Selected Examples of Major Initiatives & Referendums

The roots of I&R in the United States go back to the 1600s when citizens of New England held town hall meetings to ratify ordinances and other issues proposed by their elected officials. Massachusetts was the first state to hold a statewide legislative referendum for citizens to ratify its constitution in 1778. Years later, New Hampshire, Connecticut, Maine, New York and Rhode Island also adopted legislative referendum to amend their constitutions. After 1857, the U.S. Congress made legislative referendum for constitutional changes mandatory for all states entering the Union. All states now have the legislative referendum process.

The Progressive Era ushered in a series of radical political reforms, including women’s suffrage, secret ballots, direct election of Senators, recall, primary elections, and the initiative process. Progressive reformers pushed their state legislatures to add amendments to their constitutions allowing for initiatives and popular referendums. In 1897, Nebraska became the first state to allow its cities to place initiative and referendum provisions into their charters. In 1898, South Dakota first adopted the statewide initiative and referendum process. Since 1898, 24 states and many cities (mostly in the West) have adopted the initiative process. Mississippi was the latest in 1992.

Statewide initiatives and referendums have blazed a trail in citizen-led policy making, taking on major (and often controversial) issues and establishing policy across the spectrum of American political ideology. Below are just a few historical examples:

Oregon’s Ballot Measures 2 and 3 (1904)
In 1904, Oregon was the first state where initiatives appeared on a statewide ballot. Measure 2 instituted the direct primary nomination process for the state, which passed by a “yes” vote of 78%. Oregon’s direct primary was later solidified by statute in 1910, although Florida and Wisconsin passed legislation on primaries prior to that. Measure 3 established the Local Option Liquor Law, which passed with a “yes” vote of 52%. The local option law left the decision to each county in Oregon to determine whether it would be subject to the ban on alcohol via a county-wide vote.
**Michigan’s Proposal B & North Dakota’s Abortion on Demand Initiative (1972)**

Less than 3 months prior to *Roe v. Wade*, Michigan and North Dakota were the first states to propose initiatives to legalize abortion. Neither initiative passed – Michigan’s was defeated by a 61% “no” vote and North Dakota’s failed by 77%.

**California’s Proposition 13 (1978)**

Modern day use of initiatives began in 1978 when the people of California passed Proposition 13 to cut property taxes down to 1% of value. The initiative passed by a “yes” vote of 65%. This sparked the tax reform movement of the 1970s as 43 states implemented property tax limitation or relief and 15 states lowered their income tax rates. Taxation is the most frequently addressed policy issue via statewide initiative.

**Hawaii’s Question #2 & Alaska’s Measure No. 2 (1998)**

Hawaii and Alaska were the first states to amend their constitutions via legislative referendum to ban gay marriage. Hawaii’s amendment, passed by a 71% “yes” vote, does not make gay marriage unconstitutional per se, but rather allows the state to limit marriage to opposite-sex couples. Alaska’s amendment, passed by a 61% vote, explicitly states that in order to be recognized by the state, a marriage may only exist between a man and a woman.

**Scholarship**

The process, motivations, and impacts of direct democracy in the United States—in its various manifestations (e.g., referenda, ballot initiatives, propositions)—have been primarily addressed in monographs (either entire monographs, or as chapters in cross-national analyses of referenda). Not surprisingly, most of the journal literature in this area has focused upon more specific referenda/initiatives and/or contexts and their particular dynamics and/or consequences. However, there are also a few broader articles that have addressed such issues as the origins of direct democracy in the American states and individual explanations of voting behavior in referenda. Below are the five most significant books and journal articles published about direct democracy in the United States.


Bowler and Donovan critique past studies of ballot measures on state policy for too simplistically relying on dichotomous variables (yes/no for a ballot measure) or on simple totals of measures on the ballot (i.e., frequencies). To quote the authors, the initiative process is “not monolithic.” Traditional measures tend to gloss over significant variations in the use and administration of ballot measures as well as over the role (or non-role) of the legislature in said measures (e.g., in terms of implementation and/or modification of measures and/or results). In response to the literature’s methodological shortcomings, the authors propose an alternative index that incorporates these variations in the initiative process. Bowler and Donovan find that their index provides more precise results for determining the impact of initiatives on state policy than do traditional measures or operationalizations.


Bowler and Donovan discuss the history of direct democracy in the United States with a particular emphasis on the role that political parties have had in the process. Political parties have for the most part been isolated from the ballot initiative or referendum process. Initiatives have been employed on occasion by specific parties as a means to challenge their electoral revival. However,
unlike in Europe where referenda traditionally (with the Swiss exception taken into consideration) take the shape of a national government proposal or as a barometer for significant national policy directives or changes, initiatives in the U.S. are traditionally state-specific. American parties do not maintain much control over which initiatives may appear on the ballot. With that said, parties may be able to strategically utilize such proposed measures for purposes of mobilization and competition.


Many studies of referendum or ballot initiatives take the form of case studies. Branton attempts to provide a cross-national approach to investigating the nature of individual behavior in such questions (which she refers to as “limited information contests”). The literature has argued that since ballot initiatives are not usually associated with specific parties, voters will not use such cues in casting their ballot. Branton discovers, however, that partisanship (i.e., party identification) plays a distinct role in voters’ electoral calculus during initiatives and referenda. In other words, voters are able to “read” partisan cues in ballot initiatives and referenda. Branton also finds that education and age can have effects (depending on the nature of the ballot issue) on voter behavior in such contests.


Smith and Tolbert provide an excellent comprehensive review of the literature on direct democracy in the U.S. context along with an extensive bibliography (over 150 references!). The authors focus on a wide array of distinct and inter-related research agendas and foci in the broader literature on direct democracy, including individual voting behavior in referenda, minority interest representation, influence of ballot initiatives on policy outcomes, turnout, mobilization, voter education, spillover effects on candidate elections/contests, impacts on agenda-setting and the financing of referenda.


Broder, a distinguished Washington journalist, offers a strong criticism of initiatives. He focuses on the rise of initiatives in the 1990s, and he argues that the whole process has been corrupted by money and the domination of political consultants. More importantly, the rise of initiatives subverts the republic by undermining the idea of representative government, which strikes at the heart of the Founding Fathers design and intentions.


Cronin presents a comprehensive analysis of initiatives, referendums, and recalls in the United States from a social science perspective. He examines these direct democracy tools from a variety of views: (1) the knowledge of issues by the voters, (2) how money influences the process, (3) the balance between majority and minority rights, (4) the possibility of national initiatives and referendums, and (5) the overall record of direct democracy initiatives. He comes out in favor of well organized, clean initiatives and referendums, though he does not support a national initiative.

Goebel looks at initiatives in the United States from a historical perspective. He traces the modern roots to the Progressives, who wanted to use these direct democracy methods to bypass corrupt legislatures. He makes the case that the recent criticism of initiatives (too much money distorting the process, manipulation by political consultants, etc.) could actually be applied to their origins. Furthermore, Goebel contends that initiatives do not empower citizens nor increase the amount of direct democracy.


Smith and Tolbert present a largely positive picture of initiatives. Rather than focus on the winners and losers of various initiatives, the authors are more concerned about their educational value. They argue that initiatives mobilize citizens and increase the numbers of voters in elections. To back up their arguments, they provide a wealth of data that demonstrate citizens become more interested in politics if there are initiatives on the ballot. They also are more knowledgeable about the issues. Surprisingly, they maintain that political parties can benefit from initiatives by manipulating them in a partisan direction, which was not the intent of the original Progressive reformers.


Tolbert et al. show that voter turnout tends to increase during presidential and midterm elections when referenda or initiatives are also on the ballot. The authors study the effect using time series data over a 26 year period. The relationship between direct democracy measures and increased participation levels remains strong even in the face of alternative geographic, socioeconomic, and demographic explanations for variations in turnout rates over time. The authors suggest that the initiative process may “add” information to so-called low-stimulus elections (midterm elections) and add further information to already high-stimulus contests. In the latter case, however, a certain threshold of ballot initiatives may be necessary to stimulate extra votes.


Dane Waters, founder of the Initiative & Referendum Institute, has written THE reference book on I&R. The almanac provides state by state comparison, history (based on and updating histories appearing originally in David Schmidt's *Citizen Lawmakers*) and overview of the I&R processes.


Zimmerman is primarily concerned with the effectiveness of referendums. Unlike most other scholars, he describes their legal origins and how the courts have interpreted referendums. He divides referendums into three groups: (1) non-voter initiated referenda, (2) voter initiated propositions, and (3) protest referendums. Zimmerman concludes by suggesting a theory that combines representative democracy with the direct democracy of initiatives and referendums; thus they don’t have to be on opposing poles.
Also of note are the following important books on direct democracy:


**Tools for Further Research**

**Specialized Research Databases**

These are specialized article databases that cover the fields of Political Science and Law in a comprehensive manner. Most of these databases are indexes, which require users to consult their library’s catalog to determine if their library owns a particular article. For those articles that a library does not own, interlibrary loan requests can be made.

**Political Science**

- *PAIS International:* This is perhaps the most widely-used database in the Political Science discipline. Public policy is a primary focus of this database, and literature on state initiatives are well represented. Sources include government reports and interest group literature in addition to journal articles and books.

- *Worldwide Political Science Abstracts:* This is another strong database that covers political science, and includes a good amount of international publications. This database is an ideal tool for finding scholarly articles centered on direct democracy research questions.
Law
Legal databases offer articles on the development of state laws and constitutions through initiatives as well as the subsequent case law for specific ballot measures. The top three academic legal research databases are as follows.

- **LegalTrac**: This database covers the following literature: law reviews, legal newspapers, bar association journals and international legal journals, with most of its coverage coming 1980.
- **Lexis-Nexis Academic**: This is a large fulltext database that covers a massive number of national and international newspapers, magazines, etc... There is a key section of this database that focuses on legal research, and includes an option to search for law review articles.
- **Westlaw Campus Research**: This is another large fulltext database. The legal component provides primary and secondary legal sources: case law, codes, law review articles, and more.

Subject Headings/Descriptors
These are some of the key terms that savvy researchers might want to use in searching these databases:

- Citizenship Participation
- Democracy
- Elections
- Initiative, Right of
- Political Participation
- Political Reform
- Referendum
- Voting

Additional Resources
- **CQ Voting and Elections Collection**: This is a subscription research and reference tool for voting and elections, primarily at the federal level. It includes demographic data, bibliographies, and encyclopedia entries. The coverage of the database extends from 1800 to the present, with most coverage coming from 1968 to the present.
- **America: History & Life**: This is the key subscription database that covers the subject of American History from pre-history to the present. This can be a useful database for researching elections from a historical perspective, such as the development of direct democracy during the Progressive Era.

Voter Education Websites

Vote411.org <http://vote411.org/home.php>
The League of Women Voters (LWV) Education Fund (LWVEF), itself established by the LWV in 1957, launched this interactive platform in October 2006 to further its mission of helping the public engage in the democratic process. Self-described as a "one-stop-shop" for factual and nonpartisan election related information the website provides both general and state-specific information, including: absentee ballot information; ballot measure information (where applicable); early voting options (where applicable); election dates; factual data on candidates in various federal, state and local races; general information on such topics as how to watch debates with a critical eye; ID requirements; polling place locations; registration deadlines; voter qualifications; voter registration forms; and voting machines.
Project VoteSmart <http://www.votesmart.org/index.htm>
This nonpartisan political organization provides a searchable and comprehensive election website with information on thousands of candidates and elected officials nationwide, including: voting records, biographical information, issue positions, special interest group ratings, campaign finances, and public statements. The project also links to information on voter registration, ballot measures, and political resources.

Initiatives & Referendums
The National Council of State Legislatures offers a summary of ballot measures – including initiatives and legislative and popular referendums – from all states since 1902. Searches can specify states, topics, years, elections, and type of measure. The descriptions of measures include a title, summary (when available), assigned subjects, and vote outcome.

Initiative and Referendum Institute, University of Southern California <http://www.iandrinstitute.org>
The I & R Institute reports on direct democracy trends. On their website, the group presents post-election results and reports, analysis of direct democracy techniques, and summaries of direct democracy in the states. State summaries link to the state’s election website for further information.

Sites for Young Voters
Declare Yourself <http://www.declareyourself.com/home/home.html>
A national nonpartisan, nonprofit, multi-media campaign founded by Norman Lear (and working with Yahoo, MySpace, Comedy Central, etc.) seeks to register and encourage every eligible American youth to vote. According to a February 15, 2008, Los Angeles Times article, DeclareYourself.com has become one of the top-visited voter information sites on the Internet. The website provides answers to common questions about the registration and election process with links to state-specific information as well as candidate stands on the issues.

Rock the Vote <http://www.rockthevote.com/home.html>
Founded in 1990, Rock the Vote is a nonprofit, “nonpartisan” organization that seeks to engage young American voters in political advocacy with the help of entertainers, popular culture and in particular, music. The website provides information on how to register as well as some of the issues of interest to young voters. It also bills itself as “the best resource for reporting on the youth vote — facts and figures, election activities, polling, campaign outreach, and more.”

Election Portals
The University of Michigan’s renowned Documents Center has compiled a comprehensive web portal of links to information on elections & voting, historical elections, candidates, policy issues, campaigns, and more.

Elections and Voting <http://www.library.vanderbilt.edu/romans/fdtf/elections.shtml>
The U.S. government official web portal for information on contacting elected officials, learning about voting & elections, registering to vote, and volunteering & contributing to the election process.

About the Speakers

Herbert Cihak, Associate Dean, Library and Information Services, Pepperdine University School of Law

- biographical profile – http://law.pepperdine.edu/academics/faculty/cihak.html
- recent publications – http://law.pepperdine.edu/academics/faculty/scholarship.html#cihak

Kareem Crayton, Associate Professor of Law and Political Science, Gould School of Law, University of Southern California

- biographical profile – http://law.usc.edu/contact/contactInfo.cfm?detailID=208
- curriculum vitae – http://mylaw.usc.edu/portal/directory/photos/craytonresume08.pdf

Romulo Rivera, Project Manager for PolicyArchive, Center for Governmental Studies

- home page – http://www.goromulo.net
- resume - http://www.goromulo.net/rrivera_resume.pdf