Direct democracy and state legislatures: Does professionalism matter?

Donald D Mirjanian

University of Nevada, Las Vegas

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DIRECT DEMOCRACY AND STATE LEGISLATURES: DOES PROFESSIONALISM MATTER?

by

Donald D. Mirjanian

Bachelor of Arts
University of Nevada, Las Vegas
2006

A thesis submitted in partial fulfillment of the requirements for the

Master of Arts Degree in Political Science
Department of Political Science
College of Liberal Arts

Graduate College
University of Nevada, Las Vegas
May 2008
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Donald Mirjanian

Entitled

Direct Democracy and State Legislatures: Does Professionalism Matter?

is approved in partial fulfillment of the requirements for the degree of

Master of Arts in Political Science

Examination Committee Chair

Dean of the Graduate College

Examination Committee Member

Examination Committee Member

Graduate College Faculty Representative
ABSTRACT

Direct Democracy and State Legislatures: Does Professionalism Matter?

by

Donald D. Mirjanian

Dr. David Fott, Examination Committee Chair
Associate Professor of Political Science
University of Nevada, Las Vegas

This thesis seeks to improve our understanding of the relationship between state legislative professionalism and direct democracy. Using institutionalist theory as a framework, I employ negative binomial regression to measure frequency changes in statewide ballot initiatives (1990-2000) as a function of state legislative professionalism. I find that increased professionalism is associated with higher levels of ballot initiatives appearing on statewide ballots, after controlling for qualification difficulty, interest group strength, divided government, and demographic variables.

While the conclusions may not provide insight as to the long-term (or short-term, for that matter) quality of the initiatives or referenda, they do provide insight as to when the citizenry is more likely to eschew one fundamental component of American government – representative democracy – in favor of what has quickly become another important component of American government – direct democracy.
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Additionally, gratitude beyond that which can be expressed with words is due to my family. My children, Celeste, Kylie, Shelbee, Adam, and Dominic have all shown unending support for my academic devotions; to them I offer this thesis as proof that dedication to education should not only be a life-long endeavor, but should also be of paramount importance.

Most importantly, however, is the recognition of my best friend and remarkable wife, Kristin. Her inspiring sense of dedication to family, to me, and to improving the world around her has always been my strongest incitement to succeed. There exists no finer example of the perfect friend, wife, and mother than she.
CHAPTER 1

INTRODUCTION

This thesis will examine the influence of state-level legislative professionalism on the institution of direct democracy. Although considerable scholarship exists on both the subject of state legislatures and direct democracies, a lacuna of sorts exists in literature examining the confluence of these two institutions. Given the prevalence of direct democracy in the American states, as well as the importance of the state legislature, an exploration of this subject is warranted. This study seeks to further our understanding of the relationship between the two institutions by examining the conditions under which increased initiative activity takes place. More specifically, this thesis seeks to answer the following question: how does legislative professionalism influence the institution of direct democracy?

State legislatures have undergone significant changes in the last several decades. Considered by one observer to be in earlier generations a “racist, sexist, secretive, boss-ruled, malapportioned and uninformed” institution (Ehrenhalt 1992), legislatures of today are often characterized by longer sessions, increases in pay and benefits, increased staffing, and modern facilities (Hickock 1992). Wide variations exist in the levels of professionalization among states, with some states having a “full-time” legislature, while others meet for just a short time every other year. Legislative professionalism has been found to be correlated with increased contact with representatives (Squire 1993),
increases in legislator diversity, decreases in occupational diversity among legislators (Squire 1992), and perhaps most importantly for this thesis, increased autonomy in initiating policies (Thompson 1986). Legislative professionalism has also been associated with higher levels of incumbency reelection (Berry, Berkman, and Schneiderman 2000) as well as divided government (Fiorina 1994, but see also Squire 1997).

The confluence of state legislatures and direct democracy is natural; the outcomes, however, are complex. Simply put, direct democracy is an access point for the citizenry (or more likely, interest groups) to circumvent the state legislatures; but Gerber (1996, 1998) argues that interest groups may propose initiatives simply for the indirect effects on the legislature: given the correct circumstances, a group may be able to influence the legislature into acting without having to actually have success with their initiatives. Overall, state legislatures can be a major source of policy outcomes in a state, but, given the right conditions, state legislatures can also be a major source of policy gridlock.

In its modern form, direct democracy was conceived of as a method by which citizens could directly “check” the state legislature (and more specifically, powerful economic interests) by placing issues directly on the ballot. In so doing, the founders of this movement purposefully created a mechanism by which they could circumvent the very structure of American government: representative democracy. As the institutions formalized, questions emerged about the efficacy and viability of such mechanisms: clearly, it could produce results – but did the mechanism remain true to the founding principles? Nor was this potential paradox unforeseen: as early as 1894, editors of the *Political Science Quarterly* considered the populist rhetoric that was becoming widespread, and questioned how the “organization required will differ from that of our present ‘machines’” (Burgess 1894, 579).
Gerber (1999) considered this question directly when she considered the possibility of a “populist paradox”; the notion that present-day powerful economic interest groups may have co-opted from the electorate the very process that was meant to be an equalizing force. She finds that this is not the case: for the most part, wealthy interest groups are better able to maintain the status quo rather than alter it. Other scholars agree: Donovan, et al (1998) find that in interest-group based competition between broad-based interest groups and narrow-interest economic groups (e.g., trial lawyers, insurance companies), the broad-based interest groups are more likely to succeed in altering the status quo, while the narrow-interest groups are more successful at maintaining it. Though left implicit in their arguments, these findings do not preclude a paradox; they simply preclude the paradox that was deemed most likely to occur. That is, the ability of well-heeled special interest groups to routinely maintain the status quo against groups wishing to change it still represents what could be considered co-opting, though not in the manner widely believed.

Original advocates of the process argued that the initiative and referenda process would invariably increase turnout levels, as well as result in a better-educated electorate (Beard 1912; Haynes 1907; U’Ren 1907). Recent findings on this subject are mixed. Everson (1981) argues that while the initiative process may positively affect turnout in special circumstances, a general, long term positive impact is unlikely. Conversely, other scholars agree that the presence of the initiative and referenda increase voter turnout levels (Smith, M. 2001; Southwell 2001; Tolbert 2001; Tolbert and Smith, D. 2005), as well as the presence of interest groups (Boehmke 2005). Additionally, scholars have argued that citizens in direct democracy states have higher levels of political awareness and civic abilities than do citizens in noninitiative states (Smith, M. 2002; Tolbert and
Policy outcomes have been found to be more responsive (Gerber 1996; Matsusaka 2000; but see also Cambreco 1998 and Lascher 1996) to public opinion. Finally, direct democracy campaigns have been cited as influencing the overall political agenda (Makin 2006; McDonald 2004; Nicholson 2005).

As has been shown, outcomes of direct democracy may not always be in line with the expectations of the founders. Tax-and-expenditure related initiatives were, and still are today, among the most common initiatives appearing on the ballot\(^1\); however, in yet another unexpected outcome of direct democracy, voters intent on taking matters into their own hands and voting directly to lower taxes and constrain spending may have, in many cases, lowered the quality of life for the citizens of their state, including decreased education funding and social services (Schrag 1998). At the same time, citizens of the states that have passed tax and expenditure limitations are often subject to increased user fees (as well as special-districts), that are not found in non-initiative states (Matsusaka 1995, 2000; Bowler and Donovan 2004).

Additionally, the relationship between minorities and direct democracy is seemingly paradoxical. Modern scholars argue that direct democracy may actually promote majority tyranny against minority rights, especially in the cases of housing and public accommodations for racial minorities, school desegregation, gay rights, and English-only laws (Gamble 1997). Moreover, in a sort of irony-within-an-irony, non-minorities have turned to the initiative process in an effort to actually maintain a status quo that had been threatened by minority-led (or influenced) state legislatures (Tolbert and Hero 1998).

\(^1\) Tolbert (2001) finds that during the period of 1900-1920, 22\% of all initiatives were concerned with tax, revenue, or spending; her analysis of the period of 1980-1996 shows that similar initiative types also represented 22\% of all initiatives appearing on ballots.
Thus, it is not surprising that the study of direct democracy in America has led to some confusing outcomes. The present work attempts to disentangle some of the confusion that accompanies the study of direct democracy by reviewing and evaluating the literature from the early part of the century (when the institution was enjoying widespread installation) forward in an effort to determine how well the expectations and anticipations of the founders of this movement have proven accurate. Using the expectations of the founders of my point of departure, I seek to evaluate the institution in its current state within the context of original expectations. That is, by reviewing the salient issues providing motivation to the supporters of direct democracy, as well as the arguments in opposition to the process, I propose to realign the arguments over the efficacy of the process such that the present state of direct democracy can be evaluated in the terms originally outlined by its founders. These salient issues include the role of special-interest groups in the process, the educative effects of direct democracy, and the role of the state legislature in providing responsive (and responsible) policies. The current role of interest groups in the process, as well as the educative effects, will be evaluated based solely on the literature (both past and present) within the discipline; however, the final chapters of this thesis present original quantitative analysis regarding perhaps the most salient (and often overlooked) issue in direct democracy: state legislative influence. In particular, I undertake an institutionalist analysis of direct democracy in America in an effort to answer the following question: what is the influence of state legislative professionalism on the frequency and types of initiatives that appear on statewide ballots.
Thesis Outline

This introductory chapter has briefly considered the institution of direct democracy in America, the notion of legislative professionalism, and in particular, how institutionalist theory may be used as a model in explaining the relationship between direct democracy, state legislatures, and political actors. The following chapter introduces the institutionalist theory and its relevance to the process of direct democracy, and concludes by defining the relevant terms used throughout the thesis.

The third chapter focuses on the foundations of direct democracy by evaluating relevant arguments presented by the "founders" of this institution: the Populists and the Progressives. I will also consider some of the more salient issues within the institution of direct democracy, as well as the role of the state legislature in the policymaking process.

The fourth chapter discusses the variables that will populate the statistical model, as well as formulates the hypotheses to be tested. In particular, I present a pooled, cross-sectional data set consisting of initiatives appearing on statewide ballots from 1990-2000 to be used in formulating the dependent variable. I also discuss the usefulness of several different indices measuring state legislative professionalism before presenting the most beneficial index to the work at hand. Additionally, several important control variables are introduced: interest group strength, ballot initiative qualification difficulty, state population, state-level gross domestic product, as well as controls for divided government, state-level political ideology, and political culture.

The model specified here is created to test two central hypotheses. Drawing on the central tenets of the institutionalist theory, I first hypothesize that increased legislative professionalism will result in an increase in the overall number of initiatives appearing on statewide ballots. Secondly, I hypothesize that increased state legislative professionalism
will result in increases among various types of initiatives, such as economic-based initiatives, initiatives dealing with social and moral issues, as well as those concerned with the governmental process.

The fifth chapter reports the results of the data analysis. Briefly, support for the hypotheses under investigation is found. In particular, I find that increases in legislative professionalism are associated with higher levels of ballot initiative activity, even after controlling for several relevant variables, such as qualification difficulty and state population. However, limited support is found for the notion that increases in legislative professionalism are associated with decreased levels of certain types of initiatives.

The final chapter of the thesis discusses the results of the statistical analysis within the context of the institutionalist theory. In particular, I argue that the institutionalist theory suggests that institutions constrain the actions of political actors, and that the notion of institutional dynamism suggests that veto points occur within these institutions. Political actors pursue their agenda by exploiting these veto points, and such veto points become apparent at different levels of legislative professionalism across states, and especially within the context of several other variables. I conclude by noting that, together, these components serve as explanatory predictors of direct democracy usage in America.
CHAPTER 2

INSTITUTIONALIST THEORY AND DIRECT DEMOCRACY

The wide range of policies present on statewide ballots suggests that those seeking to change the status quo in any given area have the process available to them. Further, scholars suggest that the use of the initiative is a primary, direct determinant in many issues in states that have the initiative process, and because of policy diffusion, it often affects policy in states that do not have the process (Bowler and Donovan 1998). Moreover, the confluence of state legislatures and interest groups with the institution of direct democracy suggests that the structure of each of these institutions affects the other in a given political setting. Given the dynamics of the institutions involved, institutionalist theory provides an appropriate contextual framework with which to evaluate direct democracy in America.

Institutionalist theory has long served as a theoretical explanation within the discipline of political science; indeed, scholars have updated the framework to such a degree that “new institutionalism” has developed separately from historical institutionalism. In their seminal work on institutionalist theory, Thelen and Steinmo (1992) stress that institutionalism includes both formal organizations and informal rules and procedures that structure conduct.

In general, institutionalists are “interested in the whole range of state and societal institutions that shape how political actors define their interests and that structure their
relations of power to other groups” and more specifically, historical institutionalists argue that institutions “constrain and refract politics but they are never the sole cause of the outcome” (Thelen and Steinmo 1992: 2). New institutionalism, as the name suggests, is similar in many ways in that the focus remains on how institutions themselves shape politics, but focuses less on the administrative, legal, and political structures that were once studied in a highly normative way and more on the “relational character” of institutions, or “how a given institutional configuration shapes political interactions” (Thelen and Steinmo 1992: 6).

A significant dilemma regarding historical institutionalism is that the focus is often on continuity, and not change. This is due mainly to the structural paradox that exists: while the notion of punctuated equilibrium as a method of change enjoys widespread acceptance, Thelen and Steinmo (1992: 6) note that institutions are the independent variable in explaining political outcomes in times of stability, but then become the dependent variable predicted by the very political maneuverings they once predicted themselves. The authors argue that by focusing on the sources “institutional dynamism,” (an integral part of new institutionalism) researchers will be able to “look at how institutions mediate and filter politics [and also] turn the question around to demonstrate how the impact of institutions is itself mediated by the broader political context (Thelen and Steinmo 1992: 16).

More specifically, the authors focus on four sources of institutional dynamism: first, broad changes in the socioeconomic or political context can produce a situation in which previously latent institutions suddenly become salient, with implications for political outcomes; secondly, changes in socioeconomic or political balance of power can produce a situation in which old institutions are put in service of different ends, as new actors
come into play who pursue their new goals through existing institutions; third, exogenous changes can produce a shift in the goals or strategies being pursued within existing institutions: changes in outcomes as old actors adopt new goals within the old institutions; and finally, political actors adjust their strategies to accommodate changes in the institutions themselves.

Another way of conceptualizing change within the institutionalist framework is through the exploration of “veto points.” In particular, this helps to illustrate the relational character of institutions in that the veto points provide “strategic openings” (facilitated by institutions) that actors use to achieve their goals. As defined by Thelen and Steinmo, “veto points” are areas of institutional vulnerability. The attractiveness of institutional vulnerability, particularly for interest groups, is that it presents a sort of “chip in the armor” of the policy process, whereby mobilization can effectively influence the policy process, whether by modifying the status quo or thwarting new policy innovations. Perhaps most importantly, Thelen and Steinmo argue that while veto points may be “sticky,” there are not permanent, and shifts in the overall balance of power can cause veto points to emerge, disappear, or shift their locations, which in turn provides the aforementioned “strategic openings” that actors may use to achieve their goals.

In real terms, the authors argue that this concept explains why similar interest groups (conceptualized in terms of organizational power) may have different results in different settings. For example, Immergut (1990) analyzes healthcare-based interest groups in three countries, and while equally well-organized and powerful, all had varying degrees of success. For Immergut, the successful transition to socialized medicine was not necessarily the result of successful interest groups in and of themselves (in spite of various veto groups) but rather different veto points within political institutions. Such
conceptualization requires a brief overview of the notion of change within the institutionalist theory.

The adoption of this theoretical explanation for sub-national research is based mainly on its explanatory value in dealing with a multi-institutionalist political arena. Thus, considering state legislatures, interest groups, and direct democracy within the institutionalist theory appears to be an appropriate fit, especially insofar as the four sources of dynamism are a commonality within the institution of direct democracy. For example, the resurgence of direct democracy in the 1970s and 1980s can be attributed to broad changes in the socioeconomic (the rise of the anti-tax movement) as well as the political context (decreased trust in government due to Watergate); secondly, changes in the balance of power of state governments (as well as interest groups) have produced a situation in which old institutions are put in service of different ends and new actors pursue new goals within those institutions (e.g., direct democracy goals of tax and expenditure limitations; governance policy issues, such as term limits and campaign-finance reform). Third, exogenous changes have produced a shift in goals or strategies pursued by "old" actors within existing institutions (e.g., the case of non-minorities using direct democracy to maintain the status quo against minority-influenced legislatures, as discussed above); and finally, political actors adjust their strategies to accommodate changes in the institution themselves, as seen with the discussion regarding the indirect influence of initiatives (led by resourceful interest groups) on state legislatures. Clearly, the examples provided here are but a few of the many possible ways in which institutional dynamism is exemplified by the process of direct democracy. Thus, the theory provides a clear foundation for further examination of the institutions of direct democracy, as well as state legislatures.
Definition of Terms

The terms involved with direct democracy are, for the most part, terms used in common parlance, and need little clarification. However, it may be useful to briefly define some terms that will be used throughout this thesis, as well as provide a brief overview of the current usage of direct democracy in America today.

Direct democracy refers to the process of initiative, referenda, and recall. Though the term "direct legislation" is often used interchangeably with "direct democracy," this term refers only to the process of the initiative and referenda, and not the recall. For the purposes of this thesis, I use the term direct democracy to refer only to the initiative, referenda and recall, though the statistical analysis undertaken here deals only with the initiative.

The "initiative" refers the process of proposing a measure for an upcoming ballot, after meeting the state-mandated threshold for signatures via petition (which often include both quantity and geographic restrictions\(^2\)), placing a measure on a ballot to be voted on by the people in a regular election. Initiatives take four forms: the direct constitutional amendment initiative, the indirect constitutional amendment initiative, the direct statute initiative, and the indirect statute initiative. In the cases of either the direct constitutional amendment or the direct statute initiative, the proposal is placed directly (without any action by the state legislature) on the ballot for approval or rejection after successfully meeting the signature requirements of the state. In the cases of the indirect options, the measures are (after meeting the mandated signature requirements) submitted

\(^2\) Quantity restrictions generally refer to a threshold based upon a certain percentage of the voters in the last general election; geographic restrictions generally refer to the requirement that the signatures come from a certain percentage of counties or districts within a given state. This will be fully developed in later chapters.
to a regular state legislative session prior to going before the voters. If the state legislature does not approve the initiative, the measure is placed on the ballot in the next election; additionally, the state legislature may offer a substitute proposal on the same subject (Magelby 1984).

The “referendum” refers to the process in which citizens may accept or reject laws proposed by the state legislature. There are two types of referendum: the popular referendum and the legislative referendum. In the former, citizens must gather the state-mandated number of signatures on a petition in order to have the referendum placed on the ballot; in the latter, the legislature (or perhaps a government official or agency) places the measure directly on the ballot for the people to accept or reject. All states have the legislative referendum; in many cases, proposals are required to be submitted to the people for approval. However, the popular referendum is only available in twenty-four states (Initiative and Referendum Institute, online).

Direct Democracy Usage in America

Currently, twenty-four states have the initiative process (see Table 1.1); of these, eighteen have the constitutional amendment initiative process, and of those, sixteen use the direct method and two use the indirect method. Twenty-one of the twenty-four states have only the statutory initiative process available; of those, fourteen use the direct method while nine allow the indirect method (Initiative and Referendum Institute, online).

3 This discrepancy is caused by Washington and Utah, who allow for both the indirect and direct statutory initiative process.
Table 1.1 – Initiatives, Popular Referendum, and Types of Initiatives Used By States

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Direct democracy has undergone identifiable usage cycles in American history. In the early days of the process, the initiative and referenda were used quite frequently; the first full decade between 1911 and 1920 saw 293 initiatives, while just three decades later, between 1951-60, usage dropped to just 114 statewide initiatives placed nationwide. Scholars argue that the success of California’s widely popular (and highly touted) Proposition 13 in 1978 and Proposition 4 in 1979 were largely responsible for the increase in the process (and in particular, in anti-tax proposals) in the next several decades.

Figure 1: Initiative Use By Decade, 1901-2000

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4 Proposition 13 reduced California local property taxes; Proposition 4 placed constitutional restrictions on state spending. Together, they constitute the first of what would become many tax-and-expenditure limitations placed on state governments.
Examination of initiative and referenda from the period of 1992-2004 confirms this. Of the 441 initiatives passed in this period, 76 (or 17%) were concerned with taxes; while another 26 (6%) were concerned with the governmental process. Term limits constituted another 58 (13%), giving the impression that the citizenry was not opposed to the notion of placing limits on their state governments (though this notion coincides with the unique individualistic culture of Western states, a topic to be discussed later). Environmental reform measures (8%) are also frequently placed on state ballots, as are education (6%) and gaming initiatives (7%).

Thus, it is clear that the usage of direct democracy in America is on the rise. However, before examining the influence of state legislative professionalism on the institution of direct democracy, it may be useful to examine the development of direct democracy in America over the past century. Such an examination is the focus of the next chapter.
CHAPTER 3

DIRECT DEMOCRACY IN AMERICA

The late nineteenth and early twentieth century brought tremendous changes to the American system of government in the form of direct democracy. This “founding” of direct democracy in America can be considered a function of several components: the deleterious effects of the Industrial Revolution on many of the farmers and ranchers in America; the desire on the part of Progressives and Populists to install a mechanism that could “check” the powerful hold of special-interest groups over state legislatures; and the widely-held desire to improve government by making it “more responsive” to the people in general — which would in turn, the Progressives argued, lead to a more politically efficacious citizenry, which would again in turn, lead to a better overall government.

Here I explore the founding of direct democracy in an attempt to elucidate the arguments that scholars provided during the infancy of this movement. I begin by briefly introducing the Progressive and Populist movements, and the similarities and differences between them. A brief overview of the initial installation process in the individual states follows. I continue by examining the arguments both in favor of and in opposition to the process, and focus in particular on the salient issues regarding the process that still exist today, such as the role of interest groups in the process, the issue of state legislative responsiveness, and also the “educative” effects of the process on the citizenry. I then examine the arguments of present-day scholars in an effort to determine how well the
institution has developed within the expectations of its “founders.” The purpose of this discussion is to equate the important issues of the founding era of direct legislation with the important issues of the present-day version of the institution and determine which of those have been resolved, which have remained tumultuous, and which have developed anew. By understanding the evolution of the issues from the founding through the present day, the quantitative analysis that follows in later chapters will be more robust. That is, by contextualizing the issues in this manner, we can more fully understand the importance of interest groups, the educative effects of direct democracy, and the influence of the state legislature on the institution of direct democracy.

Populists, Progressives, and the Founding of an Institution

A useful starting point when considering the founding of almost any American institution is the works of the framers of the Constitution. In particular, many scholars point to Madison's arguments against the concept of direct democracy in Federalist 10 (Polhill 2001; Tolbert, Lowenstein, and Donovan 1998). Clearly, they are relevant: Madison argues in the former that a group of individuals, united by common passion or interest, can be a serious threat to the interests of the community as a whole: “...it may be concluded that a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischief of faction.” The only way to check this, of course, is via a republic; a representative government that “refine[s] and enlarge[s] the public views...under [which] the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves” (Federalist 10).
If the Founders set the American “train” on a particular track, then the Populists sought to apply the brakes nearly a century later. Convinced that the “train” was in perpetual motion and quite clearly on the wrong track, the Populists began in the 1890s to propose a series of governmental and social reforms (Cain and Miller 2001; Polhill 2001). Though vitally important to the development of America, the Industrial Revolution was not a prosperous time for all Americans. In particular, farmers, ranchers, and laborers, stood to suffer immensely by the commercialization of agriculture and the concentration of capital that became hallmarks of the period. In the late 1800s, disenchanted groups (mainly alliances of farmers, miners, and laborers) formed the People’s (or Populist) Party, favoring governmental ownership of railroads, elimination of monopolies, a graduated income tax, free coinage of silver, an expanded money supply, and similar efforts aimed at improving the livelihood of rural families (Cronin 1989, 43). With bankers, railroaders, and land speculators in their sights, the Populists attempted to enter politics and change the system, as they could envision gaining little relief from the two main political parties that they believed were controlled by the influence of railroads, trusts, and monopolies. In 1892, the Populists codified their beliefs at their first national convention, where they introduced a platform that called for the direct election of senators, limiting the president and vice-president to a single term, and most importantly for our purposes, the introduction of the initiative and referendum (Cronin 1989).

That Populism constituted radicalism is not easily refuted; that the Populist Party sought minor changes in the governmental system is. Faced with little alternative – after all, the Frontier had been conquered and no longer could individuals just “go West” – the Farmer’s Alliance sought to fight back against both their government and nature. As
Barens (2004) points out, a catalyst for the Populist revolt was a drought-fed deflationary period beginning in 1887 which saw massive foreclosures resulting from earlier credit extensions and speculation-buying. After a decade of misery, it was clear to them that big business interests had control of the government, but this was just the start: for Populists, “individualism alone was not enough to secure democracy in an industrial era”, so they sought governmental intervention to “return authority to the people, in whom they had complete faith and trust” (Barens 2004, 54).

The Populist desire to put the elite few who had corrupted the public good back into their place was, in their minds, best accomplished by the government; thus, the purpose was to seek a redress of grievances and not a revolution. However, the institutionalist structure was at the heart of the problem, and they sought to directly supplant state legislatures with the initiative and referendum (Barens 2004). In so doing, the Populists sought to put the people – and not the institutions, such as parties and legislatures – in control of the government, and thereby restore sovereignty to the people. In this way, Barens argues, the movement was not so much economically driven, but ideologically driven.

The early days of the Populist Party proved mildly successful. In 1892, Populist candidate and Civil War veteran James B. Weaver collected just over eight percent of the popular vote, and twenty-two electoral votes, though well short of the 223 needed to win (McKenna 1974). For many, however, the Populist Party agenda was excessive: the push for nationalization of industries and thorough overhaul of the currency, lending, and banking structures exceeded the more simplistic notions of restoring economic
opportunity\(^5\) (Zisk 1987), and by 1896, the party was dissolved. While a platform based on mechanisms that would ultimately (and purposefully) increase inflation was in and of itself a difficult way to gain widespread support, other factors may have led to their early demise. McKenna (1974) argues that “platform ambiguity” was the result of a lack of cohesion, and in particular, the lack of an identifiable doctrine or ideology that could be articulated and defended. However, it was ultimately an 1896 decision to fuse with the Democrats by endorsing William Jennings Bryan that proved the fatal mistake. This decision, McKenna (1974) argues, led to the destruction of the Populist Party image of an independent party, and with it came the unraveling of many of the reform notions that had once defined the Party; indeed, by this time, the Populist Party was focused almost exclusively on the “free silver” appendage of its platform. Bryan’s success in the rural West was not enough to carry him to victory, and the Populist Party came to an abrupt end.

Because Populism was not an economically motivated movement, but rather an ideological movement (Barens 2004), perhaps Riker’s (1988) contribution adds a further dimension in understanding the demise of the party. Riker argues that a fundamental flaw with Populism exists within the notion of a “popular will,” which is singularly unattainable. Riker explains that it is unattainable because the only way to determine what the people want is through voting, and voting simply tells us which alternative wins – and it cannot be determined that the “winning” choice represents the “popular will” more than the losing choice – and this case remains the same even over time. Moreover,

\(^5\) “Opportunity” in this sense refers to the notion of equality of opportunity, in the sense that advantage should be open to all; assessments are made on the basis of merit, success is based generally on being the most qualified, given a fair competition.
Riker argues that in order for the Populist desire to be realized, the government itself must implement the popular will. This, Riker argues, may preclude governments from respecting both minority and majority groups, and also leaves open the possibility that the institutions that constitute a liberal democracy (e.g., elections, and even constitutions) could be ignored in pursuit of a goal determined to be the “true will” of the people (Riker 1988).

The notions of the Populists did not die with the party; indeed, Populist notions are perennial. Indeed, Hicks (1931) argued that while the Populist notion regarding banking and currency was often regarded as “lunacy,” the adoption of the Federal Reserve Board system by President Wilson in 1914 showed that the “Populist diagnosis had been accepted and the Populist prescription had not been wholly ignored” (Hicks 1931, 23). Additionally, the Populist belief that the government should operate private agricultural storage locations (so that prices could be stabilized over a longer period of time) was realized by the Warehouse Act of 1916; the Hepburn Act of 1906, the Mann-Elkins Act of 1910 and the Transportation Act of 1920 all placed the Interstate Commerce Commission in a much stronger position to regulate rail transportation (Hicks 1931, 25). Central to this thesis, the adoption of the initiative and referenda in over two dozen states also supports the notion that while the Populist Party may have been short-lived, the ideas within bore fruit for decades to come.

Thus, it seems clear that the Populist Party was in many ways initially responsible for direct democracy in America, though the actual reforms did not take place until well after the Party’s demise in 1896. As Mowry argues, “...without Populism, Progressivism could not have existed when it did...the lingering Populist reform spirit in the Midwest and the South provided Progressivism with many of the votes necessary for the national
majority needed for the passage of its reform measures" (Mowry 1972: 34). Over the next several years the Populist platform was refined; while many of the same themes were present, the movement was now seemingly more legitimate: “insurgency has ceased to be a mere uprising of guerillas: it has become a great, a well-regulated, a self-conscious progressive movement” (Baker 1910, 4).

Progressives, like Populists, argued for “fairer distribution of the economic and political power of the nation” (Barens 2004, 76), and also believed that many of the problems in American life were based on the unchecked growth of large corporations and capital accumulation. Progressives sought to “face squarely the social problems left in the wake of the industrial revolution and to solve them with the inventiveness characteristic of industrial society” (Resek 1967). The notion that the government should take a larger role in protecting the interests of the people was formed into the progressive desire for an enlarged – and more professional – bureaucracy; it was in this way, they argued, that experienced and responsible professionals could act on behalf of “the people” (Barens 2004).

By and large, the Populism-turned-Progressivism saw tremendous successes, especially with the backing of legitimate political actors, such as Theodore Roosevelt and Woodrow Wilson. Significant legislation was passed augmenting the role of government in business (especially in the Plains states) and politically, widespread establishment of the initiative and referenda, along with the constitutional amendment providing for the direct election of senators, became woven into the fabric of American life, along with an institutionalized bureaucracy (Barens 2004). Other scholars argue that “the Progressive Era forged a link between theory and practice that had not been evident since the age of
Jackson...both economic and political reform translated prevalent ideas into laws and institutions” (Mason and Baker 1985, 560).

The Progressive movement as a whole was not without its detractors. The very idea of a “progressive movement” was a misnomer to Hollingsworth (1912), who argued that the movement towards direct democracy was not progressive, but actually regressive. Though his argument implies an understanding that direct democracy and representative government would not coexist, but rather, the former was intended to replace the latter, Hollingsworth argues that such a movement signified a return to pre-modern conditions, methods, and systems, and as such, disregarded the success (and thus, progress) of the current constitutional system of government, which Hollingsworth argues evolved from the very system that the “progressives” were trying to return to – and furthermore, had evolved from the final downfall of this type of government.

Less convincingly, the author also argues that the movement does not meet the threshold that its propagators laid down: that the institution of direct democracy is all-inclusive; that it was meant to make the voice of the masses heard. In effect, he argues that because it is in the interest of the masses, or the “plain people,” it is effectively a class-based movement designed to exclude the “determining or controlling voice on the part of the smaller class who are identified with the large economic interests of the country” (Hollingsworth, 1912). He further argues that this is a contradiction to the ideals of the American Constitution, which he parenthetically notes applied to the “whole of the country’s citizen population.” Missing in his analysis, however, is the notion that at the time of his writing, women had yet to be nationally recognized as enfranchised; moreover, African Americans had not held that right for very long, and thus “the whole of the population” seems a problematic term.
Hollingsworth further argues that for all of the “progressive measures,” (e.g., the direct primary, the initiative, and the recall), the electorate is not provided with any new political power or functions: it is still limited to – as it has been under the representative system – voting. The author questions the veracity of the supporting view that direct democracy is an “absolute form of government by the people” insofar as this form of government still has individuals who “enact laws, construe them, and administer them” and that this power is still delegated, “whether it be actual or implied” (Hollingsworth 1912, 39).

Improperly named as they may have been, their movement was quite real. Moreover, clear differences between the Populists and Progressives existed. Mowry (1972) argues that “Progressivism differed sharply from Populism in the loci of support, in the nature of its leadership, and in the amplitude of its ends” (Mowry 1972, 5). In particular, Progressives were often focused on urban problems rather than agricultural issues (and thus, drew a broader base of support than Populists); the Progressive was more likely to come from an educated middle-class family, and the Progressive leaders were, as Mowry argues, “most often from an elite class...and often aware of it” (Mowry 1972). Hofstadter (1955) agrees, noting that intellectuals and professionals had profound roles in Progressivism. Thus, while the Populists eschewed the two major parties because of doubts regarding their efficacy, Progressives often sought ends that were simply unrelated to the party platforms – and often centered on the reform of individual habits and morals (Mowry 1972).

Cain and Miller (2001) point out that the differences between the Populists and Progressives are both important and rarely analyzed. They argue that the main difference between the two is that the Populists sought to undermine representative government
completely, while the Progressives sought many of the same reforms – such as direct democracy – but in an effort to “liberalize representative government from corrupt forces” (Cain and Miller 2001, 36). In other words, the Progressives were well aware of the problem of political machines, hardships caused by rapid industrialization efforts, and the immutable strengths of corrupt corporate and partisan interests. However, instead of the Populist notion of a complete restructuring (which would have included substituting direct democracy for state legislatures) the Progressives believed not only in the importance of, but also the competence of, the state legislatures and sought direct democracy as simply as a procedural supplement to the existing order; it was to be a mechanism by which the people could check the influence of the special interests on the state legislatures. Along with direct democracy, the direct primary, the direct election of senators, and extending suffrage to women would all work together to promote a better government (Cain and Miller 2001). Indeed, for many Progressives, the motivation for direct democracy lay in the “insulation” of the administration of government from political forces – in effect, leaving the policy choices to the people via direct democracy and the administration of policy choices to the government (Magelby 1984). Thus, in addition to the measures mentioned above, along with merit systems, nonpartisan elections, commission plan for local governments, and independent regulatory commissions, the initiative, popular referenda and recall would allow the “Progressive doctrine of trust in the individual citizen” to overcome economic trusts, monopolies, and cartels that mainly worked through politicians, parties, and state legislatures (Magelby 1984).

This distinction is often overlooked in the literature. Indeed, in other works published in the same year, the groups are referred to as the Populist/Progressives (Polhill
Although Cain and Miller give little backing to their argument, the notion that two groups may have wanted to use the initiative for two different purposes makes intuitive sense. The notion continues today, and the Cain and Miller framework may provide a useful method of categorizing initiatives over and above the traditional "broad based" or "narrow-material" methodologies used recently (Donovan, et al 1998; Ernst 2001). Clearly, other typologies exist: social, governmental reform, environmental, regulatory, etc.; however, these may not capture as clearly as does the Progressive/Populist distinction of whether or not the purpose of the initiative is to undermine the representative system in place, or to strengthen it via enhanced responsiveness or professionalism.

These differences between the Progressives and the Populists, at least in terms of their diverging views regarding the role of the state legislatures, may be illustrated by considering different types of initiatives appearing on statewide ballots today. Specifically, many initiatives today seek to answer questions regarding policy decisions that state legislatures are unable or unwilling to deal with. In this case, depending on how the issue is framed, the state legislature is either not fulfilling its mandate, or it is seeking the advice of the people on the subject. In either case, the institution of direct democracy is working as a supplement to the legislature, and is well within the Progressive ideals. However, in other cases, initiatives seek to alter the governmental process at the structural level. Instances in which initiatives restrict the legislative sessions themselves, restrict the tax and expenditure levels of state governments, or seek term limits are in a sense, seeking not to supplement representative democracy, but to supplant it—a notion much more in line with the Populist legacy. In these cases, the objective is not to assist the legislative process; rather, the objective is to fundamentally alter the process. While
the overall mission is not to remove the legislatures, it is the objective of these initiatives to severely constrain and control the process by which state governments function.

The Adoption of Initiative and Referenda in the States

In 1897, South Dakota became the birthplace of direct democracy in the United States with the submission of a constitutional amendment by the state legislature. The amendment succinctly stated that while legislative “shall be vested in a bicameral legislature”, the people “expressly reserve the right to propose measures…and also the right to require that any laws which the legislature may have enacted shall be submitted to a vote of the electors of the state before going into effect” (Beard 1912). The amendment allowed both the initiative and the referendum to be invoked with just five percent of the qualified electors of the state, and also stipulated that the governor could not exercise veto power over measures that were voted on by the people.

The following year, with support from the Knights of Labor and the Farmers’ Alliance, the electors of South Dakota adopted the process by a vote of 23,876 to 16,483 (Galbreath 1912). Just a year later, the Oregon and Utah state legislatures followed suit by submitting constitutional amendments allowing for both the initiative and referenda, with Nevada, Missouri, and Montana all submitting and adopting by 1907.

Many similarities exist between the states that adopted the process between 1898 and 1912. During that time, only Missouri, Wyoming, and Mississippi failed to adopt the measure, while twenty other states adopted the initiative, the referendum, or both. While the passage rate in South Dakota was only 3-2 (23,816 for, 16,483 against), most other states voted overwhelmingly in favor of the direct democracy. For example, Oregon

1 Missouri, Wyoming and Mississippi have all since adopted the initiative and referenda process.
voters affirmed the process by an 11-1 margin; Nebraska surpassed this with a 12-1 margin (Waters 2003).

The process, however, was not a rubber-stamp mechanism for all states. For instance, while Illinois technically adopted the process in 1902, the vote was “advisory” only; the legislature was not bound by the vote, and indeed, the legislature did not follow through on the people’s mandate. Sixty-eight years later, a constitutional convention passed a very limited form of the initiative, and it was approved by the voters by a scant 57%. Additionally, Delaware voters faced a similar situation, in which they were asked by the legislature whether they wanted the initiative and referenda, and an overwhelming “yes” vote (17,405 to 2,135) was never followed through on. This occurrence was not limited to the early part of the century; indeed, Rhode Island voters faced a similar situation in 1996. In Michigan, the initiative and referenda were approved along with the 1908 Constitution, but signature requirements and cumbersome processes made the process almost impossible to use (Beard 1912) and had to be re-approved with less restrictive measures in 1913. In Nevada, the initial adoption included only the popular referendum in 1905; it would be seven more years before the initiative would be approved. Furthermore, Wyoming, Mississippi, and Minnesota voters were unable to approve the process because the respective state constitutions required approval by all those voting in the election – not just a majority by all those voting on the individual amendment – and in these cases, “blank” votes counted as “no” votes. (Waters 2003). Though Mississippi voters later ratified direct democracy (in 1914), Mississippi stands as an outlier case in that it became the only state to have the initiative process at one time.
only to lose it: in 1922, the state supreme court nullified the process on the basis of a
technicality\(^2\) and was not properly reinstated until 1992 (Waters 2003).

After the initial wave of adoptions across the country (though primarily in the West),
fee states adopted the process. Alaska adopted the process as part of its original
constitution in 1959, though it was limited to statutes (not amendments) and did not
include the right to make appropriations. In 1968, Wyoming voters adopted the process
by a large margin (3-1) and Florida followed in 1972 by allowing only the constitutional
amendment initiative. However, initiative usage in each of these three states has been
very low: In Wyoming, only six initiatives were on the ballot between 1968 and 2000; in
Florida, 16 constitutional amendment initiatives appeared between 1972 and 2000, and in
through 2005, 2,153 statewide measures have been placed on ballots nationwide, and the
voters have adopted 877 of these for a passage rate of 41%. Sixty percent of these occur
in just six of the twenty-four states that have the initiative process: Arizona, California,
Colorado, North Dakota, Oregon and Washington (I and R Institute, Online).

The institution of direct democracy today varies considerably across America
(Donovan and Bowler 1998; Tolbert, Lowenstein and Bowler, 1998; Ernst 2001). In
other words, the “gun behind the door” is a little bigger and more powerful in some states
than in others. The citizen initiative is available for use in 24 states. The first to adopt the
process was South Dakota in 1898; the most recent was Florida in 1972 (I and R Institute,

\(^2\) The Court held that because the initiative by statute and initiative by amendment were
both approved at the same time, the process was unconstitutional. The Court would have
preferred to see the processes adopted separately; though the legislature could have
approved two new amendments, it failed to act. (See *Power v Robertson*, 130 Miss. 188,
93 So. 769).
online). No state that has had the initiative process has ever retracted it (Ernst 2001). Of the 24 states that have the initiative process, 18 allow their state's constitution to be amended via the process, and 21 allow for statutes to be initiated (thus, three states — Florida, Illinois, and Mississippi only allow for the process to be used for constitutional amendments). Further complicating — but central to — the analysis is the use of direct and indirect processes. 16 of the 18 states allow the people to directly amend the state constitution, while 2 states require the initiative to weave through the legislature first; of the 21 states that allow the statutes to be citizen-based, 14 allow for direct alteration, and 9 require\(^3\) the initiative to be addressed by the legislature first.

Similarly, requirements for placing an initiative on the ballot vary widely. In low-threshold states, signature requirements can range from two percent (North Dakota) of the total population to three percent (Massachusetts) of the votes cast in the previous election; high threshold states may require ten percent of the votes cast in the prior election with ten percent of those from a majority of the counties (Utah) to fifteen percent of the vote total from the previous election and gathered from at least two-thirds of the state's counties (Tolbert, Lowenstein, and Donovan 1998).

State-level differences in the time frames required to gather signatures also varies. For example, in 1996, 630,000 signatures needed to be collected in 150 days to have an initiative placed on the ballot in California; while in Idaho, only 40,000 signatures were needed in a year's time (Tolbert, Lowenstein, and Donovan 1998). Indeed, the "initiative industrial complex" has taken a firm hold in the process: professional signature gatherers and professional consultants who coordinate messages and campaigns (Zisk 1987;\(^3\) The extra two are due to the use of both processes in Washington and Utah.)
McCuan, et al 1998; Magelby 1998; Donovan, Bowler and McCuan 2001); however, the widespread belief that these individuals have co-opted the process in their own right is unfounded (McCuan, et al 1998; Donovan, Bowler and McCuan 2001).

The fundamental differences of direct legislation requirements in the direct democracy states may be under-evaluated in the literature. Many studies that evaluate the efficacy of an initiative in terms of its power to produce a policy in line with the desires of the median voter, or in terms of its ability to produce a responsible or responsive policy, fail to recognize the core differences that exist in the ability to have an initiative placed on the ballot in the first place. Following from the earlier discussion regarding time frame and signature gathering requirements, the process of direct and indirect initiatives and amendments should also be considered.

For example, in Nevada, the state constitution mandates that both statutes and constitutional amendments are available via the initiative process, but that statutes are an indirect process, and amendments are direct (Bowers 2002). A secondary component to this is that the legislature meets only biennially. This means that if a group decides in June 2007 to pursue a statutory initiative, they would need to gather 10% of the registered voters signatures in each of Nevada’s 17 counties in a 10-month period submit it to the 2009 legislature, and if they decide not to vote on it, wait until the election of 2010 - a

Ironically, the Nevada Legislature is mandated to meet biennially due to a ballot initiative passed by the people in 1960.

During the 2007 session, the Nevada Legislature enacted SB549, which increased signature requirements from 10% of the voters who voted in the previous election in 75% of the counties to 10% of the same population in each of the 17 Nevada counties. This change was facilitated by a U.S. District Court ruling (Committee to Regulate and Control Marijuana v. Heller, No. CV-S-04-0135 (D. Nev., Aug 20, 2004)) that held the previous formula to be a violation of the Equal Protection Clause, as it “applied the same formula to counties of varying population”, and thus, the signatures from smaller, rural counties carried more weight than the signature from larger counties.
full 41 months after the initiative process begins. If the same group pursues an amendment to the constitution, the state constitution requires that the measure be placed on two successive ballots, and thus, while the measure could qualify for the 2008 general election, if it was passed there, it would be required to stand for passage in 2010 as well. In neither case would the measure have any chance of passing before three-and-a-half years had passed. Conversely, in a state where the direct statute process is available, the signatures for the initiative could be gathered in the fall (or theoretically, the spring before the election and the measure could be placed on the ballot the very next fall – less than 12 months).

It seems likely that this would affect the mindset of groups attempting to decide whether the best course would be an initiative or simply support for candidates who would then in turn support their causes. This may have an effect on the outcomes described by Donovan, et al, (1998) who outline a basic game theoretic model that pits narrow-based groups versus broad-based groups, and also narrow-based groups vs. narrow-based groups, and broad-based groups against broad-based groups. For example, the authors characterize a narrow-based group as one who may have considerable resources (money, access to legal advice, etc) but the benefits they seek are exclusive and highly visible (e.g., trial lawyers or tobacco companies). Conversely, a broad-based group may not be well organized, it may have few resources, and suffer from basic collective action problems: the benefits they seek are often non-divisible (e.g., Sierra Club, consumer groups). Extensive analysis shows that, while moving “second” is generally advantageous to either group (this group does not have the initial capital outlays), narrow groups are best suited to defend the status quo rather than to attempt to alter it – often contrary to the intuitive beliefs.
What the authors imply but do not explicitly state is that the process of direct democracy as an institution favors those who move last—since they can oppose with less money than those who had to move first. Following from this logic, it seems likely that the more difficult the process (in terms of signature gathering, time constraints, etc.) the more money it would cost the supporter, and conversely, the less defensive capabilities that supporter would have. Political and institutional structures shape the strategic context in which political actors make choices (Thelen and Steinmo 1992). Thus, institutional rules and procedures would likely structure the process more than the desire for generalizable data would allow.

In other words, while California is clearly a bell-weather state in many respects, its professional legislature, direct constitutional amendment and statute process make it—quite possibly—an unrepresentative sample of the entire population of direct democracy states. The current authors make no claims about the generalizability of their data; however, other authors do. It would be more accurate to say that the results are generalizable to a state that has similar institutional structures in the process, rather than to all of the states. In an attempt to move to this end, an index of some sort should be devised that assigns a “degree of difficulty coefficient” to each state with the direct democracy process. It should be additive in nature and consider the signature gathering requirements, the professionalization of the legislature, how often it meets, and whether the processes are direct or indirect. Banducci (1998) moves towards this but still does not consider the differences in ballot qualifications among direct and indirect states. Such an index will be discussed in later chapters.
Salient Issues in the Institution of Direct Democracy

As the Progressive-era reformers moved forward, several primary arguments began to synthesize. Indeed, in the middle of the boom years, scholar C.B. Galbreath (1912) offered several thoughts regarding the process: that the process of direct legislation would eventually be introduced into almost all state constitutions; that direct legislation would never fully replace the representative system (primarily because of the increasing population) and would be used to make "representative government more representative" primarily by increasing legislative responsiveness (Galbreath 1912, 29); that the political machines that have co-opted state legislatures will have their influence reduced, but that the machines will begin to focus on manipulating the people directly; that citizen-lawmaking should seek the advice of professionals, especially in the drafting phase; and that the process neither will be the ultimate answer to all governmental problems nor will it be predestined to corruptive forces, as many thought (Galbreath 1912).

Oregon state legislator W.S. U'Ren, an ardent supporter of direct legislation mechanisms and an instrumental figure in that state's adoption process, evaluated the initiative and referenda in Oregon after its first five years. Writing for the American Political Science Association, U'Ren (1907) argued that the process had successfully abolished party bosses and political machines, made the debate over prohibition a local matter, decreased legislative log-rolling and taxed corporations that had been dodging—all by statutes alone. For U'Ren, direct democracy was a tool available to the people to be utilized for minor corrections to the governmental process; clearly, as a state legislator, U'Ren would not argue for the replacement of representative government with direct democracy.
Guthrie (1912) provides further analysis of the direct legislation process by arguing that the rise of parties often precluded individuals from expressing preferences among individual policy choices, and that direct democracy helped to overcome this problem by allowing people the opportunity to vote directly on issues without having to re-evaluate their party loyalty or association. He further argues that the process allowed the people to circumvent state legislatures that often did not consider (or could not consider) legislation because of special interest influence (or party bosses), and that the special interest influence often resulted in laws that were injurious to the people in some fashion or another. Moreover, Guthrie argues that because terms of office had increased considerably, the recall (excluding judges) was a necessity; and that the signature requirements put in place by all states would preclude government by “popular impulse” (Guthrie 1912).

Ford (1912) argues along similar lines, but adds a further dimension: that the apparent fervor motivating the introduction of direct democracy was not a sudden occurrence, but rather a continuation of a “struggle that has been going on ever since this country became an independent nation” – a struggle to bring the views of the people into harmony with the outputs of government (Ford 1912, 66). In particular, Ford notes that the framers of the American constitution were well aware of the propensity for state-level legislative shirking and corruption, and it was for this reason that a movement towards national authority was prominent. Thus, Andrew Jackson’s recommendation that the president appoint state governors, along with James Madison’s view that the national government should have veto power over all acts produced by state governments, was reduced influence only because small states would not have such an arrangement. For Ford, the initiative and referenda process equalized apportionment by reducing the
advantage that rural districts maintained (Ford notes that proportional representation was uncommon, and that corruption was more common in “country areas”), as well as reducing legislative barriers to constitutional amendments. Further, he argued that the process of direct legislation overcame the stagnation that often results from the state legislative committee system; that more “careful” and precise legislation would result from direct democracy because of the lack of special interest influence; and also that the recall should not extend to the judicial branch.

Protagonists make a strong argument in favor of direct democracy. The notion that an individual may submit their policy preferences for aggregation while remaining independent of party affiliations is clearly desirable. Moreover, having an opportunity to circumvent state legislators (though the institution was often initiated by state legislators themselves) is appealing to voters in that they are much more likely to have an opportunity to weigh in on issues that state legislators would not have dealt with, whether it be because special interest groups dominated the agenda, or because other influences often bottled legislation up in the myriad of committee systems. However, the process was still, at least in some ways, antithetical to the foundations of American governmental structures. For many scholars (Peabody 1905; Haynes 1907; Sanborn 1908) the initiative and referenda were quite clearly the wrong answer: for them, if the problem was within the state legislators, then the people should simply work on electing more effective (and presumably, honest) legislators. Moreover, there was little support for the notion that simply placing initiatives and referenda on ballots would improve the efficacy of the citizenry on the process; after all, this was the point of specialized, representative legislatures: the idea that professionals would (and could) handle the complexities involved in state-level lawmaking.
The following sections outline some of the more salient issues regarding direct democracy in both the early days of the process and today. The purpose of this review is twofold: first, to undertake a comprehensive review of the extant literature regarding direct democracy; and secondly to examine whether the issues today represent the expectations of the founders of the process. The consequences of such an evaluation may seem simplistic at first glance; however, the implications take on new meaning when considering that the purpose of this thesis is to examine the influence of many of these issues on the process of direct democracy. That is, it may be helpful to understand the foundations of the process in order to better evaluate the present-day efficacy of the institution of direct democracy.

The Educative Effects of Direct Democracy

The notion that the institution of direct democracy would serve as a check on the state legislatures was not the only argument of the Progressives. An important second plank was the educative benefit: the idea that the process would enhance citizen engagement, political knowledge, and also heighten citizens’ political (internal and external) efficacy6 (Gerber 1996; Lascher, Hagen and Rochlin, 1996; Cambreco 1998; Smith, M. 2001; Smith and Tolbert 2004). The argument stemmed from the belief that because citizens were acting as lawmakers, they would become more engaged in, aware of, and knowledgeable about the issues that they, as citizens, were now proposing and acting upon. This argument was soon buttressed by Progressives after voter turnout levels

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6 Internal efficacy refers to the notion that an individual may have an impact on the political process; external efficacy refers to the institutional responsiveness towards individuals.
increased in the three successive elections after Oregon adopted the process in 1902 (Smith and Tolbert 2004).

Turnout levels in particular were of concern to early scholars as well. Peabody (1905) evaluated early returns from South Dakota, Oregon, Missouri, and Massachusetts, and while not considering overall turnout levels, argued that the significant drop-off from top-ticket races to the initiatives and referenda in these states made it clear that “the voters of three of these states either are satisfied that their legislators are doing their work properly...or do not care to take the trouble...to restrain legislative action” (Peabody 1905, 447). Further analysis on his part reveals that voters are much more likely to participate fully when the question at hand is a municipal matter that has immediate implications, while more general propositions are left largely unmarked. For Peabody, the initiative and referenda were answers to the wrong problem. That is, for those seeking political reform, attempting to supplant representative democracy (and ignoring the prosperity that it helped bring to America) was an inefficacious route; rather, it is up to the people to elect “wise and honest legislators” (Peabody 1905, 455). Sanborn (1908) also found turnout to be low in the early days of the process, noting that “in the long run, only about one-half of the voters who go to the polls will take the trouble to vote upon laws submitted to them” (Sanborn 1908, 594).

Beard (1912) considered the relatively low levels of voting on initiatives compared to the top-ticket races in the early days of the Oregon initiative and referenda process. Noting that a criterion of a good law is the “adaptation to social and economic environment,” and further that this is not easily achieved if a measure is initiated by a small group of people and then put into effect by a minority of voters, Beard argues that detractors should not expect the same levels of participation in constitutional and
statutory questions as they would for top-ticket races because the nature of the issues is such that they may not appeal to the majority of voters (e.g., a question regarding the proper usage of forest areas may be asked in a large urban metropolis simply because both areas encompass the state; the question may be mundane or irrelevant to the majority of people); moreover, many states were (at the time of his writing) considering installing a threshold level (e.g., Washington stipulated that in order for an initiative to become law, it must receive not only a plurality of votes, but also that the total votes equal at least one-third of the total votes cast at the election). Moreover, Beard argues that there is little reason to believe that many of the measures passed by state legislatures would, if submitted to a popular vote, garner a plurality of the vote – especially given the workings of committee systems, power-structures, and the extensive “logrolling” of members (Beard 1912).

Modern research suggests that, at least in some cases, direct democracy does indeed increase voter turnout, and while the normative nature of “a new moral dimension” invites further systematic evaluation, there is evidence that the “educative effects” of direct democracy are both positive and real. Whether or not direct democracy has been able to “revitalize the public sphere” (or whether the public sphere has revitalized direct democracy) remains unclear.

In an early study, Everson (1981) found limited support for the notion that direct democracy directly increased turnout levels. In an examination of states with the process and those without it, Everson finds that turnout is higher in both presidential and off-year elections in states with direct democracy compared to those that do not have the process. However, when the Southern states are removed from the model, the advantage is eliminated, and Everson argues that other factors (e.g., political culture; higher average
turnout rates in the West) account for the differences between initiative and non-initiative states. Thus, Everson concludes that while initiatives may have a positive impact on turnout in special circumstances (such as the case of an especially salient initiative), no general long-term positive impact can be conclusively identified. These findings directly echo earlier findings by Bone and Benedict (1976), who argued that while turnout levels remained relatively constant, roll-off (the difference between those voting for top-ticket races and those voting for initiatives or referenda) was most significant when the measure dealt with complex issues, such as governmental structure, or taxation and revenue.

Tolbert, Grummel and Smith (2001) consider a similar question but find different results. Using pooled time series data for all 50 states over a 26 year period, they find support for the notion that direct democracy increases turnout. Like Everson, these authors use the percentage of voting age population (VAP - as opposed to the percentage of registered voters, VEP) in measuring turnout levels, and they also control for the South. They also add a variable that controls for difficulty in registering to vote, as well as controls for individual level factors, such as income, education, and race.

Using OLS regression with panel corrected standard errors to allow for variation across cross-sectional units, they find that turnout rates are not higher in presidential election years in states with direct democracy. However, rates are higher in states that have more initiatives on the ballot, even after controlling for state specific variations, and this supports Everson in that salient issues (and multiple issues would increase the chances of saliency) increase turnout, although Everson had argued that this was the case in midterms only. Their study of midterm elections reveal that states with the initiative process have higher turnout rates, but the number of initiatives (and their level of saliency) need not be as high to achieve the same result that was found in presidential
elections. The authors contend that the low information nature of midterm elections results in a transformation to higher information elections when the initiatives are on the ballot.

In a more recent study, Mark Smith (2001) finds that turnout levels in initiative states are also affected by the type of election. Smith finds that initiative salience is likely to increase turnout levels by almost four percent during midterm elections, but provides little catalyst for increased turnout in presidential years. Additionally, increased salience is found by other scholars (Southwell and Passo 2001) to increase turnout levels when other variables (e.g., candidate races, socioeconomic factors, southern states, and partisanship) were controlled for; moreover, these authors argue that the “increased costs” associated with initiatives has no effect on turnout. Although the model appears to be well specified, the authors are attempting to explain individual level behavior using aggregate level data, which can prove problematic. A later study incorporated the use of surveys to overcome this ecological fallacy and better analyze individual data, and the authors find that ballot propositions may “increase voter turnout by transforming low-information midterm elections into high-information elections”, thus mobilizing voters (Smith and Tolbert 2004).

7 The authors extend Downs’ (1957) “expected party differential” theory to ballot initiatives, arguing that ballot initiatives further “increase” the cost of voting such that voters may choose to abstain from voting due to the “prohibitive information costs” in much the same way that Downs argued that voters would, at some point, reach a threshold at which “determining party differential becomes essentially prohibitive” (Southwell and Passo 2001, 276)

8 This limitation has been noted by the authors; however, it is neither explained nor justified.

9 This problem is well documented throughout the literature; however, see Robinson (1950) for a detailed overview.
Tolbert and Smith (2005) also find increased turnout levels in states with frequent initiative use. In this study, the authors use voting *eligible* population (VEP) rather than the voting age population (VAP), which removes noncitizens and others ineligible to vote. They find that each initiative appearing on the ballot increases VEP turnout by .3%. The effects are stronger in midterm elections: each additional initiative on the ballot raises voter turnout by 1.7% - enough, they argue, to swing a close election. They conclude that substantive measures on the ballot mobilize voters and can “reshape” the electorate. The authors also note that differences in the operationalization of “salience” may account for the divergent findings regarding presidential elections in this study compared to the prior one, wherein no effect was found on presidential elections. They note that in the former study salience was measured by post-election media coverage, while in the current study an index of variables was constructed to measure pre-election coverage.

In a work that considers the notion of ballot fatigue (sometimes referred to as roll-off or drop-off; in either case, the term refers to the conception that voters may, for one reason or another, vote less often as the number of ballot measures increase on a given ballot, or that less voting occurs as the voter moves downward on the ballot, with the top-level measures receiving more votes overall than the last measures listed), Bowler, Donovan and Happ (1992) find that drop-off is most likely to occur on the middle of the ballot, rather than on the top or bottom, and furthermore that voters are actually quite likely to mark the final ballot question – although they are likely to mark it “no.” Moreover, the findings are proposition-specific, in that constitutional measures see more drop-off than initiatives, and that increased campaign spending does have a positive effect on reducing drop-off, as do elections in which turnout is increased. The authors
make a fine argument that their findings are theoretically significant insofar as drop-off indicates that the “information costs” outweigh the perceived benefit of voting, and thus, the consequence is that overuse of the process can be problematic.

Absentee voting levels on direct legislation measures were also analyzed by Dubin and Kalsow (1996). These authors contend that the “liberalization” of absentee voting laws could reshape the electorate and change the outcome of elections. Their analysis suggests that absentee voters have a higher drop-off rate on ballot measures than do traditional voters, and in particular, they vote on fewer bond issues, state tax issues, and property tax issues than do precinct voters. Conversely, absentee voters mark affirmatively more often on issues dealing with education, welfare, and health care than do precinct voters.

Thus, scholars have argued that the presence of initiatives (as well as the liberalization of absentee voter laws) can reshape the electorate. Can reshaping the electorate lead to campaign advantages for candidates? Examining the 2004 election, Hillygus and Shields (2005) find no evidence of salient ballot initiatives affecting the vote choice, much to the contrary of popular belief. In particular, the authors argue that when partisan identification, evaluations of the economy, and the war in Iraq were taken into consideration, moral issues that had appeared on numerous ballots (e.g., gay rights; abortion) had no impact on vote choice, and this outcome held constant among different demographics. Thus, the question remains: just how salient does a salient ballot initiative have to be to counter the traditional predictors of vote choice, such as partisan identification and economic considerations? Other authors agree: Burden (2004) finds support for his hypothesis regarding increased support from white men and married women – which he translates to concerns about domestic security, rather than for “moral
issues” such as immigration and gay rights (certainly, white men and married women wouldn’t care for either of these, right?), but also notes that an increase in turnout (but does not rule out the presence of salient initiatives as a factor) helped Bush in 2004. In a further study, Abramowitz (2004) also agrees that ballot initiatives had nothing to do with the Bush victory in 2004, instead citing the “normal advantage of incumbency and preexisting divisions within the American electorate” rather than a fundamental change in the ideology of the electorate. Using the eligible voting population rather than simply the voting-age population, Abramowitz’s OLS regression showed that the “presence of gay marriage referenda on the ballot had no impact on turnout,” when factoring in turnout in the prior election, whether or not the voter lived in a swing state, and the presence of a hotly-contested Senate race.

The ability of the GOP to use the initiative to its advantage is seemingly uncertain. What is not proved here (or even considered) is whether or not the presence of the moral-based ballot initiative hurt it. Clearly, it did not. Hasen (2000) argued that while “conventional wisdom holds that the initiative process weakens the role of parties in democratic politics,” both parties are beginning to use salient initiatives to “encourage voter turnout and refine party stances on issues,” at least in California. Moreover, other authors (Hadwiger 1992) conclude that considerable success for ballot measures is found in low-turnout elections, such as special elections and local-only elections, and argues that initiatives should not be placed on such ballots, because the outcome is not representative of the larger population. Hadwiger also finds strong support for increased spending resulting in increased turnout for a ballot initiative, but finds the largest coefficient (predictor of turnout) is the type of measure voted on. In another study regarding county-wide elections, Dubin and Kalsow (1996) find that absentee voters are
much more likely to vote “yes” on questions related to education, health and welfare, than precinct voters, although in general, absentee voters cast fewer votes on initiatives than do those voting in person.

Moving away from group-level voting behavior, Branton (2003) considers individual level voting behavior on state ballot propositions and argues that there are consistent patterns in voting behavior on ballot initiatives. In particular, Branton found that individual level partisan identification was a key predictor of vote choice on statewide ballot measures, and further analysis found that ballot measure vote choice was ideologically parallel to their respective partisan identifications.

Thus, support for the notion that direct democracy increases turnout appears to be limited to midterm elections, rather than being independent of the type of election; however, none of the scholars found evidence that the institution of direct democracy lowered turnout rates.

The so-called “educative effects” of direct democracy extend beyond turnout. As noted earlier, Progressive-era supporters speculated that the process would increase political knowledge on the part of the voter. Early authors present mixed views on the “educative” effects on the initiative. Beard (1912) argues that the Oregonian system of a state-sponsored program to send arguments in favor of and in opposition to all measures placed on a ballot (prepared and paid for by supporters of the individual measures) could have an “immense educational value in arousing the interest of the people, in securing consideration of each measure on its merits, and in turning the search-light of publicity and discussion upon all the important political issues in the state” (Beard 1912, 42) though other scholars point out that an intelligent voter does not necessarily lead to intelligent voting, nor does it lead to uninfluenced voting; problematic people in the
legislatures are not going to be altered by instituting direct democracy alone, and more simply, having low turnout – and turnout comprised of voters who have not had the benefit of deliberation that state legislators have – is problematic when voting on policies directly (Sanborn 1908).

The education process itself presents a fundamental question: who should be doing the educating? Haynes (1907) considers the question of the responsibility of the state in educating its voters about ballot measures, and finds that the Oregonian system of distributing ballot measure information to each voter prior to election day is in the best interest of the state: the state cannot depend on voters who are only able to read media-provided explanation of issues. Moreover, because the citizens are now legislators, they should be provided with the same type of information available to legislators with the expectation that informed voters may be better able to deliberate among themselves prior to election day – in much the same way that legislators do.

The question of the educative effects of direct democracy is no less prominent for scholars of today. For example, Mark Smith (2002) finds that those who vote on ballot measures gain in “civic abilities,” (e.g., political knowledge) while at the same time, non-voters in the same state see no such increases. The author argues that there are two important consequences of this finding. First, insofar as increased political knowledge was a goal of the original advocates of direct democracy, the process has proven successful. Secondly, following the tenets of participatory democratic theory (especially as outlined by Rousseau and John Stuart Mill), participation precedes political awareness
and increases in both political knowledge and capacity\footnote{The term "capacity" as used by Smith (2002) is apparently meant to mean "ability" in the sense that "capacity" could be considered to be that which humans are born with. Thus, participation would not be able to increase "capacity" as considered here, though it could increase an individual's ability to increase political knowledge.} for political knowledge, and thus, (at least for this author) the process of voting on ballot initiatives may lead to increased political awareness. Although the author does control for factors that affect political knowledge (e.g., the ability, motivation, and opportunity of an individual to acquire such knowledge) the author does not account for the endogeneity that may be present: the results may not be as much participation leading to increased political knowledge as increased political knowledge lead to participation. In short, this author claims causation when only correlation is proven.\footnote{The author is clear that causation has been proven: "This finding indicates that it is voting on initiatives, rather than merely living in a state that allows them, that creates the increases in political knowledge" (Smith 2002, 900).} In a later work, the authors consider the social capital data put forth by Putnam (1995) and argue that states with frequent ballot initiatives have higher levels of social capital even after controlling for economic, social and political variations across the states (Smith and Tolbert 2004, 71); further, they argue in a separate work (Tolbert and Smith 2006, 25) that the educative effects of the process on "civic engagement, political participation, interest groups and political parties may prove to be equally, or more, important than any policy resulting from its instrumental use."

Zisk (1987) questions the efficacy of direct democracy to increase political knowledge on the part of the voter, noting that turnout levels have not increased significantly, that a large number of polls report "undecided" on controversial issues, and also that drop-off figures for initiatives and referenda compared to candidates on
statewide ballots signify little evidence of increased knowledge or motivation on the part of the voter that can be attributed to direct democracy. Moreover, she notes that well-financed media campaigns are quite successful in defeating initiatives sponsored by ad-hoc groups, and that in particular, the extraordinarily superficial advertisements (e.g., "Prop D is Dumb") that have proven effective do not capture the goal of increased educative capacity that the Progressives had hoped for (Zisk 1987, 251).

While the authors presented here make the case for an educative benefit of direct democracy, the conclusions should be questioned. It would be an error in logic to assume (or argue, as some authors have done here) that the mere presence of an initiative would better educate an individual citizen, make an individual citizen more likely to participate, or increase the internal or external efficacy of that citizen. Quite simply, an individual citizen must still put forth the effort to educate himself, and while salient issues may be much more likely to motivate participation, such participation does not automatically equate to guaranteed long-term participation. Increased turnout in a single election due to a highly salient initiative does not constitute increased participation, knowledge or efficacy. However, what the process may do is provide an increase in the possibility that voters could become more politically active. To argue any more than that would be to overreach.

Interest Group Influence in Direct Democracy

Along with the unresponsive nature of state legislatures, interest groups may have provided the greatest motivation in the Progressives' push for governmental reform in the form of direct democracy. Indeed, the notion of the citizenry at the forefront of American politics was, as has been shown here, at the heart of the Populist and Progressive arguments. However, the early arguments that direct democracy was immediately
successful in disarming special interests (U’Ren 1907; Ford 1912; Guthrie 1912; Smith, M 2002) may have been premature.

Magelby (1984) argues that among the first groups to take advantage of the initiative may have been large special interests themselves. He provides the example of a “competing railroad” unable to break into a geographic territory because of the monopolistic corporate nature of the time that could claim machine politics and seek the vote of the people. Magelby further argues that the Progressives themselves may not have been as “diverse” as they have been made out to be; conversely, many were middle class, urban, and well-educated, self-employed businessmen. Thus, the motivation may not have necessarily been a better government, but rather, a chance to change the rules that prevented the status quo from being changed.

Conceptualized in this way, yet another paradox in direct democracy emerges: the notion that the process has been co-opted by the very organizations (e.g., insurance conglomerates, trial lawyer associations, large tobacco companies) that it was meant to defend against cannot be true, mainly because the process was never the vox populi that it was made out to be, and thus, could not be co-opted in the first place. The assumption that many scholars have made (Gerber 1998; Smith and Lubinski 2002) is direct democracy was once an institution that was, in some way or another, “off limits” to large organizations, and available only to those groups who intended to improve democracy in America. The early days of the institution were easily imagined: economic interests were not allowed to participate; powerful groups feared the inevitability of defeat via the initiative; and the people had succeeded in taking back their government. Moreover, these scholars further asserted that “somewhere” along the way, the once-defeated, well-heeled special interests groups were able to take over the mechanism used so often against them,
and transform it into a tool through which programs received the stamp of approval from the masses and became public law.

Smith and Lubinski (2002) consider this point and provide case-study evidence that directly refutes the notion the initiative and referendum were originally used to “check the corporate dominance of state legislatures” (Smith and Lubinski 2002, 351). They find that while citizen-based initiatives intended to combat special interests were among the thirty-two propositions on the 1912 general election ballot, special interests themselves (mainly mining interests and public utilities) were also heavily involved in the process. Interestingly, these special interests did not utilize overt tactics to seek support; instead, they attempted to cloak their sponsorship – indeed, they sought to misdirect sponsorship of initiatives towards less threatening groups, and also utilized counter-initiatives. Thus, the authors argue that “the case demonstrates how special interests during the Progressive Era were able to subvert the initiative process by intentionally placing a measure on the ballot to confuse voters...or have citizens unwittingly pass legislation...” (Smith and Lubinski 2002, 364).

Oregon was not alone in experiencing this phenomenon. In a work that focuses on California two decades later, Goebel (2002) makes several notable points regarding the formation of direct democracy as an institution. First, he argues that economics, and not politics, was the main driving force behind the reform community’s push for the initiative, referendum, and recall – and that in particular, they were conceptualized as a method to abolish “oppressive monopolies and artificial trusts in America by removing the legislative basis for their existence” (Goebel 2002, 11). This notion of antimonopoly sentiment has deep roots in American culture, and it was the Populist movement of the 1890s that widely highlighted these sentiments. Goebel argues that “populist
republicanism” (a framework that reconceptualized the Marxist and liberalism notions of economics determining politics into one based on longstanding American antimonopoly sentiments that saw politics as determining economics) was based on “intellectual and political tradition that stretched back to the early decades of the nineteenth century” (Goebel 2002, 12).

Secondly, Goebel argues that Progressive ambition notwithstanding, direct democracy in the early part of the twentieth century quickly became a tool of special interests — and not one of Progressive reformers. This was mainly due to the rising campaign costs (e.g., the costs of gathering signatures for petitions and media relations) and the rapid rise of an industry of professional signature gatherers. In some states, such as California, there were no geographic restrictions on the gathering of signatures (i.e., signatures required in a certain percentage of counties in a state) and thus, signatures could be gleaned from dense urban areas. The process favored those who were already powerful; groups that had been targeted only a short time before had essentially been given yet another weapon: “...it was highly ironic that [these] same groups were the ones that acquired even further political leverage with the help of the initiative and referendum” (Goebel 2002, 154).

Third, Goebel argues that the process of direct democracy was able to become a stronger institution in the American West because “weak parties coexisted with powerful interest groups” which allowed a political culture to develop that included direct democracy (Goebel 2002, 136). Conversely, the parties were better able to control the political landscape in other areas of the country, and were better able to deter the proliferation of the movement by using legal maneuverings, never adopting the process in
the first place, or simply reacquiring the dominance that was temporarily lost in the Progressive and Populist heydays.

Recent scholars consider interest groups and direct democracy with a slightly different focus. Boehmke (2005) considers the indirect effects of direct legislation by examining how institutions shape interest group systems. In particular, his research question asks how the ability of organized interest groups to circumvent the legislative process alters traditional state and interest group politics, and argues that access to the direct legislation process produces important differences in the interest group populations in initiative and noninitiative states, in terms of both quantity and strategy. Boehmke argues that states that have the initiative process have 30% more interest groups and 40% more citizen groups, which in turn makes them more representative. Furthermore, interest group strategy is affected by the type of group and its available resources: Boehmke argues that groups in initiative states have more members and fewer financial resources, which forces them to emphasize “outsider” strategies, such as organizing protests, rather than “insider strategies,” which may include directly contacting legislators or testifying before committees. Finally, Boehmke finds that initiative states will adopt policies quicker than non-initiative states, and that policy adoptions by initiative states will be informative to non-initiative states considering similar policies. Thus, the indirect effects of direct legislation affect policy adoption, policy diffusion, interest group mobilization, interest group characteristics, and interest group lobbying behavior.

Insofar as direct democracy was initially installed as a method to increase responsiveness and responsibility among state governments, primarily by neutralizing powerful special interest influence over the legislatures, the question of the success of this method is largely unresolved. Gerber (1999) frames the question as the “Populist
Paradox” – the notion that “direct legislation has paradoxically become a powerful instrument of wealthy interest groups rather than a popular balance between [citizen and economic] groups” (5).

Gerber begins her systematic study by offering a typology of direct legislation options available to interest groups: the direct modification of the status quo (at the ballot box); the indirect modification of the status quo (pressuring other actors, such as state legislators); direct preservation of the status quo; and indirect preservation of the status quo. A further typology separates “economic” interest groups (groups with large financial resources, such as a trial lawyers, etc) from “personnel” interest groups (groups with few financial resources but widespread membership). Gerber further categorizes several “hurdles” that must be overcome to place a proposition on the ballot: drafting the measure, qualifying the measure, running a successful campaign, etc., but also notes that opposing strategies are available as well: proposing counter (killer) initiatives, forming a campaign against an initiative, etc. Thus, to the extent that interest groups must overcome any one (or any number) of these hurdles, the ability to overcome these hurdles depends strongly on the type of resources the group has (whether economic or personnel) and the option pursued by the group (e.g., direct or indirect modification or preservation of the status quo). In other words, groups have “comparative advantages” depending on membership composition (Gerber 1999: 76) and thus, the strategies they choose are largely dependent upon the resources produced by the membership composition.

Gerber makes three main conclusions from several tested hypotheses. First, she concludes that economic interests use direct legislation to pass laws, but they are more often used to preserve the status quo, or to pressure the legislature (thus, direct preservation of the status quo; indirect modification/preservation of the status quo), while
citizen groups will often use direct legislation to pass new laws (direct modification of the status quo). Consequently, the notion that economic groups dominate the direct legislation process is not supported.

Secondly, Gerber argues that there is a statistically significant difference in state policies between states with and without direct legislation. In particular, policies in initiative states “more closely reflect estimated state median voters’ preferences” (Gerber 1999: 135). Further, this effect is greatest where access to direct legislation is easiest in terms of qualifications. Gerber concludes that this is a function of direct democracy, in that the threat of an initiative (put forth by either type of group) is enough to make the legislature pass laws closer to the median voter’s preferences when such a measure is available.

Finally, Gerber argues that since interest group behavior translates to policy outcomes, laws that pass via the initiative as a result of citizen-based groups should better reflect opinions of broad groups, while laws that fail via the initiative process should reflect the interests of economic groups. Gerber finds support for both arguments, and concludes that “although the populist paradox takes a form different from the one alleged by modern critics of direct democracy, it is nevertheless, a paradox” (Gerber 1999: 144). The paradox, of course, is not that powerful economic groups can pass whatever laws they wish, but that they have significant success in influencing policy by maintaining the status quo and indirectly influencing state legislators.

Other authors are not so quick to agree. Alexander (2002) utilizes a dual case study approach to contradict Gerber’s’ quantitative study of interest groups activities and campaign finance data from 161 different initiative and referendum campaigns in eight states. Alexander considers two gaming initiatives, California’s tribal gaming proposition
and the Missouri riverboat gaming proposition in an attempt to answer three main questions regarding interest group participation in the process of direct democracy. First, he considers the question of “which groups” are involved in the process, and finds that in these cases, gambling-based interest groups supported the measures in the states, while Nevada-based gaming groups opposed; furthermore, in the Missouri case, religious groups formed in opposition to the measure and formed (strangely) alliances with Nevada gaming groups. Thus, gaming interests were largely in favor, while citizens groups were largely in opposition.

Secondly, he ponders the nature of the activities that the groups are engaged in, and finds that both groups adopted an “us versus them” approach, and the traditional roles held (insofar as economic groups raised money while citizen groups raised personnel resources). Finally, Alexander contradicts Gerber’s earlier finding by arguing that the economic groups were able to raise both money and personnel resources, and implies that while the primary indicator of success or failure includes the levels of resources (whether monetary or personnel), citizen groups actually do not have an advantage when trying to directly modify the status quo, and economic groups do have an advantage when attempting to directly maintain the status quo.

Gerber’s examination of the “populist paradox” is a well-rounded, methodical study of an important question. Gerber illustrates her thesis simply, and selects relevant independent variables to specify her model. In particular, her categorization of the different types of interest groups, as well as the different types of influence they may attempt to achieve, allows the conclusions to build flawlessly on the premises. Her conclusion supports earlier studies by Donovan, et al (1998) that found economic groups more successful at preserving the status quo as opposed to changing it, and adds the
element of indirect influence on the state legislators or other policymakers. Insofar as her work rests upon the assumption that the median voter’s preferences are actually responsible preferences, the research could be expanded to consider the long-term effects of policy outcomes via direct democracy. Matching interest groups’ preferences to state policy and to the median voter does not necessarily indicate responsible policy, although it does indicate responsive policy.

Alexander’s refutation of Gerber appears problematic. Alexander begins his book by noting that two case studies will hardly produce generalizable results. Instead, his goal is to uncover the complexities of the process in an effort to better understand the dynamics at work in the interest group-direct democracy relationships. However, he concludes his book by clearly refuting Gerber’s conclusion that economic groups were able to raise both personnel and money (going so far as to quote her by name, actually). Given the difficulty in generalizations, it seems that a refutation of an earlier (quantitative, longitudinal) study is not within the acceptable range of options, especially from a case study (cross-sectional) approach. Putting aside for a moment the fact that both of Alexander’s case studies involved the same subject (gaming), there is no indication that the groups outlined in Alexander’s work were actually economic groups, insofar as described by Gerber. In other words, while “economic” based interest groups in Alexander’s work were able to mobilize personnel resources in addition to monetary resources, Alexander could have done a better job examining (and showing) the similarities between “his” economic groups and the economic groups outlined in Gerber’s work. It is not likely that the “economic” groups outlined in Alexander are the same trial lawyers or insurance groups that populated Gerber’s works. The economic groups outlined in Alexander’s seem to be broad based citizens groups that had a little
more money than the next group. Moreover, Alexander noted that coalitions composed of "strange bedfellows" were in support of this measure. How were these coalitions classified? While it is clearly possible that Gerber’s thesis could be refuted (and is likely wrong, in my opinion – economic interests could likely mobilize personnel if they needed to – they just didn’t need to) it is not possible to refute it from the evidence presented here.

Thus, the Progressive notion that direct democracy would essentially break the back of special interests groups does not appear to have been fulfilled. There are likely several explanations for this. First, because interest groups are designed to fulfill their own purposes, and have developed specialized procedures for accomplishing such tasks (e.g., offering selective incentives to overcome collective action problems), the very presence of the initiative and referenda does not deter the group from maintaining access to its preferred group: the state legislature. Indeed, because direct democracy is not restrictive in any way (and any prohibitive restrictions, such as signature requirements, would be best overcome by groups) there was no reason why an interest group would not immediately seek access to this new vehicle of policy aggregation. Clearly, not all Populist and Progressive measures were popular (especially the Populist attempts to increase inflation) and special interests would have quickly realized that they could take advantage of a process geared towards groups with resources (better able to overcome the requirements), a media that had little formal rules, and what was likely an unsophisticated electorate. Indeed, the Farmer’s Alliance, which was instrumental in the formulation of Populism, and later direct democracy (Barens 2004), was itself an interest group. That campaigns, whether for candidates or initiative, are often intentionally elusive (especially as far as sponsors go) is seemingly axiomatic and timeless.
The influence of special interests on the institution of direct democracy does seem to be well-determined. Scholars agree that narrow-material interests (such as trial lawyers or tobacco companies) are much more likely to be successful in defeating initiatives and maintaining the status quo than in passing initiatives. Conversely, broad based groups that may make up in resources (e.g., personnel) what they lack in funds have found success in getting a wide variety of measures passed via the initiative. Thus, the Progressive dream may have been realized, but only insofar as broad-based groups appear to be more successful at getting initiatives passed than groups that are traditionally considered “well-heeled special interests.”

Direct Democracy, Public Opinion, and Policy Outcomes

Proceeding with the assumption that interest group desires may not always correlate with citizen preferences, a cursory look at direct democracy and public opinion, as well as policy outcomes, may be helpful. This section does not consider the original arguments of the Progressives, but deals with salient issues in the institution of direct democracy today.

Bowler and Donovan (1994) consider information and opinion change models, and find that the lack of “cues” available to voters on ballot initiatives results in traditional opinion change models not holding when applied to direct democracy. In particular, they argue that the initial stages of the campaign are characterized by low levels of voter awareness, and this leaves little room for a later conversion. However, as the campaign continues and voters become more aware of a given proposition, stability appears to be the norm, and no serious link is found between campaign exposure and individual level opinions. They also find that “awareness” is required for opinion formation, and that the
higher educated will utilize more sources of information (such as public voter guides), which will result in higher levels of awareness.

Nicholson (2003), on a slightly different track, considers the factors that contribute to ballot proposition awareness. Nicholson finds that "environmental" factors, such as the electoral cycle, media coverage, campaign spending, issue characteristics, and the number of days before an election, all contribute to ballot proposition awareness. Using California polling numbers as the dependent variable, Nicholson finds that between 1956-2000, midterm elections, initiatives that dealt with moral or civil rights questions, media coverage, and campaign spending all increased ballot initiative awareness, while increased numbers of initiatives on a particular ballot, and the number of days to an election had a decreased effect on ballot initiative awareness. Most importantly perhaps, is Nicholson's finding that increased negative spending increased ballot initiative awareness considerably, while positive spending (in favor of) resulted in a small, non-statistically significant coefficient.

In finding that direct democracy states are not a predictor of increased policy responsiveness, Lascher, Hagen and Rochlin (1996) specified a very creative model. The authors seemed to do well to utilize aggregated surveys of public opinion as the dependent variable to measure the desires of citizens. Moreover, these authors also considered the frequency of initiative use and the type of initiative most often used in an effort to gauge the overall ability of the initiative process to correspond with public opinion. They also chose to operationalize their variables along a liberal-conservative continuum, selecting policies such as education spending, health and welfare spending, enactment of various consumer protection laws, legalized gambling measures, and tax progressivity. The idea was to develop an index of "electorate ideology" and then
compare that index to an index of “policy ideology.” Scatterplot analysis should show a stronger relationship between these two in initiative states versus noninitiative states, and it did not. A second model used policy outcome as the dependent variable and included socioeconomic variables as controls to test whether the presence of the initiatives would enhance the extent to which a relatively “conservative state electorate obtained conservative policies” and vice-versa. Again, the results were negative. Contradicting earlier arguments that direct democracy acts as an “increased veto power” used by the citizens to ensure responsiveness (the notion being that a purely representative democracy leads to principal-agent problems, and legislator shirking), these authors find four essential explanations as to why direct democracy fails to enhance responsiveness.

First, although the threat of an initiative may force legislators to consider the topic (Gerber 1996; 1998), legislators may also serve as an “appeals court that ameliorates the effects of ballot measures for large groups.” Secondly, the authors argue that initiatives themselves are “imperfect reflections of the public’s desires” insofar as voters are “not necessarily representative of the electorate as a whole” (e.g., higher socioeconomic status). Thus, initiatives that may favor lower socioeconomic groups are less likely to pass given the electorate composition. Third, “organized interest groups dominate the use of the interest group process,” mainly due to the organizational hurdles required to successfully place a measure on the ballot. Finally, the authors argue that the underlying premise (that legislators are unresponsive in the first place) may be flawed, and that “state legislatures and other policymakers take public opinion into account when enacting state policy” (773).

Turning attention to policy outcomes resulting from direct democracy finds no less of a debate. Gamble (1997) argues that “without the filtering mechanisms of the
representative system, direct democracy promotes majority tyranny.” In so doing, Gamble evaluates three decades of initiatives and legislative referenda from five civil rights policy areas (housing, school desegregation, gay rights and AIDS policies) and finds that initiatives that restrict civil rights are prone to extraordinary electoral success: 75% passage, while during the same period, only 33% of other initiatives passed.

Matsusaka (1995) considers fiscal policies and direct democracy, and finds that spending is, on average, 4% lower in states with direct democracy; that local spending is higher and state spending is lower; and that on the revenue side, states with direct democracy rely less on broad based taxes and more on charges tied to services. He concludes that, taken together, this means that “the initiative leads to a reduction in the overall size of the government sector and suggests that it causes a decline in the level of redistributitional activity.” Focusing on the economic theory of government (change occurs via conflict but within the constraints of institutional rules), Matsusaka argues that the lack of “log-rolling” mechanisms (or gains-from-trade hypotheses) may result in outcomes that are closer to the median voter preferences, and that, in particular, fiscal outcomes in direct democracy states should be closer to median voter preferences than those in noninitiative states.

Extending works reviewed here (Matsusaka 1995; Lascher, Hagen and Rochlin 1996), Camobreco (1998) also takes on the responsiveness question, and in particular, with regard to fiscal policies. Using state and local tax revenues per capita, state and local tax “efforts” (the extent to which states use their available tax base) and state and local expenditures per capita as dependent variables, Camobreco finds no evidence that “presence of the initiative process strengthens the link between preferences and fiscal
policies.” The author also finds evidence that Matsusaka’s (1995) notion that initiative states shift their sources of revenue and spending may be correct.

Fiscal policies may create unintended consequences, and this may be the case if they are installed via the initiative, or by state legislators. Bowler and Donovan (2004) find that state tax and spending limitations (TEL’s) have spurred the creation of local governmental districts in response to constraints placed on budgeting. These “special districts” are created by state legislatures and generally mandated to fulfill a specific service (e.g., library districts, health districts, parks and recreation districts) and have the “power to tax, to charge fees, issue debt, appropriate land for public use.” Thus, states may create special districts in order to continue to provide goods and services despite constraints mandated by TEL’s.

If tax and spending limitations do in fact limit spending, it seems intuitive to think that schools may suffer as well. Gerber, et al (2001) consider this question during a study of the effects of California’s Proposition 13 and Proposition 4 in 1978. Proposition 13 was intended to drastically reduce property taxes (and cap future levels) while Proposition 4 would limit spending to either the rate of inflation or the percentage increase in personal income. As Gerber notes, many have blamed the deteriorating condition in the California schools on the passing of Proposition 13. However, Gerber argues that this blame is quite meritless.

Gerber wisely considers the context of per pupil spending in broad fashion. She finds that an earlier California Supreme Court decision (Serrano v. Priest) outlawed the practice of funding schools at the district levels, and instead mandated that all districts would be required to receive the same levels of state-granted funding. The idea was to equalize the districts, since the old way resulted in wealthier districts providing higher
levels of funding for their schools. Gerber also notes that the older method resulted in motivations and willingness to pay higher property taxes at the local level; as the equalization method was implemented, the motivation evaporated.\(^{12}\)

In effect, the Court decision did equalize districts; however, the consequences were once again unintended: net funding in the districts decreased. Over time, however, Gerber finds that the Court’s decision, as well as Propositions 4 and 13, had little effect on the rate of per pupil spending in California. The impact was apparent, but it was indirect. Gerber finds that the observed declines are “the consequence of a state that had grown significantly less affluent relative to other states in the country and that persists in allocating a smaller share of its budgetary resources to public schools.” By observing this to be the case before and after the propositions were passed, Gerber shows that the gap in California funding relative to other states is not the direct consequence of lower property taxes, and by extension, not the consequence of direct democracy.

In sum, Bowler and Donovan’s (1994) work on information and opinion change may have been improved slightly by the use of categories for ballot initiatives. In other words, voter awareness is likely to be significantly different for an “English only” law from what it would be for a sales tax exemption for farm vehicles. However, the overall additions to the literature are well-received, as are Nicholson’s contribution regarding environmental factors. In particular, Nicholson’s (2003) finding that negative spending increases ballot proposition awareness supported earlier studies by Donovan, et al (1998) and Gerber (1999). Gamble’s (1997) argument that direct democracy promotes majority tyranny

\(^{12}\) It should be noted that the premise of Gerber’s work is to show that differences exist in how initiatives are implemented. In the current case, the initiative was implemented quickly and efficiently; in other cases, governmental actors simply ignored the initiative, wrote unfriendly legislation, or in other ways attempted to alter the effect.
seems to focus too much on smaller municipalities. Donovan and Bowler (1998) (following Madison’s logic in *Federalist 10*) find that the tyranny that more easily occurs on a municipal level does not occur when similar measures are voted upon at a state level. Moreover, they argue that the courts routinely act as a protector in cases such as these.

Although Lascher, et al (1996) argue that their data contradict Matsusaka (1995) in terms of the ability of the initiative to produce state level policies more in line with the median voter’s preferences, it is likely that the divergence is a matter of the policies studied. For Matsusaka, the policies under examination were tax and spend policies, and most voters, whether it is in their long term interest or not, would like less taxes, and (oddly enough) less spending, though most voters are aware of the link between the two. Insofar as Matsusaka finds lower spending in states with direct legislation (likely a function of initiative-based tax and spend limitations, although not mentioned in this article) this is much more likely to align with median voter preferences. Lascher, et al., examine a wide range of policy areas, and find that the electorate ideology rarely coincides with the ideology of the policy outcomes. This could be a function of many things, including the type of initiative under examination, the difficulty in getting an initiative on the ballot in a given state, the political culture of the nation at the time of the election, or the economic conditions in the state at the time of voting. Moreover, “state ideology” is problematic as well. Defining state ideology in Nevada is tough, and the north-south split is likely less pronounced in Nevada than it is in California. Thus, determining policy responsiveness in states with and without the initiative may be too difficult a process to measure, and especially so when considered across time.
Minority Rights and Direct Democracy

The issue of minority rights may be a more recent issue in direct democracy, likely due to the increasing heterogeneity of the population of the course of the century. Though the process was seen as an impetus in the women’s suffrage movement (Ford 1912; Guthrie 1912), the Progressives viewed themselves as the minority and proceeded as such. Thus, subsequent initiatives and referenda dealing with minorities in America are a wholly new issue, and some of the more salient components of the issue are considered here.

Although not specifically referring to minorities, Matsusaka (1992) argues that state legislators act as a sort of “filter” for issues, taking the easy ones (termed Pareto-comparable, because the outcomes are such that the “majority-favorable” outcome is easy to determine) and leaving the “distributional” issues (divisive issues that take power or resources from one group and give to another, such as English-only initiatives) for the voters to decide via the initiative. Thus, for Matsusaka, a well-functioning system is one that has multiple distributional issues on the ballot via the initiative process, and this outcome is favorable because voters are likely to have more information on the controversial, divisive issues than they would on non-controversial, efficient issues.

If Matsusaka attempts to explain why hot-button social issues are more likely to be decided via the direct democracy process, Tolbert and Hero (2001) further the debate with an explanation of how minorities fare in the process. They analyze support for initiatives that target minorities and find that support for such initiatives was largely a function of the context of the residential area in which the voters lived. Specifically, support for such initiatives was higher in counties with bifurcated minorities and in counties with very low racial diversity (homogeneous). White support for measures that
restrict minority rights is lowest in heterogeneous racial and ethnic counties. The same authors argued in an earlier study that there has been in a sense a "new populism" in California: using the initiatives against minorities by mainly white elites because the legislature had, in their minds, become overly representative of the minorities. In a sense, the increased Latino and black influence in the state resulted in a voter backlash against the gains of all minorities in the state legislature.

In an earlier study, Wenzel, Donovan and Bowler (1998) argue that the tolerance required to vote against an initiative requires "a commitment of substantial cognitive resources." In traditional elections, "elites" lead the way in fostering tolerance, as well as "tolerant" position13 through the natural (and generally requisite) deliberative process. The problem, as these authors see it, is that in an initiative campaign, no such elites exist, and thus, the possibility for exploitation becomes more real, since no deliberation among the elites takes place. If the assumptions that campaigns can change attitudes are accurate, then the debate that arises over social issues may be successful in setting the agenda (Nicholson 2003). The present authors find mixed results, but conclude that direct democracy "may operate to the detriment of the toleration of political out-groups."

Donovan and Bowler (1998) also consider whether direct democracy produces policies that are more hostile to minorities than do state legislatures. In response to Gamble (1997), who argues that direct legislation facilitates tyranny over minorities, the authors argue that while this may occur on a local level, it is unlikely to happen on a state level, for much the same reason that Madison predicted in Federalist 10 – enlargement.

13 The word "tolerance" as used here is apparently meant to imply some degree of equality, or a lack of tyrannical measures. The choice of words, however, could lead some to argue that "tolerance" presupposes that one side has a superior position, and simply "allows" the other to exist – subject to recall at whim.
When the electorate has been increased beyond the municipal level, policies are less likely to be abusive of minority rights.

The study of direct democracy and its impact on minorities is an extraordinarily interesting and worthwhile pursuit. As the number of minorities increase in America – and in many areas, constituting a majority-minority – the tension between minorities and nonminorities has increased as well. The concurrent rise in the use of direct democracy should motivate the study in order to ensure that the process preserves and protects the rights of all Americans. In particular, further research could focus on the role of the courts as a counter-majoritarian force in American society, and whether they are holding to that notion when direct democracy is concerned, and further, if the conditions for anti-minority voting behavior discovered by Tolbert and Hero hold in other locales as well. Again, attention must be paid to the relative difficulty in qualifying a measure for the ballot, as well as the relative popularity of a measure in relation to the vote share. This is because in majority-minority districts, a majority of voters may still be non-minority. In other words, if minorities make up the large majority of the district, but yet constitute an excessive minority of the actual voting population, rights of minorities are more likely to be abused.

State Legislatures

Scholars writing in the early part of the twentieth century were well aware of the problems of the state legislatures. In particular, Sanborn (1908) argued that state legislators of the period often enacted laws that were “unwise, uncalled for, ill-considered, or positively bad” and that they often took the form of favoring special interest groups (though this occurred more often in municipal councils than in state
legislatures), that the laws may unnecessarily interfere in human conduct and thus not conducive to laissez faire governmental practice, or conversely, that the legislature may not be passing laws which would be in the public’s best interest. The notion that state legislatures were problematic because of special interest influence was also realized in states that did not necessarily consider themselves “progressive.” Thomas (1914) writes that Arkansas in the early twentieth century was noted for its expensive and ineffective legislature; however, attempts to bring direct democracy to the state failed on the first attempt. Though later attempts were successful, the state process found considerable opposition in the form of the state supreme court (Thomas 1914). Later scholars argued along the same lines: Bolton (1971) argues that while legislators have “great power to make policy,” the power is generally used to formalize policies that have been developed outside the legislatures, and most often with special interest groups or state bureaucracies (Bolton 1971, 57).

State legislatures are a dynamic institution. Indeed, legislatures have been the focus of many scholars over the years. Recently, Rosenthal (1996) identified three perspectives from which state legislatures are viewed: legislative reform (from the 1960s to the 1970s), legislative professionalism (1980s), and legislative institutionalization (1990s). Rosenthal argues that the first perspective, legislative reform, was motivated in large part by an evaluation report authored by the Citizens Conference on State Legislatures, which made both general recommendations as well as individual state level recommendations. In particular, Rosenthal notes that the most important consequence of this era was that of institutional capacity – which helped both legislatures and legislators. Institutional capacity in this sense refers to the notion of increased physical space, increased time, and increased information. Additionally, equalizing the domination that had occurred
between the legislative and executive branches was also a goal; this came to fruition in many states via the budget process – no longer would the legislatures “rubber stamp” the governor’s budget.

The second perspective, legislative professionalism, was largely geared towards making state legislatures better emulate the U.S. Congress. However, conceptual differences abound among scholars as to what should constitute “professionalism.” Though the concept will be discussed below, Rosenthal argues that a consequence of legislative professionalism is that it generally attracts professional legislators, which in turn further professionalizes the legislature, which again in turn attracts more professional legislators.

The third perspective is that of legislative institutionalization. This perspective considers Polsby’s (1968) definition of legislative institutionalization at the national level and applies it to the state level. Briefly, legislatures are institutionalized when (1) organization is well-bounded and differentiated from its environment; (2) the organization is relatively complex, with separated functions (i.e., committee structures); and (3) the organization relies on universalistic criteria and automatic rather than discretionary methods for conducting and managing internal business. Though state legislatures can be defined as having well-defined boundaries, the notions of complexity and universalistic criteria find little support when applied to state legislatures. However, Rosenthal (1996) argues that the “relaxation” of quantified measures may be in order, as suggested by Polsby. Thus, by focusing on “boundedness” (i.e., the separation of the institution from its environment) Rosenthal argues that not only did almost all state legislatures become institutionalized at one point, a new, (and fourth) perspective can be realized – that of institutional decay – or, deinstitutionalization.
Legislative deinstitutionalization can be seen in three main factors: personnel differentiation, adherence to norms, and managerial autonomy. In particular, Rosenthal (1996) argues that personnel differentiation is seen in increased levels of turnover within state legislatures (attributed in part to redistricting efforts, gains on the part of Republican officeholders, especially in the south, and the initial effects of term limits), that adherence (or in this case, non-adherence) to norms can be seen in decreased levels of institutional loyalty (conceptualized of in terms of members running “against” the legislature in campaigns) and finally, managerial authority has been limited by term limits, and - important for this thesis – initiatives and referenda that circumvent legislative autonomy, such as tax and expenditure limitations.

The notion of institutionalization was also studied by Berry, Berkman and Schneiderman (2000) who argued that legislative professionalism promotes legislative institutionalization by establishing boundaries that shield members from external shocks. Thus, not only do members from a more professional legislature have a higher likelihood of winning reelection, but such professionalization also “buffers” the member from external political forces, the effects of national economic conditions, and the coattail effect. In such a situation, a Democratic state legislator is less likely to face a disadvantage even if a Republican president wins a landslide re-election on the coattails of a very strong economy. Insofar as the effect of both national conditions and coattails (this time in the sense of higher office elections) has weakened over time when considering national legislative elections, the correlation between increased resources and such weakening in both national and sub-national legislatures indicated that the declining influence of national forces has been caused by increases in congressional resources (Berry, Berkman and Schneiderman 2000: 871). However, the benefits of
institutionalization on members of the legislatures do not protect against the deinstitutionalization process described earlier by Rosenthal (1996) and in particular, against the imposition of authority by the people via direct democracy.

Weber (1999) argues that the institutional arrangement of state legislatures is problematic. In particular, he notes that state legislators may have too much self-interest in the things that they control, such as legislating on issues in which they can not be disinterested (e.g., district-drawing; staffing; resources) and that the ultimate consequence of this is that it undermines the public confidence in the institution, and further contributes to the media focus of corruption. Weber argues that reform measures, such as independent district-drawing commissions, legislative expense commissions (that deal with staffing and expenses, including legislator pay levels), campaign finance commissions, and independent state ethics commissions will help to return public confidence to the institution.

Exactly what constitutes professionalism within state legislatures is open to some debate, though attempts to operationalize the variable all contain at least some degree of systemic similarities. For example, Grumm (1971) offered an index of legislative professionalism comprised of five variables: legislative compensation, length of the session, expenditures for legislative services and operations, the number of bills introduced, and a "legislative services" based on the Citizens Conference of State Legislatures evaluation that was published in the same year. Other scholars followed (Leloup 1978; Bowman and Kearney 1986; Squire 1992), but for the most part, based their indices on the recommendations from the Citizens Conference of State Legislatures report (1971).
The CCSL evaluation (1971) was perhaps the first effort to systematically evaluate state legislatures. In particular, their stated goals were to develop specific criteria for the evaluation of the technical capabilities of the legislatures, and to collect data and rank the state legislatures according to those specific criteria. The purpose of such research was fourfold: first, to focus the attention and concern of the public on factors which may limit the effective performance of some state legislators; secondly, to furnish diagnostic indicators of particular deficiencies and to give guidance for improvement; third, to provide a benchmark with which to measure future improvements; finally, to generate discussion on what constitutes effective legislative organization and procedure (CCSL 1971). The study developed the FAIIR (functional, accountable, informed, independent, representative) evaluation system, which consisted of five general platforms with sub-platforms for each.

The first plank, function, is built upon six sub-platforms. First, the legislature must have adequate time and flexibility to manage their workload imposed upon it. Secondly, the legislature must adequate support staff, which may focus on specialized tasks (e.g., agency liaison) or more general tasks (e.g., clerical duties). Third, the legislature must have adequate facilities, such as chambers and committee rooms; fourth, the structure of the legislature must be such that there are neither too few nor too many standing committees, as well as assignments per committee. The fifth plank is that of procedures, which may include the use of occasional joint committees, or provisions for emergency measures; and finally, a legislature must contain leadership (though it should be diffuse and constrained) and bipartisan participation in various management aspects of operations, such as scheduling, space assignment, etc. (CCSL 1971).
The second plank, accountability, consists of three components. First, the council argues that the form of the legislature be comprehensible, and this is achieved with single-member districting, selection of leaders by the full house, published rules and procedures, the availability of explicit institutions, devices, and documents for planning, budgeting and scheduling. Secondly, the council argues that public access to the institution is essential, both in terms of actual physical access, as well as access to the proceedings. Finally, legislative accountability requires some degree of equality among members in the ability to influence legislation.

Third, the legislature must be informed; that is, the information it receives should be over and above that of executive agencies and interest groups – and it should have the infrastructure in place to cultivate, manage, and deploy such information to the members. This can be buttressed by providing adequate pre-session time for review, by the use of standing committees for informational purposes, and improving the form and character of bill documents.

Fourth, legislatures should be independent. In particular, the legislature should enjoy autonomy in legislative activities (e.g., control over the frequency, duration, and agendas of legislative sessions, districting and apportionment plans) as well as from the executive branch. Moreover, an independent legislature should have oversight capabilities, lobbyists should be required to register (and this information should be transparent to the public), and conflicts of interest (e.g., holding multiple offices, employment of relatives, possibilities of commercial ties between legislators and state or government officials) should be eliminated.
Finally, the CCSL (1971) argues that the legislature should be representative. This includes a diverse legislature (in terms of age, race, and backgrounds), as well as be effective (tempered by increased size of the legislature and concentrated leadership). Keeping in mind that the rankings are ordinal in their distribution, rather than interval or cardinal, the results are not surprising. In 1971, California was ranked as having the most professional legislature, with New York, Illinois, and Florida following. Alabama ranked fiftieth, while North Carolina, Delaware, and Wyoming ranked just above.

Perhaps more important for the purposes of this study, however, is the discussion regarding the “correlates of legislative capability.” In this section the CCSL (1971) reports correlations between regional/geographic factors, demographic/socioeconomic factors, historical/cultural factors, political factors and legislative capability in an effort to appropriate the significance of their original rank-order findings of legislative professionalism. Many of the explanatory variables used here will also be used in the upcoming quantitative analysis, and will be discussed in greater detail then. Using Spearman’s rank-order correlation measurements, the CCSL’s findings can be summed as follows. First, they find that factors such as population size, population density, level of industrialization, and legislative centralization are not associated with legislative capability. Secondly, legislatures ranking high in capability are more likely to be in wealthier states, in states with professional legislatures, competitive and cohesive parties, and local governments. Third, legislative capability is inversely related to one-party dominance. Finally, regional clustering does exist, and is most pronounced in the north central (most capable) and Southeast (least capable).

Finally, the CCSL (1971) report argues that there are specific policy consequences for more capable and professional legislatures. In particular, they argue that “highly
capable legislatures tend to be generally innovative in many different areas of public policy, generous in welfare and education spending and services…” (CCSL 1971: 77).

State legislatures have, for the most part, undergone an overall transformation towards professionalization in terms of increased support staff, benefits and pay, longer sessions, and more overall space (Morehouse and Jewell 2003; Rosenthal 1996). State legislative reforms may also have an effect on the motivation and incentives that potential candidates consider, and may result in an increase of “career” legislators (Maestes 2000). Indeed, the trend towards professionalization has led scholars to argue that the institutionalization of the institution of state legislatures is becoming more like that of the U.S. Congress, with King (2000) in particular noting that as of the date of his writing, legislatures operated with nearly three-fourths of the resources of a national legislature, compared to less than half in the 1960’s. In many states, increased legislative professionalism has led to term-limit movements, as the argument was made that legislators sought to take advantage of the increased in pay, staff, and resources by securing their positions in office, or by seeking advancement to higher office, rather than adequately attending to the needs of their constituents (King 2000).

State legislative professionalism has had (perhaps unintended) consequences. For example, the relationship between professional legislatures, progressive ambition, and legislative responsiveness was analyzed by Maestes (2000), who argued that professionalization was likely to attract legislators with progressive ambition who in turn would be more likely to identify and respond to the interests and concerns of their constituents. Thus, Maestes finds that states with more professional legislatures (and more advancement opportunities) have greater aggregate opinion-policy congruence while controlling for the effects of electoral competition and alternative policy influences.
This is mainly because “progressively ambitious politicians seek to maximize political support over the long term across an expanding set of constituencies” (Maestes 2000, 669) which in turn overcomes the notion that legislators may not be responsive to constituents even with the presence of non-competitive elections. Further, since progressive ambition for higher office often includes offices with wider geographical territories (and thus, more constituents), such legislators tend to balance the interests and policy preferences of these individuals as well. Thus, such that institutionalization of legislatures provides insulation for members, legislative outcomes in professional legislatures can still be more responsive to broad-based constituent preferences.

State legislative professionalism also varies widely across states. Morehouse and Jewell (2003) provide the intuitive argument that the larger states, such as California and New York, deal with varied populations and complex issues, and thus are likely to be more professional. However, other factors may be at work in determining the level of legislative professionalism within a given state. Mooney (1995) addresses this question directly, noting that the answer has meaningful implications: policy outputs and political processes are likely to be dependent upon the levels of professionalization within the state legislature. For Mooney, state legislative professionalism is affected by three general types of influence: the economic and social characteristics of its citizens, the institutional structure of the state political system, and the policies of peer states (Mooney 1995, 49).

These three general types of influence are highly informative for the purposes of this work, and their details will be discussed here. First, Mooney argues that the economic and social characteristics of the state inform legislative professionalism as a function of the overall population level, the heterogeneity of the population, and the gross state
product per capita. In particular, a higher population is likely to lead to greater state financial resources (via an increased tax base via increased personal and business income) with which to pay a more professional legislature. Increases in gross state product per capita also have a positive effect on legislative professionalism, for much the same reason. Additionally, the heterogeneity of the population will likely affect the levels of legislative professionalism, as the differences in values may make policy responsiveness more difficult to achieve, which in turn creates value for legislative professionalism.

Secondly, the institutional structure of the state political system is, for Mooney, highly influential in determining state level legislative professionalism. In particular, institutional structure refers to five individual variables: apportionment fairness, legal restrictions on legislative session length, opportunities for members to advance politically, the formal powers of the governor’s office, and bureaucracy size.

Court-ordered ends to state legislative malapportionment in the 1960s brought an end to legislatures that were dominated by rural interests primarily interested in maintaining the status quo (Mooney 1995, 50). Additionally, the presence of either a statute or constitutional amendment dictating legislative session length may affect professionalization (at least in terms of session length) as a constitutional amendment will likely require a referendum, while a statute will likely require only the approval of the governor. Mooney’s argument that the opportunity for advancement influences legislative professionalism supports Maestes’s (1995) (earlier-discussed) notion and can be passed.

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14 The author defines gross state product per capita as the measure of the average level of economic productivity of a state’s population, and as such, it is an indicator of state wealth independent of population.
over here. Mooney considers the formal power of the governor’s office to be a factor because a more powerful executive branch will motivate the legislature to increase its capacity in an effort to maintain its influence in state policymaking; for Mooney, the bureaucracy of the state is similar in this regard. In other words, a less powerful executive branch and state bureaucracy requires fewer resources (and thus, less professionalization) to maintain the influence desired.

Third, Mooney argues that the policies of “sister-states” are likely to be influential, insofar as the costs are likely to be less when a neighboring state has already adopted the policy; that those states are likely to serve as a sort of “pilot-study”, which can be altered accordingly when instituted; and also that it is politically easier to follow another state in adopting policies rather than lead the way. Thus, legislative professionalism, at least for Mooney, may also be a function of proximity.

Mooney’s data analyses result in interesting findings. Mooney finds statistical support for his hypothesis that the state’s population size, political structures, and sister state’s professionalism all positively affect legislative professionalism, and after a time-series analysis, he also finds support for the notion that advancement opportunities, population heterogeneity, gross state product per capita, and gubernatorial power had positive effects on professionalization. Mooney concludes by noting that an increase in legislative professionalism does not necessarily mean that the balance of power would be shifted to legislatures only; indeed, governors, interest groups, courts, and local governments would also be strengthened (Mooney 1995:61).

If legislative professionalism can influence such things as incumbent reelection, interest groups, courts, local governments, the state bureaucracy as shown here, can it influence direct democracy? Perhaps. Gerber (1996, 1998) considers the role of the
initiative in affecting legislative behavior. In particular, she questions whether simply the “threat” of an initiative may influence legislative behavior. Insofar as legislators in states that allow initiatives are expected to pass laws that more closely reflect that state’s median voter’s preferences, Gerber determines that parental consent laws passed in initiative states do more closely reflect their state’s median voter preferences when compared to non-initiative states. The most salient aspect of her work may be the finding that interests groups can affect policy via the state legislature without actually proposing initiatives – but simply by threatening them.

However, the relationship between state legislators and direct democracy may need to be first examined in simpler terms: that of institutional structure. Insofar as policies are most likely to be determined by the state legislature, the structure of that institution (especially in terms of professionalization) may become an important predictor of state-level policy outcome. More important for the purposes of this thesis, however, is the notion that state level professionalization may also affect another policy aggregator: direct democracy. Such examinations are the focus of the following chapters.

Conclusions

The salient issues in direct democracy today are much the same as they were a century ago. Though the Progressive notion of direct democracy providing educative benefits to the citizenry proved elusive, the institution itself has presented itself as an opportunity for citizens to have increased access to the process. Thus, voters are equipped with a mechanism by which they may have a voice distinct from party allegiance, and by which they may have increased control over the agenda. Perhaps most prominently, the Progressive notion that the process of direct democracy would place a check on special
interests (at least in terms of their power over the agenda, as well as on other institutions in the political arena) has proven not only unfounded, but also ill-conceived. Scholarship on direct democracy and policy outcomes suggest that states with the process generally have policies in place that are closer to the median voter’s preferences; moreover, the initiative and referenda appear to be the instrumental variable causing such an alliance. However, previous works have not taken the time to further parse out the underlying causes of such correlations. For example, institutional theory suggests that institutions in and of themselves do not cause outcomes; rather, institutions generally shape the political interactions. Since “veto points” provide strategic openings that actors use to achieve their goals, the structure of the institutional arrangement becomes paramount in understanding the nature of the influence of one institution (state legislatures) over another institution (direct democracy). While clearly the direction of influence could be studied in reverse (and such a project would be worthwhile), for the purposes of this thesis, it will be limited to examining the structure of state legislatures (i.e., structure in terms of professionalization) in an attempt to understand the nature of its influence on direct democracy. Such examinations are the subject of the following chapters.
CHAPTER 4

DATA AND METHODS

The preceding chapters evaluated the current state of direct democracy relative to the expectations of its founders in an attempt to understand how the process has evolved into an institution in its own right, as well as among other institutions within the political arena. While many of the founders intentions for the process of direct democracy were realized (e.g., increased control over the agenda, the ability to produce laws that "checked" the power of the state legislatures), others were not (e.g., breaking the hold of well-heeled special interest groups over the policymaking process). However, to fully understand the current relationship of these three entities, a more detailed analysis is in order. Because the proper operationalization of variables is the hallmark of quantitative research, this chapter serves as an exploration of the variables used to examine the influence of state legislative professionalism on the institution of direct democracy. In particular, this chapter reviews the research question of this thesis, outlines the hypotheses to be tested, and concludes with an in-depth examination of the variables used in the upcoming analysis.
Research Question

This thesis focuses on the following question: what is the influence of state legislative professionalism on the institution of direct democracy? While the natural relationship between these two entities may seem indirect and distant at first, the analysis completed in chapter two of this thesis should fully illuminate the often entwined relationship that these two entities have. In states that allow direct democracy, the citizens of that state have recourse available to them when the state legislature is seen as unresponsive - or perhaps, out of touch with - the perceived needs of the citizens. For social scientists, the question should focus less on what "unresponsive" may actually mean and more on what the likelihood of one event causing another event to occur is. Thus, for the purposes of this thesis, state legislative professionalism will serve as the (testable) intervening variable in measuring the frequency and type of direct democracy initiatives appearing on the ballots in the American states.

Hypotheses

The main hypothesis (H1) of this thesis is that increased state legislative professionalism will result in initiatives appearing more frequently on statewide ballots. On a superficial level of analysis, the notion that legislative professionalism would result in increased ballot initiative activity across states may seem counterintuitive: insofar as professionalization should result in increased capacity to serve the needs of the citizenry, the perception would be that the people would seek other access points (such as the initiative) less frequently in states that have increased legislative professionalization. That is, if the legislature is more professional, then the citizenry should not adopt the Progressive notion of having to resort to the initiative as a "check" on the state
legislatures; nor should they have to adopt the Populist notion of having to resort to the initiative to radically alter the status quo and seek legislation on their own. Indeed, a professional legislature would (ideally) be professional enough to meet the needs of the citizenry such that excessive use of the initiative would not be necessary.

However, scholars have recently begun to question this seemingly utopian description of the relationship between professionalized state legislatures and direct democracy. In particular, Banducci (1998) argues that there are two main reasons why increased ballot initiative activity is more likely to occur in states where the legislatures are more professional. First, because legislatures are more professional, the campaigns are likely to be more expensive, as the seats are likely to be more desirable. Increased campaign expenses are likely to force the legislator to rely on increased interest group contributions. In this situation, Banducci argues that legislators are going to be less likely to favor one interest group over another, which in turn leads the groups to pursue their agendas via the initiative. Secondly, Banducci argues that more professional legislatures are likely to have “larger” agendas, which raises public expectations, but also increases the difficulty in achieving objectives. This, she argues, could lead a dissatisfied public to turn to the initiative.

Banducci’s arguments are well-received and in large part form the foundation of this work. However, the notion that legislators are less likely to favor one interest group over another simply because they seek increased contributions from a wider array of groups is problematic. In particular, this situation is highly dependent upon the arrangements of interest groups in a particular state. That is, in states in which few interest groups populate the political arena, legislators are likely to going to strongly favor one group over another. Though Banducci’s expectations regarding this relationship may be met in
states wherein a significant number of groups exist, the likelihood of a state legislator winning reelection in a state with a limited number of interest groups declines rapidly when such a legislator does not favor one group over another. Additionally, Banducci may imply more competition than actually exists: legislators may not have to choose one group over another; the notion of pluralism suggests that different groups pursue different policy areas; thus, legislators may rarely have to choose one group over another.

Banducci's suggestions notwithstanding, the theoretical expectations of the institutionalist theory may provide a more efficient foundation for the hypothesis to be tested here. That is, the relationship between the state legislature and the institution of direct democracy is based on a structural explanation, and the institutionalist theory focuses on the structural relationship between institutions - thus, as explained in the second chapter, the notion that legislative professionalism may be seen as a sort of "veto point" that political actors use to achieve their goals (within the context of institutional dynamism).

This notion expands on Banducci's (1998) argument in that increased interest group activity (and by extension, increased ballot initiative activity) is associated with increased legislative professionalism but does not provide for legislator action as a basis for interest groups pursuing the initiative. Instead, the concept focuses more on the sources of institutional dynamism previously discussed as a catalyst for action among individuals or groups in the political arena. In other words, by conceptualizing the professionalization of state legislatures as a change in the political balance of power, and noting that this facet of institutional dynamism suggests that old institutions (in this case, the institution of direct democracy) are put into service of different ends (through "veto points"), the
notion of increased legislative professionalism being associated with higher levels of ballot initiative activity becomes clearer.

A secondary hypothesis (H2a) of this study involves the professionalization of the state legislatures and the types of initiatives appearing on statewide ballots here. Specifically, I hypothesize that more professional legislatures will have increased ballot initiatives dealing with governmental processes, such as term limits or tax-and-expenditure limitations. Moreover, I hypothesize that the same effect will hold when considering initiatives dealing with economic issues (H2b), as well as with social and moral issues (H2c). The root of this hypothesis is formed along the same lines as the first hypothesis.

Data

The dataset for this analysis is comprised of citizen-sponsored initiatives appearing on the ballots of twenty-two states over the ten year period of 1990-2000. These pooled, cross-sectional data are organized by year, and then by state. In other words, a “case” consists of the total number of initiatives appearing on the ballot in a given year. While the majority of states hold statewide elections in even-numbered years, a handful of states

1 Though twenty-four states have the initiative process available to them, two were eliminated from analysis: Nebraska and Illinois. Nebraska has a unicameral, non-partisan legislature which presents problems for measuring professionalism as an influence on direct democracy when other control variables (such as divided government) are included; Illinois did not have any ballot measures during the entire decade.
hold additional statewide elections in off-years as well\(^2\), and thus, the final number of cases is 145.

Model Specification

The hypotheses discussed here will be tested using two separate models. For H1, the dependent variable will be the number of initiatives appearing on a statewide ballot in a given election year. Given the structure of the dependent variable (namely, a count variable), the best available method to analyze the data is Poisson regression. However, while initial tests show that the data resemble a Poisson distribution, these same tests also revealed over-dispersion\(^3\) within the dependent variable. As Long and Freese (2006) explain, the best approach to over-dispersion is to use an alternate regression model: negative binomial regression. In particular, the model will be tested using negative binomial regression with robust standard errors clustered on years. The clustering allows for the reduction in the standard error that may arise from similarities across states regarding ballot initiatives. In other words, several salient issues found a place on the ballot of several states in similar years: term-limit questions dominated ballot in the mid-1990s; as did tax-and-expenditure limitation questions and medical marijuana. The use of robust standard errors clustered on years helps to overcome the statistical requirement that all observations be independent of one another.

\(^2\) Maine held statewide elections in each year between 1990-2000; Washington held elections in each year except 1999; Mississippi held statewide elections in 1995 and 1999.

\(^3\) Over-dispersion occurs when the variance of the distribution significantly exceeds the mean of the distribution. In this case, the mean of the distribution was 3.4; the variance was 13.5.
For H2a, H2b, and H2c, the dependent variable will be the number of each type of initiative appearing on the statewide ballot in a given year. In order to reduce the subjectivity involved in categorizing the variables into economic, social/moral, and governmental process, the dependent variables are categorized into the three groups using a two-stage process. First, I use the standardized categories assigned to each initiative by the National Conference of State Legislatures. The NCSL uses a total of twenty-seven different categories, although several of them are rarely used. From there, I assigned each of the twenty-seven categories a (1) if it dealt primarily with an economic issue, a (2) if it dealt primarily with social/moral issues, and a (3) if it dealt with governmental processes. The end result collapsed the twenty-seven categories into three general categories.\(^4\) Since these data are also expressed as count variables, and over-dispersion is again present among them, negative binomial regression will also be used to test these hypotheses.

**Main Independent Variable: State Legislative Professionalization**

The main independent variable will be a measure of legislative professionalization for each state over the decade. To be sure, defining and operationalizing legislative professionalism has been the subject of many scholarly works over the past few decades (Grumm 1971; CCSL 1971; Leloup 1978; Bowman and Kearney 1988; Weber, Tucker and Brace 1991; Squire 1992; Van Dunk and Weber 1997), though Mooney (1994) offers a succinct definition of the term: "[s]tate legislative professionalism refers to the enhancement of the capacity of the legislature to perform its role in the policymaking..."

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\(^4\) Many initiatives deal with several topics, and some overlap between the three categories may occur. The subjectivity of this process has not been ignored. During the re-coding phase, the text of each initiative was analyzed to ensure proper placement into the three categories, and care was taken to ensure that the initiative was placed in the category that best fit the description. See Appendix 1 for details.
process with an expertise, seriousness, and effort comparable to that of other actors in the process" (Mooney 1994: 71). In the same work, Mooney also considers the proper operationalization of state legislative professionalism by evaluating five indices provided over the years by different scholars. Mooney finds that the pairwise coefficients between four of the five indices examined are quite high, though Squire’s (1992) index of legislative professionalism is deemed superior, especially when considering cases across time, as this thesis does.

There are several advantages to Squire’s index of legislative professionalism. First, Squire (1992) developed his measure of professionalization by using “relevant attributes of Congress as a baseline against which to compare those same attributes in other legislative bodies” (Squire 1992; 71). In particular, Squire focused on three simple attributes: member pay, staff members per legislator, and total days in session. Mooney (1994) argues that this methodology facilitates cross-year comparisons because the ratings are based on a common standard; as such, a state’s score on this index is “dependent only on its level on these variables as compared to Congress, and the level or variability of other states on them has no influence on its score” (Mooney 1994: 75). Moreover, Mooney argues that while the other indices may have measured professionalism on more than these three (perhaps overly simplistic) variables, the high

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5 In particular, Mooney evaluates the first widely used index, developed by John Grumm (1971); a similar but slightly expanded index developed by Morehouse (1983) the widely cited index provided by the Citizens Conference on State Legislatures (1971); an index developed by Bowman and Kearney (1988) that focused on the objective measurements, such as committee assignments and overall legislative size; and a tripartite index developed by Peverill Squire (1992).

6 The lowest pairwise correlation coefficient between these four variables is .767; the highest is .865. The weaker correlation occurs between the CCSL (described above) and the other four indices.
correlation between this index and the more comprehensive indices suggests a high
degree of validity within Squire's (1992) index. Given the strength of Mooney's
empirical analysis, this thesis will utilize Squire's (1992) index of legislative
professionalism as the main independent variable.7

Control Variables

A properly specified model is a critical step in obtaining parameter estimates that one
can be confident in. Towards that end, the two models presented here make use of a
number of important control variables. The first of the two models considers the
influence of legislative professionalism on the frequency of initiatives appearing on
statewide ballots. Thus, I first implement a control variable that considers the strength of
interest groups within a given state.

The interest group strength index used here was developed by Hrebnar and Thomas
(2002) and ranks state-level interest group performance among five categories: dominant,
dominant/complementary, complementary, complementary/subordinate, and subordinate.
For the purposes of this thesis, the categories were ranked one through five, with
subordinate as one and dominate as five8. Hrebnar and Thomas find that that interest
groups (as a whole, rather than categorized by sector or purpose) listed in the dominant
category had an overwhelming and consistent influence on public policymaking. A clear
example of this would be Nevada (the collective effects of gaming and mining interests).

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7 Squire's (1992) index was developed using data for the early 1990's. Though this thesis
encompasses a period of ten years (1990-2000) Mooney (1994) argues that “the relative
position of states on legislative professionalism has not changed greatly over the last
thirty years” and thus, the index should provide an adequate level of professionalization
over the period included in this study.

8 Hrebnar and Thomas do not use this ordered type of index; it was created by this author
to facilitate statistical analysis.
The "complementary" category indicates that groups do not overly dominate the process, but rather are limited in their ability to influence policy, and instead work in tandem with other aspects of the political system in a given state. Though no state has – now or ever – been ranked as having subordinate interest groups, this category would obviously indicate that groups within that state have little to no power in influencing state policy.

The advantages of this index are threefold. First, the authors developed the index using both qualitative and quantitative methods involving questionnaires and interviews with state public officials and exploring and expanding on current literature in the discipline. This allows for the strengths of prior research to present itself here. Secondly, the study assessed overall interest group power in all fifty states on five occasions (1985, 1989, 1994, 1998, and 2002). This methodology benefits this study in two ways: first, it has considered interest group power before, during, and after the period covered by this work; secondly, trend analysis shows that the ratings are quite stable over time, in terms of both types of group making an overall impact, as well as the overall strength rating (Thomas and Hrebner 2002: 118). This suggests that using a single five-fold index across the period of 1990-2000 will not contaminate the statistical parameters. Third, the index considers the group power of special interests, rather than a simple measure of the number of interest groups in a given state. The result is a better indication of how powerful (and thus, more likely to be successful) interest groups are within a given state. This prohibits undue influence on the statistical model used here from single issue groups that may achieve prominence due to increased (but perhaps short-term) issue saliency (e.g., term-limit or gay-marriage movements).

Secondly, I control for variation in the level of difficulty of having an initiative placed on the ballot. Significant variation exists between states in areas such as quantity
of signature requirements, geographic restrictions governing signature requirements, the
time required to circulate a petition, whether statutes may be allowed or if the voters are
limited to constitutional amendments, and subject matter requirements (Magelby 1984;
Tolbert, Lowenstein, and Donovan 1998; Cronin 1989). Bowler and Donovan (2004b)
provide an excellent index of qualification difficulty that considers each of these
components and is relevant to the period under consideration.\(^9\)

Third, I control for variations in population that may affect the number of questions
appearing on a statewide ballot. Clearly, the population of California (especially when
considered in the context of their well-known penchant for direct democracy) should be
controlled for\(^{10}\). Along these same lines, state-level gross domestic product is also
included as a control variable to account for differences that may occur between states
that use the initiative process but have significant differences in industrial output. Indeed,
Mooney (1995) argues that both population and state gross domestic product may
(independently) produce differences in state legislative professionalization, and thus
provides justification for their inclusion as control variables. Population data are taken
from the U.S. Census Bureau; state level gross domestic product data are taken from the
U.S. Department of Commerce, Bureau of Economic Analysis (BEA).

\(^9\) In particular, the authors assign a higher score (indicating increased difficulty) to a state
if only statutes or only constitutional amendments are allowed; if the length of the
qualifying period is limited; if a higher geographic distribution of signatures is required;
if the signature requirement is between 7-10%; if the signature requirement exceeds 10%;
if substantive limits are in place regarding the subject matter of initiatives (Bowler and

\(^{10}\) It should be noted that increased population does not automatically lead to an increase
in ballot initiatives. In the five statewide elections that occurred between 1990-2000,
California voters decided seventy-one initiatives; however, in the same period Oregon
voters (with nearly one-tenth of the population) decided seventy-three.
Fourth, I consider institutional factors by controlling for different levels of divided government. In particular, the data have been coded for divided government on two levels: between chambers within the state legislature, and between the state legislature and the executive branch. In order for the legislature and the executive to be considered divided, both chambers of the legislature must have had majorities from the same party while the executive belonged to another party. In the case of an evenly-split chamber in the legislature, the arrangement was considered divided. Independents were coded according to their leanings, as provided by the *Book of States*[^11]. Thus, an Independent-leaning-Republican was coded as a Republican.[^12]

Additional control variables populate the second model that focuses on the type (rather than the frequency) of initiatives appearing on statewide ballots. Considering frequency and type are wholly independent of each other, while some of the same control variables will be used in the latter as in the former, they should be considered as necessary but not sufficient to fully explain variation in the new model.

Examining the types of initiative that appear on statewide ballots – and to be more precise, attempting to explain the causes behind their appearance – can be a daunting task. To properly understand why more social/moral issues may appear on a particular state’s ballot more often than another state, or why economic issues appear more frequently in one state over another, the researcher must have (at the very least) a general understanding of the citizens (and in particular, the political “culture”) of the given state.

[^11]: All data used to construct the divided government variable was taken from the *Book of States* (various editions).

[^12]: Between 1990-2000, only two governors were labeled as independent; both were considered “leaning Republican”: Alaska’s Walter Hickel (1990-1994) and Maine’s Angus King (1995-2003).
Operationalizing such a variable, however, is fraught with peril. In an attempt to overcome these dangers, I have included three variables to account for state-level political culture and ideology.

First, I turn to a long-respected measure of political culture defined by Daniel Elazar (1972). Elazar’s central thesis is that states are essentially civil societies within a larger political society. As such, Elazar argues that while contesting groups within the state’s civil society may find that they occasionally have more in common with members of other states, there are many more intrastate substantive issues that concern the majority of citizens within a given state. For the purposes of this thesis, the importance lies in Elazar’s argument that these interests generally concern a large portion of the population, but not necessarily the interest of the “state” itself (Elazar 1972:10). At the same time, differences in “political culture” exist among states. In this sense, political culture is defined as “particular patterns of orientation to political action”, and is “rooted in the cumulative historical experiences of particular groups of people” (Elazar 1972:89). Since states operate as civil societies within a larger civil society, Elazar argues that variations exist in state-level responses to the federalist system processes. In other words, different states view the relationship between the states and the federal system in different ways, and these variations can be explained in terms of a state’s political culture. Elazar argues that there are three political cultures at work: individualistic, moralistic, and traditionalistic.

To be more precise, Elazar argues that the three political cultures presented reflect a synthesis of two fundamental conceptions of the American political order: the first is a political order conceived of as a marketplace, wherein public relationships are the products of bargaining among individuals and groups acting out of self-interest; the
second is a political order conceived of as a commonwealth – a "state in which the whole people have an undivided interest – in which the citizens cooperate in an effort to create and maintain the best government in order to implement certain shared moral principles" (Elazar 1972:91). Finally, Elazar adds that a particular civil society’s conceptions of the "uses of power and the nature of justice" are important aspects of its political culture.

To illustrate, Elazar describes an individualistic political culture as one in which there is limited intervention into private activities in an effort to allow widespread access to the marketplace. The moralistic political culture, however, focuses less on the marketplace and more on the commonwealth as the purpose of government, and in this sense, politics is viewed as a tool to translate "power" for the betterment of the commonwealth. In this case, politicians "serve the community," and thus, issues often set the agenda for political actors. In particular, government is considered "a positive instrument with a responsibility to promote the general welfare" (Elazar 1972: 97). Finally, the traditionalistic political culture both views the marketplace with "ambivalence" and views the commonwealth with a "paternalistic and elitist conception." Although the traditionalistic culture shares with the moralistic culture the view that good governance means involvement in the community, the focus shifts to maintaining the existing social order through confining political power to an elite few.

It has long been understood that while Elazar’s work is highly impressionistic, its contribution to the discipline has been well-received, and despite its age, is still used today (Fitzpatrick and Hero, 1988; Gray and Lowery 2004). Though the work lacks an interval level variable to include, others (Sharkansky 1969) have expanded his work such that an interval level index has been achieved. Following Cook, Jelen and Wilcox (1993), I have adapted the interval level variable for use in this dataset.
Secondly, I include a variable of state-level (self-reported) ideology as developed by Wright, McIver, and Erikson (1993). These authors have aggregated the results of CBS/New York Times national polls between 1976-2003, and in particular provide a measure of the percentage of self-described liberals, moderates, and conservatives at the state level. Such a measure should provide excellent control for state-level ideology, and in particular, help to control for differences in all three categories (e.g., economic, social/moral, and governmental process initiatives examined.) To facilitate proper statistical analysis, the reported levels of ideology were taken on a year-by-year basis (1990-2000) and added to the dataset.

Finally, I include an index of religious attitudes at the state level. Because religious identifications have been shown to be highly correlated with partisan identifications, inclusion of such a variable will further control for differences in the population. Moreover, Cook, Jelen and Wilcox (1993, 771) suggest that residents of different states hold political opinions that are significantly different, even after controlling for demographic variables. In such a case, religious attitudes may help to explain differences in values and orientations towards salient issues that appear on ballot initiatives. The index was created by collapsing state-level religious participation data derived from the American Religious Identification Survey into three groups: Mainline Protestants, Evangelical Protestants, and Catholics\(^\text{13}\). To facilitate data analysis, I present the variable as a percentage of Evangelicals within a given state.

\(^\text{13}\) The ARIS breaks down the religious participation data into twenty-four denominations (e.g., Church of Christ, Pentecostal, Church of God, etc). Following Jelen and Chandler (1996), I have assigned each category to one of the three groups listed here. See Appendix two for details.
Conclusions

The current chapter seeks to build on the prior chapters concerning the influence of one institution (the state legislatures) over another (direct democracy) while considering other actors in the political arena (the state population, as well as interest-groups) within the context of the institutionalist theory. In so doing, this chapter outlines the relevant variables required to conduct a robust quantitative analysis. A properly specified model is a critical component in achieving confidence in the parameter estimates provided by such quantitative techniques as negative binomial regression. The following chapter will undertake these analyses.
CHAPTER 5

DATA ANALYSIS

The focus of this chapter is the testing of the two main hypotheses outlined in the previous chapter. To briefly review, I hypothesize that increases in legislative professionalism will result in an overall increase in the frequency of initiatives appearing on statewide ballots (H1). On a secondary level, I also hypothesize that increased legislative professionalism will increase the number of governmental process initiatives appearing on statewide ballots (H2a), as well as increase the number of social/moral issues (H2b) and also economic issues (H2c).

As discussed earlier, the dependent variable is the number of initiatives appearing on statewide ballots for the period 1990-2000, organized by year. Thus, a single year constitutes a case, while each case has the corresponding number of initiatives appearing on the ballot in that year. Though most states that have the process available to them did have initiatives appearing on the ballot in each of the statewide elections during the decade, some did not, and were counted as zero. Since the dependent variable is a count variable, and because events occur within a specific time period, the methodology of choice is Poisson regression (Lawless 1987). However, initial descriptive statistical tests

1 Illinois did not have any initiatives appear on the ballot in the 1990’s, and so was excluded entirely from this study.
revealed a possible complication. Specifically, Poisson regression assumes an equal mean and variance for the dependent variable. Inspection of the dependent variable (the number of questions per year, per state) reveals a significant difference between the mean and variance; such a situation is termed over-dispersion. As Long and Freese (2006, 376) point out, if over-dispersion is present, estimates from the Poisson regression model are inefficient with standard errors that are biased downwards, regardless of proper model specification. As this is clearly the case with these data, I follow Long and Freese (2006) and adopt negative binomial regression in order to analyze these data.

Hypothesis 1 Results

Table 4.1 presents the results for hypothesis 1: the frequency of ballot initiatives as the dependent variable; legislative professionalism as the main independent variable, and initiative qualification difficulty, state-level interest group strength, state-level gross domestic product, and population as control variables.

As expected, state legislative professionalism appears to positively influence the frequency of initiatives appearing on statewide ballots. Moreover, the magnitude of the coefficient suggests that the influence is quite strong, when holding all other variables constant. Indeed, a unit increase in legislative professionalism increases the expected number of initiatives in a given state by a factor of 4.5; to be more precise, a one standard deviation unit increase in legislative professionalism increases the expected initiatives in a given state by 1.29.
TABLE 5.1
HYPOTHESIS 1
FREQUENCY OF STATEWIDE INITIATIVES

<table>
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<tr>
<th>Variable</th>
<th>Coefficient</th>
<th>Robust S.E</th>
<th>Z-Score</th>
<th>Significance</th>
</tr>
</thead>
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<tr>
<td>Legislative Prof</td>
<td>1.506</td>
<td>0.527</td>
<td>2.86</td>
<td>0.004</td>
</tr>
<tr>
<td>Qualification Diff</td>
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<td>0.022</td>
<td>-19.13</td>
<td>0.000</td>
</tr>
<tr>
<td>Interest Grp Strength</td>
<td>0.371</td>
<td>0.110</td>
<td>3.37</td>
<td>0.001</td>
</tr>
<tr>
<td>State GDP</td>
<td>6.280</td>
<td>2.230</td>
<td>-1.18</td>
<td>0.238</td>
</tr>
<tr>
<td>Population</td>
<td>-2.630</td>
<td>6.830</td>
<td>0.92</td>
<td>0.358</td>
</tr>
<tr>
<td>Constant</td>
<td>1.215</td>
<td>0.323</td>
<td>3.76</td>
<td>0.000</td>
</tr>
<tr>
<td>ln(α)</td>
<td>-1.160</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>α</td>
<td>0.313</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N</td>
<td>145</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>G²</td>
<td>34.39</td>
<td></td>
<td></td>
<td>0.000</td>
</tr>
</tbody>
</table>

Note: Robust standard error statistic clustered by year.

As expected, for each unit increase in the qualification difficulty index, the expected number of initiatives decreases by a factor of 0.6, which translates to a decrease of 34.5%. Also as expected, as interest group strength in a given state increases, so do the number of expected initiatives, in this case by a factor of 1.45, or 29%. Neither population nor state-level GDP had a statistically significant impact on the frequency of

\(^2\) The statistical program used to run these analyses (Stata, V.10) provided the additional calculations for these data by utilizing the 'listcoef' command.
ballot initiatives. Before considering the result for legislative professionalism, further analysis may be in order.

Table 5.2 presents a similar model but with additional variables. I include a control variable for a divided legislature, and another representing divided government between the legislature and the executive.

<table>
<thead>
<tr>
<th>VARIABLE</th>
<th>COEFFICIENT</th>
<th>ROBUST S.E</th>
<th>Z-SCORE</th>
<th>SIGNIFICANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Prof</td>
<td>1.370</td>
<td>0.659</td>
<td>2.08</td>
<td>0.037</td>
</tr>
<tr>
<td>Qualification Diff</td>
<td>-0.407</td>
<td>0.056</td>
<td>-7.24</td>
<td>0.000</td>
</tr>
<tr>
<td>Interest Grp Strength</td>
<td>0.326</td>
<td>0.128</td>
<td>2.55</td>
<td>0.011</td>
</tr>
<tr>
<td>State GDP</td>
<td>6.760</td>
<td>7.420</td>
<td>0.91</td>
<td>0.362</td>
</tr>
<tr>
<td>Population</td>
<td>-2.820</td>
<td>2.710</td>
<td>-1.04</td>
<td>0.299</td>
</tr>
<tr>
<td>Div Legislature</td>
<td>0.070</td>
<td>0.173</td>
<td>0.40</td>
<td>0.686</td>
</tr>
<tr>
<td>Div Leg/Exec</td>
<td>0.134</td>
<td>0.168</td>
<td>0.80</td>
<td>0.423</td>
</tr>
<tr>
<td>Constant</td>
<td>1.930</td>
<td>0.370</td>
<td>3.23</td>
<td>0.001</td>
</tr>
<tr>
<td>ln(α)</td>
<td>-1.199</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>α</td>
<td>0.301</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N</td>
<td>145</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>G²</td>
<td>28.64</td>
<td></td>
<td></td>
<td>0.000</td>
</tr>
</tbody>
</table>

Note: Robust standard error statistic clustered by year.
Interestingly, divided government does not appear to play a contributing factor in the frequency of statewide ballot initiatives. When holding all other variables constant, neither variable achieves statistical significance. Moreover, the inclusion of divided government as a control variable does not significantly change the direction or magnitude of the main independent variable, suggesting that legislative professionalism contributes to increased ballot initiative activity regardless of the level of policy gridlock that may or may not be occurring because of divided government.

Further analysis supports the notion that divided government has little apparent effect on the frequency of statewide initiatives. Table 5.3 considers the opposite condition: a united legislature and executive branch – in this case, with the Democrats in control.

In this case, the presence of a united government – a Democrat-controlled government – leads to a slight decrease in statewide initiatives. However, the magnitude of the coefficient suggests that, while statistically significant, the effect is minimal. When replaced by a variable measuring a Republican majority in both branches, the relationship becomes insignificant. Interestingly, this pattern holds when isolating the legislature.
TABLE 5.3  
HYPOTHESIS 1  
FREQUENCY OF STATEWIDE INITIATIVE  
LEGISLATURE/EXEC UNITED – D  

<table>
<thead>
<tr>
<th>Variable</th>
<th>Coefficient</th>
<th>Robust S.E</th>
<th>Z-Score</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Prof</td>
<td>1.512</td>
<td>0.508</td>
<td>2.98</td>
<td>0.003</td>
</tr>
<tr>
<td>Qualification Diff</td>
<td>-0.412</td>
<td>0.020</td>
<td>-20.61</td>
<td>0.000</td>
</tr>
<tr>
<td>Interest Grp Strength</td>
<td>0.366</td>
<td>0.100</td>
<td>3.65</td>
<td>0.000</td>
</tr>
<tr>
<td>State GDP</td>
<td>6.501</td>
<td>7.406</td>
<td>0.88</td>
<td>0.380</td>
</tr>
<tr>
<td>Population</td>
<td>-2.920</td>
<td>2.334</td>
<td>-1.26</td>
<td>0.209</td>
</tr>
<tr>
<td>Leg/Exec United- D</td>
<td>-0.223</td>
<td>0.089</td>
<td>-2.49</td>
<td>0.013</td>
</tr>
<tr>
<td>Constant</td>
<td>1.224</td>
<td>0.319</td>
<td>3.82</td>
<td>0.000</td>
</tr>
<tr>
<td>ln(σ)</td>
<td>-1.191</td>
<td>0.290</td>
<td></td>
<td></td>
</tr>
<tr>
<td>α</td>
<td>0.302</td>
<td>0.879</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N</td>
<td>145</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$G^2$</td>
<td>32.03</td>
<td></td>
<td></td>
<td>0.000</td>
</tr>
</tbody>
</table>

Note: Robust standard error statistic clustered by year.

A Democrat-led legislature results (Table 5.4) in decreases in the frequency of ballot initiatives; a Republican-led legislature results (Table 5.5) in increases in the frequency of ballot initiatives, and though the coefficient is not statistically significant beyond the .05 level, it is significant beyond the less-stringent .10 level.
TABLE 5.4
HYPOTHESIS 1
FREQUENCY OF STATEWIDE INITIATIVES
LEGISLATURE UNITED - D

<table>
<thead>
<tr>
<th>Variable</th>
<th>Coefficient</th>
<th>Robust S.E</th>
<th>Z-Score</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Prof</td>
<td>1.592</td>
<td>0.528</td>
<td>3.01</td>
<td>0.003</td>
</tr>
<tr>
<td>Qualification Diff</td>
<td>-0.387</td>
<td>0.022</td>
<td>-17.54</td>
<td>0.000</td>
</tr>
<tr>
<td>Interest Grp Strength</td>
<td>0.317</td>
<td>0.094</td>
<td>3.35</td>
<td>0.001</td>
</tr>
<tr>
<td>State GDP</td>
<td>5.260</td>
<td>6.640</td>
<td>0.79</td>
<td>0.428</td>
</tr>
<tr>
<td>Population</td>
<td>-1.991</td>
<td>2.410</td>
<td>-0.82</td>
<td>0.410</td>
</tr>
<tr>
<td>Legislature United - D</td>
<td>-0.261</td>
<td>0.067</td>
<td>-3.85</td>
<td>0.000</td>
</tr>
<tr>
<td>Constant</td>
<td>1.281</td>
<td>0.306</td>
<td>4.16</td>
<td>0.000</td>
</tr>
<tr>
<td>ln(α)</td>
<td>-1.17</td>
<td>0.285</td>
<td></td>
<td></td>
</tr>
<tr>
<td>α</td>
<td>0.309</td>
<td>0.088</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N</td>
<td>145</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$G^2$</td>
<td>32.03</td>
<td>0.000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: Robust standard error statistic clustered by year.

These results support prior findings (Banducci 1998) discussed earlier, as well as the hypothesis suggested here. That is, increased levels of legislative professionalism are associated with increased ballot initiative activity.

---

3 Banducci (1998) directly considers the role of state legislative professionalism on the institution of direct democracy; moreover, the author finds that state legislative professionalism is associated with increased ballot initiative frequency. However, Banducci did not use a regression technique best suited to count data which may have biased the parameter estimates; additionally, the control variables included in this study were expanded upon from the Banducci work.
TABLE 5.5
HYPOTHESIS 1
FREQUENCY OF STATEWIDE INITIATIVES
LEGISLATURE UNITED – R

<table>
<thead>
<tr>
<th>Variable</th>
<th>Coefficient</th>
<th>Robust S.E</th>
<th>Z-Score</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Prof</td>
<td>1.762</td>
<td>0.383</td>
<td>4.61</td>
<td>0.000</td>
</tr>
<tr>
<td>Qualification Diff</td>
<td>-0.390</td>
<td>0.018</td>
<td>-21.20</td>
<td>0.000</td>
</tr>
<tr>
<td>Interest Grp Strength</td>
<td>0.391</td>
<td>0.099</td>
<td>3.94</td>
<td>0.000</td>
</tr>
<tr>
<td>State GDP</td>
<td>6.091</td>
<td>5.651</td>
<td>1.08</td>
<td>0.281</td>
</tr>
<tr>
<td>Population</td>
<td>-2.801</td>
<td>2.042</td>
<td>-1.38</td>
<td>0.170</td>
</tr>
<tr>
<td>Legislature United - R</td>
<td>0.299</td>
<td>0.163</td>
<td>1.83</td>
<td>0.067</td>
</tr>
<tr>
<td>Constant</td>
<td>0.866</td>
<td>0.317</td>
<td>2.73</td>
<td>0.006</td>
</tr>
<tr>
<td>ln(α)</td>
<td>-1.224</td>
<td>.0332</td>
<td></td>
<td></td>
</tr>
<tr>
<td>α</td>
<td>0.296</td>
<td>0.098</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N</td>
<td>145</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$G^2$</td>
<td>30.28</td>
<td></td>
<td></td>
<td>0.000</td>
</tr>
</tbody>
</table>

Note: Robust standard error statistic clustered by year.

Hypothesis 2 Results

The understanding that increased legislative professionalism leads to increased ballot initiative activity almost naturally leads to curiosity of whether certain types of ballot initiatives appear more frequently given increases in legislative professionalism. The following section examines this relationship. As discussed earlier, this thesis seeks to improve our understanding of how one institution (state legislative professionalism) influences direct democracy. In the context of comparative state politics, the question of what types of initiatives are appearing on the ballot seeks explanation. The following
multivariate model relies on the frequency of three types of initiatives appearing on statewide ballots as individual dependent variables: economic initiatives, social/moral initiatives, and governmental process initiatives. Though the categorization used here seems overly broad, the objective is to gain a probabilistic understanding of the relationship between the two institutions. By first understanding the broad-based nature of the relationship using the analyses presented here, more subtle distinctions regarding subcategories of initiatives can be extrapolated from the results. In other words, if a relationship is found between increased legislative professionalism and increased governmental process initiatives, then one can, with increased confidence, assume that such initiatives as expenditure limitations, term limitations, and redistricting initiatives would also see increases. It is expected that this technique would apply to each of the three categories.

Table 5.6 displays the results of the hypothesis. Surprisingly, increased legislative professionalism does not produce statistically significant differences in the types of initiatives appearing on statewide ballots, when holding all other variables constant. Given the strength, direction, and magnitude of the coefficient in the prior model, this is puzzling. However, it may be useful to briefly discuss the results of the table before exploring the relationship between legislative professionalism and types of initiatives appearing on statewide ballots.

---

4 Neither political culture nor state-level ideology was measured for Alaska, and thus the N is reduced to 137.
### TABLE 5.6
HYPOTHESES 2a, 2b, and 2c
TYPE OF INITIATIVES APPEARING ON STATEWIDE BALLOTS

<table>
<thead>
<tr>
<th>Variable</th>
<th>Governmental Process</th>
<th>Social/Moral</th>
<th>Economic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Prof</td>
<td>0.561 (1.318)</td>
<td>0.735 (0.915)</td>
<td>0.801 (0.868)</td>
</tr>
<tr>
<td>Qualification Difficulty</td>
<td>-0.301 (0.077)****</td>
<td>-0.419 (0.110)***</td>
<td>-0.499 (0.063)***</td>
</tr>
<tr>
<td>Interest Grp Strength</td>
<td>0.379 (0.176)**</td>
<td>0.438 (0.207)**</td>
<td>0.142 (0.283)</td>
</tr>
<tr>
<td>Divided Government - Legislature</td>
<td>0.017 (0.262)</td>
<td>-0.095 (0.190)</td>
<td>0.042 (0.207)</td>
</tr>
<tr>
<td>Divided Government - Leg/Executive</td>
<td>0.141 (0.239)</td>
<td>0.381 (0.164)**</td>
<td>-0.114 (0.289)</td>
</tr>
<tr>
<td>Political Culture</td>
<td>-0.031 (0.058)</td>
<td>-0.289 (0.103)**</td>
<td>0.019 (0.427)</td>
</tr>
<tr>
<td>Conservatives</td>
<td>-0.005 (0.026)</td>
<td>-0.024 (0.029)</td>
<td>-0.046 (0.015)***</td>
</tr>
<tr>
<td>Population</td>
<td>2.45 (2.17)</td>
<td>2.45 (1.68)</td>
<td>2.70 (1.32)</td>
</tr>
<tr>
<td>Constant</td>
<td>0.092 (1.33)</td>
<td>1.49 (1.42)</td>
<td>2.54 (0.793)</td>
</tr>
<tr>
<td>ln(α)</td>
<td>-1.217 (1.24)</td>
<td>-1.934 (1.24)</td>
<td>-0.773 (0.335)</td>
</tr>
<tr>
<td>α</td>
<td>0.296 (0.178)</td>
<td>0.144 (0.158)</td>
<td>0.461 (0.154)</td>
</tr>
<tr>
<td>N</td>
<td>137</td>
<td>137</td>
<td>137</td>
</tr>
</tbody>
</table>

Note: Entries are negative binomial coefficients with robust standard errors (clustered by year) in parenthesis.

*p<.05.  **p<.01.  *** p<.001
First, the most notable characteristic of the table is the uniformity – and statistical significance of – the qualification difficulty variable. As was the case with the prior model, increased qualification difficulty leads to a uniform decrease in ballot initiatives across states, and across types of initiatives. In and of itself however, this is neither surprising nor novel.

Secondly, increased interest group strength shows a similar coefficient direction and strength in this model (however, this relationship fails to hold when considering economic types of initiatives). Thus, it can be deduced from this analysis that increased qualification difficulty has a negative effect on the overall frequency of initiatives, regardless of type, while increased interest group strength leads to an increase in both governmental process initiatives as well as social/moral initiatives, though not economic initiatives.

Interestingly, this relationship may present a slightly new angle on a well-described phenomenon within the institution of direct democracy. As several scholars (e.g., Donovan et al. 1998; Gerber 1999) argue, broad-based interest groups are much more likely to see success at getting initiatives placed on the ballot, while economic interest groups are much more likely to attempt to maintain the status quo by defeating initiatives already placed on the ballot. Though these analyses do not attempt to delineate between the types of interest groups at work, the notion that interest group strength fails to predict increased economic initiatives may be an indicator that (economic) interest groups are not attempting to pursue economic initiatives, but rather confronting them after they have already been placed on the ballot.

Third (and similar to the prior model), divided government does not appear to be a significant predictor of increased ballot initiative activity, except for the relationship
between social/moral initiatives and divided legislature and executive branch. Here, the analysis reveals that such a division does result in an increase in the expected initiatives dealing with social/moral issues, when holding all other variables constant. Fourth, the political culture also has a statistically significant relationship on social/moral initiative activity. The data are coded in an interval level format, such that increases in the interval designate a state moving farther away from the moralistic political culture and towards the traditionalistic political culture. Thus, as a state moves closer towards the traditionalistic end of the political culture spectrum, the result is a decrease in the social/moral initiative activity. Given Elazar's description of the traditionalistic culture\textsuperscript{5}, the direction of this coefficient is not surprising, and further confirms the validity of Elazar's longstanding work.

Finally, an interesting result is found in the "conservatives" variable, when considering economic initiatives. This variable measures the amount of self-described conservatives in a given state; though the magnitude of the coefficient is not large, a statistically significant relationship does present itself: an increase in the self-described conservative's population results in a slight decrease in economic initiatives. Insofar as

\textsuperscript{5} As described in the previous chapter, the traditionalistic political culture places a premium on maintaining the social order through confinement of political power to an elite few. Since the elite are not likely to use the initiative to maintain the status quo, but rather to defend it (Gerber 1998), this relationship does make intuitive sense.
the general notion that conservatives favor less intervention into the marketplace, this relationship seems to make intuitive sense.

The relationship between state legislative professionalism and the institution of direct democracy is thus limited. Though the relationship between increased professionalism and increased ballot initiative activity does seem well proven, no statistical significance could be determined when the types of initiatives were considered. Understanding the nature of this may be easier if a few “non-events” are considered. In other words, by considering what was not found, it may better demonstrate what was found.

First, a negative relationship was found neither when considering frequency only, nor when considering type. Had this relationship been discovered, the original argument would have likely been proven true: a more professional legislature is better able to serve the needs of its citizens since the citizenry relies less on the “end-around” tactic of the ballot initiative. Secondly, a negative (statistically significant) relationship was also not found between the types of initiatives; in this case, the similar argument could be presented for that type of initiative. In other words, the argument could be made that

---

6 The notion that conservatives favor less intervention into the economic markets, while widely understood and accepted, is far from universally accepted by all conservatives. Indeed, this relationship also assumes that the nature of the initiatives is such that intervention into the markets is the purpose of the initiative, rather than prohibitions on intervention.

7 As described in the previous chapter, a control variable for religious attitudes (measured as percentage of religious fundamentalism by state) was also included in the model. However, because of the decreased sample size, a limit on the number of independent variables exists. A separate analysis was run (not shown) that replaced this religious participation variable with the political culture variable, and another was conducted replacing the conservatives variable. Neither analysis produced significant changes in the model presented here.
increased legislative professionalism does not necessarily lead to more content citizens when the economic (or social/moral, or governmental process) issues are concerned.

Third, no significant changes in neither magnitude nor direction of the coefficient occurred between the qualification difficulty index and decreased ballot initiatives across all types. Finally, the strength and direction of many of the variables remained constant when considering both frequency and type; though statistical significance was not achieved, the direction of the professionalism coefficient remained positive. Taken together, this may indicate a positive relationship does exist in this model in a similar manner to the prior model, but the limited sample size precluded statistical significance.

Regardless, statistical significance was, at least on some levels, determined. However, substantive significance within the context of the provided theory should also be considered. Returning to the theoretical explanations regarding institutions, four sources of institutional dynamism were identified. Briefly, they were: first, broad changes in the socioeconomic or political context can produce a situation in which previously latent institutions suddenly become salient, with implications for political outcomes; secondly, changes in socioeconomic or political balance of power produces a situation in which old institutions are put in service of different ends, as new actors come into play who pursue their new goals through existing institutions; third, exogenous changes can produce a shift in the goals or strategies being pursued within existing institutions: changes in outcomes as old actors adopt new goals within the old institutions; and finally, political actors adjust their strategies to accommodate changes in the institutions themselves.

The results developed here may support the institutionalists' conception of change (through the framework of institutional dynamism outlined above) in more ways than one. First, if increased legislative professionalism results in increased ballot initiatives, it
may be the case that this change in the “political balance of power” may have produced a situation in which the old institution (the state legislature) was put into service towards different ends. As Gerber (1998) explains, interest groups may pursue both direct and indirect influence on the state legislature. Indirect influence may mean proposing and placing a measure on the ballot that was never intended to pass – simply having the legislature respond to a group’s threat or signals may be enough. Since the legislature is more likely to be able to respond given increased professionalism (mainly through increased staff and resources, as well as session time), this may be an additional explanation of the increased initiatives.

Secondly, considering increased legislative professionalism as an exogenous change with respect to the institution of direct democracy, such professionalization may produce a shift in the goals or strategies being pursued within existing institutions. That is, the increased professionalism that likely leads to increased capacity would likely precede a shift in the goals of the interest groups involved with the state legislature. The fact that the “interest group strength” coefficient was both positive and significant in the first model supports this notion.

Finally, as outlined by Thelen and Steinmo, political actors may adjust their strategies to accommodate changes in the institutions themselves. In this case, political actors may mean organized interest groups, or it may mean short-lived coalitions seeking action on one issue; either way, if the change involved in the equation is increased legislative professionalism, then the adjustment may simply mean an alternative to the progressive nature (or conversely, the static nature, given the possibility of a “traditionalistic” political culture) through the initiative process. In other words, the increased capacity within the state legislature can be seen as a threat to the status quo; or
it may be viewed as a sort of “empty shirt” type institution – capable of producing but not actually producing change. In either case, the actor’s new action (in the sense that the action is a result of increased professionalization) is the initiative – regardless of intent to preserve or change the status quo. This may be supported by the results of the divided government variable in the first model: regardless of division or unity, ballot initiatives increase as professionalization increases. In other words, neither perceived “gridlock” nor “streamlining” affects the frequency of initiatives to the same degree that professionalization does. Thus, the theoretical actor who proposes the initiative may not be wholly concerned with the capacity of the legislature so much as he is concerned with the actual output, and adjusts his actions accordingly.

Thus, the possible “veto points” considered in chapter one become slightly clearer: conceptual “weaknesses” in the political institutions that structure actors’ decision-making processes regarding placing an initiative on the ballot may include the level of professionalization of the state legislature. Although “weakness” as described by Thelen and Steinmo (1994) may lack conceptual clarity, the point is nevertheless clear: as legislatures professionalize, the relationship between the institutions changes such that initiatives appear to be more appealing to actors in the political arena. Additionally, other veto points exist: clearly, qualification difficulty of the initiative process strongly predicts the frequency of initiatives appearing on statewide ballots.

Conclusions

This chapter has focused on testing two main hypotheses via statistical analysis. Statistical and substantive significance were found for the first hypothesis, and while limited statistical support was found for the second hypothesis, the results were
nonetheless substantive in nature. The results from this model, which has been expanded over prior models reviewed in the discipline, confirm many previous findings, adding to their robust nature. Moreover, by applying the theoretical framework that focuses on the causes of institutional change within the context of the structure of the institutions themselves, this chapter has provided additional explanations regarding the frequency and type of statewide initiatives appearing on statewide ballots. The concluding chapter will discuss this notion in the larger context of direct democracy as developed in chapter two.
CHAPTER 6

DISCUSSION AND CONCLUSION

The study of direct democracy in America has received considerable attention by scholars over the last few decades. The nature of these works has generally been outcome oriented; in other words, attention has focused primarily on the factors that contribute to certain initiatives having success on the ballot. For example, the role of interest groups, and in particular, their background, power, and ability mobilize resources has been the focus of many scholars. Indeed, with regards to interest groups, a consensus among scholars exists: broad-based interest groups have considerably more success in passing initiatives that modify the status quo, while narrow material interest groups, such as trial lawyer associations, are more successful in countering initiatives. Moreover, scholars have found that initiatives that threaten minority rights are more likely to be successful in areas where the electorate is considered to be more homogeneous than usual, or in municipalities where the electorate as a whole is smaller. Still focusing on outcomes, other scholars have determined that economic initiatives are more likely to fail when the overall economic trends are considered negative.

The focus on outcomes, and thus, on direct democracy as a policy-making institution, is a worthwhile pursuit. However, this thesis contributes to the discipline by first considering the expectations of the “founders” of direct democracy, the viability of those expectations, and then by considering how those expectations have (or have not) been
realized by today's practitioners. The work presented here is designed to be viewed alongside the outcome-oriented literature, rather than as a work that is critical or supportive of such literature. The current chapter seeks to synthesize this thesis, and discuss its overall contribution to the discipline.

Discussion

State legislatures are professionalizing. As discussed in the first chapter, the consequences of this professionalization are numerous: increased professionalization is found to be correlated with increased public contact with representatives, increases in legislator diversity, and increased autonomy in initiating policies. As legislatures professionalize, institutional changes occur that force other actors in the political arena to adopt new strategies. In particular, interest groups that seek to either change or maintain the status quo may need to consider using the initiative to achieve policy success rather than focus on a state legislature that has developed increased autonomy. At the same time, citizens who find themselves living in a state with the initiative available to them may be able to quickly and decisively remedy what is perceived to be an over-active, or under-active, state legislature. These policies may have the added effect of not only affecting policy, but of affecting how policies are made by the state legislators themselves. For example, an electorate who successfully passes tax-and-expenditure limitations are, in a sense, removing much of the autonomy that was available to the government. Such broad-based movements on the part of the citizens lack much of the deliberation and foresight that would occur among (hopefully) seasoned lawmakers; but at the same time, they also come without such things as log-rolling maneuvers by state
legislators. At the same time, their intent is to prevent future back-room deal-making by state legislators, by instructing the institution on what it exactly can and cannot do.

The notion that the people, at least in initiative states, are able to retain the authority to pass laws that restrict the movements of those that they have elected to represent them is clearly within line of the expectations of both the Populists and the Progressives who founded this movement a century ago. Intent on eschewing party politics, these groups sought to return authority to the people — and there is hardly a better test of authority of the people than the ability to directly control those who govern. Devoid of such Populist notions as attempts to replace representative government with direct democracy, the institution has enjoyed considerable popularity. Moreover, the societal problems left in the wake of the Industrial Revolution — a major catalyst in the induction of direct democracy as an institution — had the ability to be addressed by direct democracy. While the Progressives’ intent was for the societal problems to be solved, this may have been overreaching: solving problems is not always the goal of government, insofar as solving requires the ability to know precisely how policies are going to affect different groups in the future. However, dealing with problems should be at least one of the functions of government, and in this way, the Progressive notion has been realized — at least within states that have the initiative process available to them. As the statistical analysis in the last chapter showed, the concept of “dealing with problems” is also a function of political culture: given states with different cultures, those in the traditionalistic culture are less likely to consider the initiative than are those in moralistic states. Thus, the institution has

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1 The term “government” in this sense refers to the notion of the people using plebiscitary methods to govern.
2 As Danish physicist Niels Bohr points out, “prediction is very difficult, especially about the future.”
progressed from a method of returning authority to the people in terms of the
governmental process to one of maintaining and reserving authority to the people in
terms of the governmental process.

Limitations of the Study/Areas for Future Research

The work presented here has extended the work of other scholars by utilizing
different control variables and operationalization methods, as well as surveying different
time periods. For the most part, the results of this study confirm the results of prior
studies. Few studies are free from limitations, and this study is not immune. First, as the
analysis developed, the sample size decreased considerably. This was due in part to the
exclusion of Nebraska and Illinois from both models, and Alaska from the second model.
Thus, this study could benefit from an increased sample by extending the years in
initiatives appeared on statewide ballots.

Secondly, the secondary model that considered the type of initiative may not have
been fully specified. In other words, because the emphasis diverged from simple
frequency analysis to type of initiative, other factors may need to be considered in order
to fully understand the causes of variance. In particular, as LeLoup (1978) argues,
legislative professionalism does not automatically equate to legislative capacity. Because
of this, future research may consider the types of legislation considered by the legislature
in the context of state-level public opinion. This variable may better able to predict the
type of initiatives appearing on statewide ballots as a better predictor of dissatisfaction
with the policies emanating from the state legislature. However, a recurring problem in
state-level analysis is the notion that public opinion may vary widely across states:
California and Nevada are prime examples of this phenomena.
Third, this study may have benefited from an expanded analysis of state legislative professionalism. That is, this thesis has considered only those states that have the initiative process available, and the corresponding state levels of legislative professionalism. By evaluating states that do not have the initiative available to them, as well as the corresponding levels of state legislative professionalism, a broader pattern may have emerged showing that highly professional legislatures were more common in states that did not have the process, thereby suggesting that these states did not sense a need to circumvent the legislature. Though proper control variables would have to be considered, such a finding could cast doubt on the notion that legislative professionalism is universally associated with increased ballot initiative activity.

Finally, future researchers would do well to consider, in addition to the type of initiatives considered on statewide ballots, whether or not the initiative modifies or maintains the status quo. As legislatures professionalize, divergences in public opinion regarding the (perceived) increases in output may result in differences in the objective of initiatives that are not captured with a simple measure of type. Understanding the correlation between legislative professionalism, the type of initiatives passed in a given state, as well as whether or not the initiatives maintained or altered the status quo, would increase our overall understanding of the relationship between the institution of the state legislatures and direct democracy.

Conclusions

The current study has considered the institution of direct democracy in a broad, comparative sense in order to gain insight into the overall status of the institution, as
compared with the genesis of the institution itself. In so doing, the study has produced a number of contributions to the discipline.

First, analysis of the literature suggests that the expectations of the founders of direct democracy regarding the educative effects of the institution may not have been met. In arguing that direct democracy would enhance citizen engagement, political knowledge, as well as heighten the political efficacy of the citizenry, the Progressives may have been overly dependent upon the institution as an instigating force in producing the results without fully considering the desires of the citizens themselves. The process of direct democracy cannot, in and of itself, automatically produce changes in the citizenry. Though the institution may give the opportunity for the citizens to become more engaged and knowledgeable, the outcome is still up to the people and their choice to take the action necessary to become more engaged and knowledgeable.

Secondly, broad examinations of the literature regarding interest groups and direct democracy show distinctive patterns. First, interest group activity increases in states that allow direct democracy. Secondly, broad-based interest groups often have more success at placing initiatives on the ballots, while narrow-material interest groups often have more success at defeating ballot initiatives. Thus, the notion of the Progressives that direct democracy would be able to "neutralize" the power of special-interest influence over the policymaking process (and primarily over the state legislature) has also not been met. However, this may once again be a case of overreaching on the part of the Progressives. The belief that interest groups may be co-opting the policymaking process is often a function of the beholder's beliefs. Thus, the Progressive notion that interest groups should not be able to exert influence over the policymaking process may have largely stemmed from a belief that their own interests were not largely represented by
powerful interest groups. Indeed, by organizing initial groups with the purpose of instituting functions such as direct democracy (e.g., the Farmer's Alliance), Populists and Progressives were, in many ways, creating an interest group focused on breaking the power of other interest groups. Ideally, the Progressive notion could have been limited to increasing the openness or transparency of the process (and direct democracy could still have been a method of achieving this) in an effort to increase the plurality of interest groups. This of course, lacks the panache of a platform calling for the destruction of "powerful special interest pressure groups" and would have likely resulted in fewer followers.

Third, the literature considering policy outcomes and direct democracy has revealed that, for the most part, policies in states with the initiative are more in line with the public opinion than those in non-initiative states. Moreover, studies reveal that minority rights are rarely (though not never) infringed upon through the process of direct democracy. This relationship, however, does not hold in municipal-level elections. Though the expectations of the founders of direct democracy are not widely articulated on these issues, it seems clear that these outcomes are, in the least, not contradictory.

Fourth, the statistical analyses presented here show that increased legislative professionalism, in terms of staff, compensation, and session time, are associated with increased initiative activity, when holding other factors, such as qualification difficulty and interest group strength, constant. Thus, the study supports previous findings, as well as their explanations, that the relationship may be a function of increased policy agendas within more professional legislatures, as well as a function of the relationship between interest groups and state legislators.
Finally, this thesis suggests that the relationship between direct democracy and state legislatures may be well informed by the institutionalist theory. More specifically, the theoretical expectations of institutional dynamism suggest that veto points occur within the institutions that populate the political arena, and that (rational) political actors attempt to pursue their own agenda by exploiting these veto points. Considering individuals or groups attempting to place initiatives on the ballot as the rational actors pursuing goals, such veto points may become apparent at different levels of legislative professionalism across states, especially within the context of other variables, such as qualification difficulty, divided government situations, and differences in the economic conditions or public opinion regarding a particular policy. These components, occurring together but necessarily in tandem, function as considerations to individuals or groups considering an initiative, and ultimately, serve as explanatory predictors of changes via direct democracy.

In conclusion, untangling the complications and paradoxes involved in the study of direct democracy is far from complete. The institution is capable of aggregating citizen policy desires into actual policies, and as such, may be beneficial to the overall political process. While the long-term implications of many policies (such as tax-and-expenditure limitations) may be questioned, especially in terms of overall school funding levels and other social programs, the wishes of the majority of the (voting) population are still the deciding factor in lawmaking in America. Assuming that participation includes a majority of the population, however, is another consideration entirely.
# APPENDIX I
Categorization of Initiatives

<table>
<thead>
<tr>
<th>NCSL’S Designation:</th>
<th>New Category:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>(1) Economic Issues</td>
</tr>
<tr>
<td>Banking and Financial Services</td>
<td></td>
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<tr>
<td>Budget and Tax – Federal</td>
<td></td>
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<tr>
<td>Budgets – State</td>
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<tr>
<td>Commerce and Economic Development</td>
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<tr>
<td>Energy and Electric Utilities</td>
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<tr>
<td>Gambling and Lotteries</td>
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<tr>
<td>Insurance</td>
<td></td>
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<tr>
<td>Labor and Employment</td>
<td></td>
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<tr>
<td>Telecom and Info Tech</td>
<td></td>
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<tr>
<td>Transportation</td>
<td></td>
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<tr>
<td>Arts and Culture</td>
<td></td>
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<tr>
<td>Civil and Constitutional Law</td>
<td>(2) Social/Moral Initiatives</td>
</tr>
<tr>
<td>Criminal Justice</td>
<td></td>
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<tr>
<td>Education</td>
<td></td>
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<tr>
<td>Environmental Protection</td>
<td></td>
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<tr>
<td>Health</td>
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<tr>
<td>Human Services</td>
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<tr>
<td>Juvenile Justice</td>
<td></td>
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<tr>
<td>Natural Resources</td>
<td></td>
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<tr>
<td>Elections and Redistricting</td>
<td>(3) Governmental Process Initiatives</td>
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<tr>
<td>Federalism</td>
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<tr>
<td>Judiciary</td>
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<td>Legislatures</td>
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<tr>
<td>State and Local Government</td>
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<tr>
<td>Tax and Revenue – State</td>
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## APPENDIX II
Coding of Religious Denominations

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<th>ARIS Designation</th>
<th>New Category:</th>
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<tr>
<td>Assemblies of God</td>
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<tr>
<td>Apostolic Faith</td>
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<tr>
<td>Baptist</td>
<td></td>
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<tr>
<td>Church of Christ</td>
<td></td>
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<tr>
<td>Church of God</td>
<td></td>
</tr>
<tr>
<td>Pentecostal</td>
<td></td>
</tr>
<tr>
<td>Congregationalist</td>
<td>(2) Mainline</td>
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<tr>
<td>Methodist</td>
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<tr>
<td>Episcopalian</td>
<td></td>
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<tr>
<td>Disciples of Christ</td>
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<tr>
<td>Unitarian/Universalist</td>
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<tr>
<td>Protestant</td>
<td></td>
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<tr>
<td>Presbyterian</td>
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<tr>
<td>American Lutheran Church</td>
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<tr>
<td>Lutheran Church in America</td>
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<tr>
<td>No Religion</td>
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<tr>
<td>Buddhist</td>
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<tr>
<td>Refused</td>
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<tr>
<td>Jehovah's Witness</td>
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<tr>
<td>Mormon/LDS</td>
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<tr>
<td>Other</td>
<td></td>
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<tr>
<td>Jewish</td>
<td></td>
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<tr>
<td>Nondenominational</td>
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<tr>
<td>Muslim/Islamic</td>
<td></td>
</tr>
<tr>
<td>Not Coded</td>
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</table>
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