Direct Democracy: Introduction

• US one of the only places with wide use of direct democracy

• Switzerland
  – Federal & state

• Some German states & towns

• BC, NZ (but not really)
Many states and local governments allow citizens to vote on policy

Initiative, recall & referendum

Is more democracy better?
Direct Democracy: Introduction

• In American states
  – Gay marriage in CA, WA, ME, MD, MN
  – Taxes everywhere
  – Regulate GM foods
  – Union dues, bargaining in Michigan, Ohio
  – Recall in Wisconsin
  – Legalize pot CO & WA
  – Writing election rules
  – Amending constitutions
Institutions of Direct Democracy

- **Initiative**
  - Direct initiative—allows a person or group to propose a bill, collect signatures, then vote
  - Indirect initiative—a petition to have the legislature consider a bill proposed by citizens

- **Recall**—petition for a public vote to remove an official
  - Many cities and 18 states have the recall
  - E.g. CA’s Gray Davis was recalled in 2003
Institutions of Direct Democracy

• **Referendum**—a public vote on a statute or constitutional amendment
  – **Legislative referendum**—elected officials have control over what is placed on ballot
  – **Popular referendum**—allows person or group to petition to have a vote on something the legislature approved
Figure 4.1
States with Statewide Initiative, Popular Referendum, and Recall

- **Blue**: Initiative, Popular Referendum, & Recall
- **Green**: Initiative and Popular Referendum
- **Brown**: Recall Only
- **Gray**: Popular Referendum Only
- **Light Gray**: Initiative Only
- **Red**: No Direct Democracy

Inset maps show Alaska (AK) and Hawaii (HI).
## Direct Democracy 2000 - 2012

- **Constitutional referendums**: 856
- **Statutory referendums**: 219
- **Constitutional initiatives**: 203
- **Statutory initiatives**: 266
- **Popular referendums**: 49
- **Total**: 1593
State Initiative use by Decade

- 1900-09: 10
- 1910-19: 200
- 1920-29: 200
- 1930-39: 250
- 1940-49: 150
- 1950-59: 100
- 1960-69: 75
- 1970-79: 150
- 1980-89: 350
- 1990-99: 300
- 2000-09: 300

Number per decade
Initiative Use in US

Historic Statewide Initiative Use (year of adoption through 2012)
Most initiatives filed do not qualify for ballot

Just under $\frac{1}{2}$ that reach ballot are passed by voters

Many invalidated by courts

What effects?
  Direct?    Indirect?
More Responsibility and More Representative Government?

- The promise of direct democracy
  - Rooted Populism and Progressivism
  - To give the public more control over public officials

- Defending direct democracy
  - Woodrow Wilson saw direct democracy as a means of allowing the public to do what the legislature might not do
  - “Gun behind the door”
Direct democracy did not exist in US states prior to the 1898

18 of the 24 states with initiatives adopted them between 1898 and 1914

- Early use: suffrage, prohibition, labor laws, electoral reforms

Advocated by the Populist Party
Why in the West?

- **Progressivism?**
  - most states adopted 1900 - 1918

- **Strength of Populists in 1890s**
  - Farm based radicalism
  - Grange movement, farmers co-op
  - miners, loggers

- **Strength of Socialists, early 1900s**
  - In most states, Knights of Labor and Socialist Party key element of pro-DD coalition
Figure 4.1
States with Statewide Initiative, Popular Referendum, and Recall

Legend:
- Blue: Initiative, Popular Referendum, & Recall
- Green: Initiative and Popular Referendum
- Orange: Recall Only
- Gray: Popular Referendum Only
- Light Green: Initiative Only
- Red: No Direct Democracy
Uses of Direct Democracy

• During the Progressive Era
  – Reforms aimed to take power from incumbents, political parties, and various interests (Anti-monopoly)
  – Give power to the voters

• The ebb and flow of initiative use
  – Declined by the 1940s; increased since 1970s (Initiative Industry)
  – Top issues: government reforms, taxation, social and moral issues, environment
Uses of Direct Democracy

Ballot Initiative Subject Matter Then and Now

- Government Admin.
- Business regulation
- Taxes
- Elections
- Drugs/Alcohol/Tobacco
- Labor
- Constitutional/Civil
- Education
- Health

Legend:
- 1910-1919
- 2000-2009
Citizens may draft **constitutional** or **statutory** initiatives

Signature petition requirements vary
  – Geographic; % of votes

Some states have limits on content
  – Single-subject rule
  – Fiscal measures
  – Not re: Civil rights (MS does)
Differences across Initiative States

• **Qualifying for the ballot**
  – Proposal drafted by proponents
  – Forward to state officials
  – Proponents circulate petition to get signatures
  – State verifies signatures to go on ballot

• **Amateurs or Professionals**
  – In large states, requires professionals
  – Very expensive—up to $2-3 million

• **Billionaire Pluralism**
  – Initiative often bankrolled by wealthy
  – Is this consistent with direct democracy?
100 years ago, pro direct democracy forces stronger here

Rules adopted here make it easier to qualify

Less ability for legislature to amend
  – Constitutional initiatives (OR, CA)
Direct Democracy in National Politics

• **Initiatives Set National Trends**
  – **Proposition 13**—Anti-tax initiative in CA in 1978 that foreshadowed Reagan-era tax cuts
  – Marijuana, assisted suicide, immigration...
  – State gay marriage bans spilled over to a presidential election issue *(2004 vs today)*

• **Explosion in use**
  – In the 2008 general election there were 59 initiatives and 2 popular referendums & 84 leg referendums in 37 states
Billionaire Pluralism

• Do wealthy patrons = special interests?
  – #1 Bill Gates (Schools, gay rights, stem cells)
  – #2 W. Buffett (pro-affirmative action)
  – #7 J Walton (schools, primary elections)
  – #8 A Walton (schools)
  – #9 SR Walton (redistricting)
  – #10 Bloomberg (gay rights)
  – #11 Bezos (gay rights, schools)
  – #12 Adelson (limit unions, anti-pot)
  – #13 Brinn (clean energy, gay rights)
  – #15 Soros (pot, criminal justice)
Billionaire Pluralism

• Do wealthy patrons = special interests?
  – #15 Soros (pot, criminal justice)
  – #19 Allen (stadium, schools)
  – #20 Knight (trout habitat, clean energy)
  – #28 LB Jobs (pre-schools, clean energy)
  – #42 Omidyar (stems cells)
  – #55 E. Broad (schools, redistricting)
  – #57 Geffen (gay rights, stem cells)
  – #71 Moore (greenhouse gas regs)
  – #120 Lucas (gay rights)
Billionaire Pluralism

• Washington Billionaires
  – Gates
  – Bezos
  – Ballmer
  – Allen
  – Peter Lewis (#392) pot, gay rights

– Tim Eyman is no billionaire
Not Just Billionaires

• Labor unions
  – SEIU, AFSCME, Teachers, nurses

• Businesses
  – Tobacco, insurance, health care, farmers, food processors, power companies, trial lawyers, chemicals, oil, etc.

• Professional associations
• Political parties
• Interest groups (PETA, Cancer soc.)
Financing Direct Democracy Campaigns

- $4 billion from 2004 - 2012
- In 2008 & 2012 same spent on DD as on all 7382 state legislative races
- More $$ on DD in 2008 than Obama spent
- In 2012, $800 million was spent either promoting or opposing ballot measures
  - 54% in CA
  - 22% in MI
  - 5% in WA
Financing Direct Democracy Campaigns

- An initiative industrial complex?
- How regulate $$$? Supreme Court:
  - Bellotti v. 1st National Bank of Boston (1978)
  - Meyer v. Grant (1988)
  - Pay per sig vs. per hour.... ???
- Does paying for sigs encourage fraud?
- Does money matter in initiative campaigns?
  - Yes, but....
### Table 4.2

*Most Expensive Ballot Initiative Campaigns, 2008*

<table>
<thead>
<tr>
<th>State</th>
<th>Ballot No.</th>
<th>Subject</th>
<th>Side</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>CA</td>
<td>94, 95, 96, 97</td>
<td>Tribal gambling compacts</td>
<td>Yes</td>
<td>$108 million</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No</td>
<td>$64 million</td>
</tr>
<tr>
<td>CA</td>
<td>8</td>
<td>Ban same-sex marriage</td>
<td>Yes</td>
<td>$42 million</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No</td>
<td>$64 million</td>
</tr>
<tr>
<td>OH</td>
<td>6</td>
<td>Allow state’s first casino</td>
<td>Yes</td>
<td>$26 million</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No</td>
<td>$39 million</td>
</tr>
<tr>
<td>CA</td>
<td>7</td>
<td>Utilities buy 20% clean energy</td>
<td>Yes</td>
<td>$9 million</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No</td>
<td>$30 million</td>
</tr>
<tr>
<td>CO</td>
<td>47, 49</td>
<td>Prohibit closed shop, no paycheck deductions (antiunion)</td>
<td>Yes</td>
<td>$6 million</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No</td>
<td>$31 million</td>
</tr>
<tr>
<td>CA</td>
<td>93</td>
<td>Revise term limits</td>
<td>Yes</td>
<td>$17 million</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No</td>
<td>$9 million</td>
</tr>
<tr>
<td>CA</td>
<td>98, 99</td>
<td>Eminent domain</td>
<td>Yes</td>
<td>$7 million</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No</td>
<td>$17 million*</td>
</tr>
<tr>
<td>CA</td>
<td>10</td>
<td>Bonds for alternative fuel vehicles</td>
<td>Yes</td>
<td>$23 million</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No</td>
<td>$0.2 million</td>
</tr>
<tr>
<td>OH</td>
<td>5</td>
<td>Limit payday loan businesses</td>
<td>Yes</td>
<td>$0.5 million</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No</td>
<td>$21 million</td>
</tr>
<tr>
<td>CO</td>
<td>58</td>
<td>Severance tax increase</td>
<td>Yes</td>
<td>$6 million</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No</td>
<td>$12 million</td>
</tr>
</tbody>
</table>

*Bold* indicates winning side.

*Groups spent across multiple campaigns to defeat a proposal while advocating alternative measure that voters approved.*
Money & outcomes

• Money goes to where race is close
  – No side $$ more effective??

• Big spending no guarantee of win

• Hard for narrow interest to spend and win a yes vote
  – Bridge in MI, Tobacco
Voting on Ballot Questions

• Do voters get what they want?
• Voters often use shortcuts
  – who in favor, who against?
• Voters do not always have full information
  – can campaigns deceive voters?
• State/local media in initiative campaigns
  – how much attention to issues?
Direct Democracy and Electoral Politics

• “Parties” take stands on wedge issues initiatives during campaigns
  – immigration, gay marriage, affirmative action, crime

• Spillover effects in candidate races
  – Initiatives may influence races for other offices
  – prime voters to apply issue to candidate choices
Direct Democracy and Electoral Politics

• **Effects on citizens**
  – Greater political engagement
  – Higher turnout
  – Less trust?

• **Direct democracy and minorities**
  – Some initiatives target minorities
  – However, the courts have protected minorities
Effects of Direct Democracy on Public Policy

- Policy ‘more representative?’
- Long-term effects
  - Additional access points
  - More consequential with constitutional initiatives
  - re-shape political institutions
- Majority tyranny and judicial review
  - Courts ensure initiatives are constitutional
Assessments of Direct Democracy

• Some experts question the representative nature of initiatives
  – Representative of whom?

• The public is supportive of them, while elected officials are less so
Assessments of Direct Democracy

Washington Voters
Figure 4.4
Public Opinion about Direct Democracy in California and Washington

**CALIFORNIA**
- 21%: Ballot measures a "good thing"
- 70%: Ballot measures neither "good" nor "bad"
- 9%: Ballot measures a "bad thing"

**WASHINGTON**
- 12%: Ballot measures a "good thing"
- 80%: Ballot measures neither "good" nor "bad"

Assessments of Direct Democracy

• The Case For
  – Empower grassroots
  – Builds better citizens
  – Voters do seek information
  – Increase interest
  – Policy better represents opinions
  – Policy more responsive

• The Case Against
  – Special interests
  – Voters don’t understand
  – Tyranny of majority
  – Very expensive
  – Grassroots cannot afford them
  – Wreaks havoc on legislature, budgeting
Assessments of Direct Democracy

- The Future of American Direct Democracy
  - Attempts to restrict use in some states
    - Requiring more signatures
    - Increase cost to qualify
  - Attempts to adopt process in some states
    - In non-initiative states, the public & governors are enthusiastic, but lawmakers are not
The initiative, referendum, and recall were adopted to deal with corrupt, unprofessional legislatures.

The well-connected and wealthy are now more likely to use it to shape policy.

May make policy more representative of what the voters want.