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# Citizens as Legislators

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## Direct Democracy in the United States

SHAUN BOWLER

TODD DONOVAN

CAROLINE J. TOLBERT

Editors



Ohio State University Press  
Columbus

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### Foreword

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Making laws is not the only activity in which parliaments engage, and lawmaking may be done without parliament. *Direct democracy* is a political process in which the law of the land is made by citizens firsthand. In the experience of most democratic countries, direct legislation takes place in the form of a *referendum*, a procedure through which parliament passes on an issue of public policy to the citizens for their participatory approval or disapproval. British membership in the European Community was effectuated through a referendum in 1975; referenda brought about ratification of the Maastricht Treaty in Denmark, France, and Ireland in the mid-1990s, further integrating the countries of the European Community; a celebrated proposed constitutional settlement to resolve the status of French Quebec was defeated in Canada in 1992; fundamental majoritarian political reforms were approved through referenda in Italy in 1991 and 1993; and new constitutions have been put into effect through referenda in as many as fifty-five countries.

The *initiative*, a procedure in which citizens directly propose public policies which are then voted on, is a much rarer form of direct legislation than the referendum. Only in Switzerland, and in twenty-six of the American states, is the initiative regularly practiced. A Swiss initiative in 1990 imposed a decade-long moratorium on the construction of nuclear power plants, and another in 1993 declared a national workers' holiday in August to commemorate the creation of the Swiss confederation. National initiatives (or referenda) have never been conducted in the United States, but state ballots can be replete with proposals of direct legislation. Outside of the Swiss case, to study initiatives is to study American state politics and elections.

	<i>Sample (%)</i>	<i>Actual Outcome (%)</i>
Governor—vote for Roberts	39.51	39.59
Measure 10—yes	55.68	54.94
Measure 11—yes	34.79	34.74
Measure 5—yes vote	59.11	55.47

4. An eigenvalue of 1 is the most common criterion used for determining the number of components in a principal components analysis (Kaiser 1958). Any component that a number of variables have in common with an eigenvalue greater than 1 indicates that the component explains more variance in the responses than a single variable. Therefore, if a component is explaining more variance than a single variable, it is explaining a meaningful amount of variance.

5. The scale is said to be triangular, since it assumes an underlying pattern of ordered responses such as the following:

<i>Choice</i>	<i>Voter 1</i>	<i>Voter 2</i>	<i>Voter 3</i>
Initiative A	yes	no	no
Initiative B	yes	yes	no
Initiative C	yes	yes	yes

## 7

### The Influence of Elite Endorsements in Initiative Campaigns

JEFFREY A. KARP

In November of 1991, voters in Washington State rejected an initiative that would have placed limits on the number of terms elected officials could serve. The term limits initiative would have forced the state's entire congressional delegation, including Speaker of the House Tom Foley, to leave office after serving just one more term in office. The 1991 term limits defeat in Washington State was unique and unexpected. Just one year before, the term limits movement appeared to have strong momentum when voters approved term limits initiatives in California, Colorado, and Oklahoma. Initially the Washington measure enjoyed widespread support; however, after an expensive and hotly contested campaign, the measure failed with 46% of the vote. A year after the defeat, voters in Washington and 13 other states passed similar term limits measures. Most of these measures passed easily, with little or no opposition. By the end of 1995, voters in more than 20 states approved ballot measures limiting the number of terms of either or both state legislators and members of Congress.

Washington was one of the few states to experience organized opposition to term limits. Moreover, the nature of opposition was unique in that well-known elites, like Speaker Tom Foley, actively campaigned against the initiative. Foley and the other members of the congressional delegation warned that passage of the term limits initiative would result in Washington State unilaterally disarming

its clout in Congress. Pundits as well as the campaign strategists themselves attributed the defeat of the initiative to the crafting of this message (see Robinson and Dixon 1992).

This chapter focuses on the term limits campaign in Washington State in 1991, examining how citizens use cues and other information from political elites to help them decide whether or not to vote for a ballot measure. While the chapter provides insight into the nature of public support for legislative term limits, its broader objective is to explain the influence of elites in direct democracy elections.

## Opinion Formation

Studies of mass opinion change contend that the attitudes of the electorate are shaped by the political rhetoric of elites, that "[t]he voice of the people is but an echo" (Key 1966, 2). V. O. Key believed that public opinion is part of a dynamic system in which activists, organized groups, and elected officials influence mass opinion: "Mass opinion is not self-generating; in the main, it is a response to cues, the proposals, and the visions propagated by the political activists" (1966, 557). Similarly, Converse (1964) believed that individuals rely on information or messages from political elites to help organize political issues and ideas. For an individual's political reasoning about an issue to be influenced by elite opinion, he or she must have knowledge of these issues and opinions. Exposure to messages from political elites depends in part on the individual's level of political involvement as well as the intensity of the message. Individuals who pay attention to current political events and understand them are more likely to develop stable attitudes on major political issues (Feldman 1989) and to think in ideological terms (Converse 1964; Stimson 1975). Because high political awareness is associated with stable attitudes and probability of exposure, those individuals who are more likely to be exposed to cues from political elites are also likely to have knowledge about the sources of the cues and whether or not they are consistent with prior attitudes. The least-informed individuals, while in theory being more susceptible to campaign messages, are likely not to respond to cues from elites because they are less likely to be exposed to the persuasive messages, especially when the flow of information is low (Con-

verse 1962). Those who are moderately informed are most susceptible to campaign messages because they have a higher probability of being exposed to the message than the least aware and are more likely to be persuaded by the message than the highly aware.

Following on Converse's work, Zaller (1992) outlines scenarios for mass opinion change in two cases: first, when there is consensus among elites; and second, when there is elite polarization. Zaller defines these elites as persons who devote themselves full-time to some aspect of politics or public affairs (1992, 6). These would include politicians, journalists, and policy experts, as well as some activists. The model treats opinion formation as a two-step process wherein individuals must first be exposed to new political information, and then decide whether to accept or reject the information based on their own political predispositions. If there are no ideological or partisan cues in the messages—meaning there is a consensus in elite opinion—then support for the elite position should increase among the politically aware. However, if there are partisan or ideological cues in the messages, the politically aware liberal will resist the conservative message and accept the more consistent liberal messages. Likewise, politically aware conservatives will be exposed to persuasive messages but reject the inconsistent liberal ones. While Zaller is not necessarily referring to direct legislation campaigns (for an exception, see Zaller 1987, 826, on gay rights), the model is applicable, as these campaigns present information to voters in attempts to persuade them with messages from political elites.

Elite endorsements may be a source of information about the ideological or partisan nature of ballot propositions. In candidate elections, party labels serve as a critical reference point for voters by helping to reduce the costs of information (Downs 1957). Without partisan cues, information costs are substantially higher, and as a result, few voters will be informed about propositions. As a substitute for party, elite endorsements may serve as a cost-cutting decision-making strategy in direct legislation elections. Research on the effects of elite endorsements in direct democracy elections indicates that they do play an important role in voters' decision making (Bowler and Donovan 1993; Lupia 1994; Magleby 1984) and that these effects may be greater when there are high levels of consensus among elites (Magleby 1984, 152–53). The influence of elite endorsements may also depend on who the endorser is. The positions

of elected officials who are better known to voters than part-time activists may receive a disproportionate amount of coverage during a campaign. As a result, persons who are equally attentive might be more aware of the politician's position than that of the activist.

To summarize, elite endorsements are a source of information for voters in ballot proposition campaigns. How voters respond to this information will depend on the extent of elite involvement, the individual's level of political awareness, and the nature of elite messages in the campaigns, whether it is contentious or unanimous. The next section examines the nature of elite messages in the Washington term limits campaign.

### The 1991 Washington Term Limits Campaign

The term limits initiative that qualified for the ballot in 1991 in Washington followed three successful term limits initiatives in Oklahoma, Colorado, and California. Unlike its predecessors in Oklahoma and California, Washington's term limits initiative proposed limiting the terms of both state *and* federal lawmakers and was more severe. The limits varied from 6 to 12 years, depending on the office. The measure would also limit the terms of the governor and lieutenant governor to 8 years. Unlike the term limits measures in other states, the limits were retroactive; all incumbents who had reached their limit, with the exception of the governor, would be allowed one more election for office. Officials could run again for office after a 6-year break. Passage of the measure would have prevented incumbent Governor Booth Gardner from running for a third term in 1992. Additionally, House Speaker Tom Foley and all seven of his House colleagues, and 109 of the 147 state legislators, could seek and serve just one additional term before leaving office in 1994 if the measure passed (Olson 1992, 69).

Proponents for the initiative came from both sides of the political spectrum. The term limits initiative was authored by a group of liberal activists calling themselves LIMIT (Legislative Mandating Incumbent Terms) but funded primarily by antitax conservatives and Libertarians. Sherry Bockwinkel, who led the campaign for LIMIT, had worked in the previous year as a staff member for a congressional candidate who attempted to unseat a veteran incumbent

in the Democratic primary, and later for a Democratic candidate running for the state assembly. The failure of these candidates to win election convinced Bockwinkel and several other LIMIT organizers that incumbent advantages in fund-raising, franking privileges, and media access made them invulnerable. Passage of term limits measures in Oklahoma, California, and Colorado led them to believe that term limits would provide a solution to the problem. The primary source of funding for the signature drive and the campaign came from a national term limits group controlled by conservative Republicans and Libertarians. The coalition between left-wing Democrats and right-wing conservatives was rather tenuous. Bockwinkel accepted the money, saying, "Wring 'em dry. Let 'em spend it on this one instead of spending it on taking people's civil liberties away. Then we'll save the left's money to fight the war machine" (Olson 1992, 75).

The opposition campaign was spearheaded by the state employees union and joined by good-government and environmental groups. Initially, members of the state's congressional delegation, including Speaker Tom Foley, stayed out of the term limits battle. Foley and the other members of the congressional delegation were reluctant to voice an opinion against an issue that appeared to be popular with voters. Moreover, they believed that the measure was unconstitutional at least as it applied to members of Congress (Olson 1992, 76). In an effort to forestall passage of the initiative, Washington's top elected officials, including Governor Gardner and Speaker Foley, joined other good government groups, such as Common Cause and the League of Women Voters, in a lawsuit to declare the initiative unconstitutional before it was placed on the ballot. The Washington Supreme Court, however, refused to hear the case before the election.

With seven weeks to go before the election, opponents of the measure were running out of money. Proponents enjoyed a 7.5 to 1 advantage in fund-raising. Almost all of the money that LIMIT had received came from Citizens for Congressional Reform (CCR), a national, Washington, D.C.-based term limits group funded primarily by the Koch brothers, two billionaires from Kansas who were active in the Libertarian Party. Given the funding advantage, it appeared as if the measure would easily pass. Six weeks before the election, Foley

which included three Republicans, began to raise money to defeat the initiative and began to speak out against the measure. A month later, the opposition campaign had received \$300,000 in campaign contributions. These contributions came from the nation's most well-financed lobbying interests: tobacco giants Philip Morris and RJR Nabisco, defense contractors Northrop and General Electric, and the National Rifle Association (Young 1993).

In the final month of the campaign, the dialogue shifted from term limits and government's unresponsiveness to one that focused on the loss of clout. The opposition argued that losing the Washington congressional delegation could cost voters their jobs, threaten their low electric rates, and jeopardize their environment (Robinson and Dixon 1992, 18). In the final three and a half weeks, the opposition aired radio and television commercials, focusing on Washington's losing its powerful delegation and unilaterally disarming itself while other states retained their entrenched representatives. Proponents relied primarily on radio advertisements, emphasizing anti-incumbent and abuse-of-office themes. The vast majority of newspaper editorials were against the initiative and focused on the costs to the state of losing Foley. In the last two weeks of the campaign, Governor Gardner announced that he would not run for a third term in 1992, and U.S. Representative Al Swift, a seven-term Democrat, made a pledge to seek just one additional term. Foley, who had tried to remain on the sidelines, entered the fray in the last week of the campaign and crisscrossed the state in a major media blitz from Seattle to Spokane (Olson 1992, 81). He emphasized how the loss of clout would affect the state.

In the end, proponents outspent the opponents by a 2 to 1 margin, spending \$705,403 compared to \$316,250. However, about one-third of the money spent by proponents was just to obtain access to the ballot. On November 5, 1991, voters in Washington rejected the measure by a 54% to 46% margin.

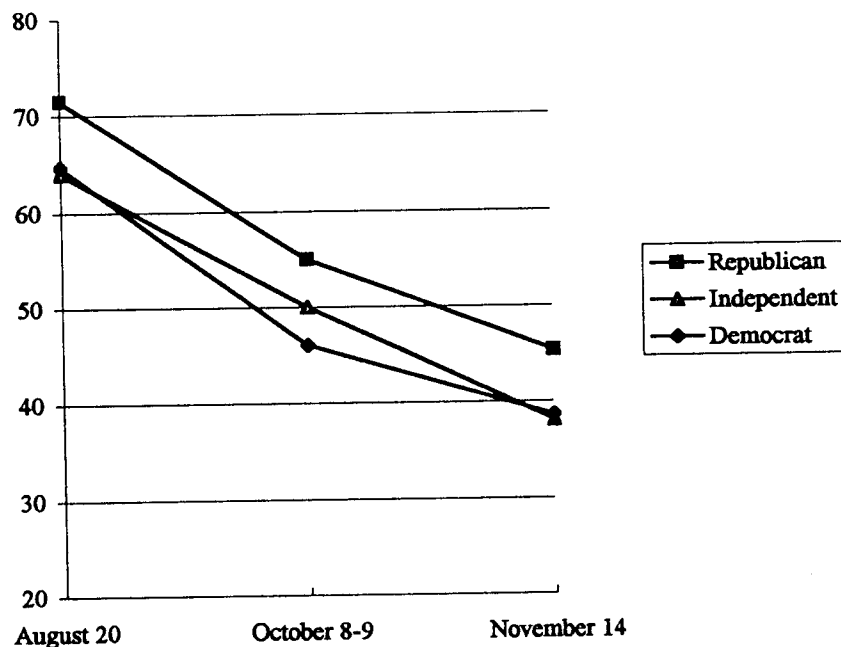
### Explaining Opinion Change on Initiative 553

Before the onset of the campaign, public opinion polls in Washington, like surveys elsewhere, indicated strong support for legislative

term limits. Support for term limits appears to be the result of widespread dissatisfaction with the political process, manifested in an increasingly cynical electorate (Karp 1995). In an exit poll taken during the 1990 midterm election, 72% of Washington voters favored unspecified limits on members of Congress.<sup>1</sup> National surveys conducted at that time revealed similar levels of support.<sup>2</sup> When respondents are presented with a hypothetical term limit of twelve years, a majority still expresses support for the idea.<sup>3</sup> In August, three months before the election, about two-thirds of likely voters expressed support for the term limits initiative, compared to 28% opposed and 4% undecided.<sup>4</sup> Comparing these data with surveys conducted later in the campaign and after the election reveals a dramatic change in opinion, though care must be used in interpreting these results, as the surveys were based on different samples.<sup>5</sup> As figure 7.1 reveals, initial support for term limits was high, but declined rapidly for both Democrats and Republicans as election day neared. After a strong and visible campaign, aggregate support fell off by almost 30 points, leading to an opinion reversal. Preelection polls of registered voters taken the Sunday and Monday before the election showed 39% in favor and 49% opposed, with 13% undecided.<sup>6</sup> Splitting the undecided voters almost evenly results in the eventual 46% to 54% margin of defeat. Republicans were more supportive than Democrats or independents, though these differences are not statistically significant. Nor are there significant partisan differences in the exit poll as support drops off equally over the course of the campaign for Republicans, Democrats, and independents.

Changes in public opinion over the course of a campaign are not unusual. Most ballot measures appear to have a great deal of support, only to have that support erode by election day (see Magleby 1984). But changes in support for term limits measures are unexpected if one considers the nature of the issue. Unlike the typical ballot question, which is technically worded, the ballot language of most term limits initiatives is rather straightforward. Moreover, most surveys indicate that only a small minority of voters remain undecided, indicating that the issue is not one of great complexity for voters. For these reasons, voters may be more sure of their opinions. Data from other states where term limits initiatives later appeared on the ballot indicate very little change in aggregate opinions

Figure 7.1 Changes in Partisan Support for Initiative 553



Sources: Greenburg-Lake: The Analysis Group (Aug. 20, n = 648; Nov. 14, n = 489); Fairbank, Maullin, Associates (Oct. 8-9, n = 400).

before the election, despite differences in both population and question wording. An Arizona poll, for example, taken over six months before the election, showed 73% in favor of term limits. The initiative received 74% of the vote. In Florida, surveys in the fall of 1991 and July 1992 showed roughly three-fourths of the respondents supporting such measures.<sup>7</sup> The initiative passed with 77% of the vote. In Montana and Wyoming, polls taken a month before the election were virtually identical to the final results.<sup>8</sup> In Missouri, polls in June 1992 showed that 80% of the respondents supported term limitations for both state legislators and members of Congress. By November, support had eroded by only 5%. Similar polls in Ohio and Nebraska reveal that support eroded only by 5 to 7 percentage points.<sup>9</sup>

Why the erosion of support in Washington and not in most other

factors account for changes in individual voting intentions over the course of the campaign. Nevertheless, we can draw some general conclusions based on the pattern of aggregate support. The Washington case was relatively rare in that well-known elites actively campaigned against the measure. In other states where term limit measures appeared on the ballot, many elites chose not to oppose an idea that was extremely popular with the voters, because they were convinced that the initiatives, at least as they applied to members of Congress, would never go into effect. They believed, correctly as it turned out, that term limits for members of Congress were unconstitutional.<sup>10</sup> These initiatives also did not impose the immediate threat that they had in Washington State. Many initiatives contained a "trigger clause" that delayed the implementation of term limits until a given number of states enacted similar provisions.

In some cases, as in Missouri, term limits for members of Congress would begin only after similar limits were adopted by one-half of the states. This requires at least one state without the initiative process to pass term limits, which is a hard trigger to pull. Other elites chose not to risk the political capital by opposing a popular issue. In Ohio, for example, the Democratic political leadership was convinced that the term limit initiative would pass if it got on the ballot, and they could do nothing much to stop it (Jewell 1993, 13). And in Missouri, the opposition spent all of its money, \$7,380, on legal fees to have the initiative removed from the ballot. None of the members of the Missouri congressional delegation publicly opposed the measure, most likely because it would never apply to them. Thus, Washington was one of the few states where there was organized opposition and elites were outspoken.<sup>11</sup> While proponents spent a great deal of money responding to the criticism, the campaign was led by previously unknown activists and funded by individuals who would have preferred to remain anonymous.

If we assume most voters were paying attention to the campaign and were aware of elite discourse, it appears from the aggregate data displayed in figure 7.1 that some voters accepted the information carried by Foley and other elected officials. The preelection poll taken just before the election shows that Democratic support for the initiative plummeted by nearly 39 points after August. Aggregate Republican support also dropped by 23 points, indicating that some Republicans were also likely to accept the messages conveyed by elites.



## Estimating the Influence of Elite Endorsements

Since aggregate data can only be suggestive, we must turn to individual-level data to examine the influence of elite endorsements. Given that Speaker Tom Foley was a central figure in the campaign to defeat the term limits initiative, the analysis that follows focuses on his involvement. Foley was a well-known figure in Washington politics who symbolized the political establishment and whose tenure in Congress demonstrated the value of seniority. He was thus in an excellent position to define the issue.

To examine Foley's influence, a model is specified that takes into account both the voters' awareness and the extent to which voters found Foley credible. Based on the theory of opinion formation discussed earlier, it is hypothesized that persons supportive of Foley are likely to accept his message and vote "no" on the initiative, whereas those persons who are not supportive of Foley are likely to reject his appeals and vote "yes." The effect of these attitudes toward Foley will depend on whether a voter is aware that Foley opposed the measure. Thus, the model presupposes a two-stage process wherein voters must first be exposed to the cue and then must decide whether or not to accept or reject. The first stage in the model estimates the likelihood that individuals are aware of Foley's position. The second stage estimates the impact of awareness on the likelihood of voting for the initiative, using an indicator of awareness predicted from an equation estimating awareness as a function of media exposure.<sup>12</sup>

Those most likely to know Foley's position are those who were exposed to information about the campaign through radio and television advertisements as well as editorials in various newspapers. According to Magleby (1984, 130-39) these are the primary sources of information about ballot propositions, although information about politics comes from other sources, such as friends and family, work associates, fellow members of groups or organizations, and the voter's pamphlet. The variables used here are based on questions asking respondents if they remembered reading or hearing the advertisements.<sup>13</sup> To measure awareness, the dependent variable in the first stage of the model, the following question is used: "Do you remember seeing or hearing during the campaign that Speaker of the

House Tom Foley was against Initiative 553?" A sizable majority of those who voted on the initiative, 64%, were aware of Foley's position, compared to only 30% who knew that their own member of Congress was against the term limits measure. Former California Governor Jerry Brown also came to Washington to campaign in support of the initiative, but only 27% of the voters knew about that. Thus, the influence of elites depends not only on their prominence but also on the extent of their involvement.

The final stage in the model estimates the likelihood of voting for the initiative. To estimate Foley's influence, an interaction is specified between those who are aware of Foley's position and their feelings toward Foley. A "feeling thermometer" is used to measure feelings toward the Speaker, ranging from cold (0) to very warm (100). Partisanship is measured on a seven-point scale ranging from strong Democrat (1) to strong Republican (7), with independents coded in the middle (4). Another included variable measures respondent's feelings toward LIMIT, the organization that placed the initiative on the ballot. Finally, a measure of responsiveness is included in the model, based on the hypothesis that individuals who think government is out of touch are more likely to support term limits. The measure is based on the question, "Do you agree or disagree that Congress is out of touch and elected officials do not care about the people they represent?"<sup>14</sup>

## Results

The results in table 7.1 demonstrate how mass opinion is shaped in part by elites when their positions are known. The first-stage results illustrate that persons who were exposed to radio and television advertisements, both for and against the initiative, were more likely to know Foley's position. The second-stage results demonstrate that knowing Foley's position (predicted as a function of media exposure) in turn influenced their vote. Newspaper editorials against the initiative were also an important determinant of knowing Foley's position. These results coincide with those of Magleby, who found that a popular source of information on Proposition 13 in California was the newspaper (1984, 131). Those who knew that Foley opposed the

**Table 7.1** Vote on the 1991 Washington Term Limits Initiative  
(Two-Stage Logit Estimates)

Variables	First Stage		Second Stage	
	Know Foley's Against	Effect	Vote on Initiative	Effect
Radio/TV ads (pro)	.615** (.284)	.141	.127 (.324)	.031
Radio/TV ads (con)	.589** (.282)	.136	.094 (.319)	.023
Editorials (con)	.814*** (.213)	.187	.413 (.219)	.100
Female	-.334 (.208)	-.077		
Age	.067 (.050)	.015		
Education	.028 (.075)	.006		
Income	-.013 (.062)	-.003		
Union member	-.025 (.244)	-.006		
Party ID	—		.025 (.051)	.006
Know Foley against I553	—		1.606*** (.441)	.389
Foley (x) temperature	—		-.038*** (.006)	-.009
LIMIT temperature	—		.039*** (.005)	.009
Responsiveness	—		.458*** (.186)	.111
Constant	-.762 (.471)		-2.178*** (.443)	
N	489		489	
-2 Log Likelihood	570.771		535.127	
% correctly classified	70.50		70.66	

Sources: Stan Greenberg and Celinda Lake, "1991 Survey of Washington Initiative 553." Survey commissioned by the Washington State Federation of Employees and conducted by Greenburg-Lake: The Analysis Group.

initiative were more likely to vote for the measure, but their feelings toward him also conditioned this relationship. The significance of the interaction term in the second-stage results indicates that those with favorable feelings toward Foley were least likely to support the initiative, while those with unfavorable feelings toward Foley were most likely to vote for the initiative. These effects are illustrated in figure 7.2, which reveals that Foley's position has a dramatic effect on the probability of supporting the initiative, depending on feelings toward Foley. Those with negative feelings toward Foley are almost twice as likely to vote for the initiative as those who are unaware of Foley's position.<sup>15</sup> Support for the initiative drops off sharply among those who are aware of Foley's position, as feelings toward Foley become more positive. On average, feelings toward Foley are generally favorable, which translates into a net advantage in persuading persons to vote "no" on the initiative. The differences at the extremes are rather large. Individuals who are the most positive toward Foley are three times as likely to vote against the measure as those at the other extreme.

Empirically, there is little evidence to suggest that simply hearing or seeing advertisements or reading editorials is enough to directly persuade voters. On average, about two-thirds of those who voted on the measure had heard radio commercials or seen television advertisements for and against the initiative. Less than 10% had heard only one side of the debate. These advertisements appear not to have influenced voters one way or another. Just under half of the voters (46%) had read newspaper editorials against the initiative. These too did not appear to directly influence voters to vote "no" on the initiative. These findings do not, however, disregard ad-

Thanks to the Washington State Federation of Employees for providing me access to their data.

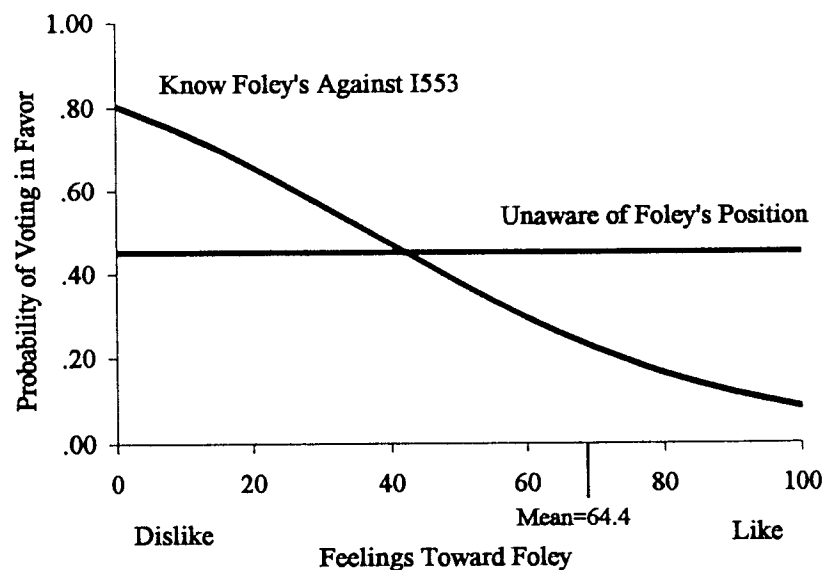
Note: Standard errors are in parentheses.

Dependent variables: Eq<sup>1</sup>, 1 = Aware of Foley's Position; 0 = otherwise; Eq<sup>2</sup>, 1 = voted for I553; 0 = voted against.

Effect: Net effect on probability of a one-unit change in the independent variable evaluated at the mean. Eq<sup>1</sup> = .64; Eq<sup>2</sup> = 41.

\*\*p < .05, \*\*\*p < .01.

**Figure 7.1** Estimated Support for Initiative 553 by Feelings toward Foley and Awareness



vertisements as an important source of information. The information carried in these ads was probably more effective in providing cues to voters about elite positions than they were in directly persuading voters. Foley's role in the debate was effective as a means of providing cues to voters who, in turn, chose to accept or reject arguments depending on feelings toward him.

## Conclusion

Most commentary after the election concluded that the fear of losing clout was the principal factor for the defeat of Initiative 553. In an article in *Campaign Magazine*, the campaign strategists against Initiative 553 claimed that the crafting of a persuasive message was critical to their success (Robinson and Dixon 1992). Proponents also believed that the message was the major factor for the loss (Struble 1993, 6). Indeed, in their second attempt at passing term limitations

in Washington, LIMIT tried to diffuse the clout issue by making term limits nonretroactive. The findings in this paper suggest that the message was probably not quite as important as the messenger. While 20% of those who voted for term limits mentioned the loss of clout as a reason for voting against the measure, the analysis presented here suggests that without Foley, the message would probably not have had the impact it did. These findings are consistent with a large body of research that suggests that citizens who are well informed react to political ideas on the basis of cues provided by elites.

This model may also explain why term limits eventually passed in Washington in 1992 as well as in other states across the country. Unlike the Washington campaign in 1991, elites in the vast majority of states where term limits initiatives appeared on the ballot chose not to become involved in the debate. California was one exception, where prominent Democratic elites such as California Assembly Speaker Willie Brown led a campaign to defeat two term limits measures for state legislators that appeared simultaneously on the ballot in 1990 (see Donovan and Snipp 1994; Price 1994). One of these measures had the backing of the state's Republican leadership, while the other measure—which did not have as severe limits and also included campaign finance reform—was sponsored by a group of liberal reformers. Brown, who was joined by gubernatorial nominee Dianne Feinstein and other prominent Democrats, was successful in defeating one of these measures, largely because both Democratic and Republican elites, such as Republican gubernatorial candidate Pete Wilson, also opposed the measure (see Banducci and Karp 1994). On the other measure, however, elites were divided along partisan lines, and the measure passed with 52% of the vote.

A year later in Washington, term limits supporters qualified another measure for the ballot. A coalition of interest groups, similar to the one in the previous year, opposed the measure. Foley, however, was preoccupied with his own reelection bid, and as a result was less active in fighting term limits. The other members of the congressional delegation were also much less active in opposing term limitations in 1992 than in 1991. Not only were they all running for reelection, but the term limits restrictions were not retroactive and were less severe, giving them less of an incentive to

oppose the measure. Although the opposing campaign relied on the same rhetoric, elites were not as active, and the initiative passed with 52% of the vote.

## NOTES

1. Voter Research and Surveys General Election Exit Poll, 1990, National File, Interuniversity Consortium for Political and Social Research (ICPSR) 9604.
2. CBS/*New York Times* Poll, October 1990.
3. CBS/*New York Times* Poll, October 1990.
4. Greenburg-Lake, 20 August 1991. Based on a sample of 648 likely voters.
5. The August poll sampled likely voters, whereas the two polls taken in October and November sampled registered voters.
6. Fairbank, Maullin & Associates. Based on a sample of 400 registered voters.
7. Hill Research, July 1992. Based on a sample of 485 likely voters.
8. University of Montana, October 1992; based on a sample of 389 likely voters. University of Wyoming, October 1992; based on a sample of 521 residents.
9. University of Akron, October 1992; based on a sample of 577 residents. University of Nebraska, 1992; based on a sample of 491 residents.
10. In a 5-4 decision in *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995), the U.S. Supreme Court ruled that state-imposed term limits were unconstitutional, thereby overturning term limits laws in 23 states. According to the majority opinion, the qualifications for congressional service listed in the Constitution—age, citizenship, and state residency—are exclusive, and neither the states nor Congress could add additional qualifications.
11. Utah and California are other examples where partisan elite opposition could have driven an opinion reversal. For Utah, see Magleby and Patterson (1996); for California, Banducci and Karp (1994) and Donovan and Snipp (1994). None of these studies were able to directly account for the effects of media exposure and knowledge of elite positions in their analyses.
12. This two-stage estimation process thus tests if exposure to media has a direct impact on voting, or if the effects of media on vote operate indirectly, by structuring voter awareness of elite positions.

13. "Do you remember reading any newspaper editorials against Initiative 553?" "Did you hear any radio commercials or see any television ads for Initiative 553?" "Did you hear any radio commercials or see any television ads for Initiative 553?" Coded "1" for Yes; "0" otherwise.

14. Coded "1" for Agree, "0" for Don't Know, "-1" for Disagree.

15. Figure 7.2 plots the probability of supporting I553 predicted by feelings toward Foley when all other variables in the second-stage model are set at their mean values.

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# Citizens as Legislators

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## Direct Democracy in the United States

SHAUN BOWLER

TODD DONOVAN

CAROLINE J. TOLBERT

Editors



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### Foreword

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Making laws is not the only activity in which parliaments engage, and lawmaking may be done without parliament. *Direct democracy* is a political process in which the law of the land is made by citizens firsthand. In the experience of most democratic countries, direct legislation takes place in the form of a *referendum*, a procedure through which parliament passes on an issue of public policy to the citizens for their participatory approval or disapproval. British membership in the European Community was effectuated through a referendum in 1975; referenda brought about ratification of the Maastricht Treaty in Denmark, France, and Ireland in the mid-1990s, further integrating the countries of the European Community; a celebrated proposed constitutional settlement to resolve the status of French Quebec was defeated in Canada in 1992; fundamental majoritarian political reforms were approved through referenda in Italy in 1991 and 1993; and new constitutions have been put into effect through referenda in as many as fifty-five countries.

The *initiative*, a procedure in which citizens directly propose public policies which are then voted on, is a much rarer form of direct legislation than the referendum. Only in Switzerland, and in twenty-six of the American states, is the initiative regularly practiced. A Swiss initiative in 1990 imposed a decade-long moratorium on the construction of nuclear power plants, and another in 1993 declared a national workers' holiday in August to commemorate the creation of the Swiss confederation. National initiatives (or referenda) have never been conducted in the United States, but state ballots can be replete with proposals of direct legislation. Outside of the Swiss case, to study initiatives is to study American state politics and elections.