



The Initiative Industry - Will it Decide What is Voted on in the Future?

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Most of the initiatives that will be making their way to future ballots will most likely be those that have the backing of national groups that are providing the primary funding for these issues. As with previous elections over the last decade fewer and fewer initiatives that are the product of one individual's vision within the state are making it to the ballot. Instead more and more often the initiatives that are appearing on state ballots are the vision of national groups wishing to place their reforms on state ballots all over the country as a way to increase the national debate on these issues and in hopes of pushing Congress to adopt these reforms – term limits, drug policy reform, campaign finance reform, animal protection and tax reform are all examples of this trend. But why is this happening?

Since 1990, the states have increasingly regulated and restricted the use of the initiative process. These regulations and restrictions have made the process only accessible to groups and individuals with access to money. This has forced citizens in the various states who seek reform to reach out to national groups for financial and organizational support as well as seek the help of the “initiative industry”. For the purposes of this column, the initiative industry is defined as “a group of individuals, consultants, and companies that provide free and or paid campaign services to individuals or groups wishing to a) qualify an initiative for an election ballot, pass the initiative on election day and ensure its implementation post election or b) stop the qualification of an initiative, defeat it on election day and stop its implementation post election.”

New regulations on the process have raised the cost of using the initiative process drastically and there is every indication that state legislators in 2001 and 2002 are only going to continue that trend. This means that more and more money will be ending up in the initiative process because no matter how many hurdles you place on the process those with access to money will be able to use the process and the everyday citizen will not. This is where the “industry” comes in. Initiative proponents are having to seek the help of attorneys, paid signature gatherers, political consultants and media consultants in order to jump these hurdles.

The funny thing is that state legislators argue that the increasing amount of money in initiative campaigns being paid to the “initiative industry” is the reason for the need to additionally regulate the process – even though their actions are the cause for the increase in the amount of money being spent. However, state legislators must realize that they can never take money out of the initiative process because the courts have consistently ruled that you can't ban and or limit money in initiative campaigns.

There is no doubt that the initiative process is being utilized more and more by special interest groups - primarily large national non-profits with a specific national policy goal.

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But this is nothing new. Since the beginning of the initiative process in 1898, national movements have used the process to accomplish a national agenda. The women's suffrage movement and the movement to require the direct election of U.S. Senators are just two examples of how the initiative process at the state level was used in the early 1900s to accomplish a national reform. The national non-profits of today are doing nothing but following in their footsteps. In addition to these non-profits, for profit companies are using the process as well – the gambling and insurance industries are perfect examples. Even though they have had mixed success at the ballot box there is no doubt that they will be back.

In the upcoming election cycles there will be numerous initiatives that will have a tremendous impact on our daily lives. These initiatives will be derived from the brains of activist of all political persuasions – those that wish to diminish the size of government and those that wish to increase it. Regardless of which political party or philosophy is behind these initiatives, one thing that you will see is an increase in the amount of money being spent on initiatives as well as a decrease in the number of successful initiatives launched by individuals within a state with no financial support from national groups. This will only lead to the proliferation of the “initiative industry” – an industry that has the expertise necessary to overcome the tremendous obstacles placed on the process. The Industry may well become the deciders of what the citizens get to vote on in future elections.