

# **Restricting Initiative: The Role of Legislative Threat Perception**

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## **Abstract**

This paper examines why states restrict the public's ability to use the initiative process. I argue that states will move to increase election law restrictiveness when the initiative is perceived as threatening to legislative autonomy, majority party control over policymaking, or a state's fiscal health. I test these expectations using a novel dataset that catalogues both proposed and enacted restrictions to the initiative process between 2002 and 2011. I find evidence that, contrary to the expectations of prior works, threats to state fiscal health exert a minimal effect on subsequent changes to election law restrictiveness. Rather, it is the threat to state autonomy and majority party control over policy that appears to shape state legislative response to direct democracy; in particular, the education of a state's electorate, electoral volatility, and citizen-government distance each exert strong effects on the willingness of states to make it more difficult for the public to successfully use the initiative process.

Election laws are believed to play an important role in shaping the scope of participation on Election Day (Leighley and Nagler 1992; Nagler 1991). Greater election law restrictiveness is associated with lower voter registration and turnout, particularly among those individuals with lower socioeconomic status (Rosenstone and Wolfinger 1978). Ultimately, the scholarly interest in election laws stems from the potential for election laws to impact election results which may, in turn, help to determine policy outcomes (Burden and Neiheisel 2011; Powell 2006). Yet there has been surprisingly little scholarly attention paid to the question of why states adopt restrictive election laws that limit the scope of public participation. This study contributes to the on-going dialogue on election laws by exploring the factors that lead states to restrict public participation in elections.

I examine the determinants of election law restrictiveness within the empirical arena of direct democracy, where there is a direct connection between public participation and policy outcomes. Here, direct democracy refers to the public's ability to author novel policy proposals and to place these proposals on a state's ballot for consideration on Election Day. Election law restrictiveness, then, pertains to the difficulty associated with successfully sponsoring and passing an initiative given the current slate of state laws that govern the process. For instance, several of the most common methods of restricting the initiative include (i) raising the required number of voter signatures that sponsoring groups must collect in order to place their proposal on the ballot, (ii) requiring that voter signatures be collected within a short window of time prior to an election, or (iii) mandating that an initiative pass by more than a simple majority on Election Day in order to be implemented.

Restrictive election laws governing the initiative process appear to exert a substantial influence on the states' policy agendas. For instance, when a state makes it more difficult to

qualify a proposal for the ballot, fewer initiatives will place on the ballot and, consequently, a smaller number of proposals will pass (Banducci 1998; Boehmke 2005; Magelby 1984). Moreover, there is emerging evidence that election law restrictiveness also shapes the *types* of proposals that are able to qualify for the ballot. Greater election law restrictiveness is associated with less technically complex initiatives appearing on the ballot (e.g. same-sex marriage, abortion) (Milita n.d.). Notably, the appearance of these “easy,” ideologically-driven proposals on the ballot appears to bolster voter turnout (Smith 2001), offering some tentative evidence that restrictive election laws may also exert a positive effect on turnout, albeit indirectly.

This study offers a threat-based explanation for state willingness to restrict the public’s ability to use the initiative. Specifically, I argue that states will act to increase election law restrictiveness when they believe the initiative process poses a threat to: legislative autonomy, party control over policymaking, or state financial solvency. Threats to legislative autonomy are factors that lead state legislators to perceive direct democracy as a rival policy-making or agenda-setting authority. Similarly, threats to party control are variables that weaken the majority party’s hold over policy-making; notably, this is a decidedly partisan concern, whereas legislative autonomy pertains strictly to institutional power. And finally, threats to financial solvency are conditions that are believed to adversely affect the fiscal health of a state, such as the legislature’s ability to balance its budget or raise sufficient revenue.

Using a novel dataset that catalogues both proposed and enacted changes to state election laws governing the initiative process, I find evidence that as the initiative process poses an increasing threat to a state’s legislative autonomy or party control over policy-making, states are more likely to propose and pass legislation to make it more difficult for the public to successfully use the initiative process. In particular, the availability of the state legislative recall election, the

education of a state's electorate, citizen group strength, electoral volatility, and the extent to which the state government is more or less liberal than the public are each associated with substantive changes to state election laws. Curiously, threats to a state's fiscal health do not appear to significantly influence a legislature's willingness to restrict the initiative, despite the prominence of the purported fiscal impacts of the initiative on states' budgets within the literature. Rather, the narrative that emerges as to why states propose and implement restrictive election laws is decidedly institutional and partisan in nature.

### **The Determinants of Election Law Restrictiveness**

Among the 24 states that currently allow policymaking by initiative, there are varying degrees of restrictiveness surrounding the public's ability to use the process (Donovan, Tolbert, and Lowenstein 1998). Table 1 presents the 106 restrictions on direct democracy across the 24 initiative states enacted between 2002 and 2011. By far, the most common type of restriction is the regulation of signature gatherers. For instance, several states have debated whether petitioners must be legal residents of the state within which they are gathering signatures. Another common question is whether petitioners can be paid for their services or if they are required to be group volunteers. A number of states have also discussed whether convicted felons should be allowed to serve as petitioners. The second and third most common type of restriction centers on filing deadlines for initiative sponsorship (e.g. the time allowed for signature collection) and campaign finance (e.g. should individual financial contributions to initiative campaigns be capped), respectively.

(Table 1 about here)

There is also sizable variation in initiative restriction over time. Figure 1 shows the total number of enacted pieces of legislation designed to make it more difficult for the public to

successfully use the initiative process for each year between 2002 and 2011. For instance, in 2005, the Florida legislature passed a bill to require initiatives to be approved by 60% or more of voters in order to pass on Election Day and in 1998 the Arizona legislature proposed, but did not pass, a bill that would require initiative sponsors to collect the required number of voter signatures from residents in each of the state's 15 counties, with the goal of ensuring that there is widespread geographic support throughout the state for prospective ballot measures.

(Figure 1 about here.)

Figure 1 shows that over time there is a significant uptick in state imposed restrictions. Curiously, there does not appear to be an immediately evident relationship between the frequency of initiative use and the extent to which state legislatures impose restrictions on the process. Moreover, initiative use (i.e. the number of proposals making the ballot) remains relatively unencumbered by the increased restrictiveness.<sup>2</sup> If not initiative use, what then explains this pattern of election law changes?

I propose that election law restrictiveness is a function of the extent to which a state legislature *perceives* the initiative process as threatening. It is said that legislators work toward three professional goals: re-election, “good” public policy, and influence within their institution (Fenno 1978; Fiorina and Rohde 1991). However, in order to achieve these goals, the legislative body and, more specifically, the majority party must be able to claim credit for policy outcomes and successes.

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<sup>2</sup> Notably, a number of states only allow initiatives to appear on the ballot during even-year elections. This is why there tends to be very few initiatives on the ballot during odd years.

I argue that there are factors in the political environment that lead the state legislature to perceive the initiative process as a threat to the achievement of professional legislative goals. These threats include infringements on (i) legislative autonomy, (ii) majority party control over the policymaking process, and (iii) state fiscal health. When there is an increase in the actual or perceived threat of the initiative to the legislature's policymaking autonomy, the state legislature should be more likely to propose and enact legislation to restrict the public's ability to use the initiative process.

### **Threats to Legislative Autonomy**

There are several factors that shape the threat of the initiative to state legislative autonomy. First one must consider the immediate impact of the use of direct democracy on the legislature; that is, the extent to which the public uses the initiative process: the number of initiatives that make the ballot and the number of initiatives that pass. As the initiative process is used with increasing frequency to issue policy mandates, the legislature should perceive a greater threat to its policy-making autonomy (Ferraiolo 2010; Tolbert, Lowenstein, and Donovan 1998; National Conference of State Legislatures 2013).

Second, a number of initiative states allow the public to use direct democracy to recall state officials from office and have witnessed the imposition of term limits for state legislative service adopted through the initiative process. When the public can recall state officials from office at any point, it is likely that the legislature will perceive direct democracy as a more immediate threat to legislative autonomy. Similarly, term limits, instituted through the initiative, have been charged with weakening the institutional power and professionalism of state legislatures (Kousser 2005). Term limits, in effect, mandate the removal of legislators that have long held the same district seat and cultivated both policy expertise and institutional memory.

I argue that the availability of the state legislative recall and the presence of term limits should lead legislators to perceive the initiative process as posing a greater institutional threat than in states that lack the ability to recall state officials or have not placed limits on the length of legislative service.

Third, one must consider both the professionalism of the legislature and the education of the state's electorate. Legislative professionalism refers to the extent to which the resources and workload of a state legislature approximate that of the U.S. Congress (Squire 2007). A professional legislature is likely to have a substantial number of members that are progressively ambitious and are actively seeking credit-claiming opportunities with regard to public policy (Maestas 2002; 2003). Thus, it is conceivable that highly professional state legislatures will perceive a greater threat to policy-making autonomy than legislators from less professional bodies. Regarding education, there is evidence that more informed state electorates have a greater capacity to understand key policy issues (Bunch n.d.; Smith and Tolbert 2004). More importantly, educated electorates will likely be efficacious enough to attempt to resolve perceived policy failings of the state legislature through the initiative process, which may be viewed by the state as an encroachment on the legislature's institutional turf.<sup>3</sup> Thus, as the educational attainment of a state's residents increases, the legislature may be more likely to perceive public lawmaking via the initiative as an institutional threat.

### **Threats to Majority Party Control Over Policy-Making**

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<sup>3</sup> Moreover, prior works show that states with more educated electorates tend to use the initiative process more frequently than states with less education electorates (Banducci 1998; Smith and Tolbert 2004).

This type of threat pertains to the ability of the majority party in state government to control the policy agenda. In total, there are six factors that are believed to shape the actual or perceived threats to majority party control. Two of these variables pertain to the nature of the active interest groups within a state: the extent to which a state's interest group system is comprised of citizen groups (relative to economic groups) and whether or not interest groups are said to dominate state political parties in terms of policy influence. When a state's interest group system is comprised primarily of citizen groups, not only will more initiatives make the ballot (Gerber 1999), but the types of initiatives that will be sponsored are those that would otherwise serve as key credit-claiming opportunities for state legislators, in particular the members of the majority party (Boehmke 2005). For instance, the initiative process has been used in previous years to pay for educational improvements in the state by imposing an additional tax on cigarettes. Moreover, citizen groups often sponsor highly ideological proposals such as banning or legalizing same-sex marriage or designating English as the official language of a state; these types of proposals could have afforded state legislators significant credit-claiming clout had the policies not been resolved via the initiative process.

Similarly, when interest groups are believed to be stronger political actors than the state parties, it is likely that party members on both sides will perceive interest groups as a threat to majority party control over the policy agenda; thus, the initiative process, a traditional tool for interest groups to circumvent the legislature, may be viewed with a good deal of suspicion when interest groups are powerful in the state (Hrebennar 1997; Nownes, Thomas, and Hrebennar 2008).

The second type of threat to majority party control over policy-making pertains to the nature of electoral competition within a state. Interparty competition, electoral turnover, and the presence of divided government should each influence the extent to which the majority party



perceives the initiative process as a threat. Interparty competition is traditionally conceptualized as the electoral competitiveness of Democratic and Republican candidates and, as a result, ultimately speaks to the division of state legislative seats (Barrilleaux, Holbrook, and Langer 2002; King 1989). An increase in interparty competition should increase the perceived threat of the initiative process, as the minority party becomes relatively stronger and perhaps more capable of supporting an initiative campaign to circumvent the majority party in the legislature. Similarly, when there is divided government (i.e. a single party does not control the state house, state senate, or governorship) the majority party may perceive a greater threat to party control over policy-making than when there is unified government (Fiorina 1994); and one of the avenues for the minority party to influence public policy is by supporting or encouraging interest groups to undertake initiative sponsorship.

However, one must also consider the nature of electoral turnover in a state. That is, how many seats switched parties in the most recent legislative election? As electoral turnover increases, the majority party may believe that it will soon become the minority party (Binder 1996; 1997). Thus, when there is high electoral turnover, the majority party will likely perceive the initiative as a potentially beneficial mechanism that it could use to influence policy from the margins; that is, majority party members appear hesitant to restrict minority party rights when the majority believes it could soon become the minority after the next election.

The final threat to majority party control over policy-making relates to the potential disparity between the policies that the public wants and the policies that the governing (i.e. majority) party seeks to implement (Martin and Vanberg 2004). When the state government is substantially more liberal or more conservative than the public (i.e. there is significant ideological distance between the government and its citizenry), the majority party should

perceive the initiative as posing a potentially sizable threat to the policy process; as the policy preferences of the public are less aligned with the preferences of the governing majority when there is ideological distance between the state government and the citizenry.

### **Threats to State Fiscal Health**

Threats to state fiscal health are factors that make it more difficult for states to balance their budgets or maintain their rainy day funds (Rose 2010). There are three key variables that influence the extent to which the state legislature will perceive the initiative process as a threat to a state's financial well-being. First, states in which the initiative has been used in the past to place restrictions on the ability of the state legislature to raise or spend revenue should perceive a greater threat of initiative than states that have not adopted tax or expenditure limits (Kousser, McCubbins, and Moule 2008). Initiatives that limit government's ability to raise taxes or spend money have been charged with crippling state finances (Camobrecco 1998; Waisanen 2010) and are one of the most often cited examples for why state legislatures attempt to repeal or revise policy mandates adopted via the initiative (Ferraiolo 2010).<sup>4</sup>

Second, one must consider the magnitude of a state's rainy day funds (i.e. year-end reserves) that are available to the legislature. If a state has an abundance of financial reserves, it is unlikely that the legislature will perceive the initiative process and its ensuing policy mandates as a threat to the financial well-being of the state (Maag and McCarthy 2006). In contrast, if a state's year-end reserves are relatively low, the state may find itself facing a financial crisis

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<sup>4</sup> One of the most prominent examples of the initiative process being used to limit a state government's ability to raise and spend revenue is California's infamous Proposition 13 (1978) which placed limits on the extent to which residents' property taxes could increase annually.

precipitated by the public's use of the initiative process to adopt costly policies such as classroom size reduction or improvements to transportation infrastructure.<sup>5</sup>

Third, and finally, gross state product (GSP) may also play a role in state legislative perceptions of direct democracy's financial threat to the state. GSP is an indicator of the overall economic output of a state.<sup>6</sup> When GSP increases, a state will tend to take in additional tax revenue, which may lessen the perceived financial threat of the initiative process and its associated policy mandates (Gonzalez and Levinson 2003).

In sum, I propose that there are three fundamental types of threats that the state legislature may perceive as emanating from the initiative process: threats to legislative autonomy, threats to majority party control over policy-making, and threats to state fiscal health. As legislative threat perceptions increase, I argue that the legislature will be more likely to both propose and enact statutory restrictions that make it more difficult for the public to use the initiative. Notably, this argument suggests that the state's restriction of the initiative may have less to do with the public's actual use of the process but rather the legislature's perception of the threat the initiative poses to institutional autonomy, party control, or financial well-being.

### **Data and Method**

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<sup>5</sup> For a detailed description of how the state of the Florida legislature handled the policy mandate for a high-speed rail system, see Cox 2000.

<sup>6</sup> GSP has also been shown to influence a state's interest group population by increasing the number of citizen groups (relative to economic and professional associations) that are actively lobbying within a state (Gray and Lowery 1996).

The domain for my empirical analysis includes all 24 of the American states that allow for the initiative process during the period 2002-2011.<sup>7</sup> My two dependent variables are the number of proposed and enacted legislation designed to make the initiative process more difficult for the public to use. The key explanatory variables are factors that influence how threatening the state legislature perceives the initiative process to be.

### **Measuring the Dependent Variable: Legislative Restriction of the Initiative**

I offer two measures for state legislative restriction of the initiative. First, I take a count of the number of bills proposed by the state legislature in a given year that seek to make it more difficult for the public to use the initiative process. And second, I include a count of the number of bills intended to restrict the initiative that actually pass.

These data are collected from the National Conference of State Legislature's (NCSL) initiative and referendum legislation database (NCSL 2013). The database catalogues all changes to state laws pertaining to direct democracy in the states. I am able to search legislation and collect information on the number of bills that are proposed and enacted by a legislature in a given year.

### **Measuring Threats to Legislative Autonomy, Party Control, and Fiscal Health**

For the six variables that influence the extent to which the state legislature perceives the initiative process as a threat to legislative autonomy, I measure each as follows:

- *Initiative Count:* A state's initiative count is measured by the total number of initiatives that placed on a ballot during the previous year; that is, the number of initiatives on the ballot in a given year should influence the number of proposed and enacted legislation during the subsequent year.

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<sup>7</sup> The starting date of 2002 was chosen due to data availability issues state election laws.

- *Initiative Passage*: Initiative passage refers to the number of initiatives during the previous year that were approved by voters on Election Day.
- *Recall Availability*: Recall availability is denoted by a binary variable that equals “1” if the public may recall state officials (through direct democracy) and “0” otherwise.
- *Term Limits*: This binary variable is coded as “1” if the public has previously adopted term limits for state legislative officials (through direct democracy) and “0” otherwise.
- *Legislative Professionalism*: Legislative professionalism is operationalized by the Squire Index which ranges from 0-1, where a value of “1” denotes that the professionalism of the state legislature is on par with that of the U.S. Congress and a “0” indicates that the body is an “amateur” legislature (Squire 2003).
- *Education (of the State Electorate)*: I measure the education of a state’s electorate by the percentage of state residents that have a four year college degree or greater in a given year.

I offer six factors that I believe shape the extent to which the majority party in state government perceives the initiative as a threat to party control over policy-making. These variables are measured as follows:

- *Citizen Group Population*: A state’s citizen group population is operationalized as the percentage of active interest groups within a state that are citizen groups (Gray and Lowery 1996).
- *Dominant Interest Groups*: This variable captures whether interest groups within a state are strong relative to formal institutions such as the legislature or political parties. Interest group power is measured by conducting elite level surveys that ask elected state officials and academics questions such as “Who’s running the state?” or “Who has real political

clout?” (Nownes, Thomas, and Hrebener 2008, 116). I use the Nownes, Thomas, and Hrebener (2008) classification and denote states that are said to have “dominant” interest groups as “1” and assign all other states a value of “0.”

- *Interparty Competition*: Interparty competition is operationalized by subtracting the percentage of the state house that is Democrat from the percentage that is Republican. I take the absolute value of this number and linearly invert the scale, such that higher values represent more even splits between the two parties and thus greater interparty competition at the state legislative level. The transformed variable ranges from 0-50.
- *Electoral Turnover*: Turnover is an aspect of electoral volatility (Binder 1997). I measure turnover by the percentage of seats relative to the total number of seats in the state house that have changed party control from the previous year. Higher values denote that there has been greater electoral turnover.
- *Divided State Government*: Divided Government is denoted by a binary variable that is scored “1” when a single political party does not control the state house, senate, and governorship; a value of “0” denotes that there is unified government (i.e. a single party controlling state government) (Fiorina 1994).
- *Government-Citizen Distance*: Here, distance refers to the extent to which the state government is more or less liberal than the public. It is captured by the absolute value of the difference between a state’s government ideology score and its citizen ideology score (Berry et al. 1998).

And finally, there are three purported factors that influence the extent to which a state legislature will perceive the initiative process as a financial threat.

- *Tax and Expenditure Limits (TEs)*: I measure the presence of TELs by assigning a value of “1” to states that have used the initiative process to place limits on either the state legislature’s ability to tax or spend and a value of “0” otherwise.
- *Rainy Day Funds*: A state’s rainy day funds are operationalized as percentage of total annual expenditures available in reserves for budget stabilization (Maag and McCarthy 2006). Higher values denote greater financial stability.
- *Gross State Product*: Gross state product is the market value for the economic output of a state in a given year (in millions of dollars). Annual data for gross state product (i.e. GDP by state) are found at the website for the Bureau of Economic Analysis (BEA n.d.).

## **Results and Discussion**

I model state legislative restriction of the initiative process using a negative binomial regression with clustered (by state) standard errors.<sup>8</sup> Because there is evidence of overdispersion, I cannot use a Poisson distribution to model the data. My dependent variable, state legislative restriction of the initiative process, is measured by two indicators: the number of proposed and enacted restrictions in a given year from 2002 through 2011. Table 2 presents the results for these two count models.

(Table 2 about here)

Among the potential threats to legislative autonomy, only the availability of the recall election, the presence of legislative term limits, and the education of the state electorate are statistically significant across both models of restrictiveness. All three variables are associated with increased election law restrictiveness. Figure 2 depicts this relationship graphically. This

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<sup>8</sup> In Table A.1 in Appendix A I replicate these models using fixed effects.

figure plots the 95% confidence intervals for the first differences in expected values for each of the independent variables. As a state moves from not allowing to allowing for a recall election, about two more restrictions are proposed by the legislature.<sup>9</sup> Similarly, as state education increases from its minimum to maximum value, about six more restrictions are proposed and about two more are enacted.

Virtually all variables representing threats to legislative autonomy have a substantively larger effect on proposed restrictions than on enacted restrictions. It is also interesting to note that, as shown in Figure 2, the number of initiatives that place on the ballot does not appear to be a significant predictor of whether states will move to restrict public use of the process, which has long been the dominant narrative in the literature (Banducci 1998; Tolbert, Lowenstein, and Donovan 1998); that states will respond to an uptick in initiative use by making the process more difficult for sponsors to navigate. Rather, it is the number of initiatives that pass that appears to influence the legislature's decision to propose restrictive election law changes. As a state moves from passing none of its initiatives to passing seven (the maximum value for the variable), the state will propose about two additional bills that seek to restrict the public's ability to use the initiative. However, initiative passage does not appear to influence the adoption of these proposed restrictions.

There are three factors pertaining to majority party control over policymaking that appear to significantly impact legislative restrictions on the initiative across both count models: a state's citizen group population, electoral turnover, and citizen-government distance. States in which

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<sup>9</sup> Notably, there does not appear to be a substantive effect upon the number of enacted restrictions. A change from the minimum to maximum value is associated with a .452 increase in the expected number of enacted restrictions.



citizen groups comprise about 45% of the state's interest group system (the maximum value for the variable) propose about three more restrictions to the initiative than states where citizen groups make up around 14% of the interest group system (the minimum value for the variable). The state will enact about one additional restriction as a state's citizen group population moves from its smallest to largest value.

Similarly, as a state moves from having minimal electoral turnover (i.e. no house seats changing party after the previous election) to the maximum value for the variable (i.e. about 25% of seats changing party after the previous election), the state will propose about two fewer restrictions and will enact about one fewer. Thus, there is evidence that when the majority party perceives electoral volatility (i.e. that it may soon find itself as the minority party), the majority party will make fewer efforts to restrict the initiative process; as the minority party may conceivably use the initiative to circumvent an unresponsive majority party's will (Binder 1997; Cox 2000). That is, majority parties are hesitant to curtail minority party power when the majority believes it may soon become the minority.

In addition to electoral turnover, there is evidence that greater citizen-government distance (i.e. the extent to which the government is more or less liberal than the public) is also associated with increased election law restrictiveness. As citizen-government distance moves from its minimum to maximum value, about three more restrictions will be proposed and about one more restriction will be enacted. In short, as the ideological distance between the citizenry and the government increases, the majority party is more likely to perceive the public's policy preferences as a threat and will restrict the public's ability to directly shape the policy agenda through the initiative.

(Figure 2 about here)

Notably, among the three factors that are believed to shape the extent to which the initiative is perceived as a financial threat to a state, no independent variable is significant across either model. This is a particularly interesting finding given the preponderance of studies that emphasize the potential fiscal impacts of the initiative on the states' financial well-being (Bowler and Donovan 2004; Camobreco 1998; Matsusaka 2000). The initiative process has been charged with crippling states' budgets by mandating the adopting of potentially costly policies (e.g. classroom size reduction) while simultaneously preventing the legislature from raising the necessary revenue to pay for these projects. Yet, from the results presented here, it does not appear that the fiscal threats of the initiative lead the charge in motivating state legislators to restrict the process. Rather, the story that emerges is a decidedly institutional and partisan one.

In sum, there is evidence that threats to legislative autonomy and majority party control over policymaking influence the extent to which the state legislatures will both propose and enact restrictions to the initiative process. Curiously, however, despite the potential financial implications of the public's use of the initiative, threats to state fiscal health do not appear to shape legislative proposal or enactment of restrictive changes to election laws.

### **Conclusion**

Election laws play an important role in shaping public participation in elections, particularly within the arena of direct democracy. Yet, there have been surprisingly few works dedicated to understanding why states adopt restrictive election laws that restrict the ability of the public to use the initiative. I argue that states will restrict the initiative when the legislature perceives that the process poses a threat to legislative autonomy, party control, or the fiscal health of the state. Threats to legislative autonomy are factors that chip away at the institutional power of the legislature, while threats to party control refer to variables that reduce the majority party's ability

to control the policymaking process. And finally, threats to state fiscal health make it more difficult for the legislature to balance its budget or maintain its rainy day funds. As one or more of these threats increase, the legislature should be more willing to both propose and enact restrictions that make it more difficult to use the initiative process.

Using data on all proposed and enacted restrictions on the initiative process between 2002 and 2011, I find evidence that several key threats to legislative autonomy and majority party control over policy making are strong predictors of when state legislatures will move to restrict public use of direct democracy. These threats include the ability to recall state officials, the education of the electorate, the activity of citizen groups within the state, electoral turnover, and the extent to which the state government is more or less liberal than the public. Neither the number of initiatives that make the ballot or threats to a state's fiscal health appear to motivate legislators to propose or enact restrictions to the initiative process, in stark contrast to what prior works have speculated. These results tell a markedly different story of election law restrictiveness; one in which changes to state election laws are made with distinctly institutional and partisan motivations.

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**Table 1. State Restrictions on the Initiative Process by Topic**

<b>Subject of State Restriction</b>	<b># Bills Enacted (2002-2011)</b>
Regulation of signature gatherers	31
Initiative sponsorship deadline	12
Campaign finance provisions	10
Initiative summary, title, or full text wording	9
Geographic distribution of signatures	7
Eligible elections for initiatives	6
Signature requirement threshold	5
Financial impact	5
Initiatives and special elections	4
Challenging constitutionality of initiatives	4
Signature disqualification	3
Signature verification	3
Time limits on petitioning	2
Ballot ordering	2
Racial impact	1
Single-subject laws	1
Supermajority passage requirement	1
<b>Total</b>	<b>106</b>

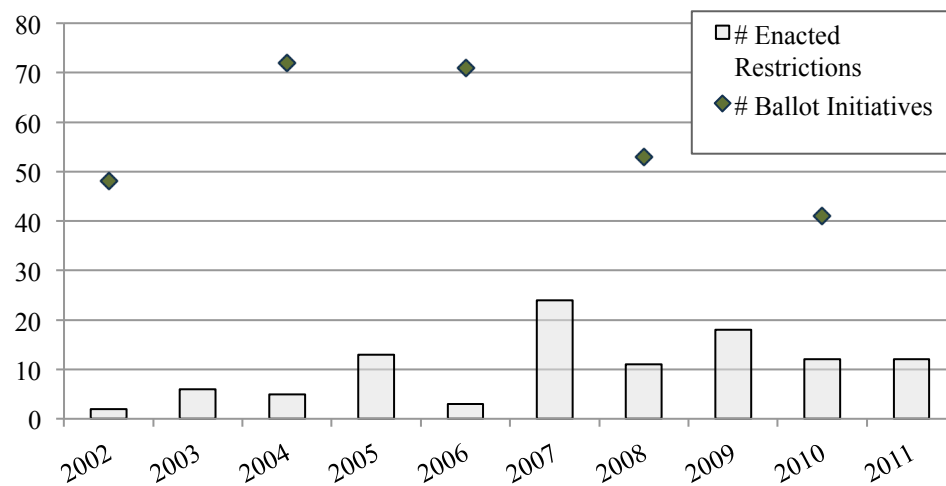


**Table 2. The Restrictiveness of Election Laws Governing the Initiative Process, 2002-2011**

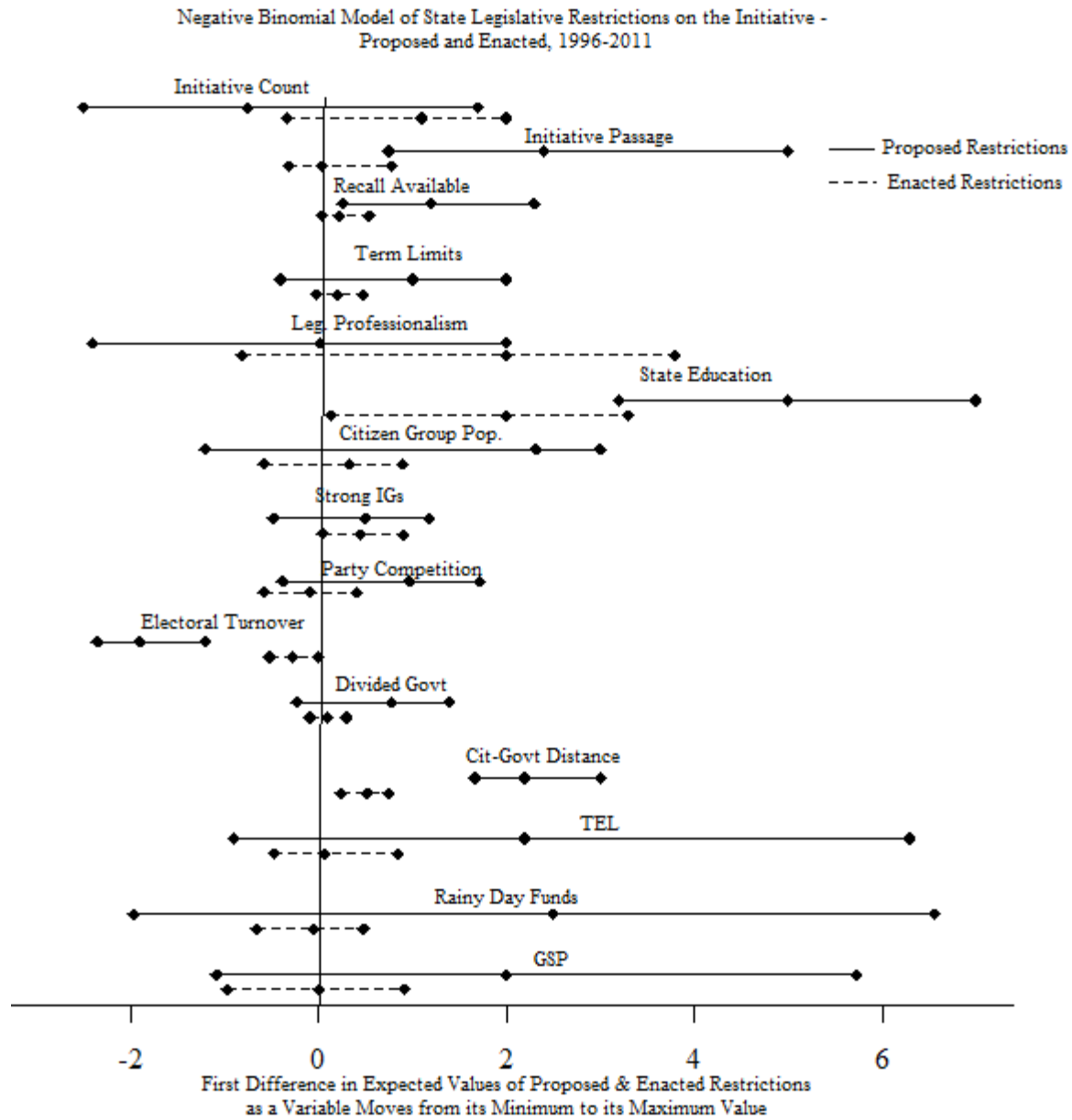
<b>DV:</b>	<b># Proposed Restrictions</b>	<b># Enacted Restrictions</b>
<b>Threats to Legislative Autonomy</b>		
Initiative Count	-.046 (.043)	.025 (.044)
Initiative Passage	.199** (.070)	.008 (.091)
Recall Available	.654** (.234)	.786** (.343)
Term Limits	.458* (.335)	.644** (.358)
Legislative Professionalism	-.692 (1.177)	-2.477* (1.927)
Education of Electorate	.141** (.035)	.094** (.2348)
<b>Threats to Majority Party Control</b>		
Citizen Group Population	.024 (.033)	.019 (.051)
Dominant Interest Groups	-.127 (.299)	.580* (.363)
Interparty Competition	.606* (.393)	.271 (.653)
Electoral Turnover	-4.073** (1.300)	-3.076** (1.495)
Divided State Government	.278* (.218)	.235 (.255)
Gov't-Citizen Distance	.062** (.019)	.058** (.021)
<b>Threats to State Fiscal Health</b>		
TELS	.257 (.224)	-.013 (.205)
Rainy Day Funds	-.001 (.003)	-.005 (.004)
GSP	.203 (.191)	-.088 (.231)
Constant	-6.762** (1.891)	-2.998* (2.340)
Log Likelihood	-727.700	-139.379
AIC / BIC	1,489.401 / 1,556.562	320.759 / 392.025
N	220	220

\*\*p<.05, \*p<.10 (one tailed test)

Note: Cell entries are negative binomial coefficients with clustered errors (by state) in parentheses.



**Figure 1. State Enacted Restrictions to the Initiative Process Relative to Initiative Use (2002-2011)**



**Figure 2. The Influence of Legislative Threat Perception on Restriction of the Initiative**  
 Note: Intervals show the 95% confidence intervals for the first differences. To calculate each expected value, all other independent variables are held constant at their mean values.