

Direct Democracy as a Catalyst for 21st Century Political Reform

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Introduction: Governance Policies or Procedural Policies

This research places the increased use of direct democracy at the state level as a component of a larger reform movement in American politics at the end of the twentieth century—a "new progressivism." It argues state initiative processes, both historically and today, serve as a catalyst for reform of our political system. Scholars, lawmakers and political activists increasingly recognize that the initiative process is an important venue for policy making in states (Bowler, Donovan and Tolbert 1998; Bowler and Donovan 1998; Gerber 1999; Rosenthal 1996; Smith 1998). This research suggests direct democracy matters, and shapes public policy across the states, especially in the area of political reform.

Twenty four states provide for the initiative process, which allows groups (citizen and economic) outside of the legislative arena to draft their own laws, then petition to have citizens vote directly on the proposed legislation in a statewide election (Gerber 1999; Magleby 1984). In the initiative process, an interest group drafts a proposition and qualifies it for the ballot by collecting a specified number of voter signatures. If the measure qualifies, it is placed on the election ballot for a popular vote. In the indirect initiative, a group drafts and qualifies a proposition, then submits it to the legislature for consideration. If the legislature passes the measure, then it become law. Otherwise, the policy is placed on the ballot and the voters decide whether it passes or fails. Table 1 shows the twenty-four states with the initiative process, either the direct or indirect initiative.

States with provisions for the initiative have a policy-making mechanism that *directly* responds to citizen or interest group pressure. Groups can place a policy question on the state ballot through the petition process without delay or legislative intermediaries. State legislatures under direct legislation threats are also more likely to adopt the proposed legislation (Gerber 1996, 1999). The initiative process, or the threat of a pending or circulating initiative, is often necessary to translate citizen preferences into policy, especially over the resistance of powerful economic interests. The process is often used to adopt policies resisted by elected officials, corporate interests and established political parties, but supported by a majority of the public, such as legislative term limits. Research indicates the passage rate for "majoritarian" or public

interest ballot initiatives with diffuse supporters and opponents is significantly higher than the passage rates for other types of initiatives, especially those that benefit narrow economic interests (Donovan et al's 1998).

In terms of public policy, citizens have passed initiatives overhauling affirmative action, reproductive rights, gay rights, environmental policy, bilingual education, and many other substantive policies (Bowler, Donovan and Tolbert 1998; Bowler and Donovan 1998; Cronin 1989; Gerber 1996, 1999; Gamble 1996; Lascher, et al. 1996; Magleby 1984; Schrag 1998; Smith 1998; Tolbert 1998; Tolbert and Hero 1996). Procedurally, the citizen initiative has modified democratic processes in the American states. Citizens have passed initiatives to directly limit campaign finance contributions and expenditures of candidates as well as to require public financing of candidates. They have altered the institutions of representative government by approving term limits on elected officials and requiring a supermajority of the legislature to raise taxes (Rosenthal 1998; Schrag 1998; Smith 1998; Tolbert 1998). State ballot initiatives have been used to adopt conservative policies, such as tax limitations, as well as liberal policies, such as legalization of medical marijuana. While the initiative process has been used to adopt a range of public policies, its most important application may be in the area of "governance policy," that changes the procedures and operation of representative democracy.

Governance policies are procedural policies that change the internal rules of the game that public officials must follow in such areas as elections, levying taxes or governmental resources. Governance policy is an aspect of public policy that has received less attention than traditional substantive policies, such as health, welfare, education or other expenditure policies (Tolbert 1998). They can also be distinguished from conventional regulatory, distributive and redistributive policy (Lowi 1964). Governance policy, unlike traditional distributive and regulatory policy redistributes power within institutions and thus reforms the institutions of representative government at the local, state and national level. Governance policies not only modify the actions of elected officials, but the very fabric of representative government.

Examples of historical governance policies include provisions for direct democracy (initiative, referendum and recall), direct election of US senators, direct primary, home rule for municipalities, secret ballot, women's suffrage and many other procedural policies adopted during the Progressive era (1890-1917). Examples of contemporary governance policies (1980s and 1990s) include legislative term limits, two-thirds vote of the legislature to raise taxes,

campaign finance reform, nonpartisan primaries, voting by mail, and legislative redistricting laws. All of these policies have a prominent procedural component and change the rules elected officials must follow. The resurgence in use of the initiative process in the late twentieth century, and preference for procedural reforms has long-term impacts for the operation of state, local and the federal government.

Governance policies often restructure political institutions to encourage or increase citizen participation in politics or “expand the scope of conflict” (Schattschneider 1960). Legislative term limits require more frequent open-seat competitive elections. Tax limitations requiring voter approval of tax and spending increases require more frequent voter referenda. California’s new blanket or nonpartisan primary aims to increase voter turnout and the success of minor or third party candidates. Similarly, early twentieth century governance policies functioned to increase civic participation, via expanding suffrage to women, or allowing citizens to directly elect US senators rather than state legislatures.

Governance policies are an ever-growing component of the political agenda. While there are many examples, this analysis examines the adoption of nine political reforms adopted across the states during the past two decades: 1) legislative term limits, 2) supermajority rules for tax increases, 3) voter approval of tax increases, 4) complete open primary, 5) blanket or nonpartisan primary, 6) “very low” campaign contribution limits, 7), public financing of political campaigns, 8) mandated electronic filing of campaign contributions and 9) voting by mail in the 2000 primary and general elections. Each policy is a procedural policy that changes the internal rules elected officials must follow in election, campaigns, levying taxes, or allocating governmental resources.

Updating Governmental Institutions for the 21st Century

A central focus of contemporary American politics is reforming governmental institutions to meet the demands of a technological information age. The late twentieth century is a transformational period in the history of American politics—an era of rapidly changing information technologies and global marketplaces. *Reform of political institutions necessarily lags between socioeconomic change* (Skowronek 1982). This lag in reform of our political institutions has led to unprecedented levels of voter distrust of government and elected officials. A distinguishing feature of politics in the late twentieth century is a pervasive sense of public distrust, frustration and alienation with government (Craig 1996; Citrin 1996). As a result,

reforming governmental institutions has become a common subject of legislation across the states and in Congress, from Vice President Al Gore's *National Performance Review*, Osborne and Gaebler's *Reinventing Government* (1992), to the national term limits movement.

The argument developed here is that like punctuated equilibrium (Baumgartner and Jones 1993), frequent use of direct democracy serves to adapt *political institutions* to changing *social and economic conditions*. Both the very early and very late decades of the twentieth century were transformational periods in American history, distinguished by rapid economic and social (demographic) change (Dodd 1991, 1993, 1995). During the late 1800s and early 1900s America shifted from an agrarian society based on farming to an industrial economy. A political response to this socioeconomic change was the Progressive movement (1890-1917). During the 1980s and 1990s America has experienced another dramatic transformation from an industrial economy to one based on information technology. This research suggests a new progressivism may be on the horizon (cf. Dionne 1996).

While the Progressives are commonly remembered for lobbying for the passage of direct democracy provisions (initiative, referendum and recall) at the state level, what is less well understood is that once these mechanisms were in place, the Progressives relied on the initiative process to adopt much of their reform agenda. *The Progressives most important innovation may have been to use the initiative process as a catalyst for political reform*. According to Schmidt, "In the initiative process the Progressives created a perpetual reform machine that not only continues to be a vehicle for political change, but is increasing in its usefulness to reformers more than three-quarters of a century after it first gained widespread acceptance" (1989, pg. 15). Progressive political reforms reshaped American democracy both substantively and procedurally, and were critical in adapting government institutions for a new industrial economy.

During the Progressive era (1890-1917) and today, frequent usage of direct democracy is associated with attempts to reform and update political institutions. In fact governance or political reform is a very common subject of state ballot initiatives. Since the late 1970s, the most common subject matter for initiatives has been taxes and government spending; three-fifths of all initiatives have concerned government spending, public morality or political reform (Magleby 1994:237). In the 1990s this trend is magnified, with nearly thirty percent of all initiatives focusing on governmental and political reform (Magleby 1994:238, cf. Schmidt 1989).

In the past three decades, the initiative process has been used to adopt a wide range of procedural policies from legislative term limits to campaign finance reform. The literature, however, has not linked these diverse policies as components of a broader political reform movement. Rather than a series of diverse, unrelated policies, contemporary political reforms may be articulating a more cohesive agenda, one that aims to modernize and update political institutions for the twenty-first century. The Progressives (1890-1917) were very effective at adopting a *slate* of political reforms. Today, a new progressivism using the initiative process as a catalyst for reform has the potential to fundamentally change our political institutions.

Cyclical Pattern in State Use of the Initiative Process

Examination of historical usage of direct democracy in the states corresponds with political reform periods and attempts to modify governmental institutions. Use of the initiative process appears to follow a cyclical pattern in American politics, with frequent usage of the initiative process in the first and last two decades of the twentieth century (See Figures 1 and 2). Examination of historical use of ballot initiatives by state electorates reveals two distinct periods of voter activism during the 20th century: early use of the process through the New Deal (1940s) and the current period (mid 1970s through the present).

Figure 1 shows the total number of initiatives appearing on state election ballots, in the 24 states that permit the process, from 1904 through 1998 for every two-year election cycle. Figure 2 presents the same data, but in a more appropriate format for analyzing long-term trends, via a six year moving average of the total number of initiatives appearing on state election ballots. Use of the initiative process was dramatic during the early years of its existence during the Progressive era: "Between 1910 and 1919 a record setting 269 measures went to a vote, of which 98 were approved" (Magleby 1994, 229). The initiative process was used only sparingly during most of the middle decades of the twentieth century (1940-1960). On average in the 1950s and 1960s fewer than eight initiatives were enacted per election cycle (Magleby 1994: 229).

But since the mid 1970s the initiative was "rediscovered" with a resurgence in the use of the process. The passage of California's Proposition 13 property tax limitations in 1978 (Sear and Citrin 1982) sparked a renewed interest in direct democracy in the states. The 1980s and 1990s witnessed an unprecedented number of ballot initiatives across the states, many demanding a greater role for the public in issues of governance. In the 1990s, over 300 statewide

initiatives qualified for the ballot. Only during the Progressive era (1900-1920) did use of the initiative process rival the current political era (Price 1975; Schmidt 1989; Cronin 1989; Magleby 1994). The 1990s have set new records for initiative activity. Ballot initiatives now dominate media headlines, shape candidate elections and national party politics (Chavez 1998).

Is the initiative process, as it did in the past, serving as a catalyst to change our political institutions to meet the demands of the new economy? It is useful to briefly examine historical Progressivism, so that we may better understand the conditions associated with contemporary attempts at political reform.

The Rise of Industrialism and Historical Progressivism

The Populist Party first advocated the initiative process during late nineteenth century (1880-90) (Cronin 1989). Populist farmers and miners believed that both the state legislatures and the judicial system were corrupt, and that the initiative process was necessary to restore control of government to the people. While historical populism failed to gain control of government, the movement's ideas and governance policies lived on, and many prevailed under the Progressive banner. Unlike the lower class Populists, the Progressive (1890-1917) drew their strength and leadership from young, prosperous members of the urban middle class. As Progressivism reached its high-water mark, national leaders endorsed the cause, including Theodore Roosevelt: "I believe in the Initiative and Referendum, which should be used not to destroy representative government, but to correct it whenever it becomes misrepresentative." Progressive reformers secured passage of direct democracy provisions in legislatures and constitutional conventions in nineteen states during the first two decades of the 20th century (Schmidt 1989).

Scholars widely consider the rise of the Populist and later Progressive movements to be a political response to rapid economic and social change (Goodwyn 1978; Hofstadter 1955; Hayes 1957, 1964, 1965; Pollack 1992; Peffer 1992). The rise of these political movements appeared to be the product of two contextual forces working simultaneously: one economic and one social (demographic). The dual character or goals of Progressive reforms is important to understand. On one hand, Progressives desired to reform government institutions to prevent political corruption and create a safety net from the perils of the new industrial economy. On the other hand, they were concerned with the growing political power of urban ethnic immigrants, and

wanted to reconcentrate political power in the hands of the white middle and upper classes. Thus the turn of the twentieth century is also associated with growing sentiments of nativism.

The late nineteenth century was distinguished by the rapid transformation of an American economy based on agriculture to one based on industry. The industrial revolution penetrated all facets of American life, with resulting economic dislocations. Growing income inequality was a defining feature of this period. The economic advances brought on by the industrial revolution were achieved at the cost of labor dislocations, loss of agrarian profits, concentration of economic power, inequitable taxation, railroad monopolies, political corruption, labor strikes, land evictions and crowded slums (Croly 1914; Cunningham 1968; Goodwyn 1976, 1978; Hayes 1964; Hofstadter 1957, 1964, 1965; McMath 1993; Morgan 1970; Pollack 1962; Peffer 1992; Wright 1974). During periods of economic stress, frustration is often vented on minority and other ethnic groups.

The late 19th and early 20th century was also distinguished by a dramatic increase in ethnic diversity in American, with historic rates of immigration from eastern and southern Europe. In 1890, for example, first generation newcomers made up an incredible four-fifths of New York City's population. Immigration peaked at nearly 9 million entrants in the decade between 1900-1910, with most arriving from southern and eastern Europe. The new immigrants were poorer and less education than their northern European predecessors, and created job competition for the more established immigrant groups (Schmidt 1989).

Progressive reformers were concerned with the disproportionate representation of ethnic immigrants in urban political machines and resentful of how local political machines made use of the immigrant vote (Goodwyn 1978; Hofstadter 1955; Hayes 1957; Price 1975). The immigrant was the instrument of the urban political machine, which provided quick naturalization, jobs, social services, personal access to authority and deference to ethnic pride. In return it garnered votes, herding to the polls new citizens, grateful for services rendered and submissive to experienced leadership (Stone, Whelan and Murin 1986). Progressive policies such as at-large vs. ward elections weakened political party machines and the political representation of ethnic minorities (Hofstadter 1955). But the reforms may have also increased the assimilation of immigrant groups.

Reform of political institutions necessary lags behind socio-economic change. During the late 1800s and early 1900s, this led to frustration and alienation with government, first

among Populist farmers when the government was unable to protect their interests against the corporate monopolies, such as the railroads. Historical Populism appeared to be a first wave response to the rise of industrialism and associated socioeconomic change. Not only were the farmers and miners frustrated with government, so were the middle and upper-middle class professionals. The Progressive Party was a second wave response to outdated political institutions, that created a coalition between the lower and middle-upper classes. The aim of both of these movements was to make government more responsive to the needs of the American people by restructuring political institutions.

How were the Progressives able to accomplish such broad sweeping change of municipal, local, state and national political institutions? They 1) they promoted procedural or governance policies that restructured political systems. 2) They used the initiative process as a catalyst for the early adoption of many new reform policies. As the catalytic converter serves to jump-start a car's engine, the initiative process "jump-started" the reform process, but state legislatures were the engine. To accomplish their reform agenda, the Progressives adopted legislation first via direct democracy and later through state legislatures. Thus many Progressive era policies initially adopted via state ballot initiative, such as mother's pensions, were later adopted across the states via legislatures, and at the national level.

Progressive Era Political Reforms

During the Progressive era, the initiative process was used to adopt a wide range of social, governmental and fiscal policies with long term consequences for our political system. Many policies first adopted via ballot initiative diffused across the states and were later adopted at the national level. State level women's suffrage initiatives at the turn of the twentieth century, for example, paved the way for the nineteenth amendment to the US Constitutions granting women universal suffrage.

Many early initiatives were substantive policies opposed by business interests that dominated state legislatures. Progressive era policies first adopted by initiatives included the eight-hour workday for women, child labor laws, mother's pensions, women's suffrage, and environmental legislation, but the movement's most important contribution was procedural policy in the area of political reform. Progressives advanced a series of procedural policies that can be commonly referred to as *governance policies*. Since governance policies change the rules

under which government operates, they had long-term consequences, changing the landscape of American politics for the next century.

Progressive reformers succeeded in passing ballot initiatives aimed at making government more honest, efficient, and responsive. From 1904-1994, voters approved fifty-eight initiatives in the areas of political reform and government organization (Schmidt 1989, pg. 15). Progressive era political reforms included the Australian (or long) ballot, home rule for local governments and municipalities, secret ballot, manager-council system, non-partisan local elections, insulation of judges from political pressure, direct primary, direct election of US Senators, women's suffrage, and the initiative, referendum and recall (Schmidt 1989).

The initiative process was first used to establish nomination of candidates through primary elections in Arkansas, Maine, Montana, Oregon and South Dakota. Voters in Oregon first passed an initiative creating the direct election of US Senators, which later became known as the "Oregon model" for similar legislation adopted across the states. Direct election of US Senator initiatives were also passed early on in Arizona, Arkansas and North Dakota.

Home rule for municipalities was first adopted via initiatives in Colorado and Oregon, and permanent voter registration, instead of requiring voters to re-register every election by initiatives in California and Washington. A 1912 Arizona initiative required reapportionment of the lower house of the state legislature based on population, more than half a century before the US Supreme Court rule this method of reapportionment mandatory. Five other states passed reapportionment initiatives (Arizona, Arkansas, California, Colorado and Washington). Successful women's suffrage initiatives in Arizona and Oregon helped prepare the way for passage of the national suffrage amendment nine years later (See Schmidt 1989, pg. 17-19). In each case, voter adoption of the political reform established the popularity of the policy, which later gained acceptance by state legislatures. In most cases, the initiative process was used to "jump start" the political reform process.

The Rise of Information Technology and a New Progressivism?

Today, almost a century later, we are again at an historic junction in American history with rapid economic and social (demographic) change. The United States is among the most racially and ethnically diverse of the western democracies and growing demographic change is a defining feature of U.S. politics (Hero 1998; Key 1949). The state of California, for example, is not only the largest state in the nation, but the most ethnically diverse. The state has experienced

rapid demographic change in the 1990s. During the late 1980s and early 1990s, estimated immigration to the state, legal and illegal, averaged roughly 400,000 people per year. In just six years between 1990 and 1996, whites as a percentage of the population declined from 57% to 53%, while the Latino population rose from 26% to 31% (California Department of Finance).

Recent scholarly and popular research suggests a new populism has arisen in California—largely concerned with the political influence and access of ethnic minorities to representative governments, such as the state legislature and bureaucratic agencies (Cain 1992; Schrag 1998). Schrag suggests that California's neopopulism coincides with dramatic changes in the state's racial/ethnic composition: "neopopulism has its roots in the state's changing demographics—white, affluent elderly taxpayers who vote, as against the younger, preponderantly black and Latino people who use the services but vote in much lower numbers " (1998, 15). A clear manifestation of the new populism is the use of ballot initiatives to circumvent representative institutions, especially state legislatures where blacks and Latinos have gained influence.

While governance policies, such as tax limitations, may not on the surface appear affected by racial/ethnic diversity, some have argued that these policies have emerged because of concerns that state government policies have been “overly responsive” to various minority groups (Hero 1998, 114; Cain 1992). Governance policies may be understood as constraining the legislatures’ perceived over responsiveness to minority groups. Similarly, historical Progressives used governance policies to weaken the urban party machines that were perceived as overly responsive to ethnic immigrants. Tax limitations and supermajority rules to pass tax increases prevent the state from passing excessive welfare policies that disproportionately benefit minority groups (Schrag 1998). The campaign to adopt legislative term limits in California gained momentum by advertising that it would oust long-term black Assembly Speaker Willie Brown. Brown had proposed a number of controversial policies including legislation calling for "educational equity," which as defined by the bill meant that students and faculty at public schools and universities must reflect the diversity of the state (Chavez 1998, pg. 11).

California voters have adopted a series of “assimilationist” initiatives with direct consequences for the state’s growing minority population, including declaring the state’s official language English (1986), ending social services to illegal immigrants (primarily Latinos) and their children (1994), ending affirmative action (1996) and ending bilingual education (1998).

Research suggests many policies first adopted in California diffuse and are later adopted across the states (Tolbert 1998). Research based on quantitative data analysis suggests white support for these social policies with adverse consequences for minorities, was in fact the highest in bifurcated counties with large minority populations and poor economic conditions (unemployment rates) (Tolbert and Hero 1999). Thus in regions with the greatest economic dislocation and minority diversity, white support for the ballot initiatives was the highest.

The late twentieth century is not only distinguished by growing demographic change, but growing economic inequality as well (Phillips 1993). Like the industrial revolution, the technological revolution pervades all aspects of American life. The rise of information technology and global marketplaces has revolutionized the private and non-profit sectors, with electronic commerce the fastest growing sector of the economy. This rapid economic change has led to economic dislocations, increasing income inequality and stagnating wages for the lower and middle classes.

Conventional wisdom says that the economy is booming, and it is true that inflation and unemployment are low and the stock market and corporate profits are high. However, the late twentieth century has been distinguished by growing income inequality between the lower/middle and upper classes. In the 1980s and 1990s the income of American workers have stagnated, and the majority of American workers earn less money in real dollars per hour than comparable workers did twenty years ago. Inflation adjusted earnings of the median worker in 1997 were 3.1 percent lower than in 1989. At the same time, the typical married couple family worked 247 more houses (over six weeks) per year in 1996 than in 1989 (Lawrence, Bernstein and Schmitt 1999).

During the late twentieth century, rapid technological change led to a renewed concentration of wealth in America. Between 1962 and 1983 the share of total private net worth held by the top one percent of US families barely changed. From 1983 to 1989, it surged from 31 percent to 37 percent, reaching heights unseen since 1929. In the meantime, median family income increased by a mere .4 percent on an inflation-adjusted basis during those six years (Citizens for Tax Justice 1991). The typical middle class family had nearly 3 percent less wealth in 1997 than in 1989 despite the stock market boom. This is because the richest 10 percent of households in the U.S. have reaped 85.8 percent of the growth in the stock market since 1989. CEO pay continues to skyrocket, having more than doubled between 1989 and 1997, rising to

116 times the pay of the average worker, an almost eightfold increase since 1965 (Lawrence, Bernstein and Schmitt 1999). As the poor have gotten poorer, but so have the middle class, and both lie further than ever from the wealthy.

In the late twentieth century, reform of governmental institutions has once again lagged behind socioeconomic change. This lag has led to renewed attempts to restructure government has a counterweight to a new economy and growing racial/ethnic diversity. Is the initiative process once again serving as a vehicle to change democratic processes and political institutions?

A Contemporary Political Reform Agenda

I examine the adoption of nine governance policies or political reforms adopted across the states during the past three decades: 1) legislative term limits, 2) supermajority rules for tax increases, 3) voter approval of tax increases, 4) complete open primary laws, 5) blanket or nonpartisan primary laws, 6) “very low” campaign contribution limits, 7), public financing of political campaigns, 8) laws requiring electronic filing of campaign contributions and 9) voting by mail in the 2000 primary and general elections. Table 2 shows state adoption of each reform introduced by activists from the left and the right of the political spectrum. The raw data is from the National Conference of State Legislatures, Denver, CO and is current as of July 1999. The second column of Table 2 creates an index of state political reforms measured by the percent of reforms adopted by each state. California has adopted 67 percent of the nine procedural policies examined here, while Kentucky has adopted none.

Limitations on legislative tenure provide a direct incumbency control. Since 1990 when legislative limits were first adopted by initiatives in California, Colorado and Oklahoma, term limits have been adopted in twenty-one states. However, term limit provisions in three states—Massachusetts, Nebraska and Washington—were invalidated by the state supreme court. Although there is some variation in the length of terms for state office-holders, most limit members elected to the state house to six or eight years and members of the state senate to twelve. Of the governance policies examined here, none have had as direct an effect on legislative institutions as term limits (Benjamin and Malbin 1992).

Table 2: State Political Reforms

| State | Initiatives per year (average) 1970-92 | Percent of Political Reforms Adopted | Term Limits | 2/3 Vote Legislature for Tax Increases | Voter Approval Tax Increases | Complete Open Primary All Types | Blanket Primary | Very Low Contribution Limits | Public Financing Campaign | Electronic Filing Contributions | Voting by Mail 2000 elections |
|------------------|--|--------------------------------------|-------------|--|------------------------------|---------------------------------|-----------------|------------------------------|---------------------------|---------------------------------|-------------------------------|
| Alabama | .00 | .00 | | | | | | | | | |
| Alaska | .95 | .22 | | | | X | X | | | | |
| Arizona | 1.25 | .56 | X | X | X | X | | | X | | |
| Arkansas | .75 | .33 | X | X | | | | X | | | |
| California | 4.10 | .67 | X | X | | X | X | X | | X | |
| Colorado | 2.05 | .44 | X | X | X | | | X | | | |
| Connecticut | .00 | .11 | | | | | | | | X | |
| Delaware | .00 | .11 | | X | | | | | | | |
| Florida | .60 | .44 | X | X | | X | | | | X | |
| Georgia | .00 | .00 | | | | | | | | | |
| Hawaii | .00 | .22 | | | | X | | | | X | |
| Idaho | .40 | .22 | X | | | X | | | | | |
| Illinois | .50 | .11 | | | | | | | | X | |
| Indiana | .00 | .00 | | | | | | | | | |
| Iowa | .00 | .00 | | | | | | | | | |
| Kansas | .00 | .00 | | | | | | | | | |
| Kentucky | .00 | .00 | | | | | | | | | |
| Louisiana | .00 | .56 | X | X | | X | X | | | X | |
| Maine | 1.00 | .22 | X | | | | | | X | | |
| Maryland | .00 | .11 | | | | | | | | X | |
| Massachusetts | 1.25 | .33 | X | | | | | | X | X | |
| Michigan | .80 | .22 | X | | | X | | | | | |
| Minnesota | .00 | .11 | | | | X | | | | | |
| Mississippi | .00 | .11 | | X | | | | | | | |
| Missouri | 1.35 | .33 | X | X | | | | X | | | |
| Montana | 1.25 | .33 | X | | | X | | X | | | |
| Nebraska | .40 | .11 | X | | | | | | | | |
| Nevada | .55 | .22 | X | X | | | | | | | |
| New Hampshire | .00 | .00 | | | | | | | | | |
| New Jersey | .00 | .00 | | | | | | | | | |
| New Mexico | .00 | .00 | | | | | | | | | |
| New York | .00 | .11 | | | | | | | | X | |
| N. Carolina | .00 | .11 | | | | | | | | X | |
| N. Dakota | 1.45 | .11 | | | | X | | | | | |
| Ohio | 1.10 | .11 | X | | | | | | | | |
| Oklahoma | .45 | .33 | X | X | X | | | | | | |
| Oregon | 2.95 | .44 | X | X | | | | X | | | X |
| Pennsylvania | .00 | .00 | | | | | | | | | |
| Rhode Island | .00 | .00 | | | | | | | | | |
| S. Carolina | .00 | .00 | | | | | | | | | |
| S. Dakota | 1.05 | .33 | X | X | | X | | | | | |
| Tennessee | .00 | .00 | | | | | | | | | |
| Texas | .00 | .00 | | | | | | | | | |
| Utah | .55 | .22 | X | | | X | | | | | |
| Vermont | .00 | .22 | | | | X | | | X | | |
| Virginia | .00 | .11 | | | | | | | | X | |
| Washington | 1.65 | .56 | X | X | X | X | X | | | | |
| W. Virginia | .00 | .00 | | | | | | | | | |
| Wisconsin | .00 | .22 | | | | X | | | | X | |
| Wyoming | .15 | .11 | X | | | | | | | | |
| Total | .53 (mean) | .18(mean) | 21 | 14 | 4 | 16 | 4 | 6 | 4 | 12 | 1 |
| Percent of Total | | | 42 | 28 | 8 | 32 | 8 | 12 | 8 | 24 | 2 |

Source: Raw data on state adoption of political reforms from the National Conference of State Legislatures, Denver, CO.

Thirteen states have constitutional provisions requiring a "supermajority" or a two-thirds vote of the legislature to raise all taxes. Supermajority rules, along with voter approval requirements to enact or increase all tax increases, are examples of "second generation" state tax and expenditure limitations. Rather than targeting a certain tax (property tax rate limits), these laws are procedural policies that restrict the authority of state lawmaker over taxation and spending (Tolbert 1998).

Arkansas was the first state to adopt supermajority rules for tax increases in 1934. Arkansas voters approved a constitutional amendment that requires a two-thirds vote to increase "the rate for property, excise privilege, or personal taxes now levied" (Stansel 1994; Mackey 1993). In the 1992, four states (Arizona, Colorado, Oklahoma, Washington) enacted initiatives requiring tax increases to be approved by a margin larger than a simple majority of both houses. Oregon, Missouri and South Dakota were the latest states to require a supermajority vote for tax increases in 1996. Colorado was one of the first states in the nation to require voter approval of all tax increases adopted by the state legislature, county governments or municipalities. Voters in Arizona, Washington and Oklahoma adopted similar measures.

Another group of political reforms relates to campaigns and elections. In the last three decades, campaign finance reform has been an active area for legislation the state level. Recent state efforts at reforming campaign finances have focused on lowering contribution limits, increased disclosure requirements and public financing of campaigns. The most sweeping state reforms in recent years are commonly referred to as "clean elections" that provide for public financing of political campaigns. First passed by Maine voters in 1996 by initiative, clean election measures were adopted by the Vermont legislature in 1997 and by voters in Arizona and Massachusetts via initiatives in 1998. These reforms stipulate that candidates must first raise a certain amount in small contributions from individuals (\$1500 for example) before qualifying for public campaign funds. In all four states, once a candidate qualifies, he is prohibited from receiving any additional private contributions (Drage 1999).

Very low contribution limits is another state innovation in campaign finance reform that has been adopted in six states. In 1994, voters in Missouri, Montana and Oregon passed citizen initiatives that set limits as low as \$100 on individual contributions to legislative candidates. Arkansas California and Colorado followed in 1996, passing initiatives setting similar limits. The

courts have voided all of these measures, with the exception of laws in Colorado and Montana, arguing the limits are too low to allow meaningful participation in constitutionally protected speech and association (Drage 1999). Nevertheless, low contribution limits are an important political reform.

Increased disclosure requirements are a final political reform in this area, and are the most likely to stand up to judicial scrutiny. Twelve states have passed legislation mandating electronic filing of and access to campaign finance information for political candidates in upcoming elections. In 1997 alone fifteen states passed laws facilitating electronic filing and seven state followed in 1998. Many of these programs are voluntary. In California beginning July 2000, for example, all candidates and committees connected with a campaign for state office that received more than \$50,000 or more in contributions will be required to file electronically (Drage 1999). This policy is a clear example of a political reform attempting to update government procedures regarding elections for an information technology society.

Reform of election systems (primaries) is another area that has received growing attention in the 1990s. California voters, for example, adopted an initiative in 1996 creating a blanket or nonpartisan primary. Prior to his reform, California's 1.5 million independent voters were excluded from voting in primary elections at all, as well as all minor party voters. Only registered Republicans could vote in the Republican primary and registered Democrats in the Democratic primary. Closed primary systems favor the election of party hard-liners, over moderates, discourages minority or third party candidates and decreases voter turnout in elections.

California's blanket or nonpartisan primary allows all persons who are entitled to vote in primary elections, including those not affiliated with a political party, to vote for any candidate (major or minor party) regardless of the candidate's political party affiliation. All candidates from both major political parties and minor parties are presented on one slate (or blanket) ballot. Voters can pick and choose the candidates of their preference. The candidate with the highest number of votes from each party is the party's nominee in the general election. Washington, Alaska and Louisiana have blanket or nonpartisan primaries similar to California's system. Blanket or nonpartisan primaries, like the direct election of US senators, weakens the role of state political parties, while increasing citizen participation in the electoral process.

Sixteen states, including the four with blanket primaries, have completely open primaries. These election systems allow any person who is registered as an independent or with no party preference or is registered to a party that is not represented on the ballot (minor party) to vote in the primary election of the major political parties. A voter is not required to state party preferences and is usually given two ballots. Voters must choose one party once in the polling booth), but their choice is private. Arizona voters adopted an initiative in 1998 creating an open primary, and Florida voters adopted a modified open primary initiative the same year.

The most innovative political reform discussed here is Oregon's voters' passage of a 1998 initiative requiring voting by mail in the biennial primary and general elections. The law requires a vote by mail for the 2000 elections. Prior to this law, voters could vote by going to the polling place on election day or by some form of absentee voting, including permanent absentee or single-election absentee. The initiative eliminates polling places for primary and general elections. Voters will return their ballots by mail or drop them off at designated sites. County government expenditures are estimated to be reduced each primary and general election year by \$3,021,709.

Explaining the Adoption of State Political Reforms: Usage of the Initiative Process

While opinion polls show public support for political reforms, such as term limits and campaign finance reform is fairly constant across individual states (Texans as are supportive of term limits, and as opposed to taxes as Californians), there are significant variations in state institutional contexts, especially provisions for direct democracy. This research argues usage of the initiative process over the past three decades is a central component in understanding the adoption, and linkage between, governance policies. Usage of the initiative is measured by the average number of statewide initiatives appearing on state ballots per year from 1970-1992 (Neal 1993) (See first column of Table 2). As the number of initiatives on the ballot increases, we would expect the probability of a state adopting a political reform to increase. Rather than a dummy variable for states with the initiative process, this variable distinguishes between states that have the process and don't use it, compared to states that frequently use the process.

Data Analysis and Findings

Logistic regression is used to examine the relationship between state institutional contexts (usage of the initiative process) and state adoption of each political reform. The dependent variable in the statistical models is binary and coded 1 if the state has adopted the

Table 3: State Use of the Initiative Process and Political Reforms

| Explanatory Variable | Term Limits | 2/3 Vote Legislature for Tax Increases | Voter Approval Tax Increases | Complete Open Primary All Types | Blanket Primary | Very Low Contribution Limits | Public Financing Campaign | Electronic Filing Contributions | Voting by Mail 2000 elections |
|---|---------------------|--|------------------------------|---------------------------------|--------------------|------------------------------|---------------------------|---------------------------------|-------------------------------|
| Average usage of initiative (1970-1992) | 3.9438** (1.092) | 1.714** (.6030) | .8920+ (.4591) | .7530* (.4133) | 1.1087* (.5050) | 3.221** (1.290) | .4063 (.4848) | .0125 (.3984) | 1.5027* (1.82) |
| Model Chi-Square Improvement | 30.176** | 13.065** | 2.937+ | 4.003* | 5.421** | 19.799** | .608 | .001 | 4.063* |
| States Correctly Predicted | 84% | 78% | 90% | 68% | 94% | 92% | 92% | 76% | 98% |
| Number | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |

Maximum likelihood estimates with standard errors in parentheses. Dependent variable is binary, 1 is state adopted reform and 0 if otherwise. Separate bivariate models for each political reform. +p<.10; *p<.05; **p<.01.

reform and 0 if otherwise. In Table 3 we see that average usage of the initiative process over the past thirty years has a substantial and statistically significant effect on the log-odds of a state adopting seven of the nine political reforms. States with frequent usage of the initiative process are more likely to adopt legislative term limits, supermajority rules for tax increases, voter approval of tax increases, the complete primary, blanket primary, very low contribution limits and voting by mail. States with frequent usage of the initiative process are not more likely than states without this process or low usage of the process to adopt public financing of political campaigns or mandates for electronic filing of campaign contributions.

Figures 3-9 compare the probability of adopting each political reform in states that have and use the initiative process to states without the initiative process based on the bivariate logistic regression models. Across policy areas the graphs are strikingly similar. In each case, states that have and use the initiative process are significantly more likely to adopt a range of political reforms, than states without the initiative process or low use initiative states.

Figure 3 shows the probability of adopting legislative term limits among initiative states is almost 80%, compared to just over 10% for non-initiative states. This is a difference of almost 70% based on the availability and usage of the initiative process. This suggests that states with the initiative process adopt different policies than states without this process. Figure 4 shows that the chance of a state passing supermajority rules for tax increases among initiative states is almost 50%, compared with just 13% for non-initiative states. Again, we see a gap of around 40 percent. The same pattern is found when examining the probability of a state adopting laws requiring voter approval of all taxes (Figure 5). Of states that have the initiative process and use it, the probability of adoption is just over 12 %, compared to a mere 4% in non-initiative states.

A notably similar pattern is found when examining the probability of adopting nonpartisan or open primary election systems (Figure 6). The probability of adopting the complete open primary among states that use the initiative process is almost 45%, compared with 23% for states without the initiative process. The likelihood of having a blanket or nonpartisan primary among initiative states is 14%, compared to only 3% for states without direct democracy procedures (Figure 7). These are significant differences and highlight that states with frequent use of the initiative process adopt different policies than states without this process. States that have and use the initiative process may be more likely to have “reformed” electoral systems.

Analysis of campaign finance reform laws reveals a similar pattern across state institutional contexts. The probability of adopting very low campaign contribution limits (\$100) among initiative states is a respectable 25%, but this likelihood falls to almost 0% for states without direct democracy provisions (Figure 8). What right-minded lawmaker would vote for such draconian contribution limits when faced with reelection challenges? Clearly, state provisions for direct democracy matter. Although the probabilities are very low due to data, the chance of adopting voting by mail for the 2000 elections among initiative states is 4%, but again falls to almost 0% for states without this process.

It is worth highlighting, that initiative states were not statistically more likely to adopt two types of political reforms, public financing for political campaigns and mandates for electronic filing of campaign contributions. Even though three of the four states with public financing of political campaigns adopted these laws via ballot initiative, with the exception of Arizona, they tend to be states with relatively low usage of the process. Electronic filing of campaign contributions has been adopted primarily via state legislatures. This suggests that certain political reforms may be more likely to arise from state legislatures and others from the initiative process.

Figure 9 presents a scatterplot of the percent of political reforms adopted by each state versus average usage of the initiative process (1970-1992), with a linear regression line imposed on the data. There is a statistically strong and positive relationship between usage of the initiative process and political reform adoptions. State adoption of political reforms increases as usage of the initiative process increases. In fact, 54 percent of the variation across states in passage of the nine political reforms can be explained by frequency of initiative use.

Table 4: Relationship between State Political Reforms and Socioeconomic Conditions

| | Percent of State Political Reforms Adopted | Initiatives per year (average) 1970-92 | Change in Minority Diversity 1980-1990 (social context) | Rate of Millionaires per 100,000 people in 1980s (economic context) | Index of Legislative Professionalism (Squire 1992) (political context) |
|--|--|--|---|---|--|
| Percent of State Political Reforms Adopted | 1.0 | .733** | .372** | .285** | .313** |
| Initiatives per year (average) 1970-92 | | 1.0 | .412** | .262 | .362** |
| Change in Minority Diversity 1980-1990 | | | 1.0 | .524** | .287* |
| Rate of Millionaires per 100,000 people in 1980s | | | | 1.0 | .052 |
| Index of Legislative Professionalism (Squire 1992) | | | | | 1.0 |

*p<.05; **p<.01

Is there any evidence to support the hypothesis that state's experiencing rapid increases in minority populations or with significant income inequality are more these to adopt these policies as well? As a first look at the data, Table 4 presents Pearson r correlations between the index of state political reforms and variables measuring the social, economic and political context of the states. As hypothesized, states with the greatest increase in minority populations between 1980 and 1990 were more likely to adopt the political reforms. Similarly, states with the highest income inequality measured by the rate of millionaires (1980s) were also more likely to political innovators. Other measures of income inequality, such as geni coefficients, were not related to policy adoptions. Finally, as we would expect, states with more professional legislatures (Squire 1992) tended to be political reform states. Thus, states experiencing rapid increases in racial/ethnic diversity, professional legislatures and to some extent high income inequality were the most likely to adopt the procedural policies examine here. While not performed here to due space constraints, multivariate regression analysis is necessary to establish causal relationships.

Conclusion: A New Progressivism for the 21st Century?

The fifty state data suggests that states that have and use the initiative process are more likely to adopt a series of political reforms, or governance policies, than states without this process (cf. Tolbert 1998). Across policy issues, the data suggest states provisions for the initiative process serve as a catalyst for passage of political reform. States with the initiative

process are more likely to adopt a range of policies from term limits, tax limitation and campaign finance reform to nonpartisan primary systems.

The rise in state use of direct democracy and associated adoption of political reforms may coincide with critical junctions in our political history. Like punctuated equilibrium, increased use of direct democracy may function to adapt political institutions to changing socioeconomic conditions. At the turn of the twentieth century, Progressives (1890-1917) used governance policies to adapt political institutions to the demands of an industrial economy and increasing racial/ethnic diversity in the United States. In the past and today, governance policies not only modify the actions of elected officials, but the very fabric of representative government. Progressive era reforms shaped our political system for 100 years. Now we are again at the crossroads of profound change in our political system.

What are the conditions or building blocks necessary for the rise of a new progressivism for the 21st century? Historical Progressivism emerged from a 1) period of rapid economic change, 2) period of rapid racial/ethnic change, 3) built on the Populist party reform and intensity, 4) sponsored governance or procedural policies, 5) incorporated reforms to make the political process more responsive to citizen participation, 7) reformed the government sector as an counterweight to the economic sector, 8) relied on a rhetorical leader to frame the issues. The interpretation of political history developed here is that each of the building blocks for a new progressivism is in place except for the last one.

Like historical Progressivism, a new progressivism will likely be the most successful by adopting governance or procedural policies with long-term policy consequences, rather than attempting to gain control of the national government. Rather than advocating more frequent citizen referenda, the goal should be to use the initiative process selectively to update and modernize state legislatures, court systems, election systems, and the bureaucracy for the 21st century. Legislative term limits are the clearest example of a contemporary governance policy and successful reform movement, but the policy alone is not sufficient to bring about this change.

Other political reforms—a platform or slate of policies—are needed to modernize our political institutions for a new economic era. Historical Progressives advocated the direct primary and presidential primary. In 1998 Californians adopted the blanket or nonpartisan primary to encourage opportunities for minor and third parties candidates and increase voter

turnout. Historical Progressives advocated the secret ballot, while Oregon is the first state in the nation to adopt mail ballots in 1998 (Internet ballots may be next). The Progressives advocated the direct election of US senators to increase the role of citizens in selecting members of congress. Today eighteen states have adopted legislative term limits, again to increase citizen choice in selecting elected representatives. While historical Progressives desired to insulate judges from patronage politics, today we want to hold judges more accountable to the citizens via more frequent retention elections. Progressives promoted the graduate income tax, while today the flat tax is a popular proposal. Progressive reforms such as the direct election of US senators and direct primary weakened political parties. Today we desire to strengthen the party system, even via proportional electoral systems. The Progressives advocated the initiative and referenda to circumvent entrenched interests in the state legislature. Today, we aim to make the initiative process more deliberative, by increasing the role of state legislatures as mediator in policy design and possibly clustering ballot propositions into cohesive choices for citizens. State legislatures, such as Oregon, are relying more heavily on the referenda for policy direction from citizens and to increase dialog between citizens and their elected officials.

While historical progressivism failed to gain control of the national government, the movement's ideas and governance policies lived on, and prevailed. In a similar way, the greatest impact of a new progressivism may be in governance policy that changes the very operation of representative government. Hofstadter (1955) called the late nineteenth century and early twentieth century the "age of reform." This research suggests the late twentieth and early twenty-first century may be a new "age of reform" in American politics. In both periods, state provisions for direct democracy serve as a critical catalyst for change, both progressive and reactionary.

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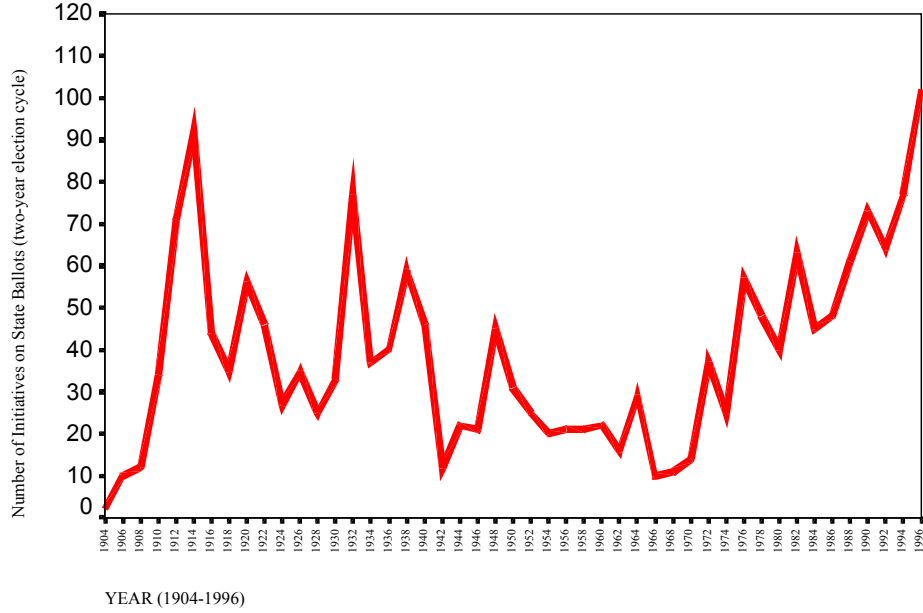
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Table 1: Type of Initiatives in the U.S. States

| <i>State</i> | <i>Direct Constitutional</i> | <i>Indirect Constitutional</i> | <i>Direct Statute</i> | <i>Indirect Statute</i> |
|---------------|----------------------------------|------------------------------------|-----------------------|-------------------------|
| Alaska | | | X | |
| Arizona | X | | X | |
| Arkansas | X | | X | |
| California | X | | X | |
| Colorado | X | | X | |
| Florida | X | | | |
| Idaho | | | X | |
| Illinois | X | | X | |
| Maine | | | | X |
| Massachusetts | | X | | X |
| Michigan | X | | | X |
| Mississippi | | X | | |
| Missouri | X | | X | |
| Montana | X | | X | |
| Nebraska | X | | X | |
| Nevada | X | | X | X |
| North Dakota | X | | X | |
| Ohio | X | | X | X |
| Oklahoma | X | | X | |
| Oregon | X | | X | |
| South Dakota | X | | X | |
| Utah | | | X | X |
| Washington | | | X | X |
| Wyoming | | | | X |

Note: Constitutional initiatives amend the state's constitution. Statutory initiatives amend statutory law.

Figure 1: Raw Frequency of Initiative Use in the States

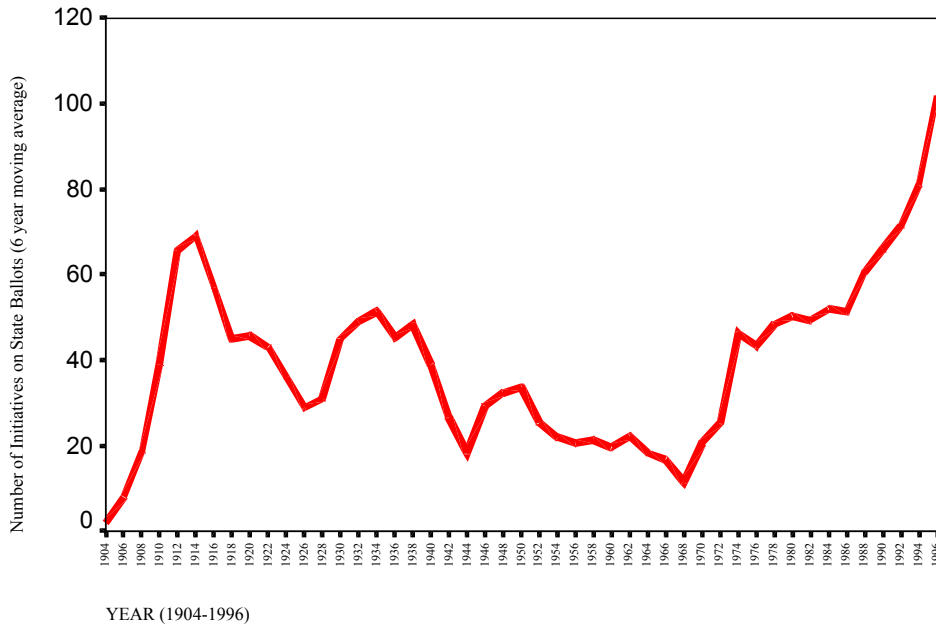


YEAR (1904-1996)

Source: raw data from the Initiative and Referendum Institute

Washington, DC. Analysis by author.

Figure 2: Smoothed Frequency of Initiative Use in the States

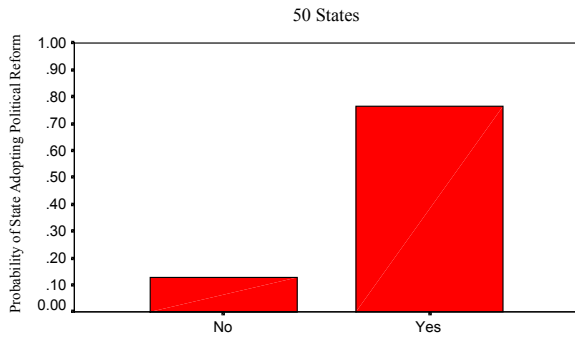


YEAR (1904-1996)

Source: raw data from the Initiative and Referendum Institute

Washington, DC. Analysis by Author.

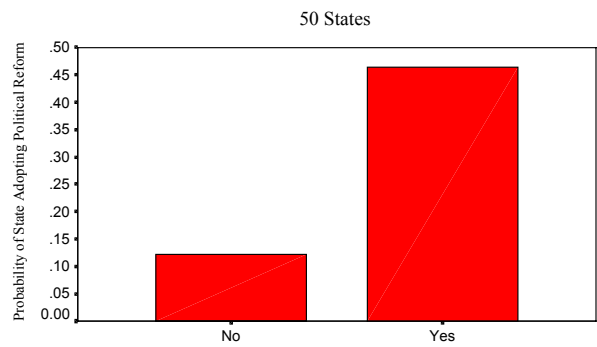
Figure 3: Direct Democracy & Legislative Term Limits



State Initiative Process (based on average usage of process 1970-1992)

Source: raw data from the National Conference of State Legislatures, Denver, CO. Analysis by author.

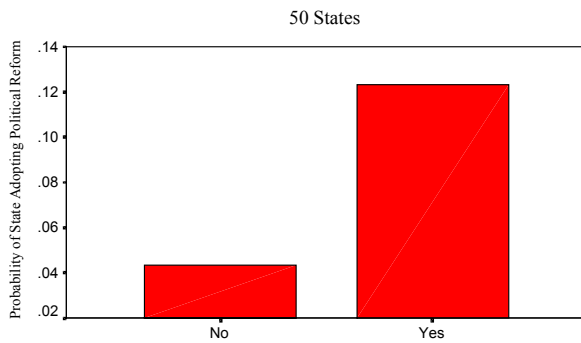
Figure 4: Direct Democracy & Supermajority Rules for Tax Increases



State Initiative Process (based on average usage of process 1970-1992)

Source: raw data from the National Conference of State Legislatures, Denver, CO. Analysis by author.

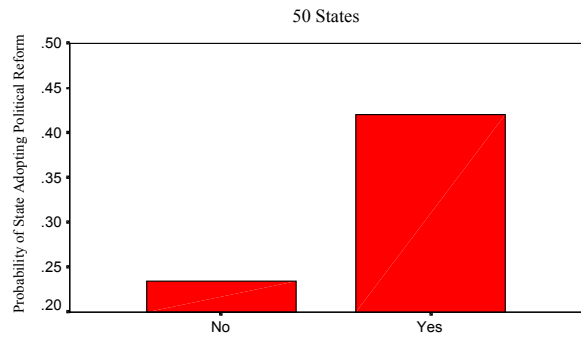
Figure 5: Direct Democracy & Voter Approval for All Tax Increases



State Initiative Process (based on average usage of process 1970-1992)

Source: raw data from the National Conference of State Legislatures, Denver, CO. Analysis by author.

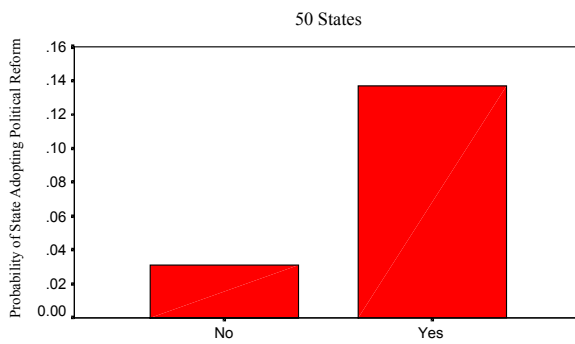
Figure 6: Direct Democracy & State Complete Open Primary Laws



State Initiative Process (based on average usage of process 1970-1992)

Source: raw data from the National Conference of State Legislatures, Denver, CO. Analysis by author.

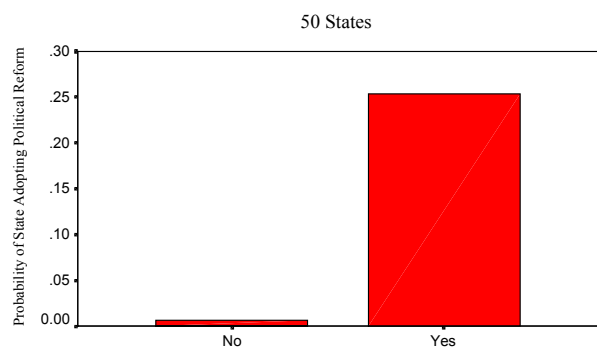
Figure 7: Direct Democracy & State Blanket Primary (Nonpartisan) Law



State Initiative Process (based on average usage of process 1970-1992)

Source: raw data from the National Conference of State Legislatures, Denver, CO. Analysis by author.

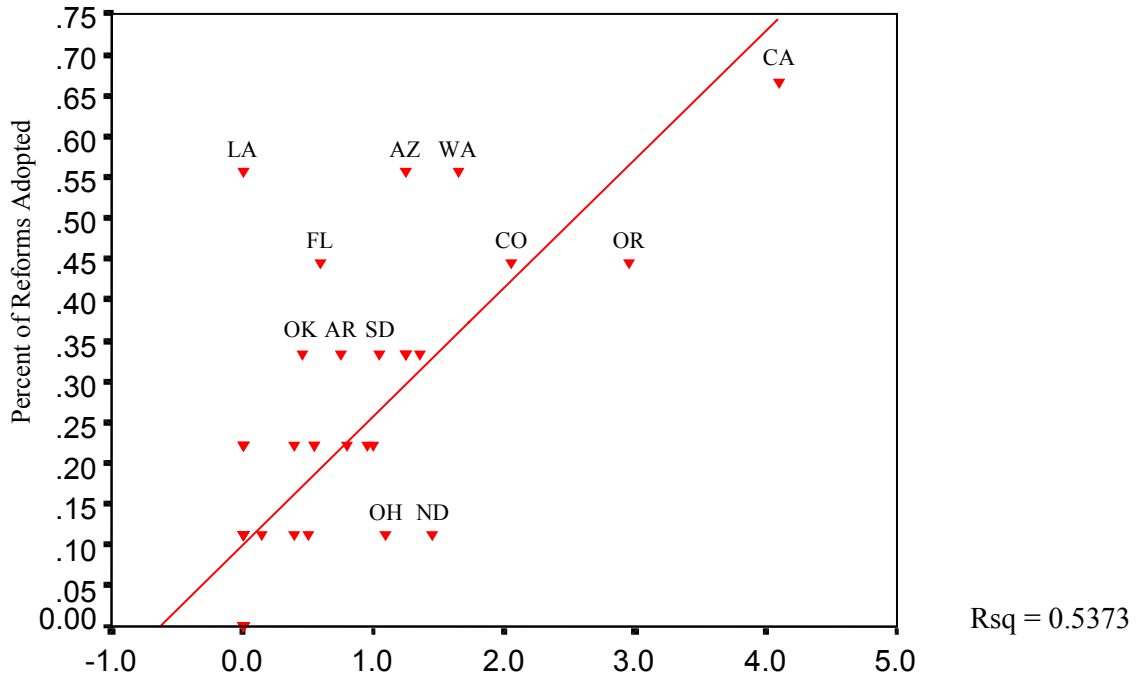
Figure 8: Direct Democracy & Very Low Campaign Contribution Lim



State Initiative Process (based on average usage of process 1970-1992)

Source: raw data from the National Conference of State Legislatures, Denver, CO. Analysis by author.

Figure 9 State Adoption of Governance Policies and Initiative Use



Average Number of Initiatives per year on Statewide Ballots 1970-1992

Source: raw data on political reforms from the National Conference of State Legislatures

Denver, CO. Analysis by author.