Is Direct Democracy a Perfect Panacea?

INTRODUCTION

Direct democracy is one of the United States' oldest, most popular, yet most controversial political institutions. Praised by its proponents as democracy in its "purest" form, provisions that fall into this category give citizens the ability to vote directly on various policies. However, at the same time, many fear that direct democracy will lead to worse outcomes, by trusting important policy decisions to uniformed and incompetent voters, by giving the wealthy and special interest groups yet another advantage, or by giving the majority an opportunity to infringe upon minority rights. In this essay, I will argue that, while the effects of the initiative are unclear at the Californian municipal level, the positive effects of direct democracy outweigh the negative effects, and that the initiative should consequently be continued but improved.

The rest of the paper will proceed as follows: a description of the initiative, its history, and its inter-state variations; a brief discussion of the problems that the initiative intends to solve and how it can solve these problems; common criticisms of the initiative process; the results of empirical analyses that evaluate the initiative's efficacy; followed by an analysis of the initiative in California; and a conclusion that offers a potential reform.

HISTORY. The initiative, the focus of this paper, is the process by which citizens can directly place legislation onto a ballot and vote on it during an election (Bowler 2008). Introduced as part of the Populist and Progressive movements during the turn of the 20th century, proponents of the initiative wanted to weaken "special interest control of state governments". Since then, the initiative has been adopted by 24 states. However, after 1914, the window of opportunity for states to enact broad-reaching initiative provisions largely closed. Very few states adopted the initiative after 1914, and those that did adopted initiatives with much more restrictive provisions.

Regardless, the initiative is an extremely popular process whose use has increased in many states during recent times. Overall, the most common initiatives have been those that address government reform (23%), those related taxation questions (22%), followed by those that address social and moral issues (17%), and lastly, environmental issues (11%).

PROCESS. Experts have divided the initiative process into three stages: (1) qualification, (2) campaign, and (3) implementation (Lupia 2004). During the qualification stage, advocates of a potential policy proposal must first demonstrate that there is sufficient amount of public interest, by gathering signatures from a predetermined number of citizens during a specified amount of time. Certain states also mandate a certain degree of geographical diversity, requiring that signatures be gathered from a certain percentage of that state's counties.

Once an initiative qualifies for the ballot, it then enters the extremely costly campaign stage. Both initiative proponents and opponents often spend a significant amount of money to often buy advertising time so that they can sway the public towards their side. If an initiative succeeds on Election Day, it is then the government's job to implement it. If the initiative provides simple, detailed, and clear rules, implementation may be straightforward; otherwise, the actions taken during this stage may affect the ultimate impact of a given initiative.

INTER-STATE VARIATION. While many states do have provisions that allow for the initiative, the details of how each state implements the initiative vary. Some states require gathering a large number of signatures to qualify an initiative for the ballot; others require fewer. Some states limit the time allotted to gather these signatures to several weeks (Oregon) while other states give proponents over a year (Utah) (Bowler 2008). Some states restrict initiatives to either constitutional initiatives or statutory initiatives. Most states limit the subject of each initiative to just one topic, but there are a few that allow multiple-subject initiatives.

Furthermore, states also vary in the number of votes required to approve a given qualified measure: most require a simple majority while others require a supermajority. And finally, states also vary in whether an initiative is subject to pre-election review: some require pre-election review while others explicitly prohibit editing by anyone other than the initiative's sponsors.

THEORY: PROBLEMS THAT THE INITIATIVE INTENDS TO SOLVE

Proponents of the initiative—and direct democracy, in general—champion this institution as not only a normative good, but also a solution to many factors that may lead to undemocratic outcomes. While this list is by no means completely comprehensive, some of these factors include malapportionment, unequal voter turnout, and an unresponsive legislature.

MALAPPORTIONMENT. Defined as unequal representation, malapportionment results in a system in which some citizens get more legislative representation than others (Ansolabehere 2008). A problem that, for the most part, no longer affects the United States, up until the 1960s, many districts were not equally represented in state legislatures. Oftentimes, cities were underrepresented, while rural areas were over-represented. In many states, a minority of the population had the ability to elect the majority of the legislature. As can be imagined, malapportionment had a large, negative effect on both representation and responsiveness in state legislatures. For example, in Tennessee, legislators representing 35% of the state's population could form a majority in both chambers of the state legislature. Furthermore, while state legislatures could not effectively address city problems, overrepresented rural areas were often the beneficiaries of more state spending. Similarly, the structures of committees followed the interests of rural areas: Minnesota, for example, had four agricultural committees.

The initiative attempts to solve this problem by giving citizens the opportunity to vote directly on a given policy. The simplest form of one-person: one-vote, passing an initiative

requires a pure majority. This process bypasses the unequal representation problem and gives all citizens an equal vote, regardless of what district they may be from.

UNEQUAL VOTER TURNOUT. American elections are notorious for experiencing fairly low rates of voter turnout. Roughly, 60% of eligible Americans vote during presidential elections. This percentage drops to 40-45% for Congressional elections during non-presidential election years and 10-20% for city council elections. Thus, a significant proportion of Americans do not participate in governmental elections (Jacobson 2012). However, unequal voter turnout may only be a problem if voters and non-voters share different preferences. The empirical evidence on the actual effect of unequal voter turnout on legislative responsiveness and representation remains unclear. Overall, there have been inconsistent findings across national surveys. However, scholars have found that voters and non-voters differ on issues related to the role of government in redistributive politics and that voters tend to be more conservative (Leighley 2007).

The initiative attempts to solve this problem by increasing the incentive for more people to vote. By acting as a direct link between an individual's vote and a proposed policy, the initiative bypasses representatives who may have to go through various institutional procedures to pass a particular policy. This gives voters a more direct stake in various policy outcomes, which many believe can incentivize more individuals from a broader, more diverse background to vote.

UNRESPONSIVE LEGISLATURE.

Powerful Special Interests. The logic of collective action argues that concentrated groups are more likely to organize effectively especially if they have a selective incentive (Olson 1982). Thus, it follows that special interest groups are able to mobilize more effectively and thus, gain more electoral influence. Moreover, as a result of their increased access, these special interest

groups can participate in an "information exchange" with legislators, contributing their specialized knowledge towards policy-making (Hall 2006). Consequently, policies passed by the state legislature may be skewed towards the interest of these powerful groups, especially in terms of the language written in these laws. Furthermore, due to a legislator's time and resource constraints, only the bills that interest groups support will likely get written and discussed.

By opening up the policy-making process and giving citizens the opportunity to write policy, citizens no longer need to have the same type of access that special interest groups have. However, others argue that because the initiative is so costly, special interests still have an advantage in setting the agenda.

Incumbency Advantage. Defined as the electoral advantage an incumbent enjoys if all things are equal in a campaign, incumbency advantage is believed to be the result of the incumbent's increased name recognition, increased experience, and increased access to resources such as the incumbent's personal staff, franking, and the ability to pass "pork" legislation that contain benefits specific to the incumbents' constituents (Jacobson 2012). These advantages, in conjunction with a decrease in the quality of challengers, have resulted in incumbents consistently winning at high rates (Ansolabehere 2002).

As a result of this electoral advantage, some believe that, without external contextual factors, it becomes nearly impossible for incumbents to lose their elections. Thus, incumbents become less responsive and accountable to their constituents, meaning that they can act in a way that serves their own self-interests over the interests of their constituents. Oftentimes, the fear is that these incumbents become "career politicians", whose sole goal is to gain as much influence and power as possible even at the expense of their constituents. Others argue that incumbents are, in fact, responsive to their constituents, and that the electoral advantage these incumbents

enjoy is a result of these incumbents' responsiveness to his constituents. If this is true, incumbency advantage should not lead to non-majoritarian policy outcomes, but rather, promote democratic outcomes (Fenno 1978).

Empirically, it is unclear whether incumbency advantage leads to a drop in legislative responsiveness. According to one study, a drop in responsiveness coincides with but cannot be completely explained by the increase in the incumbent's electoral advantage (King 1991). Other scholars find that incumbents are re-elected when their views are congruent with their constituents, while other studies show that this effect may only apply to competitive districts (McAdams1988, Griffin 2006). The initiative and other direct democracy provisions attempt to address this problem by giving citizens the opportunity to pass reforms, such as term limits, that, while not in a legislator's self-interest, can help curb or eliminate an incumbent's advantage.

Furthermore, the initiative may also help ameliorate problems associated with an unresponsive legislature by highlighting various policy issues that constituents care about.

Additionally, sometimes, the threat of an initiative may be enough to change legislative behavior to better reflect the preferences of the median voter (Gerber 1996).

COMMON CRITICISMS

VOTER COMPETENCY. Driven by studies that show that voters consistently provide incorrect answers to political questions posed by national surveys, many critics question whether voters are competent enough to make policy decisions. Furthermore, others believe that voters do not understand many of the intricacies of policy making (Lupia 2004). However, scholars have found that voters use simple pieces of information as substitutes for detailed information and that voters can figure out how to vote in a way that makes sense based on their personal values and interests (Bowler 2008). One study found that citizens, once given the identity of groups who

supported or opposed a specific measure, would vote like model citizens even if they did not know the measure's specific details (Lupia 1994).

COST OF THE INITIATIVE PROCESS. Passing an initiative is an extremely costly process. Qualifying an initiative for the ballot in itself is an extremely time-intensive process and many sponsors decide to hire professional signature-gatherers. If the initiative reaches the ballot, paying for the campaign that attempts to gain public support can also be very expensive. As a result of these steep costs, some critics argue that the initiative can potentially give an advantage to the wealthy or to special interests. Furthermore, the costs associated with the initiative process do not immediately benefit anyone in particular. However, studies have shown that during a campaign, while heavy campaign spending against a measure can defeat it, the effect heavy spending in favor of a measure is often context-specific. In fact, heavy spending in favor of a business-supported initiative often fails, while heavy spending on a citizen-group-sponsored initiative usually succeeds. Furthermore, business groups still frequently fail to pass initiatives that they sponsor. This, however, does not preclude a business-initiative-inspired legislative response (Garrett 2001).

WILD POLICY SWINGS. Known to be fickle, swings in public opinion may lead to wild policy swings. This instability reduces investment, which in turn, hurts businesses. However, one study showed that American states that have adopted the initiative experience faster growth in their output per capita than those states without the initiative (Blomberg 2001).

INFRINGEMENT UPON MINORITY RIGHTS. Citing cases like California's Prop 8, other critics argue that because initiatives give complete control over policy decisions to the majority, they have the potential to infringe upon minority rights. This concern does highlight what may be direct democracy's greatest weakness. Empirical studies on this topic have been mixed;

initiatives in Switzerland have restricted the rights of religious minorities either directly or by eliciting a response from the legislature (Christman 2012). Similarly, Lewis found, via an event-history analysis, that states with direct democracy provisions are more likely than non-direct-democracy states to adopt same-sex marriage bans (Lewis 2011). In one of the most extensive studies on this subject, Barbara Gamble found that initiatives that restrict civil rights are much more likely to pass than other types of initiatives; when her study was published, over 75% of civil-rights-restricting initiatives had been approved, while only one-third of all initiatives and referenda had been successful (Gamble 1997). However, Gamble's study has since been disputed. Donovan and Bowler found that while "minorities are less protected," the extent of infringement is context-specific (Donovan and Bowler 1998, p.1023).

EMPIRICAL EVIDENCE ON INITIATIVE'S EFFECTIVENESS

The initiative can change legislative responsiveness through two means: (1) by directly changing policy, or (2) by eliciting a change in legislature behavior, thus changing policy indirectly. Some studies have found that policies in states with initiative were more congruent with than in non-initiative states (61.3% vs. 46.9%) and that policies were 18-19% more likely to reflect majoritarian and median preferences in states with the initiative (Matsusaka, Working Paper; Matsusaka 2010). However, other studies find little to no effect (Lax 2012). Furthermore, Elisabeth Gerber and her colleagues found that successful initiatives that were supported by a majority of all voters rarely elicit the anticipated policy changes (Gerber 2001). In fact, she argues that initiative compliance ultimately depends on the initiative's political environment (government support, technical costs, and political costs) and the initiative's features.

However, there is evidence that suggests that the initiative does constrain legislative behavior and move policy outcomes closer to the median voter's preferences. According to one

study, parental consent laws regarding abortion in initiative states better reflect the state's median voter's preferences than laws in non-initiative states (Gerber 1996). Of note, this study is not perfect and has limitations that affect its generalizability. Namely, it focused on only one issue and considered only one "policy year", but consolidated public opinion over several years, which may lead to potential problems of reverse causality. Furthermore, like most cross-sectional analyses, there may be other confounding factors that affect the interpretation of the results.

Another scholar used an interesting approach to evaluate the effectiveness of direct democracy (Olken 2010). Conducting a randomized field experiment, he randomly assigned 49 Indonesian villages to "choose development projects through representative-based meetings or direct election plebescites." While he did find that the plebescites resulted in higher levels of public satisfaction, increased knowledge of the development project, greater perceived benefits, and a higher willingness to contribute to the projects, these plebescites did not change the projects that were selected. However, the lack of an effect may be attributed to Olken's small sample size. A similar strategy used on a much larger scale in rural Afghanistan villages found that Afghan elites had much more influence in directing how resources were allocated in consultation meetings and that secret ballots move policy outcomes closer to the preferences of the public (Beath 2013). Furthermore, like Olken, these scholars found that these referenda improve public satisfaction.

THE INITIATIVE IN CALIFORNIA: DESCRIPTION AND EMPIRICAL ANALYSES

STATE LEVEL. California has a long history with the initiative. One of the first states to adopt the provision in 1911, Californians have used the initiative with a frequency greater than citizens of any other state (Allswang 2000). In fact, this frequency has increased in recent decades,

suggesting that the initiative has become recently increasingly important and has become a staple in California's political culture.

Process. California allows for both constitutional and statutory initiatives, as long as they are single-subject measures. To qualify an initiative for the ballot, sponsors must gather the signatures of 5% and 8% of all citizens who voted in the most recent gubernatorial election for a statutory and constitutional initiative, respectively. In both cases, proponents are given 150 days to gather these signatures. Before the election, California allows its legislature to hold joint public hearings on the initiative. However, the legislature does not have the authority to alter the initiative or prevent it from appearing on the ballot. Once on the ballot, a simple majority is required for approval (Silva 2000).

Is the initiative popular in California? As one of America's largest states, California enjoys the benefits of having several state-specific surveys that ask precise questions on a specific topic. One study conducted by the Public Policy Institute of California between 1998 and 2000 found overwhelming support for the initiative among California voters (Silva 2000). In fact, 70% of respondents are happy that the voters have a venue to make laws and change policy through the initiative and a majority also believes that the ability to change the constitution through the initiative is a good thing. Moreover, 56% of respondents trust policy decisions made via the initiative over those made by representatives in California's state legislatures. However, at the same time, 75% of respondents support reforming the initiative process, perhaps as a result of the limited impact of successful initiatives.

LOCAL LEVEL. As one of the first states to adopt the initiative, as of 1911, the initiative has been available not only at the state level, but also in every Californian city. In fact these local initiatives are often more successful than statewide initiatives, during both the qualification and

campaign stages (Gordon 2004). However, due to California's early adoption, time-series analyses that evaluate the efficacy of direct democracy by comparing responsiveness and congruence before and after its implementation are impossible to conduct, simply due to the lack of available data. Cross-sectional analyses that compare California to states without initiatives, such as New York, while informative, are imperfect: because there is so much inter-state variation, even the most advanced statistical methods cannot sufficiently control for all factors.

However, it may be possible to compare various cities within California. These cities fall into two categories: general law cities and charter cities. While both types of cities have adopted the initiative, there is some variation in the characteristics of each initiative process. General law cities limit the subject of initiatives and require sponsors to gather signatures from 10% of all registered voters within 180 days (CA Elections Code). On the other hand, charter cities, such as San Francisco and Los Angeles, have much more flexibility and thus, are much more variable. For example, some charter cities have the same rules as general law cities. Others have no subject restrictions and signature requirements ranging from 5% to 30% of all registered voters for initiative qualification.

Do initiative-limiting provisions reduce responsiveness? If these initiatives enhance responsiveness, we would expect that characteristics that effectively limit the use of the initiative reduce responsiveness. Some of these characteristics include provisions that make it more difficult to qualify an initiative. This can include a greater amount of signatures required to qualify an initiative. Other limiting characteristics are subject restrictions. Thus, the hypotheses examined are the following:

H₁: Cities that require a larger percentage of signatures to qualify an initiative will not be as responsive as cities whose percentage of signatures required is lower.

H₂: Cities without subject restrictions will be more responsive than cities with restrictions.

Method. The municipal variations in initiative characteristics can be exploited to evaluate the effect of the initiative on responsiveness. Here, hypotheses, H₁ and H₂ are tested using a simple multilevel regression model that controls for certain city-specific characteristics. Conceptually, the model used assesses the effect of the initiative's characteristic—in this case, signature requirements for qualification and subject restriction—on the city's responsiveness. In this model, the dependent variables are measures of city policy and the independent variables include measures of city policy conservatism and initiative characteristics. Finally, city-specific characteristics are included as controls.

Measures of city-level policy conservatism were generated using an MRP model, provided courtesy of Professor Warshaw. Increasing positive values correspond with increasing conservatism, while decreasing negative values are associated with more liberal cities. However, because California is an extremely liberal state, most of its cities are also fairly liberal. Three measures of city policy—per capita expenditures, per capita taxes, and sales tax share—were used in this analysis (also courtesy of Professor Warshaw; Tausanovitch and Warshaw, Working Paper). The measure, per capita expenditures, reflects the amount a municipal government spends and thus, its size. Liberal cities would be expected to have higher per capita expenditures. Similarly, more liberal cities are expected to have higher taxes, as captured by the measure per capita taxes. Finally, sales tax share is a representation of how regressive a city's tax policies are. Cities with higher sales tax shares have more regressive policies and are expected to be more conservative.

Details regarding each city's initiative characteristics were found in each city's charter or in California's Election Code. These initiative characteristics are operationalized as follows.

Cities that restrict initiative subjects are given an *initiative restrictions* value of "1," while cities without restrictions are given a value of "0." Each city's *signature requirement* is included as is. Additionally, controls for *city population, median income*, and the percentage of each city's population that is African-American (% *black*) and Hispanic (% *Hispanic*).

Results. Table 1 shows the result of this simple multilevel regression. As expected, as *city conservatism* decreases, *per capita expenditures* and *per capita taxes* increase, while *sales tax share* decrease. However, the lack of statistical significance is surprising and suggests that the model used may not have sufficient statistical power.

More importantly, however, are the variables of interest, which are the interactions between city conservatism and initiative characteristics (i.e. subject restrictions and signature requirements). These interactions evaluate whether these initiative's characteristics change a city's responsiveness to the preferences of its citizens. Overall, there is little evidence suggesting that variations in initiative stringency exert a strong effect on a city's policy outcomes, particularly on a city's *per capita taxes* and *sales tax share*. Similarly, across the three policy outcomes, there is no statistically significant interaction between variations in the amount of signatures required for qualification and policy conservatism. However, these results do not completely eliminate the possibility that these variations affect representation in municipal governments. Because the sample size used here is so small, there may not be enough statistical power to detect any effect.

The interaction between initiative subject restrictions and city conservatism is, however, statistically significant, only in the case of its effect on *per capita expenditures*. This result suggests that while an increase in city conservatism results in a decrease in government spending, an increase in city conservatism in a city that has initiative subject restrictions results

in an increase in the size of the government, suggesting a decrease in responsiveness. In fact, a one-unit increase in city conservatism in a city with initiative subject restrictions results in a 16.0282 increase in per capita expenditures. Thus, this result is both significant and substantial. However, at the same time, it is likely that the coefficients generated may have been biased by the samples taken: California simply has much more general law cities that have initiative subject restrictions. Before these results can be generalizable or trustable, they should be repeated in either a different state or with a much larger sample size.

Are constituents of cities with fewer restrictions and requirements for the initiative provision happier? If the initiative does improve voter satisfaction, citizens of California cities with extensive liberal initiative requirements should be happier and thus, have a higher self-reported standard of living. At the bequest of various city governments, the International City/County Management Association conducts a "National Citizen Survey", which uses public opinion to measure a city's quality of life (ICMA). The results of these studies can be found on many, but not all, official city websites.

As can be seen in Table 2, variations in initiative requirements do not correspond to variations in quality of life. Citizens of California cities seem to consistently report that their quality of life is "excellent or good", regardless of how limiting their city's initiative laws are. While there may be many confounding factors involved, these results are consistent with the statement that stringent initiative provisions do not decrease quality of life and thus, voter satisfaction. However, it is also possible that only city's that scored highly on the NCS publicly post their results, or that only citizens who were happy with their city returned the survey, in both cases leading to a self-selection bias that distorts the results. On the other hand, if the results are real and believable, it is likely that a significant portion of most cities' citizens do not realize

that their city has an initiative or—even more likely—do not know the details of their local initiative. If voters are unaware of these details, it becomes highly unlikely that variations in initiative requirements will have any effect on voter satisfaction at the city level.

CONCLUSION

While provisions that fall under the broad term of direct democracy are wildly popular, the empirical evidence supporting the initiative's actual effectiveness is fairly mixed. Some have found that the initiative increases responsiveness and congruence, while also increasing voter turnout and promoting economic growth. Others find that the initiative is not nearly as successful as anticipated and that very rarely does the initiative get translated into policy as intended. Furthermore, empirical evidence leans towards the assertion that the initiative does infringe upon minority rights. In California, the initiative is overwhelmingly popular at the state-level, suggesting that people enjoy this institution and that they believe the institution is effective. The results at the municipal level in California are, however, unclear. Citizens of cities with liberal initiative provisions do not appear to enjoy a higher quality of life and barriers to qualification, such as increased signature requirements, seem to have very little effect on policy outcomes and responsiveness. On the other hand, subject restrictions do appear to decrease responsiveness. Nonetheless, I would argue that the initiative leads to some positive outcomes and should be continued. However, the initiative should be reformed. Namely, these reforms should find a balance between protecting the minority rights while also improving responsiveness. One way to do so may be to enact a restriction that explicitly prohibits the initiative from restricting the civil rights of any group without restricting the initiative from addressing any other potential topic. If done correctly, the initiative, in conjunction with the other direct democracy provisions, has the potential to become one of America's most successful political institutions.

Table 1: Effects of Institution on Representation in Various California Cities

Policy Outcome = $\alpha_0 + \beta_1 \times \text{City Conservatism} + \beta_2 \times \text{Subject Restrictions} + \beta_3 \times \text{Signature Requirements} + \beta_4 \times \text{City Conservatism x Subject Restrictions} + \beta_5 \times \text{City Conservatism x Signature Requirements} + \beta_6 \times \text{Median Income} + \beta_7 \times \text{City Population} + \beta_8 \times \text{Percent Black} + \beta_9 \times \text{Percent Hispanic}$

Independent Variable	DV = Per Capita Expenditures	DV = Per Capita Taxes	DV = Sales Tax Share
Intercept 1.51***	•	0.126	0.501***
	(0.8029)	(0.2426)	(0.09699)
City Conservatism	-4.87	-0.8469	0.1467
•	(1.114)	(0.3365)	(0.1346)
Signature	4.294	1.092	-0.1585
Requirements	(4.094)	(1.2237)	(0.4946)
Initiative Subject	0.2582	0.1383	-0.02371
Restrictions	(0.2606)	(0.07874)	(0.3138)
Median Income	-6.72E-06	4.171E-07	-2.36E-06
	(6.23E-06)	(1.88E-06)	(7.522E-07)
City Population	7.069E-08	-1.796E-08	-3.001E-08
<i>y</i> 1	(2.002E-07)	(6.048E-08)	(2.419E-08)
Percent Black	-1.371	0.06499	-0.512***
	(0.8861)	(0.2677)	(0.107)
Percent Hispanic	-1.661***	-0.3017	-0.03633
1	(0.4805)	(0.1452)	(0.05805)
Conservatism x	20.64	3.319	-0.22287
Signature	(8.71)	(2.631)	(1.052)
Requirements		` ,	, ,
Conservatism x	1.848**	0.4611	-0.1051
Initiative Subject	(0.6865)	(0.2074)	(0.08294)
<i>Restrictions</i> **: p < 0.01; ***: p <			

Table 2: City Characteristics

City	Subject Restrictions?	Signature Requirements	Standard of Living (Excellent or Good)
San Jose	No 5%		62%
Sunnyvale	No 15%		86%
El Cerrito	Yes 10%		70%
Clovis	Yes 10%		88%
Seaside	Yes 10%		59%
Laguna Beach	Yes 10%		97%
Palo Alto	No 6%		94%
Elk Grove	Yes 10%		74%

Source: City charters, National Citizen's Survey published on City Websites

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