealed by the legislature in some states (such as Colorado, Maine, Idaho, and Missouri), whereas others require waiting periods, supermajorities, or both before a statutory initiative may be amended. California is the only state where the legislature may neither amend nor repeal an initiative statute.

In states where rules for direct democracy were put in place when Populists and Progressives were still influential (such as Arizona, California, Colorado, and Oregon), provisions for the initiative and popular referendum are more radically democratic than what exists in states that adopted the initiative process later in the 20th century. States that adopted the direct initiative and popular referendum in the early 1900s have rules that make it relatively easy to qualify for the ballot. Most early-adopting states have a relatively low threshold of signatures required to qualify initiatives as well as other requirements to qualify ballot measures.³⁰

Using the Initiative

As Figure 4.3 reveals, Oregon and California—two early adopters—lead the pack in initiative use, with both states averaging 6.3 initiatives per each two-year election cycle. Over 300 initiatives have appeared on Oregon ballots since that state adopted direct democracy, with California having nearly as many. The six states with the most frequent use of initiatives (Arizona, California, Colorado, North Dakota, Oregon, and Washington) have averaged more than three initiatives per general election since the Progressive era.³¹ Roughly 60 percent of all initiative activity has taken place in these six states.³² Few states, however, look like California or Oregon in terms of the ease of qualifying initiatives for the ballot and the difficulty that legislatures face when it comes to amending voter-approved initiatives.

The handful of states that adopted direct democracy long after the demise of the Populists and Progressives have much more restrictive rules on how it can be used. Alaska included the initiative in its constitution when it was admitted to the union (1959), but only Florida and Wyoming (1968), Illinois (1970),
and Mississippi (1992) have adopted the initiative process since that time. Three of these states (Florida, Illinois, and Mississippi) only allow constitutional initiatives. Illinois and Mississippi place severe restrictions on the subject matter that may appear on the ballot, and both states have strict provisions for qualification. As such, initiatives are rarely used in these two states—only one initiative has ever appeared on the Illinois ballot, and only two have qualified in Mississippi.33

**Limits on Initiative Content**

Generally speaking, any topic is a potential initiative subject. A few states, however, prohibit measures dealing with the judiciary, bills of rights, or tax questions. The major constraints on initiatives are constitutionality and single-subject laws, both of which are typically evaluated by state courts after a measure has been approved by voters. Some states allow elected officials or courts to amend or revise the language of propositions without the proponent’s consent. Of the 24 states, only six have much of a pre-election review at all. Four states—Colorado, Idaho, Montana, and Washington—have an advisory pre-election certification process.

Half of the initiative states have rules that limit initiatives to one subject. Most state courts have been fairly tolerant of individual proposals with sweeping breadth, as long as their component parts could be seen as reasonably germane to one subject. State legislatures originally adopted the single-subject rule to ban egregious attempts at building coalitions of supporters by rolling many attractive features into a single measure in the hope of expanding potential support for it. One famous yet unsuccessful initiative proposal from California linked the regulation of margarine, voting rights for Native Americans, gambling, fishing, mining, and apportionment of the state senate into a single initiative question.34 This
sort of “log-rolling” proposal is prohibited by single-subject laws. Only Florida’s State Supreme Court has been known to regularly nullify initiatives on single-subject grounds, even after proponents have collected hundreds of thousands of valid signatures to qualify their measures for the ballot. The Florida State Supreme Court is also the only court to overtly declare that single-subject evaluations should be applied more rigorously to initiatives than legislative bills. Since 2000, however, state courts in California, Colorado, Nevada, and Oregon have become more rigid in the application of their state’s single-subject rule. At times, this has meant that a single initiative must be split into several questions that are put before voters simultaneously.

Qualifying for the Ballot

Initiatives and referendums, when they qualify for the ballot, are usually placed on a ballot whenever the next regularly scheduled general election occurs. This means direct democracy votes typically occur in even-numbered years. Some states (including Maine, Ohio, and Washington) have initiative votes annually in November, and a few (such as California) place initiatives and referendums on general and primary ballots every two years, so voters decide on an array of initiatives and referendums at least twice a year in even years. California and a handful of other states also allow either the governor or the legislature to schedule special statewide elections in odd years for votes on initiatives and referendums.

States that allow the initiative have considerable variation regarding how easy it is for citizens to use the process. Most states share four basic steps. First, the proposal is drafted by proponents. Next, it is forwarded to a state office that issues an official title and summary of the measure. Proponents may then circulate petitions—usually within a fixed time period, often 90 or 180 days—for voters to sign. Finally, the state verifies whether a valid number of signatures were collected. If so, the proposal is placed on the ballot.

Rules for qualification vary across direct democracy states. In some states, petitioners have less time than in others. Some states also require that a certain proportion of signatures be collected in specific geographical areas, such as congressional districts. States also differ in the proportion of voters’ signatures required to qualify for the ballot. Differences in these rules, and in the population of a state, affect how costly it is to get on a ballot. The difficulty of collecting hundreds of thousands of signatures means that many proponents hire people to collect signatures. Qualification is more difficult, and more costly (see Table 4.1), when a higher proportion of signatures must be collected in a shorter time period.

Amateurs or Professionals?

In many states it is difficult to place a measure on the ballot unless professional petition firms are paid to collect some or all of the signatures required for qualification. In large states like California and Florida, where roughly 600,000 valid signatures are required to qualify a constitutional amendment initiative, few measures reach the ballot without proponents resorting to hiring firms that use paid petition gatherers to collect signatures. Some of these signature-gathering firms will have their subcontractors carry multiple petitions for the various groups that have hired them to gather signatures. For instance, in Missouri in 2006, employees of National Voter Outreach, a paid signature-gathering firm based in Carson City, Nevada, were carrying petitions for three separate measures: a measure tightening the state’s eminent domain law, a measure limiting the taxing and spending authority of the state, and a measure increasing the tax on cigarettes to pay for health care costs for people receiving Medicaid. In states that have fewer voters, it is easier to collect the required signatures. In Colorado, for example, less than 70,000 valid signatures are needed to qualify either a statutory or constitutional amendment initiative. A hundred years ago, when there were far fewer people voting, fewer signatures were
required to qualify a measure for the ballot, which may have helped to simplify the logistics of qualification.

Today, few citizen-based groups have the resources to collect signatures equal to 12, 8, or even 5 percent of a state’s voting population. The use of paid signature gatherers and professional campaign staff has been part of the process in some states since early in the 20th century. In the early 1900s, paid petition gatherers in some states were earning upwards of $0.03 a signature. As the raw number of signatures required to qualify has increased, fewer voluntary, “grassroots” measures appear on state ballots. In California, for example, volunteer petition campaigns are rarely successful. Those who wish to get a constitutional initiative amendment onto the ballot have to gather signatures equivalent to 8 percent of the number of votes for governor. This means gathering close to 1 million signatures in just 150 days, as a large percentage of signatures will surely be found to be invalid. Petition management firms in the state offer proponents a guarantee of qualification, but at a price that runs close to $2 million for each initiative to be qualified. Paid signature gatherers in California have been known to earn up to $5 per valid signature, although the $1 to $2 range is more typical. In less populous states, the cost to qualify an initiative ranges anywhere between $50,000 and $400,000.

Champions of the Populist–Progressive vision of direct democracy have long argued that if the process is to combat the power of wealthy established interests, petition efforts should rely on volunteers only. In this spirit, several states passed laws banning the use of paid signature gathering. In the early 1900s, several states, including Ohio, South Dakota, and Washington, passed laws banning paid petition gatherers. In the 1930s and 1940s, Oregon and Colorado also passed laws banning the practice, with Idaho and Nebraska following suit in the late 1980s. The U.S. Supreme Court eventually overturned these laws in 1988, reasoning that the First Amendment protected paid petitioning as it was a form of political speech. This ruling, and the difficulties of qualifying measures, means that wealthy groups (unions, corporations, business organizations, professional associations, and trade groups) and wealthy individuals play a prominent, if not dominant, role in affecting

### Table 4.1

<table>
<thead>
<tr>
<th>State</th>
<th>Qualification Difficulty Index</th>
</tr>
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<tbody>
<tr>
<td>Oregon</td>
<td>0</td>
</tr>
<tr>
<td>California</td>
<td>1</td>
</tr>
<tr>
<td>Colorado</td>
<td>1</td>
</tr>
<tr>
<td>North Dakota</td>
<td>1</td>
</tr>
<tr>
<td>Arkansas</td>
<td>2</td>
</tr>
<tr>
<td>Ohio</td>
<td>2</td>
</tr>
<tr>
<td>Michigan</td>
<td>2</td>
</tr>
<tr>
<td>South Dakota</td>
<td>2</td>
</tr>
<tr>
<td>Idaho</td>
<td>3</td>
</tr>
<tr>
<td>Arizona</td>
<td>3</td>
</tr>
<tr>
<td>Washington</td>
<td>3</td>
</tr>
<tr>
<td>Oklahoma</td>
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</tr>
<tr>
<td>Montana</td>
<td>3</td>
</tr>
<tr>
<td>Missouri</td>
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</tr>
<tr>
<td>Massachusetts</td>
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<tr>
<td>Utah</td>
<td>3</td>
</tr>
<tr>
<td>Nebraska</td>
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<td>Maine</td>
<td>4</td>
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<tr>
<td>Nevada</td>
<td>4</td>
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<tr>
<td>Florida</td>
<td>4</td>
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<tr>
<td>Illinois</td>
<td>4</td>
</tr>
<tr>
<td>Alaska</td>
<td>5</td>
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<tr>
<td>Mississippi</td>
<td>5</td>
</tr>
<tr>
<td>Wyoming</td>
<td>6</td>
</tr>
</tbody>
</table>

Note: Higher scores indicate more difficulty; low scores are states with the easiest rules for qualification.

what gets put to a public vote. Roughly a dozen states have responded by passing laws requiring circulators to disclose if they are being paid or not, and Oregon and North Dakota prohibit paid signature gatherers from being compensated on a per-signature basis, requiring them instead to be paid a fixed salary or an hourly wage.

### Millionaires’ Amusement?

Wealthy individuals, such as Microsoft cofounder Paul Allen, Hollywood actor-director Rob Reiner, billionaire financier George Soros, tech-industry businessman Ron Unz, and even actor Arnold Schwarzenegger (in his pre-governor, Terminator days), have all bankrolled the qualification of successful ballot initiatives. For his part, Allen convinced taxpayers to subsidize a new stadium for his then mediocre football team, the Seattle Seahawks, but Washington voters rejected the school reform initiative he funded. In 1998, Reiner sponsored an initiative to create early childhood development programs, and in 2006, he sponsored a tax on wealthy individuals to expand preschool education. In the 1990s, Soros, along with a couple of other wealthy individuals, helped finance nearly a dozen initiatives legalizing the medical use of marijuana. Unz used his money to bankroll measures to repeal bilingual education programs in California, Arizona, Colorado, and Massachusetts. In 2002, Schwarzenegger funded an initiative that bulked up spending on his state’s after-school programs (and helped to burnish his image as a budding policy wonk).

### The Financing of Direct Democracy Campaigns

The last election of the 20th century was a landmark year for direct democracy. In 1998, ballot committees spent nearly $400 million promoting and opposing ballot measures (both initiatives and referendums) in 44 states. Large and small states, regardless of the number of measures on their ballots, experienced high levels of expenditures on ballot measures. In California, the then record-setting 1998 elections gave further insight into how much spending on ballot measure campaigns could be involved. There were seven initiative measures on the state’s November 1998 ballot. The secretary of state reported that $197 million was raised to qualify, support, and oppose ballot measures for that election in California alone, nearly half of all the campaign spending on direct democracy contests for that year nationally. The total was more than what the presidential candidates themselves spent nationally in the 2000 general election. The most expensive measure on the November 1998 ballot was Proposition 5, with some $92 million spent collectively to qualify, support, and oppose the successful initiative that legalized gambling on Native American reservations in California.44

### An Initiative Industrial Complex?

The large sums of money spent on ballot measure campaigns gave rise to concerns about the presence of an “initiative industrial complex.”45 From this perspective, paid political consultants are seen not just as “guns for hire” but also as actors who create the demand for their services by advocating their own proposals for ballot measures. Their services include contracting petition work, polling, crafting TV ads, and purchasing airtime for the ads.

The public clearly has concerns about the campaign side of direct democracy. Despite being overwhelmingly in favor of the initiative process, people claim that initiative campaigns are misleading, that campaigns are too expensive, and that “special interests” dominate the process.46 Writing in 2003, the Los Angeles Times, a longtime and persistent critic of the initiative process, editorialized, “Direct democracy is running amok” in California. Critics in other states agree, such as the former president of the Florida Senate, who has warned of the potential “Californication” of Florida resulting from the rash of expensive initiative campaigns.47

One critical question about direct democracy “is whether the process is driven . . . more by
consultants than by citizens.” Some note that consulting and initiative marketing firms “sometimes test market issues for their feasibility . . . and then shop for a group to back them” and that petition firms may try to drum up business after pitching issues to potential sponsors. However, few examples of this have occurred in California or elsewhere. The claim is likely overreaching, as one is hard-pressed to find evidence of this type of practice, save for a single campaign professional promoting a lottery initiative in 1988.

Nonetheless, the amounts of money spent on initiative politics can be staggering. In 2004, close to $400 million was spent on just 59 ballot initiative campaigns in 18 states. In several states, more money was spent on ballot initiative campaigns than for all other races for political office combined. In 2004, Florida voters were presented dueling initiatives on regulating medical malpractice—one measure sponsored by doctors and the insurance industry, and two sponsored by trial lawyers. The two industries spent over $33 million on the three initiatives, all of which passed. Nationally, the total expenditures in 2004 were double the amount spent on 117 ballot measures (both initiatives and referendums) on the ballot in 2002. Ballot measure committees squaring off in just four states—California, Florida, Michigan, and Oregon—spent more than $338 million, accounting for 85 percent of the total expenditures on ballot initiative campaigns in 2004. Nationally, proponents spent an average of $12.3 million to qualify and advance their initiatives in 2004, whereas groups opposing the measures spent slightly more than $6 million apiece.

**Direct Democracy Campaigns and the Supreme Court**

These enormous expenditures are possible because the U.S. Supreme Court views initiative campaigns differently than candidate contests. The Court recognizes that large contributions to candidates may create either the appearance or the actuality that a candidate for office may become corrupted. This ruling has allowed Congress and state legislatures some limited ability to regulate the size of contributions given to candidates. Contributions to initiative campaigns, in contrast, are seen as attempts at direct communication with voters rather than attempts to influence elected officials. In *Bellotti v. First National Bank of Boston*, the Court reasoned in 1978 that there was no possibility of corruption or appearance of corruption because a ballot measure can’t provide any illicit political favors to a donor of a campaign. In its *Bellotti* decision, the Court reasoned that states thus have no compelling reason to limit the First Amendment right of donors contributing to initiative campaigns. The 1978 decision was also the Court’s first effort to explicitly extend free speech rights to corporations. Put simply, no limits exist on what sources can be used, or the amount spent, in ballot initiative campaigns.

**“Special Interests” and Initiative Campaigns**

As noted above, one common critique of direct democracy is that well-financed campaigns trick voters into passing policies that they actually do not prefer. The argument that “special” interests dominate the initiative process is a plausible one. After all, if it can take up to $1 million to simply ensure a proposal gets on the ballot, playing initiative politics obviously requires significant resources. Ordinary citizens are likely to lack such funds, but established, well-funded groups are not so disadvantaged. Powerful special interests, the argument goes, can afford to get any issues they want onto the ballot, and once the initiative is on the ballot, they buy enough spin doctors, campaign managers, and TV ads to get voters to vote for things they do not want, or for things that harm the public interest.

We can assess this argument by breaking it into two questions: first, do “special” economic interests dominate the initiative process (as opposed to broad-based, citizen concerns); and, second, are voters readily swayed by expensive TV campaigns? One way to assess these questions is to ask whether narrowly focused
economic interests (for example, banks, trade and industry groups, corporations, and professional associations) outspend other, broader-based kinds of citizens’ groups. Another way is to ask whether these economic groups tend to win the initiative contests they finance.

**Which Groups Dominate Direct Democracy?**

One major study of the role that interest groups play in the initiative process defines economic groups as those whose members and donors are almost exclusively business firms and professional organizations, rather than individual citizens. Examples include the Missouri Forest Products Association, the California Beer and Wine Wholesalers, the Washington Software Association, and businesses such as casino operators and tobacco giant Philip Morris. This study of eight states found 68 percent of campaign contributions coming from such narrowly based economic groups. It also found that ballot measures with more financial backing from economic interests were more likely to fail. A similar study found that wealthy economic interests in California regularly outspent broadly based “citizen” groups, and 80 percent of campaign spending by these economic groups was directed against citizen group proposals that threatened business interests. However, when economic interest groups spend in favor of their own initiatives, they usually lose.

In short, most of the big money in direct democracy comes from “special” interests defending themselves or, as with the case of the malpractice initiatives in Florida, fighting each other. A battle over a 1988 automobile insurance regulation in California provides an extreme example: Insurance companies and trial lawyers’ groups spent over $82 million promoting four competing initiatives and spending heavily against a fifth proposal placed on the ballot by Ralph Nader’s consumer group. Voters rejected all four well-financed initiatives, but approved the fifth insurance measure (the one endorsed by consumer activist Nader).

**Record Expenditures** In 2004, more than two-thirds of the nearly $400 million of ballot initiative expenditures was spent on just 10 campaigns. As Table 4.2 shows, initiative proponents and opponents in just three states (California, Florida, and Michigan) spent over $269 million to convince voters to support or reject measures on the ballot. In 2004, money more often than not equaled success. Proponents of seven of the most expensive initiatives were victorious on Election Day. On average, the proponents of these seven successful initiatives spent $4.67 million on their campaigns and outspent their opponents by nearly a three-to-one margin.

Over half of the total expenditures spent nationally on ballot initiatives (some $201 million) in 2004 were spent on 11 initiatives on California’s November ballot. On average, proponents of the 11 California initiatives spent $12.3 million to qualify and promote their measures, roughly twice the amount spent by their opponents. Citizens ended up adopting five of the 11 ballot initiatives. Proponents spent an average of $3.39 per vote they received on Election Day; opponents spent only $0.69 per vote. Although the spending on ballot measures in California in 2004 dwarfed that of other states, total expenditures on ballot campaigns in Alaska, Montana, and Ohio all topped $3.00 a vote. In Montana, corporate backers of an ill-fated initiative that would have allowed cyanide to be used in mining operations spent over $20 per vote, but netted only 42 percent of the vote. In contrast, spending on initiatives in Missouri averaged only $0.05 per vote and only $0.23 per vote in Oregon.

**Does Money Matter in Initiative Campaigns?**

Money spent to defeat initiatives tends to be quite effective. Some research shows that a dollar spent by the “No” campaign has almost twice as much impact on the eventual vote share than a dollar spent by the “Yes” side. Other studies suggest that spending by proponents is less effective, or has no effect, when compared to spending against ballot measures. This may explain why narrow economic groups regularly defeat initiatives such
as environmental regulations or consumer protections that enjoy substantial majority support in pre-election polls. Despite this, measures supported by broad-based and grassroots citizens’ groups pass at rates a bit higher than average.

Although exceptions do exist, wealthy economic interests aren’t usually successful at using initiatives to “buy” public policy, but they are often successful in blocking many proposals—such as health care requirements and environmental regulations—that directly affect them. Most initiatives that do pass can be seen as things, for better or worse, that tap into the preferences and concerns of the broader public, such as social and moral questions. Many measures that pass, such as tougher criminal sentencing laws, animal protection laws regulating hunting, or even somewhat peculiar measures—such as a 1998 California initiative that banned the slaughter of horsemeat for human consumption and a 2002 Florida initiative that amended the state’s constitution to prohibit the confinement of gestating pigs in crates—pass despite having relatively little campaign spending by the proponents.

### Dumber than Chimps? Voting on Ballot Questions

A voter’s ability to make reasonably informed choices on ballot measures depends on what sort of information is available. Few suggest that voters study the details of the laws they

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**Table 4.2**

**Top 10 Most Expensive Ballot Initiative Campaigns, 2006**

<table>
<thead>
<tr>
<th>State</th>
<th>Ballot No.</th>
<th>Title</th>
<th>Side</th>
<th>Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>CA</td>
<td>68</td>
<td>Tribal Gaming Compact Renegotiation</td>
<td>Yes</td>
<td>$25,472,443</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>No</td>
<td>$47,415,763</td>
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<tr>
<td>CA</td>
<td>71</td>
<td>Stem Cell Research</td>
<td>Yes</td>
<td>$34,711,278</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No</td>
<td>$624,973</td>
</tr>
<tr>
<td>CA</td>
<td>70</td>
<td>Tribal Gaming Compact</td>
<td>Yes</td>
<td>$29,972,493</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No</td>
<td>$2,870,720</td>
</tr>
<tr>
<td>FL</td>
<td>4</td>
<td>Expansion of Slot Machines</td>
<td>Yes</td>
<td>$24,878,428</td>
</tr>
<tr>
<td>MI</td>
<td>1</td>
<td>Voter Approval for Gambling</td>
<td>Yes</td>
<td>$18,777,789</td>
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<tr>
<td>CA</td>
<td>64</td>
<td>Unfair Business Competition Laws</td>
<td>Yes</td>
<td>$19,479,094</td>
</tr>
<tr>
<td>CA</td>
<td>67</td>
<td>Emergency and Medical Services</td>
<td>Yes</td>
<td>$6,144,544</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>No</td>
<td>$7,288,512</td>
</tr>
<tr>
<td>FL</td>
<td>3</td>
<td>Tort Reform</td>
<td>Yes</td>
<td>$2,862,167</td>
</tr>
<tr>
<td>FL</td>
<td>7</td>
<td>Patients’ Rights</td>
<td>Yes</td>
<td>$8,362,721</td>
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<tr>
<td>FL</td>
<td>8</td>
<td>Protection from Medical Malpractice†</td>
<td>Yes</td>
<td>$8,362,721</td>
</tr>
</tbody>
</table>

**Note:** Bold indicates winning side.

are voting on. Rather than using exhaustive research, they decide on the basis of information shortcuts that are easily available.\textsuperscript{66} Information about who is in favor or against a proposal may be the primary shortcut many people use.\textsuperscript{67} Partisanship is one of the most reliable predictors of voting on ballot measures.\textsuperscript{68} If, for example, voters see a prominent Democrat support a proposition, then loyal Democratic voters are likely to support the proposition and Republicans oppose it.

Where do voters find these cues to help them make informed decisions on ballot questions? In many states, an official state agency mails every registered voter a pamphlet that lists each ballot proposal and includes arguments for and against the proposition. Other sources include media coverage and paid ads. The availability of information shortcuts may explain why so few examples of initiatives pass that are later found to be unpopular with the voters who approved them.

### Does Direct Democracy Deceive Voters?

Because voters may not know much about the subjects of ballot initiatives and may not have partisan cues when voting, there may be room for campaign ads to determine which initiatives voters approve. It is unclear, however, how much effect paid ads have on voter choices. Most people believe that initiative campaign ads are attempts to mislead.\textsuperscript{69} Despite the expenditure of tremendous sums of money, voters claim to discount the usefulness of political ads. One survey found people had multiple sources of information to consider when deciding on initiatives, and most reported that they didn’t rely much on information from paid ads. Most voters claimed that neutral information provided by the state, and information from the news media, was most important to them when figuring out how to vote on initiatives. When campaign consultants who worked on initiative campaigns were asked about the information voters relied on, they had a different sense of which information was most important.\textsuperscript{70}

Table 4.3 displays results from surveys of voters and campaign consultants.

### The Role of the Media in Initiative Campaigns

The survey of voters found that just 20 percent claimed to make use of TV ads. A follow-up questions found that only 13 percent of this group report they thought the information in the ads was “very important” in affecting their decisions. In contrast, 85 percent of consultants saw TV and radio as “very important” information for voters. Consultants see TV and radio ads as the most influential, whereas voters themselves see ads as one of the least important sources of information. Similarly, consultants afford the advertising mailers produced by the campaigns a much larger degree of importance than do voters.

These differences between what voters say they use when deciding on ballot measures, and what consultants think they use, may come as little surprise. Most people probably have little wish to claim being dupes of advertising, whereas consultants believe in their own importance. Thus, if these responses contain bias, it is probably for voters to underestimate the effects of ads, and for consultants to overestimate their effects. However disparate and inconsistent the results, they could be accurate: it may be that a relatively small group responds to information in TV ads, but these might be the voters who consultants are trying to reach with their ads.

Despite these differences in perceptions of information sources, some similarities emerge. Both consultants and voters, for example, recognize the importance of the news media. Voters see news media as more important than advertisements, and the consultants’ evaluations of the importance of news are similarly high. Consultants and voters also have similar perceptions of the state-provided voter’s guide in terms of importance. The voter’s guide is seen by voters and consultants as an especially important piece of campaign information provided to voters. This is consistent with our idea
that it provides a convenient and easy source of endorsements.

TV ads may actually provide useful cues to voters. One study of initiative campaign TV ads from several states found the ads often provide cues such as names of sponsors or opponents, as well as name prominent groups, newspapers, and politicians who have taken positions on the measure. High levels of spending on initiative TV ads probably increase public awareness of initiatives, and may increase public attention to campaign issues. This may explain higher levels of general knowledge about politics in states with prominent initiative campaigns. Relatively, another study found voters more likely to have heard about initiatives when more was spent on the campaigns, and that more citizens voted on initiatives that had higher campaign spending.

### Direct Democracy and Electoral Politics

Initiative and referendum campaigns can alter a state’s political context. Several examples of ballot measures affect the agenda and tone of candidate elections. In 1998, for example, Republican Party operatives in Colorado tried to link Democratic candidates to positions on state ballot initiatives that Republicans expected voters to find unpopular. Democrats did the same, and ran campaign ads linking the Republican gubernatorial candidate to two anti-abortion measures. The Republican had been trying to distance himself from the social conservative. During their 2004 Florida campaign, the rival U.S. Senate candidates attempted to craft their campaign themes to fit with initiatives on the state’s ballot. Republican nominee Mel Martinez, for example, worked several ballot issues into his standard campaign speech and at candidate debates. And in California, numerous candidates for governor, including Arnold Schwarzenegger, have sponsored initiatives to promote their candidacies.

Political party organizations also use initiatives to promote issues they hope will divide the opposing party’s candidates and weaken the opposition’s base of support. Major examples of wedge issues from the past decade are affirmative action and immigration initiatives. Republicans promoted a California initiative to restrict affirmative action, and another measure restricting services to illegal

| Importance of Sources of Information^a for Ballot Initiative Campaigns |
|-------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
|                        | Very Important (%) | Important (%) | Not Important (%) | Very Important (%) | Important (%) | Not Important (%) |
| TV and radio ads       | 83                | 17               | 0                 | 13                | 60               | 26               |
| TV and radio news      | 72                | 28               | 0                 | 34                | 56               | 10               |
| Ballot pamphlet        | 64                | 31               | 5                 | 69                | 30               | 1                |
| Newspapers            | 41                | 59               | 0                 | 50                | 47               | 3                |
| Flyers and/or mailers  | 39                | 54               | 7                 | 9                 | 72               | 18               |
| Word of mouth          | 35                | 37               | 28                | 34                | 53               | 13               |

^a Values are the percentage responding that a source of information is very important, important, or not important at all.

immigrants, hoping that Democrats across the nation would be forced to adopt policy positions that would harm their chances for re-election. Republican Governor Pete Wilson of California, as well as Democratic candidate John Van de Kamp, both raised money to put several policy questions on the ballot when they sought office.  

Anecdotes and academic studies also suggest that different ballot measures can mobilize different elements of the electorate at different times. A classic example is the 1982 California gubernatorial election. The Democratic mayor of Los Angeles, Tom Bradley, led narrowly in polls conducted immediately prior to the November vote, but Bradley ended up losing to Republican George Deukmejian. In this case, polls may have had difficulty estimating how an initiative would shape the participating electorate. The same ballot included a highly contested gun control measure, Proposition 15, which the National Rifle Association (NRA) opposed. The NRA spent over $5 million against the measure, and rallied pro-gun voters to the polls. Deukmejian, the Republican candidate, probably benefited from these voters being drawn to the polls.

**Spillover Effects of Ballot Measures in Candidate Races**

Direct democracy’s effect on candidate races may be indirect. One prominent study found that various state and local ballot measures advocating a freeze on the development of nuclear weapons in 1982 affected how voters evaluated candidates in U.S. Senate elections, in some U.S. House races, and even in some gubernatorial contests. In places where voters were presented the nuclear freeze question, they were more likely to evaluate candidates in terms of the nuclear proliferation measure. There were similar effects with California’s Proposition 187 in 1994, which restricted social services to illegal immigrants, and Proposition 209 in 1996, which ended affirmative action in the state. Both ballot questions shaped the issues voters used to evaluate candidates.

One need only to point to the 2004 presidential election to understand the potential ramifications of ballot measures on candidate elections. Assessing George W. Bush’s narrow victory in Ohio, which tipped the Electoral College balance in his favor, journalists and political analysts were quick to credit the mobilizing effects of Issue 1, a statewide anti-gay marriage measure on the ballot that year. The *New York Times* speculated that “state constitutional amendments banning same-sex marriage increased the turnout of socially conservative voters in many of the 11 states where the measures appeared on the ballot,” with the measures appearing “to have acted like magnets for thousands of socially conservative voters in rural and suburban communities who might not otherwise have voted.” Although scholars have questioned the actual turnout effects of the statewide same-sex marriage ballot measures, the margin in Ohio was so close that if the initiative had even a minor effect on turning out pro-Bush voters, it may have been decisive.

**Direct Democracy and Turnout in Elections**

As the 2004 Ohio example suggests, statewide ballot initiatives may affect politics by bringing voters to the polls. In 1978, more Californians cast votes for a critical antitax measure (Proposition 13) than cast votes for the governor’s race on the same ballot. Studies of voting prior to the 1990s concluded that ballot measures did not affect voter turnout. Political scientist David Magleby concluded in 1984 that “turnout is not increased by direct legislation,” although occasionally a highly salient measure, such as California’s Proposition 13 in 1978, “might encourage” higher turnout. Recent studies of initiative use, however, have produced evidence that initiatives can increase turnout by nearly 2 percent per initiative in midterm elections, and nearly 1 percent in presidential elections, all else being equal. Initiatives receiving substantial media attention have the greatest effect on turnout, particularly
in “off-year” (non–presidential election year) state elections. In municipal races, evidence has shown that at the local level, cities that use the initiative process have higher voter turnout than cities that don’t allow their citizens to place measures directly on the ballot.

**Interest Groups, Initiatives, and Elections**

Interest groups may use direct democracy to force the hands of legislative candidates running for office by placing measures on ballots to force them to take a position on their issues. Interest groups also use ballot initiatives to exploit wedge issues, drain campaign resources from potential opponents, and mobilize their voters. California’s anti–affirmative action measure, Proposition 209, was placed on the ballot by conservative groups who hoped that if the measure generated support from white Democratic voters, they might also consider breaking away from Democratic candidates who were opposed to the measure.

Pro-business interest groups, including Americans for Tax Reform, promoted “pay-check protection” ballot measures in Oregon and California to require individual union members to give their leaders prior approval for dues to be used for political purposes. A leader of Americans for Tax Reform envisioned that the issue would force organized labor to spend millions of dollars in campaign funds on efforts to defeat the measures, money that unions would not be able to contribute to Democratic candidates. They turned out to be right—unions spent some $24 million to narrowly defeat the measure in California.

Groups also use initiatives to pass policies that they can’t get through the legislature. Large membership interests such as teachers’ unions have been successful in promoting initiatives designed to benefit their members. The California Teachers’ Association, for example, sponsored the successful Proposition 98 in 1988, mandating that a fixed percentage of state general fund revenues support K–12 education. Washington’s teachers union recently promoted two successful initiatives: Initiative 728 mandated smaller class sizes, and Initiative 732 mandated pay raises for the state’s public school teachers. Interest groups also use ballot initiatives to send signals to legislators, or to force legislators to come up with an alternative.

Some research suggests that the initiative process may actually stimulate greater interest group activity, increasing the number of broad-based interest groups in a state. Interest groups in initiative states tend to have more members than those in non-initiative states, because the process provides potential groups with yet another incentive to become mobilized and engaged in the political process. States with the initiative, studies have found, have more registered citizens and nonprofit groups than those states without the process.

**The Effects of Direct Democracy on Citizens**

The presence of highly visible initiatives and frequent voting on ballot measures may make people feel more as if they “have a say” in politics. Evidence shows that people in states with initiatives have higher levels of political engagement and political participation than people in non-initiative states, although it is difficult to establish if this is due to the effects of direct democracy or due to something else that is unique to these states. One study found that people have higher levels of factual knowledge about politics in states where initiatives are used more frequently, perhaps because initiatives stimulate media attention, and because voting on initiatives requires that they acquire information to make decisions. Another found that people in initiative states are more likely to engage in political discussion, have greater political knowledge, and contribute to interest groups. Some evidence indicates that frequent use of initiatives causes voters to feel more competent when participating in politics, more likely to think that they have a say, and more likely to think that public officials care about what they think. Similar results have been found in Swiss cantons.
Direct Democracy and Minorities

As noted above, one of the original concerns about direct democracy is the potential it has to allow a majority of voters to trample the rights of minorities. Many still worry that the process can be used to harm gays and lesbians, and racial, ethnic, linguistic, and religious minorities. Those who worry about repressive majorities point to a series of anti-minority measures approved by voters. Initiatives to repeal bilingual education were approved in Arizona, California, and Massachusetts (but rejected in Colorado). Initiatives declaring English an “official language” have been approved by voters in numerous states. Scores of measures dealing with gay rights and gay marriage have appeared on state and local ballots, and many cities hold referendums on whether to allow low-income housing. This presents a critical question: does direct democracy harm minorities?

Evidence shows that the initiative process “is sometimes prone to produce laws that disadvantage relatively powerless minorities—and probably is more likely than legislatures to do so.” State and local ballot initiatives have been used to undo policies—such as school desegregation, protections against job and housing discrimination, and affirmative action—that minorities have secured from legislatures where they are included in the bargaining process. But most initiatives probably do not produce divisions between majorities of white voters and minority voters. Studies of support for ballot initiatives across different groups of voters show that minority voters were no more likely to support the losing side in an initiative contest than white voters. This may reflect that most initiatives do not pit the interests of racial and ethnic minorities against those of the majority, or perhaps that minorities and whites have similar issues and concerns addressed by the initiative process. It is important to note, however, that on issues dealing with racial and ethnic matters, studies show that racial and ethnic minorities do end up more on the losing side of the popular vote.

The issue of gay rights has been one of the more contentious areas of initiative politics where minority interests are frequently put to a vote. Majorities have, in some cases, voted to restrict the extension of some civil rights to gays and lesbians. Until recently, with the rash of anti-gay marriage amendments being placed on the ballot, voters in a number of states had refused to pass most measures that would deny gays and lesbians protections against discrimination. A 1992 anti-gay measure in Colorado, Amendment 2, which changed the state constitution to expressly prohibit local laws aimed at protecting gays and lesbians against discrimination, was a major exception. The Colorado measure was eventually overturned by the U.S. Supreme Court in 1995 for being an unconstitutional denial of equal protection before the law. Voters have been much less tolerant of granting equal rights to marriage. At least two dozen states have voted on whether to ban same-sex marriages, and voters in every state (except Arizona in 2006) have supported the ban.

The record of direct democracy for minority interests is a mixed bag, then. Racial and ethnic minorities may agree with majority voters on most ballot measures, but there have been some critical initiatives where minority rights have been lost when put to a public vote. Yet, in nearly every instance where the initiative process has been used to limit minority rights to fair housing, desegregated schools, public services, and protections against discrimination, courts have stepped in to overturn initiatives and uphold minority rights. But regardless of whether anti-minority ballot measures pass or fail, they may still have effects on people they target. By targeting a minority group with an initiative, for example, public attitudes about the group (or about policies
Are minorities better off when policies are decided by representative democracy or directly by voters? History shows that both can produce anti-minority outcomes. State legislators have approved laws allowing slavery, racial segregation, laws excluding Chinese from owning land, the internment of Japanese in concentration camps during World War II, and laws advanced by the Ku Klux Klan designed to strip Catholics of their rights. None of these discriminatory laws needed direct democracy to flourish. But representative democracy, with its opportunities for minority representatives to participate while laws are being crafted, may have a better record of advancing civil rights.

In recent years, voters and legislators have been making decisions about the nature of rights that are extended to gays and lesbians. A recent study compared minority rights decisions produced by representative democracy to those produced by direct democracy. It found that most civil rights bills affecting gays and lesbians in state legislatures were “pro-gay” (for example, banning job discrimination), and that slightly more pro-gay than anti-gay bills (for example, rules against being a foster parent) were approved by state legislators. With direct democracy, most civil rights proposals were anti-gay, and anti-gay measures were more likely to pass. Overall, representative democracy produced pro-gay outcomes 44 percent of the time, compared to 39 percent for direct democracy. The difference between outcomes across these institutions is subtle, because most pro- or anti-minority rights proposals failed. But the authors note that minority rights suffer more under direct democracy, especially when the policy is anti-minority in intent.
that benefit the group) can be changed, with mass opinion becoming less tolerant of the targeted minority group.\textsuperscript{104}

### The Effects of Direct Democracy on Public Policy

By this point, it should be clear that there are many reasons to expect that direct democracy can make a state’s political environment and its public policies different than if there were no initiative process. When voters are allowed to make direct choices on policies, they sometimes make decisions that their elected representatives would not. An obvious example of this is term limits. Voters in many states have placed limits on time their representatives may serve. Absent the initiative process, elected representatives rarely, if ever, adopt such a policy.\textsuperscript{105} It is unclear, though, whether or not direct democracy systematically makes policy more representative of what people want, or if it leads to “better” public policy.

Some scholars and practitioners have proposed that the mere presence of the initiative process can affect public policy by changing how legislators behave. If legislators anticipate that there is a threat that someone might pass a law by initiative, legislators may have greater incentives to pass some version of the law so they can maintain influence over what the final law looks like.\textsuperscript{106} Initiatives can also send signals about the sort of policies the public wants.\textsuperscript{107} Several studies show that certain public policies—including abortion regulations, death penalty laws, some civil rights policies, and spending on some state programs—more closely match public opinion in states with initiatives than in states without initiatives.\textsuperscript{108} As an example, states with liberal public opinion and initiatives may have relatively liberal abortion rules, whereas states with conservative opinions and initiatives may have conservative policies. Absent the initiative, policies may be less likely to reflect the state’s opinion climate. Studies that examine a wide range of state policies, however, find no such effects; some initiatives may make policy more reflective of public opinion with some policies, but not others.\textsuperscript{109}

The biggest effects of direct democracy on policy may be in the realm of what Caroline Tolbert calls “governance policy,” policies that set the rules about how government can function. Voters in initiative states can, and do, pass measures that amend rules that structure the political system itself. These include initiatives that may run counter to the interests of elected officials. States with the initiative process are more likely to have adopted term limits and tougher rules for adopting new taxes and increasing spending,\textsuperscript{110} and were quicker to adopt some campaign finance regulations.\textsuperscript{111} Examples of tax limitation measures include California’s Proposition 13 of 1978, Oregon’s Measure 5 in 1990, and Colorado’s Taxpayers Bill of Rights (TABOR) amendment of 1992. If given a chance via direct democracy, voters often place constraints on what their representatives can do, especially when it comes to fiscal matters.

### Long-Term Effects of Direct Democracy

Direct democracy can alter state policy directly by providing an additional point of access for citizens and interest groups. Advocates of decriminalization of drugs, campaign finance reforms, physician-assisted suicide, and many other policies have used direct democracy successfully to do an “end run” around state legislatures that did not turn their ideas into policy. As noted above, some suggest this threat of the “gun behind the door” makes state policy more representative of state opinion. But what are the major long-term consequences of direct democracy on state policy? In addition to promoting specific policy ideas, the initiative process allows those outside of the legislature, and those outside of the traditional corridors of power, the ability to permanently change rules that define institutions of
government. As examples, initiatives have been used to rewrite state rules about how judges sentence criminals, how much a state may collect via existing taxes, and how much the legislature may spend in a given year. Initiatives have been used to change rules about future tax increases, and have placed limits on how often legislators may run for re-election. As we note in Chapter 10, these tax and expenditure limits (TELs) adopted by direct democracy may have important long-run effects on state and local finances.

The long-term effect of policy passed by direct democracy is probably more consequential in states that allow constitutional initiatives. When initiatives constraining taxing and spending are embedded in a state’s constitution, it is difficult for elected officials to amend budgeting rules. This complicates their budgeting tasks. This means that voters can place things in their constitution that limit property taxes, increase tobacco taxes, guarantee a certain share of general funds for education, or authorize teacher pay raises and smaller class sizes. Even statutory initiatives can complicate the task of crafting long-term budgets. A single ballot may present voters with choices about cutting some taxes, raising others, issuing bonds for specific projects, and increasing spending on specific programs. When legislatures pass their budgets, their choices about increasing spending or cutting taxes need not be linked to specific revenue sources and programs. Voters, deciding on individual initiatives, face no such constraints.

Despite all of this, there are reasons to expect that the long-range effects of direct democracy are not that dramatic. Once an initiative is approved by voters, proponents often do not have the resources or political clout to maintain pressure on legislators over time to insure that their law is implemented as the proponents would like. Elected officials can eventually rewrite rules, amend what voters approved (in most states), or stall implementation. The end result may be that “the policy impact of most initiatives reflects a compromise between what electoral majorities and government actors want.”

This means that governing is quite different in initiative states, yet direct democracy has not replaced the role of the legislature.

**Majority Tyranny and Judicial Review**

The potential effects of initiatives on policy are further muted when we consider judicial review. Initiatives, like any other law, must be consistent with the U.S. Constitution and state constitutions, and must abide by a state’s regulations on the initiative process, such as subject matter constraints. State and federal courts tend to treat initiative laws just like laws passed by legislatures, regardless of how popular they may have been with voters. Courts have been very willing to strike down voter-approved initiatives. One study of several states found that most state initiatives ended up being challenged in court, with 40 percent overturned in whole or in part.

People challenging voter-approved initiatives in court may increase their odds of success because they are able to “venue shop”: they can file cases in different districts of either state or federal courts in order to find judges most likely to grant them a favorable ruling.

**Assessments of Direct Democracy**

When some of the most careful observers of American politics turn their attention to the process of direct democracy, their assessments of it are rather negative. Alan Rosenthal, a preeminent scholar of state legislatures, suggests that growing enthusiasm for direct democracy—in the form of growing use of opinion polls that influence representatives, as well as use of initiative and referendum—has a corrosive effect on representative government. Rosenthal suggests that a demise of representative government has occurred in American states over recent decades, leaving legislators with less responsibility for
government and leaving states more difficult to govern. Some blame direct democracy for shattering the fiscal health of some states, then leaving elected officials to pick up the pieces. Initiatives are also blamed for promoting confrontational (and unconstitutional) policies that target minority groups such as immigrants and gays and lesbians.

David Broder, one of the United States’ most insightful journalists, echoes this sentiment. Broder spent weeks on the west coast observing the initiative campaigns being waged in California in 1998. The nearly $200 million spent in California initiative campaigns was nearly as much as taxpayers spent on the public financing of the national presidential campaigns that year. Broder’s experience in California led him to conclude that wealthy special interests and political parties were driving the process, spending millions to place their measures on ballots, and then spending heavily on deceptive advertising to convince voters to approve their schemes.

Public Approval of Direct Democracy

As Figure 4.4 reveals, the public remains quite supportive of the initiative process in states where it is used rather frequently. The public looks at direct democracy quite differently, and more positively, than many political observers and elected officials. Even voters who have experienced California’s high-stakes, high-cost system of direct democracy remain supportive of the process. And, as Figure 4.5 shows, Americans give widespread support to expanding direct democracy nationally. Over 70 percent of Americans surveyed said they favored having a national vote on important matters of policy.

Surveys of elected officials find much less enthusiasm about direct democracy. For their part, legislators in direct democracy states would like to change things so that they have more say over what ends up going to a public vote, and also have more ability to amend laws after voters approve them. Voters in these states, for

**Figure 4.4**

Public Opinion about Direct Democracy in California and Washington

![Diagram showing public opinion in California and Washington](image_url)

their part, are unwilling to let their representatives have such discretion. Recent proposals for expanding initiative use to additional states appear sensitive to critics of California’s process, and are less sweeping than the early 20th-century models. An initiative plan considered by the New Jersey legislature in 2002, for example, would limit subject matter and only permit petitions for statutory measures that would first be evaluated by the legislature. In 2006, the Minnesota and Alabama state legislatures each considered bills to create a scaled-down version of the initiative, and the governor of Rhode Island asked voters in a November advisory referendum whether they would like to have the initiative process.

The Case for and against Direct Democracy

To its defenders, direct democracy was seen as a tool that would empower the “grassroots” and weaken the influence that special interests had over elected representatives. Direct democracy could “level the playing field” by giving more political value to individual voters, as opposed to those who finance political campaigns. Proponents of direct democracy also argued that the process can build better citizens. Participating in meaningful policy choice may lead citizens to seek out more information. Voting directly on policy might also encourage citizens to have more interest in politics and feel more engaged with their government.

From the start, critics of direct democracy raised several objections to the process. It may be difficult, they claimed, for the average voter to understand the nuances of difficult public policy questions, as many people simply pay no attention to politics. Elected officials have time to deliberate about issues and reach compromises that might accommodate rival positions. Initiative proposals, in contrast, can be framed by a proponent as an all-or-nothing choice, which is then decided upon by a relatively ill-informed electorate. A more enduring critique focuses on the potential for tyranny of the majority. American representative government involves many checks and balances and veto points. Direct democracy, in contrast, allows voters to pass laws hostile to minority interests, or pass laws repealing hard-fought victories that minorities achieved via representative government. A modern criticism of the process is that it now costs $1 million or more to qualify measures for the ballot in a large state—leaving the process well beyond the reach of average citizens. Peter Schrag, an astute and longtime observer of politics in the Golden State, described in his scathing book on direct democracy how the initiative process encourages the “embracing and demagoguing [of] hot-button issues” by candidates who hope to “showcase” their credentials.

The Future of American Direct Democracy

As we noted above, many critics describe state and local direct democracy as a kind of “faux
Instead of making politics more representative or more responsible, modern direct democracy may no longer have room for regular, grassroots citizen activists. Criticism of modern direct democracy has led to the introduction of scores of proposals to reform the process. Each year, legislators in initiative states propose legislation to alter how the initiative process works. Few of these have been approved, but they illustrate how some elected officials view what the future of direct democracy should be.

Restricting the Use of the Initiative Process
Surveys of legislators reveal support for direct democracy as a concept, coupled with a desire to get elected representatives more involved with laws that voters might approve. Many reform proposals introduced by state legislatures are designed to make it more difficult to qualify measures for the ballot. These include proposals to raise the number of signatures required, or shorten the time period to collect signatures. Other proposals of this sort include rules requiring that a certain proportion of signatures be collected across all regions of a state (counties or congressional districts), and rules making it more difficult to pay people to collect signatures. In the wake of California’s recall of Governor Davis, there were also calls to make future use of recall petitions more difficult.

Serious barriers can prevent passing such reforms, even if these proposals were to enjoy majority support among legislators. Major structural rules governing direct democracy are embedded in state constitutions, and constitutional changes require voter approval. Public opinion surveys demonstrate that voters do not want to limit their control over the initiative process, so constitutional referendums proposing to do this are more than likely to be rejected. The courts have also rejected overt attempts to ban the use of paying people to collect signatures, and rejected rules requiring that signatures be collected across all of a state’s counties, regardless of the population of counties.

The popular appeal of direct democracy remains deeply rooted. Another problem with proposals to limit or reform direct democracy is that most do nothing about campaign spending levels. Rather than increasing the influence of “grassroots” citizens’ groups, reforms that make it more difficult to qualify measures will probably increase any advantages that wealthy interests may already have. Tougher qualification barriers are likely to make it more difficult to organize volunteers to qualify measures, and also increase the costs of paying petitioners to qualify something for the ballot. If it becomes more difficult or costly to collect signatures, the need to pay people to collect signatures is likely to increase.

Ballot Campaign Finance Reforms
Recognizing the high cost of qualifying initiative and referendum petitions, and how this may exclude some groups from the process but not others, one proposal suggested California should simply skip the petition process and allow someone to qualify a measure by paying a fee similar to what it would cost the proponent to collect signatures. This would generate millions of dollars per initiative for a state, and perhaps limit the number of initiatives to reach the ballot. Others have suggested that the problem is not too many initiatives, but initiative campaigns where one side has a huge spending advantage over the other. Because the Bellotti decision means that ballot initiative campaign spending can’t be limited, gross disparities in spending between proponents and opponents of an initiative can only be mitigated if public funds were used to maintain some minimum level of funding for both sides.

Expanding the Use of Direct Democracy
At the same time as many incumbent state legislators are attempting to limit use of direct democracy in their states, there have been proposals in non-initiative states to introduce the initiative and referendum. The most visible of these proposals come from governors rather than legislators. Past governors of Louisiana
(Mike Foster), Minnesota (Jesse Ventura), New York (George Pataki), and Rhode Island (Donald Carcieri) have made public their support of the process. There have also been a few legislative attempts by minority parties in Minnesota, New Jersey, and Texas to introduce the process.\textsuperscript{129} Surveys also demonstrate widespread public support for expanding the use of direct democracy to the national level (recall Figure 4.5). The idea of expanding the use of direct democracy is popular in states that already have it and in states that do not.

Despite this public enthusiasm and the support of some states’ governors, voters have little reason to expect that direct democracy will expand to additional states in the near future. This is due to the fact that state legislators largely control whether their state will change rules to allow direct democracy. Legislators are reluctant to adopt rules that weaken their control over the political agenda.\textsuperscript{130} Absent the occurrence of another social movement pushing for major political reform similar to the Populist movement of the late 19th century, elected representatives are unlikely to adopt or expand direct democracy. Voters have probably even less reason to expect adoption of initiative, referendum, or recall at the national level.

**Summary**

Direct democracy is a curious American institution. It plays a large role in the politics of some states and communities, but much less of a role in other places. The initiative, referendum, and recall were adopted in an era when overt corruption among state legislators and local elected officials was common. Rather than thwarting the political influence of wealthy interests, however, direct democracy may give powerful, established interests an additional tool they may use to shape public policy. It represents one of the major institutional differences between states like California and New York or between Arizona and Connecticut.

This chapter illustrates that direct democracy—specifically, the initiative process—has important effects where it is used. It may alter the issues voters use when evaluating candidates, and it changes the rules that affect how elected officials govern. We have also reviewed evidence that direct democracy may lead state policies to be more representative of what voters in a state prefer. In Chapter 10, furthermore, we see how direct democracy also affects state and local fiscal policy. In short, few similar institutions in the United States are associated with as many differences between the states. Whether direct democracy makes politics better is often left to the eye of the beholder.

**Key Terms**

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<tr>
<th>Constitutional initiative</th>
<th>Meyer v. Grant</th>
<th>Recall</th>
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<td>Direct initiative</td>
<td>Popular referendum</td>
<td>Single-subject rule</td>
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<td>Indirect initiative</td>
<td>Populist Party</td>
<td>Statutory initiative</td>
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<td>Legislative referendum</td>
<td>Proposition 13</td>
<td>Wedge issues</td>
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Suggested Readings


Websites

**Ballot Initiative Strategy Center** ([http://www.ballot.org](http://www.ballot.org)): In addition to coordinating a national strategy to use ballot initiatives to strengthen progressive politics across the states, BISC tracks initiatives circulating for qualification to statewide ballots.

**Initiative and Referendum Institute** ([http://www.iandrinstitute.org](http://www.iandrinstitute.org)): In addition to tracking initiatives and referendums on the ballot, the I&R Institute provides a historical database that dates back to 1904.

**National Conference of State Legislatures** ([http://www.ncsl.org/programs/legman/elect/initiat.htm](http://www.ncsl.org/programs/legman/elect/initiat.htm)): Although generally critical of direct democracy, NCSL does an excellent job of tracking ballot initiatives and popular referendums, and also provides a historical database.

**Research and Documentation Centre on Direct Democracy** ([http://c2d.unige.ch](http://c2d.unige.ch)): C2D, based in Geneva, Switzerland, provides an international online library and several direct democracy data sets.