

November 1, 2002

REVIEW & OUTLOOK

War on the Initiative

Our politicians like to praise democracy, but this year more than a few are trying to subvert it. They've helped promote ballot measures next week that would make it harder for citizen-sponsored initiatives to get onto future ballots. Once voters give up this right to direct democracy, they will find it difficult to get it back.

The right of voters to initiate laws flowered a century ago as a reaction to special-interest influence in state legislatures. Last we checked, those interests haven't gone away. Twenty-four states allow citizen initiatives of some kind, and they are especially disliked by state legislators. They resent that initiatives allow voters to run around them and impose such things as term limits and reductions in taxes and spending.

The war on the initiative takes several forms. In Florida, Al Gore's friends on the Supreme Court already throw out most initiatives by claiming they violate the state's single-subject rule. But just in case something slips through, state lawmakers are backing a vote next week requiring that citizen-sponsored measures also include cost estimates of their implementation. Measures submitted by the legislature would be, surprise, exempt.

In Massachusetts, legislators prefer to pretend the initiative doesn't exist. Some 130,000 voters signed petitions this year calling for a ballot measure against same-sex marriage. The legislature, which is required to vote on initiatives before they reach the ballot, promptly adjourned without a vote, thereby keeping it off the ballot.

In Montana, the legislature has put two anti-initiative measures on next week's ballot that would make signature requirements more difficult. One would mandate that signatures come from a larger number of counties -- a requirement similar to a law in Idaho that a court has declared unconstitutional.

In Oklahoma, voters finally get to vote Tuesday on a prohibition against cockfighting after a delay of two years. Opponents got the legislature to put a competing measure on the ballot that would double the number of signatures needed for future initiatives on animal welfare.

But the king of anti-initiative states is the self-styled progressive state of Oregon. A term-limits measure this year failed to collect enough signatures because the state voided signatures from people who hadn't voted recently, even though they were registered and eligible to vote. Liberals are now sponsoring a measure Tuesday that would ban paying petition gatherers by the signature - a move that would give a leg up to unions, which have a large supply of volunteer labor.

This assault comes, ironically, when the number of citizen initiatives has declined to 49 this year, down 30% from 2000. At the same time, state legislators have *increased* the number of measures they put directly on the ballot to 147, up 10% from 2000. The most clogged ballots are in Arizona,

Louisiana and New Mexico, which feature 40 measures, 35 placed by legislatures.

It's true that the initiative process has sometimes been abused for frivolous proposals. But voters are discriminating and reject measures they are unsure of. The late economist Mancur Olson argued that the downfall of democracy would be its tendency to calcify into special-interest gridlock. Citizen initiatives are one way to prevent that from happening.

Updated November 1, 2002