

Design, Meaning and Choice in Direct Democracy

The Influences of
Petitioners and Voters

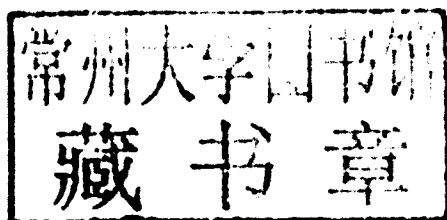
Shauna Reilly

Design, Meaning and Choice in Direct Democracy

The Influences of Petitioners and Voters

SHAUNA REILLY

Northern Kentucky University, USA



ASHGATE

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For my parents

Foreword

“The Mob and Democracy: Paying Attention to Direct Democracy Ballot Measures”

The recent surge in research on direct democracy in the United States is an important development in political science literature. From its beginnings, the danger associated with a democratic system of government was its susceptibility to rule by “the mob”—an epithet designed to convey both the lack of qualifications and ability held by regular people, and the dangers that could result in handing power to a group of such people. The solution to mob rule, argued by generations of defenders of the democratic system, is republican government. Elected officials are the buffer that stands between the people and policymaking, and who protect a polity from policy that panders to the majority without consideration for the greater good.

Direct democracy elections, initiatives and referenda that allow citizens to enact policy, can be seen as a way to give policymaking powers over to the mob. States that allow citizens a final say as to what is or is not the law, and there are many, may be welcoming those who are uninformed, or disinterested, or selfishly unconcerned with responsible policymaking, to the lawmaking process. In addition, if voters are largely unqualified to evaluate complicated policy alternatives, the system is also open to manipulation on the part of elites. That is, those who propose ballot initiatives may do so because they believe their prospects for success are better with the less informed populace than with legislators who might see the problems with such proposals.

There is a need for someone to investigate the motives of those who choose the direct democracy route for altering policy in a state, the ability of voters to handle policymaking and the issues that come up on direct democracy proposals, and whether or not those who end up casting votes on policy proposals are informed enough to be entrusted with such responsibility. Fortunately, Dr Shauna Reilly’s study of these very issues is contained in this book.

This book asks a series of important questions. Most generally: do direct democracy elections contribute to the kind of policymaking that critics of classical democracy warn us about? More specifically: do narrow interests manipulate the system with the intent of enacting policies that serve those narrow interests? Moreover, do voters in direct democracy elections know little about government in general, and too little about the issues they are asked to consider in order to participate meaningfully?

The role direct democracy plays in the political system of the United States can be one that lives up to the role envisioned by the progressives of the late 19th and early 20th centuries. It is certainly possible that petitioners typically see an issue that a corrupt or unresponsive legislature will not address, and use the initiative process to bring their proposal to the people who recognize the need addressed by the proposal and vote the proposal into law (or, in the case of a referendum, prevent a bad policy produced by an unrepresentative legislature from becoming law). It is also certainly possible, however, that the pessimistic view of direct democracy better describes the process in the real world: that is, opportunistic interests manipulate citizens into enacting a law with obscure language and narrow goals.

The question as to which scenario better describes how direct democracy works in the United States is essential to understanding how well states represent their citizens, and what tools exist to enhance or diminish that representation. This book's takes several approaches to investigating how direct democracy in the United States works. Dr Reilly applies three very different tools in her analysis.

First, she surveys petitioners who propose ballot initiatives (in Oregon, in this study) to determine the reasons for their proposals and how they view the public. The surveys reveal that the distribution of opinions petitioners have about the initiative process and about voters are not uniform, and that an important distinction exists separating petitioners who believe that citizens are sophisticated from those who think citizens are unsophisticated. This distinction is related to the extent to which petitioners work to educate voters about the issues. This finding has an important relationship with other work being performed in the discipline regarding the role direct democracy campaigns play in informing citizens, and suggests yet again that direct democracy can play a significant role in both shaping the opinions of citizens and in determining other votes citizens will cast in elections. From this point of view, direct democracy can serve to empower the population. On the other hand, Reilly finds that most petitioners do not have high opinions of citizen sophistication and, therefore, do not emphasize education in their attempts to persuade voters. In addition, when it comes to forming the language of the ballot petition itself, she finds that a potential method of educating citizens, the ballot question itself, is most often neglected in terms of readability and problematic for citizens.

Reilly then uses statistical methods to analyze the role language complexity plays in determining ballot roll-off rates in direct democracy elections. This includes: ballot wording, topic, and ease of issue. While we expect voters to evaluate the merits of complex policy proposals when we ask them to vote for or against laws themselves, it is certainly possible that the content used in proposals could hinder participation. Indeed, in the analyses in this book, Dr Reilly determines what characteristics of this ballot content are associated with ballot roll-off, and what characteristics are not.

Finally, a third method is used when Reilly asks about the consequences of poorly worded ballot measures. Using classic "treatment and control group"

experimental techniques, the results reveal that language complexity has an influence on how subjects make choices when faced with ballot initiatives. The results also reveal that language complexity affects how well voters can match their policy preferences with their votes.

Though we have learned a great deal about direct democracy over the past several years, important aspects of ballot measures themselves and the role of political knowledge, has not been thoroughly investigated. This new area of research turns out to be very important. In addition, the language used on the ballot has not only been a neglected concern on the part of scholars, but does not rate as being very important by those who put issues on the ballot. If we are to expect votes to translate preferences into policy, we need to pay attention to how ballot initiatives are phrased, and work to make proposals as understandable as possible. The findings in this book are the product of thorough and innovative research, and the author is to be commended for her choice of appropriate research technique application to her research questions, even when those techniques were varied. This book is not only a valuable resource not only for those interested in the scholarly debate about direct democracy, but should be read by anyone interested in providing voters with meaningful choices when they are at the ballot box.

Richard N. Engstrom, Ph.D.

Interim Director of the A.L. Burruss Institute of Public Health and Research
Assistant Professor of Political Science at Kennesaw University

Preface

As college professors, many of us stress the importance of knowledge, and as political scientists, we stress this particularly in regard to political knowledge. With that in mind, this knowledge is particularly important for participation in our society—regardless of what form that participation takes. After all, a founding principle of democracy is citizen participation in decision-making. This foundation assumes that citizens are at least somewhat knowledgeable about government and able to make informed choices. Direct democracy elections have substantial policy repercussions, but the majority of voters are not aware of the repercussions before Election Day. When thinking about the role that these elections have in our society (policymaking at the expense of the legislature), one would expect that there are fundamental components of our democracy and policymaking of which the public should be made aware.

This book provides insight into the process of direct democracy and the role of individual political knowledge in terms of our ability to participate, as well as in our ability to enact change through these measures. Knowledge plays a fundamental part in any society, particularly when citizens have more access to government policies. We see a growing unrest in the American public (through the desire for change, Tea Party movements, and growing numbers of interest groups) and more desire to have direct influence on policy, but something we are still struggling with is how to do this in a society that has been often written off as uninformed.

As petitioners of professional politics, be that as part of a campaign, interest group, or as a politician, we, too, desire for voters to become knowledgeable about candidates, issues and measures. We hear too often that if citizens just knew the truth they would not support someone or something. While versions of the truth may not be consistent, giving citizens more information and/or facilitating participation is of utmost importance. The cynics among us believe that complicating the ballot or providing misinformation means that only those who are truly informed are worthy of participating and we ought not to simplify this for simpletons. Although this is a pessimistic perception of the American populous, it is not the basis of our democracy; rather, our democracy was built on the premise of representative government. The majority of petitioners who were surveyed as part of this study did not have this contemptuous view of the American citizenry and worked toward engaging and educating voters about the measures. This is the positive view that is the founding principle of direct democracy, and one that fits very keenly with this work: that petitioners (be they private citizens or agents of the state) want to increase citizen comprehension of, and participation in, direct democracy measures.

Direct democracy provides the opportunity for voters to demonstrate their ability to comprehend large issues and participate in directly changing government policy. Moreover, while voters often fall short of the ideal, it is not entirely their fault. As this book demonstrates, substantial forces are at play when it comes to participation in ballot measures, and while the easy response is that voters need to be more educated and engaged, this is not the only solution. Voters are confronted with a variety of images and messages during a campaign and, to the extent that voters accept and receive those messages, they can still be woefully uninformed. It is not unusual for voters to get to ballot measures and other races on the ballot and not be aware of the election, let alone the consequences and meanings of their votes. This means that the information voters receive in a ballot booth is of utmost importance, and how that information is conveyed plays a substantial role in the quality of their participation. To that end, this research provides a glimpse at the future of direct democracy participation and brings forth issues that petitioners, voters, politicians, and academics need to be cognizant of in this realm.

Shauna Reilly

Acknowledgments

I have been privileged to receive assistance and support on this book from several people. It has been a labor of affection, but there were several bumps along the way. While a simple thank you is rarely enough, I hope to be able to pay suitable homage to those who helped me along the way.

I first became interested in direct democracy during the 1993 Quebec Referendum and wondered not only about the government's role in designing the ballot question but also if we fully understand the consequences of these types of votes. It was not until graduate school that I found that not only do people study this issue, but also they are quite prolific in this area. To that end, I was fortunate enough to study with Stephen Nicholson during my first years of graduate school. His tutelage served as a catalyst for studying direct democracy and eventually bringing this idea to fruition. I am thankful for his guidance and suggestions about how to improve this project.

Rich Engstrom has not only been a guiding force in the development of this project but has also pushed me beyond what I thought was possible. This is an amazing trait in a mentor, a friend, and a colleague. I am grateful for his assistance in the inception of this project and his guidance throughout its development. Rich has been a calming force and often the voice of reason in a great abyss. I also want to thank him for reading dozens of chapter drafts, his ideas for chapters, and his project thoughts. He has enriched the ideas of this project and intervened numerous times on my behalf, that a simple thank you seems so inadequate for all his work and assistance. In addition to his support and guidance, he was also able to rein me in when I was completely out of touch and ideas. Without Rich, this book would be substantially less rigorous and interesting.

Sean Richey and I published an earlier version of Chapter 6 of this book in *Political Research Quarterly*; his advice and assistance were instrumental in getting this article published and some of the foundations of this research. (I would like to thank Sage Publishing for permission to reprint some of this material.) This is a foundational component of this research, and his assistance has been invaluable.

This book would not be possible without the assistance of the Election Boards and Secretaries of States' offices across the United States. These offices provided the ballot measure wording and participation data, either indirectly through state websites or more frequently as a result of direct contact. Several of these offices retrieved information from archives and newspapers in order to provide this information. This project could not have been completed without the offices' help.

I was also fortunate enough to receive assistance in data collection and coding from four individuals: Dwight Roberts, Melissa Foiles, Ryan Yonk and Brandon White. Their hard work and diligence made this work not only possible but also kept me on track during its inception. I am thankful for their assistance. I am most deeply appreciative of Ryan Yonk's ability to find data two years after a glitch resulted in all of the experimental data being lost. His patience and resolve in finding this data were definitely instrumental in the completion of this project. I also need to thank Attasit Pankaew, who facilitated the transposition of ballot propositions for analysis as well as supported and encouraged me throughout the process. Despite their help with data collection and coding, I alone am responsible for any data errors or problems.

My time at Northern Kentucky University has brought me some great colleagues who have been patient enough to hear me discuss ballot measures and taught me how to balance research with service and teaching. Amy Thistlethwaite has served as an amazing faculty mentor, providing guidance on a variety of issues. Amy also helped me prepare this book proposal and manuscript, by providing examples and guidance on the process. Shamima Ahmed and Julie Kunselman, my department chairs during my time at Northern Kentucky University, alleviated much of the administrative pressures junior faculty encounter, and provided additional time to spend on research and teaching. Both Shamima and Julie were instrumental in providing encouragement and motivation to finish this manuscript in a timely fashion. Catherine Arnold, George Coroian and Fred Rhynhart reminded me of the importance of getting this work completed, while not neglecting other aspects of my life and employment. Each of these colleagues was supportive and encouraging of this endeavor, and I am forever in their debt.

Several students at Northern Kentucky University have also been subject to my rants on direct democracy elections and participation. I would like to thank my students during the 2009–2010 academic year in my State and Local Politics and Electoral Behavior classes for bringing to light several interesting aspects of this mechanism that strengthened the ties of this book. My students were very patient with my tirades about participation and direct democracy; I am sure they are very grateful this book is finished.

My family has also been instrumental in the development not only of my career but also of my interest in politics. Sunday dinners are not the same without my grandfather and other family members discussing the political events of the week. My parents, Allan and Yvonne Reilly, encouraged my interest in politics from a very young age. One such instance was when my mother lobbied for an early release from the hospital to go vote the day after I was born—hence my interest in politics from such a young age! Additionally, my parents were patient with my interest and youthful opinions of politics and even encouraged endeavors allowing for me to immerse myself in politics. This commitment to political engagement has been ingrained in my family through service to country as well as political awareness. I (perhaps foolishly) believed this was the norm, and am constantly surprised that everyone does not sit around the dinner table debating

politics. This foundation of political knowledge, not only inspired my research and interest in politics, but also demonstrated the fundamental importance of political socialization in the developmental process of political awareness. A huge thank you must be awarded to my family for their assistance in my development in this arena. It is no surprise that I am what I have become because of my parents. To them I dedicate this book.

The instability, injustice, and confusion introduced into the public councils, have, in truth, been the mortal diseases under which popular governments have everywhere perished; as they continue to be the favorite and fruitful topics from which the adversaries to liberty derive their most specious declamations. The valuable improvements made by the American constitutions on the popular models, both ancient and modern, cannot certainly be too much admired; but it would be an unwarrantable partiality, to contend that they have as effectually obviated the danger on this side, as was wished and expected.

(Madison, Federalist 10)

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