



The Impact of the Ballot Initiative Process in America

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At the dawn of the 20th century, progressive reformers wanted to exorcise the corruption and greed plaguing many state legislatures. These reformers saw the ballot initiative process as enabling ordinary citizens to shape public policy and regain power from the corporate interests, which were running roughshod over – or buying off – their elected officials. The activists also realized that the initiative process could have an “educative value,” by which placing measures on the ballot would encourage citizens to become more civically and politically engaged.

Fast forward 100 years. The original authors of the process may not recognize the system for which they so passionately advocated. First, ballot initiatives are not just about public policy anymore. In fact, the importance of ballot initiatives has never been greater within the purely political realm. No longer are citizen groups, individuals, corporations, and other vested interests using the initiative process solely to change public policy in the states. In fact ballot initiative sponsors today are often agnostic about the policy focus of their ballot measure campaigns – instead choosing to insert controversial or “wedge” issues into the election in order to drive certain voters to the polls and impact who gets elected.

Second, issue committees may raise unlimited sums of “soft” money. As a result, some argue that candidates running for statewide office increasingly use initiatives to provide an alternative electoral vehicle outside restrictive candidate campaign contribution limits.

Regardless of the intent, voters increasingly respond to ballot measures, often claiming to be more mobilized by issues on the ballot than by candidates. Each year, voters in states across the country go to the ballot box for reasons other than proclaiming their support for an aspiring political office holder. They are motivated by the opportunity to decide for themselves how issues close to their lives are managed and resolved, instead of leaving it up to the promises of lawmakers. These key issues of the day – including raising the minimum wage; rolling back affirmative action; allowing the medical use of marijuana; and banning same-sex marriage, to name just a few recent trends –together comprise the fabric of daily life for millions of citizens.

I&R Definitions

According to the Initiative and Referenda Institute, **initiatives** involve citizens collecting a minimum number of signatures on a petition within a specified time, then placing advisory questions, memorials, statutes or constitutional amendments on the ballot for their fellow citizens to adopt or reject. Twenty-four states allow the initiative process.

In many of the same states citizens have the ability to decide laws or amendments proposed by the state legislature. This process is commonly referred to as the **Referendum process**.

There are two types of referendum in this country — *popular and legislative*.

The **popular referendum**, which is available in 24 states, but is used much less frequently, allows the people to refer to the ballot specific legislation enacted by their legislature by collecting signatures on a petition for the people to either accept or reject.

A **legislative referendum**, which is allowed in all states, permits state legislatures, an elected official, state appointed constitutional revision commission or other government agency or department submits propositions (constitutional amendments, statutes, bond issues, etc.) to the people for their approval or rejection.

Ballot initiatives represent the most direct form of democracy and civic participation that our country has to offer. Yet although they possess the power to draw voters to the polls, their significance is often overshadowed by the sometimes higher profile parade “buzz” created by candidate races. Even as many conservative and progressive organizations for years have understood the power and potential of ballot measures, many national political operatives and candidates have been slow to see the benefits that initiatives can offer their campaigns. This is a mistake.

Voters have become increasingly cynical and disengaged from electoral politics. Ballot measures create a direct opening to talk with, identify, and turnout voters as well as provide a vehicle through which to define a message and influence national elections. Initiatives also present an early agenda-setting opportunity. The process of signature gathering alone places a campaign in a position to gauge and influence public sentiment on many issues prior to the heat of the election. Candidates and their gurus have a golden opportunity to use this inherently democratic process to mobilize activists and voters around a coherent issue agenda, keep opponents scattered and on the defensive, and swing crucial elections.

Throughout the years ballot measures have been used as a tool to:

- (1) Recruit, mobilize and energize activists on both sides of the political spectrum;
- (2) Increase turnout of key voters;
- (3) Frame the election cycle around particular controversial ideas;
- (4) Drain or divert resources from the opposition;
- (5) Help define issues and candidates in the eyes of voters;
- (6) Provide an effective use of soft money donations.

Ballot Measure Usage

The 2006 cycle was the third most active election cycle for ballot initiatives since the first measure was proposed in 1904. Voters decided 204 statewide measures in 37 states last cycle. Seventy-nine of the 204 measures were from the people (citizen-petitioned) and 125 referred by government (legislative referenda). There were 22 more initiatives on the ballot than in 2004. Voters approved 29 initiatives and 108 legislative referenda.

Not only has the number of initiatives increased, but the intensity, coordination, and money spent makes recent election cycles unique with multi-state, single-issue strategies dominating both the political dynamics in the states. Organizations and individuals supporting or opposing ballot measures in 2006 spent a significant amount of money on those measures. While 2004 was a record breaking year with \$393 million spent on ballot initiatives, last cycle just twelve of the most expensive initiatives in the country spent \$329,142,360. That includes the most expensive initiative campaign ever -- \$153 million spent by proponents and opponents on California’s renewable energy campaign.

Very few proposed initiatives make it to the ballot, and less than half of those pass. Incorporating results from the most recent election, a total of 2212 initiatives have qualified for the ballot since the process began. Less than half of all measures have been approved by

voters; 900 of the measures passed, or 40.7%. The passage rate of the 2006 initiatives was lower than the historical average as only 29 out of 79 initiatives were approved by voters, or 36.7%.

| National I&R Activity, 1998-2006 | | | |
|----------------------------------|-------------------------------|-----------------------|-----------------------|
| Year | Initiatives or citizen vetoes | Legislative Referenda | Total Ballot Measures |
| 2006 | 79 (29 passed) | 125 (108 passed) | 204 (137 passed) |
| 2004 | 57 | 106 | 163 |
| 2002 | 53 | 147 | 200 |
| 2000 | 71 | 133 | 204 |
| 1998 | 61 | 174 | 235 |

The impact of ballot measures on voter turnout

Initiative campaigns focused on achieving larger electoral gains – targeted turnout, message framing opportunities for candidates, wedging political opponents based on past votes on the issue – have successfully changed the dynamic of state elections. When ballot measure campaigns in multiple states focus on these goals using the same issue, together they can force a national public conversation on a single issue. Conservatives accomplished this feat in 2004 using 13 gay marriage bans, while progressives responded in 2006 with initiatives to raise and index the minimum wage in six states.

Peer-reviewed academic research has documented that ballot measures do increase voter turnout in midterm and even in presidential elections (though the impact is less significant in high voter turnout years). Research has shown that weak partisans are more likely to be mobilized to turnout and vote by ballot measures than independents, and that some ballot initiatives help to shape the electorate in favor of the proponents of those measures, while others help to mobilize opponents of the measures.

Turnout Facts and Figures

- Over the past 25 years, states with the ballot initiative process have had higher voter participant than states without the process. On average, each statewide initiative on the ballot increased a state’s turnout by almost 1% in presidential elections and almost 2% in midterm elections, holding constant other state demographic information (high school graduation rates, region, racial diversity), economic (income) and political (voter registration laws, US Senate and gubernatorial races) factors.
- Between 1972 and 1996, holding other factors constant, the presence of “salient” initiative and legislative referenda led to an average increase in turnout in midterm elections by roughly 3% over states without measures on the ballot, but had no effect in presidential elections.
- Individual, survey-level findings on turnout have shown that citizens exposed to initiatives on their statewide ballot are more likely to vote, all else equal, in midterm elections and some presidential elections. Holding all other factors constant, national survey data shows that in the 1998 midterm election, each additional initiative on a statewide ballot increased the likelihood of an individual voting by one percentage point. Thus, an individual residing in a state with four initiatives on the ballot was estimated to have a four point higher probability of voting than if the same individual resided in a state without an initiative on the ballot.

