

# The Differential Effects of Initiatives and Referenda on Voter Turnout in the United States, 1890–2008

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## INTRODUCTION

A number of studies show that statewide ballot propositions increase voter turnout, but almost all of them focus on the citizen initiative. In this Article, we use a historical dataset with elections and census data dating back to 1890 to examine whether popular and legislative referenda also affect turnout. We also compare how they affect turnout compared to the citizen initiative. Like previous studies, we find that ballot propositions fail to significantly affect turnout in presidential elections over time, but do so during midterm elections.<sup>1</sup> Initiative races, both competitive and less competitive ones, increase turnout more than competitive legislative referenda, while uncompetitive legislative referenda and popular referenda do not affect turnout.

In their efforts to uncover the determinants of political participation, scholars often focus on individual-level factors like race, education, income, or age,<sup>2</sup> and external factors like campaigns and electoral institutions.<sup>3</sup> Under the umbrella of the latter, students of direct democracy find that ballot propositions can draw voters to the polls. While they offer differing explanations for the causal mechanisms for *how* ballot questions draw more voters to the polls, they agree that turnout is higher when states have initiatives on the ballot.<sup>4</sup>

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<sup>1</sup> See Matt Childers & Mike Binder, *Engaged by the Initiative? How the Use of Citizen Initiatives Increases Voter Turnout*, 65 POL. RES. Q. 93, 93–103 (2012).

<sup>2</sup> See generally STEVEN ROSENSTONE & JOHN HANSEN, MOBILIZATION, PARTICIPATION AND DEMOCRACY IN AMERICA (Bruce Nichols & Robert Miller eds., 1993).

<sup>3</sup> See Gary C. Jacobson, *How Do Campaigns Matter?*, 18 ANN. REV. POLIT. SCI. 31, 38–39 (2015) (discussing political science research on how campaigns affect voter turnout). See generally André Blais, *What Affects Voter Turnout?*, 9 ANN. REV. POLIT. SCI. 111, 111–25 (2006) (demonstrating how institutions affect voter turnout across multiple democracies).

<sup>4</sup> See Childers & Binder, *supra* note 1; Daniel Schlozman & Ian Yohai, *How Initiatives Don't Always Make Citizens: Ballot Initiatives in the American States, 1978–2004*, 30 POL. BEHAV. 469 (2008); Mark A. Smith, *The Contingent Effects of Ballot*

Almost all of this research centers on the citizen initiative, and we speculate that this may be due to the nature of the institution itself. Initiatives often attract significant levels of media attention, like California's Proposition 8 in 2008, Washington's and Colorado's medical marijuana propositions in 2012, and California's Proposition 13 in 1978. Initiatives may also deal with controversial social issues and motivate people to pay attention and vote.<sup>5</sup> For these reasons and others, scholars argue that the institution gives citizens great incentives to not only use initiatives but to also participate in politics.<sup>6</sup> Consequently, the institution should engage the electorate in states where they are used.

We agree with other scholars that initiatives can stimulate political participation, but, in this Article we argue that other types of ballot propositions also have the potential to engage the electorate. Many states with the initiative also have the popular referendum, an institution that gives citizens the opportunity to reject unpopular laws by placing them on the ballot. On the other hand, all fifty states either allow or require the legislature to refer certain policies directly to the voters.<sup>7</sup>

We argue that, from the voter's perspective, referenda are not inherently different than initiatives and that their campaigns can mobilize voters. Thus, we explore the differential effects that citizen initiatives, popular referenda, and legislative referenda may have on voter turnout. Using a historical dataset dating back to 1890, we conduct a time-series cross-sectional analysis of these relationships, controlling for historically important electoral reforms, variations in the political environment, and changes in the population over time.

Our evidence shows that, in addition to initiatives, legislative referenda can stimulate turnout in states, but we argue that this is because of their campaigns to mobilize voters. As others show, ballot measures do not stimulate turnout in

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*Initiatives and Candidate Races on Turnout*, 45 AM. J. POL. SCI. 700 (2001); Caroline J. Tolbert, Daniel C. Bowen & Todd Donovan, *Initiative Campaigns: Direct Democracy and Voter Mobilization*, 37 AM. POL. RES. 155 (2009); Caroline J. Tolbert, John A. Grummel & Daniel A. Smith, *The Effects of Ballot Initiatives on Voter Turnout in the American States*, 29 AM. POL. RES. 625 (2001); Caroline J. Tolbert & Daniel A. Smith, *The Educative Effects of Ballot Initiatives on Voter Turnout*, 33 AM. POL. RES. 283 (2005).

<sup>5</sup> Daniel R. Biggers, *When Ballot Issues Matter: Social Issue Ballot Measures and Their Impact on Turnout*, 33 POL. BEHAV. 3, 8–15 (2011).

<sup>6</sup> See generally DANIEL A. SMITH & CAROLINE J. TOLBERT, EDUCATED BY INITIATIVE: THE EFFECTS OF DIRECT DEMOCRACY ON CITIZENS AND POLITICAL ORGANIZATIONS IN THE AMERICAN STATES (2004).

<sup>7</sup> *Initiative, Referendum and Recall*, NAT'L CONF. ST. LEGISLATURES, <http://www.ncsl.org/research/elections-and-campaigns/initiative-referendum-and-recall-overview.aspx> [http://perma.cc/YB36-KTRG].

presidential elections, but they do so in midterm elections.<sup>8</sup> While initiatives and competitive legislative referenda lead to greater turnout rates, both competitive and uncompetitive initiatives increase turnout more than competitive legislative referenda. Neither less competitive legislative nor popular referenda have statistically significant effects on a state's turnout rate.

In the following sections, this Article will proceed as follows: we begin by discussing how the current literature on direct democracy and political engagement mainly focuses on initiatives and ignores legislative and popular referenda. Afterward, we discuss why it is an important oversight in the literature and theorize that referenda can also positively impact a state's turnout rate, though to lesser degrees than citizen initiatives. Finally, we present and discuss our findings and conclude.

### I. DIRECT DEMOCRACY AND VOTER TURNOUT

Research on political engagement consistently demonstrates that electoral institutions both directly and indirectly impact political participation across the states. Some changes, like poll taxes, were designed with the intention of suppressing turnout among various population groups<sup>9</sup> and, consequently, voter turnout rates were lower in the former Confederate states than the rest of the nation throughout most of the twentieth century.<sup>10</sup> Turnout tends to be higher in states with more flexible voter registration laws than those with stricter registration procedures.<sup>11</sup> Changes to electoral institutions can also have unintended consequences on political participation rates. For example, as states gradually adopted the secret ballot in the late nineteenth and early twentieth centuries, turnout rates declined.<sup>12</sup>

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<sup>8</sup> See Childers & Binder, *supra* note 1; Schlozman & Yohai, *supra* note 4; Tolbert & Smith, *supra* note 4.

<sup>9</sup> V.O. KEY, JR., *SOUTHERN POLITICS IN STATE AND NATION* (Univ. Tenn. Press 1984) (1949).

<sup>10</sup> MELANIE J. SPRINGER, *HOW THE STATES SHAPED THE NATION: AMERICAN ELECTORAL INSTITUTIONS AND VOTER TURNOUT, 1920–2000*, at 137–43 (Benjamin I. Page, Susan Herbst, Lawrence R. Jacobs & Adam J. Berinsky eds., 2014).

<sup>11</sup> Barry C. Burden et al., *Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of Election Reform*, 58 AM. J. POL. SCI. 95, 95–109 (2014).

<sup>12</sup> See Jac C. Heckelman, *The Effect of the Secret Ballot on Voter Turnout Rates*, 82 PUB. CHOICE 107, 118–19 (1995) (estimating that introducing the secret ballot decreased gubernatorial election turnout across the states by an average of 7% while controlling for changes in other electoral laws); see also Childers & Binder, *supra* note 4, at 99 (finding similar results, Childers and Binder show that presidential election turnout rates declined by approximately 5% across the states and congressional election year turnout rates declined by about 7%).

In the late nineteenth century, Progressives advocated for direct democracy because it would make Americans better citizens. “Progressives thought that having plebiscites on policy issues would encourage citizens to become more politically engaged, thereby mitigating the declining state of civic affairs and public discourse.”<sup>13</sup> Nathan Cree argued in 1892 that direct democracy would lead voters to think about the substance of policy dilemmas instead of considering policy proposals as partisan appeals. The consequence would enlighten citizens and weaken the parties’ influence over politics.<sup>14</sup>

Since the turn of the twentieth century, twenty-four states have adopted either the citizen initiative or popular referendum. The initiative allows citizens to bypass the state’s legislature, putting a proposed policy on the ballot if they collect a certain number of signatures.<sup>15</sup> The proposed policy may either be a statutory measure or a constitutional amendment (this varies by state). Popular referenda allow citizens to gather signatures to place a law on the ballot for the electorate to approve or reject. As seen in Table 1,<sup>16</sup> most states that have the initiative also have the popular referendum, but there are a few with only one or the other.<sup>17</sup>

**Table 1: States with Initiatives, Popular Referenda, and Legislative Referenda<sup>18</sup>**

| State       | Initiative | Popular Referendum | Legislative Referenda <sup>A</sup>     |                       |
|-------------|------------|--------------------|--|-----------------------|
|             |            |                    | Constitutional Amendments <sup>B</sup> | Statutes <sup>C</sup> |
| Alabama     |            |                    | X                                      |                       |
| Alaska      | X          | X                  | X                                      |                       |
| Arizona     | X          | X                  | X                                      | X                     |
| Arkansas    | X          | X                  | X                                      | X                     |
| California  | X          | X                  | X                                      | X                     |
| Colorado    | X          | X                  | X                                      |                       |
| Connecticut |            |                    | X                                      |                       |
| Delaware    |            |                    |  | X                     |
| Florida     | X          |                    | X                                      |                       |
| Georgia     |            |                    | X                                      |                       |
| Hawaii      |            |                    | X                                      |                       |
| Idaho       | X          | X                  | X                                      | X                     |

<sup>13</sup> SMITH & TOLBERT, *supra* note 6, at xvi.

<sup>14</sup> NATHAN CREE, DIRECT LEGISLATION BY THE PEOPLE 16 (1892).

<sup>15</sup> Signature requirements vary by state.

<sup>16</sup> See *infra* Table 1.

<sup>17</sup> See Audrey Wall, *The Book of the States 2014*, COUNCIL ST. GOV'TS KNOWLEDGE CTR. (October 15, 2014, 12:00 AM), <http://knowledgecenter.csg.org/kc/category/content-type/bos-2014>.

<sup>18</sup> See *State-by-State List on Initiative and Referendum Provisions*, INITIATIVE & REFERENDUM INST., [http://www.iandr.institute.org/statewide\\_i%26r.htm](http://www.iandr.institute.org/statewide_i%26r.htm) [<http://perma.cc/2FKX-D42X>]; see also *Initiative, Referendum and Recall*, *supra* note 7.

| State            | Initiative | Popular Referendum | Legislative Referenda <sup>A</sup>     |                       |
|------------------|------------|--------------------|--|-----------------------|
|                  |            |                    | Constitutional Amendments <sup>B</sup> | Statutes <sup>C</sup> |
| Illinois         | X          |                    | X                                      | X                     |
| Indiana          |            |                    | X                                      |                       |
| Iowa             |            |                    | X                                      |                       |
| Kansas           |            |                    | X                                      |                       |
| Kentucky         |            | X                  | X                                      | X                     |
| Louisiana        |            |                    | X                                      |                       |
| Maine            | X          | X                  | X                                      | X                     |
| Maryland         |            | X                  | X                                      | X                     |
| Massachusetts    | X          | X                  | X                                      | X                     |
| Michigan         | X          | X                  | X                                      | X                     |
| Minnesota        |            |                    | X                                      |                       |
| Mississippi      | X          |                    | X                                      |                       |
| Missouri         | X          | X                  | X                                      | X                     |
| Montana          | X          | X                  | X                                      | X                     |
| Nebraska         | X          | X                  | X                                      | X                     |
| Nevada           | X          | X                  | X                                      | X                     |
| New Hampshire    |            |                    | X                                      |                       |
| New Jersey       |            |                    | X                                      |                       |
| New Mexico       |            | X                  | X                                      | X                     |
| New York         |            |                    | X                                      |                       |
| North Carolina   |            |                    | X                                      |                       |
| North Dakota     | X          | X                  | X                                      | X                     |
| Ohio             | X          | X                  | X                                      | X                     |
| Oklahoma         | X          | X                  | X                                      | X                     |
| Oregon           | X          | X                  | X                                      | X                     |
| Pennsylvania     |            |                    | X                                      |                       |
| Rhode Island     |            |                    | X                                      |                       |
| South Carolina   |            |                    | X                                      |                       |
| South Dakota     | X          | X                  | X                                      | X                     |
| Tennessee        |            |                    | X                                      |                       |
| Texas            |            |                    | X                                      |                       |
| Utah             | X          | X                  | X                                      | X                     |
| Vermont          |            |                    | X                                      |                       |
| Virginia         |            |                    | X                                      |                       |
| Washington       | X          | X                  | X                                      | X                     |
| West Virginia    |            |                    | X                                      |                       |
| Wisconsin        |            |                    | X                                      |                       |
| Wyoming          | X          | X                  | X                                      |                       |
| Number of States | 24         | 24                 | 49                                     | 23                    |

A: Legislative referenda are divided into two categories: (1) constitutional amendments that are placed on the ballot by the legislature or by a government body; and (2) legislative statutes (binding or non-binding, depending on the state) placed on the ballot by the legislature or by the government.

B: Every state but Delaware is required by its constitution to place legislative amendments on the ballot for the voters' approval. Delaware is the only state that has a constitution that does not require public approval for constitutional amendments passed by the legislature.

C: These states are not required to place legislative statutes on the ballot, but the state's constitution gives the legislature the authority to place statutes on the ballot for the voter's approval.

Unfortunately, the adoption of direct democracy has not necessarily produced a more knowledgeable electorate. Tolbert, McNeal, and Smith use survey data from the 1996, 1998, and 2000 American National Election Studies to show that exposure has positively and statistically significant effects on their levels of general political knowledge in 1996, but not in 1998 or 2000.<sup>19</sup> More recent research using the 2004 and 2008 National Annenberg Election Surveys and the 2006 Cooperative Congressional Election Study showed much of the same: exposure to initiatives did not lead to increases in Americans' general political knowledge.<sup>20</sup>

Direct democracy has, on the other hand, increased voter turnout when citizen initiatives are on the ballot in nonpresidential election years. A number of the early studies on this topic showed that as the number of initiatives on a state's ballot increases, so too does the state's voter turnout rate in both presidential and nonpresidential election years.<sup>21</sup> Those studies' authors inferred that the Progressives were right: the initiative process increases turnout because citizens learn about the issues on the ballot and are, therefore, more likely to vote. This effect increases in magnitude as the electorate places more policy questions on a state's ballot. Unfortunately, the time period of each study began in the 1970s, decades after states began adopting and placing policy questions on the ballot.<sup>22</sup> From a research design perspective, it left open the possibility that other political phenomena that surfaced between the turn of the century and the time of their study may have affected voter turnout instead of initiative elections.

Subsequent work by the authors using elections and demographic data before and after states adopted the initiative process made a number of important findings that advanced our understanding of how direct democracy affects voter turnout.<sup>23</sup> First, simply adopting the institution into the state's constitution had no significant effect on a state's turnout rate over time. Second, having used it in the past also failed to stimulate turnout

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<sup>19</sup> Caroline J. Tolbert, Ramona S. McNeal & Daniel A. Smith, *Enhancing Civic Engagement: The Effect of Direct Democracy on Political Participation and Knowledge*, 3 ST. POL. & POL'Y Q. 23, 31–34 (2003).

<sup>20</sup> Nicholas R. Seabrook, Joshua J. Dyck & Edward L. Lascher, Jr., *Do Ballot Initiatives Increase General Political Knowledge?*, 37 POL. BEHAV. 279, 297 (2015).

<sup>21</sup> See Tolbert, Grummel & Smith, *supra* note 4, at 635–639; Tolbert & Smith, *supra* note 4, at 296–302.

<sup>22</sup> Both studies use different, yet overlapping time periods: Tolbert, Grummel & Smith, *supra* note 4 (measuring the voting age population (VAP) turnout from 1970–1996); Tolbert & Smith, *supra* note 4 (evaluating the voting eligible population (VEP) turnout rate from 1980–2002).

<sup>23</sup> Childers & Binder, *supra* note 1.

in a given election. Third, like Schlozman and Yohai found using fewer elections, initiatives on a ballot fail to significantly affect voter turnout during presidential elections, but they do increase turnout in off-year elections.<sup>24</sup> These results should not be terribly surprising because presidential campaigns are much more intense than any other election and dominate media coverage and the electorate's attention. Thus, it is difficult for initiative campaigns to connect with the electorate. Off-year electoral environments are much less intense and ballot measure campaigns stand a better chance to connect with voters.<sup>25</sup>

Most importantly, the authors found that competitive initiative elections stimulate turnout much more so than less competitive ones.<sup>26</sup> This implies that campaigns and political competition mobilize voters to the polls, not just the presence of a policy question on the ballot. The authors conceded that the best measures of campaign intensity are campaign expenditure data or campaign advertising data, but those measures only recently became available on the federal level. Campaign expenditure data of any sort was not available before the 1970s, when the Federal Election Commission began requiring federal election campaigns to report their finances.<sup>27</sup> In more recent years, states began requiring state-level campaigns to report their finances.<sup>28</sup> Yet, recent work using *total* initiative campaign spending per capita (across all initiatives) in a given state shows that total spending leads to higher turnout. This lends additional credence to the notion that political competition in initiative campaigns mobilizes voters rather than just the mere presence of a ballot question in the election.

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<sup>24</sup> Schlozman & Yohai, *supra* note 4 (using a time period similar to Smith and Tolbert studies, Schlozman and Yohai find that initiatives fail to statistically significantly increase turnout in presidential election years, but do so in midterm congressional election years).

<sup>25</sup> *Id.* at 476 (making a similar argument about presidential elections and initiative campaigns' inability to affect turnout).

<sup>26</sup> See Childers & Binder, *supra* note 1. Childers and Binder compared how the number of "competitive" initiatives on the ballot affected turnout compared to the number of "uncompetitive" ones. *Id.* at 97–100. They define a competitive campaign as an election where the margin of victory was within ten percentage points and uncompetitive elections were those with margins of victories greater than ten. *Id.* at 97. The authors based their definitions on the congressional elections literature, where elections are commonly considered to be competitive if the marginal of victory was within ten percentage points. *Id.*; see also GARY C. JACOBSON, *THE POLITICS OF CONGRESSIONAL ELECTIONS* (Reid Hester ed., 8th ed. 2013).

<sup>27</sup> JACOBSON, *supra* note 26, at 66, 179.

<sup>28</sup> See generally Tolbert, Bowen & Donovan, *supra* note 4.

## II. THE ABSENCE OF LEGISLATIVE AND POPULAR REFERENDA

Research on how direct democracy affects political participation has centered on the citizen initiative even though in many state elections, citizens are also voting on ballot questions that are popular referenda or legislative referenda. Popular referenda allow citizens to place unpopular laws on the ballot by gathering a certain number of signatures. But, one reason why they may have received less attention in research than initiatives may be due to the fact that they are rarely used. Figures 1 and 2 plot the number of propositions on statewide ballots from 1900 through 2008.<sup>29</sup>

Another reason why scholars may have focused almost exclusively on initiatives is because they may be more salient in an election year than referenda. Some ballot questions in the past have attracted substantial media attention and have shaped the debate in campaigns at the top of the ticket. Stephen Nicholson shows that in California elections, the most salient initiatives not only raise the public's awareness of the issues, they can shape the agenda of campaigns at the top of the ticket.<sup>30</sup> Furthermore, some initiative content centers on controversial social issues or wedge issues, and this helps them attract media attention and voters' attention.<sup>31</sup> For example, in 2008, Proposition 8 was discussed regularly on the national news. In 2004, eleven states placed bans on same-sex marriage on their ballots and same-sex marriage subsequently was a salient issue in the campaign.<sup>32</sup> Thus, initiatives may be logically more likely to impact political participation in a state than other ballot questions.

Popular referenda allow citizens the chance to reject unpopular laws passed by the state's legislature. They are available in twenty-four states; most also have the citizen initiative. It is not used as frequently as the other forms of democracy, as Figures 1 and 2 convey, but they have the potential to garner some campaign activity since signature gathering is a costly endeavor.<sup>33</sup>

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<sup>29</sup> See *infra* Figure 1, Figure 2.

<sup>30</sup> See STEPHEN P. NICHOLSON, *VOTING THE AGENDA: CANDIDATES, ELECTIONS, AND BALLOT PROPOSITIONS* 1 (2005).

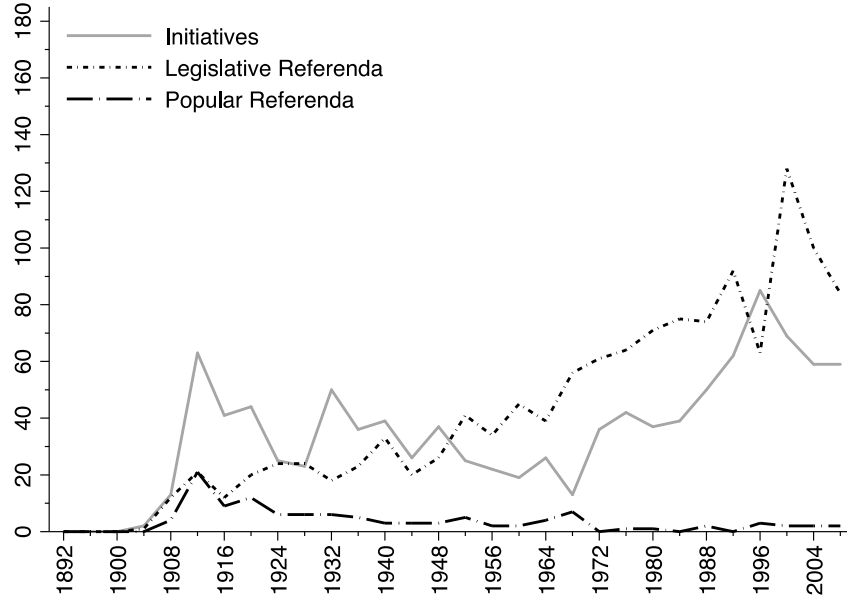
<sup>31</sup> See Daniel Biggers, *When Ballot Issues Matter: Social Issue Ballot Measures and Their Impact on Turnout*, 33 *POL. BEHAV.* 3, 6 (2011).

<sup>32</sup> See Alan Abramowitz, *Terrorism, Gay Marriage, and Incumbency: Explaining the Republican Victory in the 2004 Presidential Election*, 2 *FORUM* 1, 4 (2004).

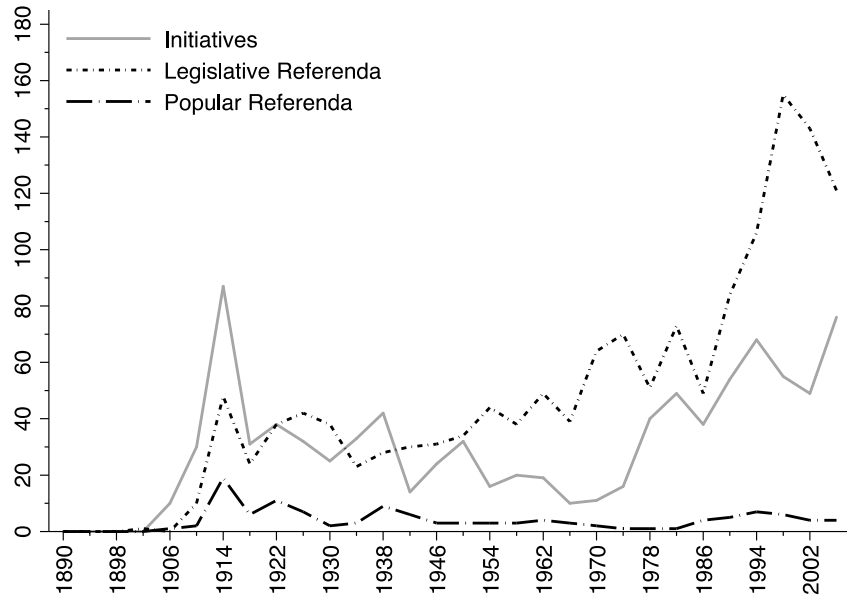
<sup>33</sup> See *infra* Figure 1, Figure 2.



**Figure 1: The Number of Ballot Propositions in Presidential Elections, 1892–2008<sup>34</sup>**



**Figure 2: The Number of Ballot Propositions in Midterm Elections, 1890–2006<sup>35</sup>**



<sup>34</sup> *Ballot Measures Database*, NAT'L CONF. ST. LEGISLATURES, <http://www.ncsl.org/research/elections-and-campaigns/ballot-measures-database.aspx> (last visited Feb. 12, 2016).

<sup>35</sup> *Id.*

On the other hand, the nature of the legislative referendum reveals that it also may have the potential to garner campaigns and mobilize votes. The institution is a part of every state's constitution, and it is a policy question that the legislature refers to the voters, either because of a constitutional requirement or because the political environment incentivizes legislators to do so. In all but one state, Delaware, the constitution requires the legislature to refer any constitutional amendments to the electorate for approval) (see Table 1). Many of them also require the legislature to place measures about bonds and tax changes on the ballot. Twenty-three states (*including* Delaware) allow the legislature to place statutes (binding and non-binding) on a statewide ballot.<sup>36</sup> At times, legislators may seek to refer issues to voters for their approval to avoid being responsible for the policy (like tax increases, for example) or because the political environment in the legislature pushes lawmakers to pass the policy question on to the voters to decide, rather than take on the issue themselves.<sup>37</sup>

Legislative referenda are used more often than other forms of ballot questions, but they tend to tackle issues that are more technical and less controversial than those that many citizen initiatives do and are less likely to capture the public's attention.<sup>38</sup> Measures about issuing public bonds or changing tax rates are less controversial than much of the content of citizen initiatives, and may be less likely to affect voter turnout.<sup>39</sup> This argument has some empirical support. While it was not their primary concern, Kimball and Kropf noted that in their news coverage data, legislative referenda received significantly less media attention than citizen initiatives in the 2004 elections.<sup>40</sup>

The data partially confirms claims that initiatives are more controversial than referenda. Figure 3 shows the percentage of ballot measures that meet the voters' approval (they garner majority support).<sup>41</sup> The voters approved less than half of all citizen initiatives after 1910, but voters approved a majority of

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<sup>36</sup> Table: 1.2: States with Legislative Referendum (LR) for Statutes and Constitutional Amendments, INITIATIVE & REFERENDUM INST., <http://www.iandrinstitute.org/New%20IRI%20Website%20Info/Drop%20Down%20Boxes/Requirements/Legislative%20Referendum%20States.pdf> [<http://perma.cc/67KR-S69V>].

<sup>37</sup> See David F. Damore, Shaun Bowler & Stephen P. Nicholson, *Agenda Setting by Direct Democracy: Comparing the Initiative and the Referendum*, 12 ST. POL. & POL'Y Q. 367, 370 (2012).

<sup>38</sup> See *supra* Figure 1, Figure 2.

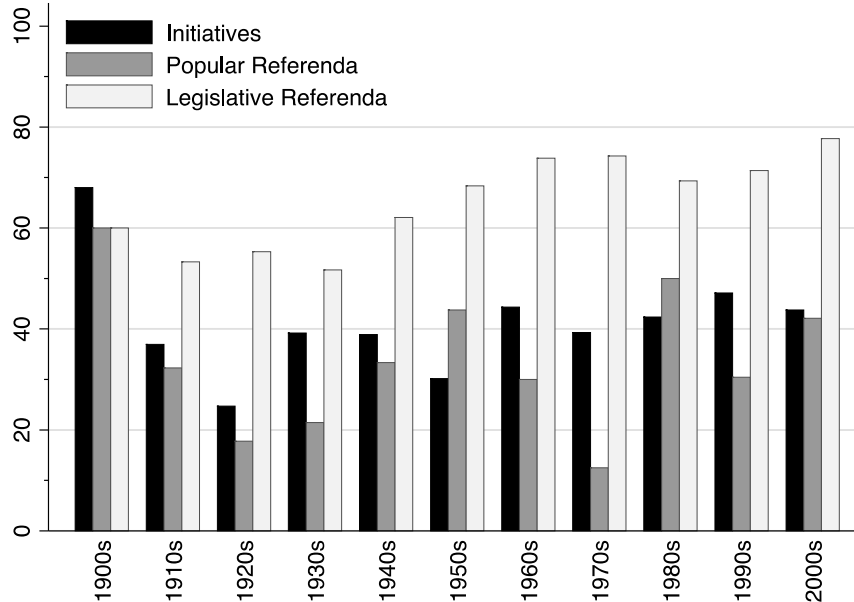
<sup>39</sup> See Tolbert, Grummel & Smith, *supra* note 4, at 627; accord Tolbert, Bowen & Donovan, *supra* note 4, at 158.

<sup>40</sup> See David C. Kimball & Martha Kropf, *Voting Technology, Ballot Measures, and Residual Votes*, 36 AM. POL. RES. 479, 483–84. (2008).

<sup>41</sup> *Id.*

legislative referenda. Popular referenda are more successful than initiatives at times, but are not consistently so.

**Figure 3: The Percentage of Ballot Measures that Receive Majority Support, by Decade, 1900–2008<sup>42</sup>**



### III. WHY REFERENDA MAY ALSO STIMULATE TURNOUT

Despite the previous arguments and the pattern immediately above, we contend that it is worth exploring whether referenda mobilize voters or not. States use the legislative referenda more often than the other ballot measures and some of them may draw voters to the polls. Even though the content of legislative referenda may be less technical and, on the surface, less controversial than some citizen initiatives (like those that deal with social issues or wedge issues), ballot questions dealing with taxes, government spending, and public debt can draw the public's ire and motivate an interest group to organize a campaign in support of or opposition to the matter at hand. Popular referenda also require some campaign organization since those measures have to attract a certain number of signatures to get onto the ballot. Thus, they have the potential to stimulate turnout if their races are competitive.

If legislative referenda or popular referenda increase turnout, it is because their campaigns mobilize voters. Ballot

<sup>42</sup> *Id.*

proposition campaigns, regardless of whether they are placed on the ballot by the legislature or by citizens, are typically low-information and low-salience affairs.<sup>43</sup> While a small number of initiatives attract a lot of media attention, many do not. Most Americans are not particularly politically knowledgeable about national politics and are often not very familiar with propositions that are on the ballot.<sup>44</sup> Unless an election is right around the corner, most Americans are not following politics very closely and are therefore *not* systematically differentiating between the three forms of ballot measures when they enter the voting booth or fill out their absentee ballot.<sup>45</sup> Thus, the typical citizen is not likely to be motivated to vote by an initiative or referendum *unless* a campaign engaged them.

We expect competitive races to stimulate turnout more than uncompetitive ones because they give rise to greater mobilization efforts than other races. The literature we have previously discussed shows that competitive initiatives elections stimulate turnout than less competitive elections.<sup>46</sup> Furthermore, campaigns mobilize voters by reducing the costs of learning about the measures and by lowering peoples' costs of getting to the polls.<sup>47</sup> They help inform citizens about proposed policies

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<sup>43</sup> See DAVID B. MAGLEBY, DIRECT LEGISLATION: VOTING ON BALLOT PROPOSITIONS IN THE UNITED STATES 78 (1984); Tolbert, Grummel & Smith, *supra* note 4, at 627. See generally Robert J. Lacey, *The Electoral Allure of Direct Democracy: The Effect of Initiative Salience on Voting, 1990–96*, 5 ST. POL. & POL'Y Q. 168 (2005); Arthur Lupia, *Shortcuts Versus Encyclopedias: Information and Voting Behavior in California Insurance Reform Elections*, 88 AM. POL. SCI. REV. 63 (1994).

<sup>44</sup> MICHAEL X. DELLI CARPINI AND SCOTT KEETER, WHAT AMERICANS KNOW ABOUT POLITICS AND WHY IT MATTERS *passim* (1996); see also Stephen P. Nicholson, *The Political Environment and Ballot Proposition Awareness*, 47 AM. J. POL. SCI. 403, 403–10 (2003). Nicholson analyzes fifty years of surveys done by the California Field Poll asking Californians about whether they had read, heard, or seen anything about particular ballot initiatives. On average, 64% of Californians reported being aware of the initiative in question, but the standard deviation was 19%. Nicholson notes that the Field Poll usually only inquires about ballot propositions that were already relatively salient in media coverage, implying that even fewer Californians were aware of ballot propositions that were not on the ballot. *Id.* at 404–06.

<sup>45</sup> Anthony Downs argued that most Americans are not primarily motivated by politics and are not motivated to learn a lot about their government or the people in it. See generally ANTHONY DOWNS, AN ECONOMIC THEORY OF DEMOCRACY (1957). For example, only 15% of Americans admitted to following news about the 2014 midterm elections very closely in the first week of October 2014. See *Public Divided Over Whether Secret Service Lapses Signal 'Broader Problems'*, PEW RES. CTR. (Oct. 6, 2014), <http://www.people-press.org/2014/10/06/public-divided-over-whether-secret-service-lapses-signal-broader-problems/#the-weeks-news> [<http://perma.cc/A6LC-9BCV>].

<sup>46</sup> See Childers & Binder, *supra* note 1, at 93.

<sup>47</sup> See Gary C. Jacobson, *How Do Campaigns Matter?*, 18 ANN. REV. POL. SCI. 31, 31–47 (2015). Popkin shows how voters acquire information and use it while not closely following politics as well as how campaigns tailor their strategies to exploit that. See generally SAMUEL L. POPKIN, THE REASONING VOTER: COMMUNICATIONS AND PERSUASION IN PRESIDENTIAL CAMPAIGNS (2d ed. 1994). Riker and Ordeshook model the individual's cost and benefit calculus in deciding whether to vote and conclude that people vote if their

because they package their information in accessible formats and load their messages with informative cues.<sup>48</sup> Furthermore, campaigns raise and spend more money as races get more competitive.<sup>49</sup> Within each campaign, they allocate their resources in places where they expect the election to be closest and where they can mobilize as many supporters (and probable supporters) per dollar as possible.<sup>50</sup> For example, in the 2000 presidential election, the Bush and Gore campaigns allocated most of their resources to relatively few media markets in battleground states.<sup>51</sup> Research on congressional and presidential elections shows that turnout and political awareness tend to be higher in areas where campaigns allocate more resources compared to areas where they allocate less.<sup>52</sup> Political competition stimulates campaign intensity and campaign intensity mobilizes citizens.

It is also possible that the causal arrow can point in the opposite direction, that campaign intensity can make an election more competitive. We acknowledge that this can happen, but the nature and timing of an election cycle suggests that it is more often the case that political competition drives campaign intensity than the other way around. Candidates (and their campaigns), as well as party elites, have always had a strong grasp of what the political environment looked like early on in a campaign cycle and adjusted their strategies accordingly. Even in the late nineteenth century, politicians could accurately predict which races would be “sure victories, certain defeats, and which contests would be close and require attention. . . . They pinpointed the difference, and sought means to gain them.”<sup>53</sup> The congressional elections literature also shows that conditions early on in the election cycle, even well before the end of the primary season, determine whether quality challengers step up to challenge an incumbent or jump into the primaries of both parties to contend for open seats.<sup>54</sup>

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perceived benefits and their sense of duty in the democratic system outweigh the costs associated with voting. William H. Riker & Peter C. Ordeshook, *A Theory of the Calculus of Voting*, 62 AM. POL. SCI. REV. 25, 25 (1968).

<sup>48</sup> See Lupia, *supra* note 43, at 63. See generally POPKIN, *supra* note 47.

<sup>49</sup> See JACOBSON, *supra* note 26, at 42–43; DARON R. SHAW, THE RACE TO 270: THE ELECTORAL COLLEGE AND THE CAMPAIGN STRATEGIES OF 2000 AND 2004, at 73 (2006).

<sup>50</sup> See ROBERT D. MARCUS, GRAND OLD PARTY: POLITICAL STRUCTURE IN THE GILDED AGE 1880–1896, at 6 (1971); SHAW, *supra* note 49, at 78; Larry M. Bartels, *Resource Allocation in a Presidential Campaign*, 47 J. POL. 928, 929 (1985).

<sup>51</sup> See SHAW, *supra* note 49, at 78.

<sup>52</sup> See JACOBSON, *supra* note 26, at 85; SHAW, *supra* note 49, at 128.

<sup>53</sup> See MARCUS, *supra* note 50, at 11.

<sup>54</sup> See JACOBSON, *supra* note 26, at 47. See generally GARY C. JACOBSON & SAMUEL KERNELL, STRATEGY AND CHOICE IN CONGRESSIONAL ELECTIONS (1981).

We also expect to see that competitive initiatives will stimulate turnout more than competitive popular referenda and competitive legislative referenda because initiatives are more likely to stimulate active campaigns. Legislative referenda are placed on the ballot by a state's legislature whereas initiatives go through a costly statewide signature-gathering phase. The citizen initiative process has engendered campaign industries in its states as well as attracted growth in the number of interest groups tied to policy measures that are placed on the ballot.<sup>55</sup> Popular referenda entail a similar process, but it is in reaction to particular pieces of legislation. Thus, there is not quite the same interest group infrastructure centered on the institution.

#### IV. DATA

We explore how legislative and popular referenda affect turnout compared to initiatives using a time-series cross-sectional design with data from 1890–2008 and focus our analysis on federal election years. Our dataset pools statewide elections data from 1890–2008. Our study is not an experimental design (the gold standard for research analysis) because our causal mechanism (initiatives and referenda) is not randomly assigned to states across elections. Changes in the political conditions in a state affect whether initiatives or referenda appear on a statewide ballot and whether they engender campaigns, as the previous sections described; thus, our treatment is not randomly assigned. Our study also lacks a control group because every state has a form of the legislative referendum.

We are able to guard against some threats to the validity of our research design that are present when a causal mechanism is not randomly assigned. The study's long time series and repeated measurements (a state having ballot propositions in multiple elections over time) guard against historical threats to validity.<sup>56</sup> Different sets of states have ballot propositions on the ballot from election to election, allowing us to isolate the effects of different ballot measures on turnout over time, minimizing some threats to internal validity.<sup>57</sup>

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<sup>55</sup> Frederick J. Boehmke, *Sources of Variation in the Frequency of Statewide Initiatives: The Role of Interest Group Populations*, 58 POL. RES. Q. 565 (2005). See generally MAGLEBY, *supra* note 43.

<sup>56</sup> See WILLIAM R. SHADISH, THOMAS D. COOK & DONALD T. CAMPBELL, *EXPERIMENTAL AND QUASI-EXPERIMENTAL DESIGNS FOR GENERALIZED CASUAL INFERENCE* 39 (2002).

<sup>57</sup> See WILLIAM M.K. TROCHIM & JAMES P. DONNELLY, *RESEARCH METHODS KNOWLEDGE BASE 7* (3d ed. 2001).

Our dependent variable is the statewide voting-eligible population (VEP) turnout rate. The VEP rate is a more accurate measure of political participation over time than the voting age population measure.<sup>58</sup> The data comes from two sources: data from 1890–1978 is from Jerrold Rusk and data from 1980–2008 is from Michael McDonald.<sup>59</sup> We use the turnout rate based on the number of votes cast for the highest office. In midterm elections, we supplement Rusk’s congressional VEP data with Burnham, Clubb, and Flanigan’s senatorial and then gubernatorial election turnout data, if available.<sup>60</sup> If that data is not available, we use the congressional VEP turnout rate. For years that both Rusk’s and McDonald’s data overlap (1980–1996), they correlate at 0.99.

We expect political competition to increase turnout and we measure the effects of mobilization using competitiveness as a proxy. That is, we measure the number of competitive and “uncompetitive” initiative and referenda campaigns. We consider a campaign to be competitive if the margin of victory is within ten percentage points, as the authors did in their 2012 article measuring how initiatives affect turnout over time.<sup>61</sup> By extension, a race is “uncompetitive” if the margin of victory is over ten points.

Our measure of competitiveness is an imperfect proxy for campaign intensity, but evidence from the literature strongly suggests that it captures political competition as well as campaign intensity. In the congressional elections literature, the most common threshold for determining whether an election is competitive is a margin of victory less than or equal to 10%.<sup>62</sup> Holbrook and Wenschenk studied campaign intensity and turnout in mayoral elections and showed that the degree of parity in campaign expenditures between opposing candidates and the winner’s margin of victory are correlated at 0.67.<sup>63</sup> They

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<sup>58</sup> See Michael P. McDonald & Samuel L. Popkin, *The Myth of the Vanishing Voter*, 95 AM. POL. SCI. REV. 963, 963 (2001).

<sup>59</sup> See generally JERROLD G. RUSK, A STATISTICAL HISTORY OF THE AMERICAN ELECTORATE (2001); Michael P. McDonald, *Voter Turnout*, U.S. ELECTIONS PROJECT, <http://www.electproject.org/home/voter-turnout/voter-turnout-data> [http://perma.cc/6FDJ-7LXJ].

<sup>60</sup> See W. Dean Burnham, Jerome M. Clubb & William Flanigan, *State-Level Congressional, Gubernatorial, and Senatorial Election Data for the United States, 1824-1972 (ICPSR 75)*, ICPSR (June 19, 1984), <http://www.icpsr.umich.edu/icpsrweb/ICPSR/studies/75/version/1>.

<sup>61</sup> Childers & Binder, *supra* note 1, at 97.

<sup>62</sup> JACOBSON, *supra* note 26, at 10; Alan I. Abramowitz, Brad Alexander & Matthew Gunning, *Incumbency, Redistricting, and the Decline of Competition in US House Elections*, 68 J. POL. 75, 75 (2006).

<sup>63</sup> Thomas M. Holbrook & Aaron C. Wienschenk, *Campaigns, Mobilization, and Turnout in Mayoral Elections*, 67 POL. RES. Q. 42, 46 (2014).

also go on to show that the gap in campaign expenditures between opposing party candidates strongly predicts the eventual winner's margin of victory.

Most elections are not competitive, as the data in Table 2 reflect. Through 2008, there have been 1970 citizen initiatives voted on during federal election years since the 1904 primary when Oregonians first cast a ballot for altering local liquor laws and creating direct primaries. Of those, 455 were "competitive" races, slightly over 23% of all initiative races. There have been 2863 legislative referenda during that same time span, of which 609 were competitive, just over 21% of the referenda. Popular referenda, by far the least popular form of ballot measure, had only 236 appearances on ballots and 47 were competitive, just under 20%.

**Table 2: Proposition Type and Number in Federal Elections, 1892–2008<sup>64</sup>**

| Form of Ballot Proposition | Total N in Federal Elections | Competitive Races | Uncompetitive Races | Percentage Competitive |
|----------------------------|------------------------------|-------------------|---------------------|------------------------|
| Citizen Initiatives        | 1970                         | 455               | 1515                | 23.1%                  |
| Legislative Referenda      | 2863                         | 609               | 2254                | 21.3%                  |
| Popular Referenda          | 236                          | 47                | 189                 | 19.9%                  |

We use data for all ballot measures from 1892–2008, provided by the National Conference of State Legislatures.<sup>65</sup> Previous studies of initiatives' effects on turnout use either the number of initiatives on the ballot<sup>66</sup> or a quadratic model with the number of initiatives and the number of initiatives squared.<sup>67</sup> As the authors explain, these approaches produce theoretically and empirically questionable results.<sup>68</sup> The former measure posits that the number of initiative campaigns has a linear effect on turnout. The latter predicts a positive relationship between ballot measures and turnout over a certain number of values but as the number of initiatives increases beyond a certain point, voter turnout declines (voter fatigue). Instead, we argue it is more likely that as the number of initiatives and referenda increase, turnout does as well, but at a diminishing rate. Thus, we use the square root of the number of initiatives and referenda.

<sup>64</sup> *Ballot Measures Database*, *supra* note 34.

<sup>65</sup> *Id.*

<sup>66</sup> Tolbert, Grummel & Smith, *supra* note 4, at 631.

<sup>67</sup> SMITH & TOLBERT, *supra* note 6, at 40–42; Tolbert, Grummel & Smith, *supra* note 4, at 635; Tolbert & Smith, *supra* note 4, at 296.

<sup>68</sup> See Childers & Binder, *supra* note 1, at 98.



We chose 1892 as a starting point for methodological and practical reasons. Our initiative and referenda data come from the National Conference of State Legislatures, and its database stretches back to the early 1890s. In 1892, Idaho's legislature placed a measure on the state ballot that would have changed how county commissioners were compensated. Otherwise, states did not begin to use initiatives or referenda until the first decade of the twentieth century after many Western states began adopting the initiative as part of their constitutions.<sup>69</sup> For most states, beginning the analysis before 1900 gives us some pre-treatment observations. We also include a number of institutional, electoral, and demographic control variables that the literature has shown also affect voter turnout, described in Table 3.

Most time-series cross-sectional data exhibits auto- and spatial-correlation, and we model our standard errors to address that. In time-series analysis, it is often the case that one's dependent variable is correlated from one time period to the next for each unit of analysis, and failing to control for that can bias regression results.<sup>70</sup> Our data also likely exhibits spatial correlation, meaning that our dependent variable may be correlated across states. For example, institutional reforms and policy innovations in one state can affect policy outcomes and political behavior across other states.<sup>71</sup> At the same time, states may react differently to political events that commonly affect them. For example, the implementation of the National Voter Registration Act of 1993 had varying effects across states.<sup>72</sup> We account for auto- and spatial-correlation using Driscoll and Kraay standard errors and model the errors to have a lag over four years.<sup>73</sup> Finally, we also use state fixed effects to account for changes within states over time that our model may not capture.

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<sup>69</sup> For a chronology, see DAVID D. SCHMIDT, *CITIZEN LAWMAKERS: THE BALLOT INITIATIVE REVOLUTION* (1989).

<sup>70</sup> See Nathaniel Beck, *Time-Series-Cross-Section Data: What Have We Learned in the Past Few Years?*, 4 ANN. REV. POL. SCI. 271, 281–82 (2001).

<sup>71</sup> See, e.g., Charles R. Shipan & Craig Volden, *The Mechanisms of Policy Diffusion*, 52 AM. J. POL. SCI. 840, 853 (2008).

<sup>72</sup> National Voter Registration Act of 1993, 42 U.S.C. §§ 1973gg–1973gg-10 (2012). See generally Cynthia Rugeley & Robert A. Jackson, *Getting on the Rolls: Analyzing the Effects of Lowered Barriers on Voter Registration*, 9 ST. POL. & POL'Y Q. 56 (2009).

<sup>73</sup> Driscoll and Kraay constructed a covariance matrix estimator “which is robust to very general forms of spatial and temporal dependence as the time dimensions become large.” John C. Driscoll & Aart C. Kraay, *Consistent Covariance Matrix Estimation with Spatially Dependent Panel Data*, 80 REV. ECON. & STAT. 549, 550 (1998). Models using these standard errors are easy to implement in time-series cross-sectional models in Stata using a user-written command `xtscc`. See Daniel Hoehle, *Robust Standard Errors for Panel Regressions with Cross-Sectional Dependence*, 7 STATA J. 281 (2007).

**Table 3: The Operationalization of the Analysis'  
Independent Variables and their Sources**

| Variables   | Sources   |
|---|---|
| <i>Independent Variables of Interest</i>  |   |
| The square root of the number of competitive initiatives and referenda and the square root of the number of uncompetitive initiatives and referenda.  | National Conference of State Legislature <sup>74</sup>  |
| Competitive Initiatives   |   |
| Uncompetitive Initiatives   |   |
| Competitive Popular Referenda   |   |
| Uncompetitive Popular Referenda   |   |
| Competitive Legislative Referenda   |   |
| Uncompetitive Legislative Referenda   |   |
| <i>Institutional Reforms</i>  |   |
| Adoption of the Secret Ballot   | Heckelman 1995 <sup>75</sup>  |
| Extension of Suffrage to Women Voters   | A Statistical History of the American Electorate <sup>76</sup>  |
| <i>Changes in the Population</i>  |   |
| Percentage of Foreign Born Americans in Each State*   | U.S. Census Bureau <sup>77</sup>  |
| Percentage of Nonwhite Americans in Each State*   | U.S. Census Bureau <sup>78</sup>  |
| Percentage of the State's Residents Who Live in Urban Areas With a Population of At Least 2500 People*  | U.S. Census Bureau <sup>79</sup>  |
| State's Rank in Education: To control for statewide levels and to maintain consistency over the time span of the data, we rank ordered the states for each election year on the given Census measure at the time.                                   | Inter-University Consortium for Political and Social Research <sup>80</sup>   |
| *The historical census data are provided every ten years, so we interpolate biannually across all states.   |   |
| <i>Electoral and Political Context</i>  |   |
| Party Competition: measures the average level of competition between the major party candidates in presidential (in presidential years), senatorial, House, and gubernatorial elections. The measure takes the average difference between the major | <i>A Statistical History of the American Electorate</i> for 1870–1996 data. 1998–2008 data are from CQ Press. <sup>82</sup> |

<sup>74</sup> *Ballot Measures Database*, *supra* note 34.

<sup>75</sup> See generally Jac C. Heckelman, *The Effect of the Secret Ballot on Voter Turnout Rates*, 82 PUB. CHOICE 107 (1995).

<sup>76</sup> RUSK, *supra* note 59, at 17–57.

<sup>77</sup> Campbell Gibson & Kay Jung, U.S. CENSUS BUREAU, *Historical Census Statistics on the Foreign-Born Population of the United States: 1850-2000*, (Feb. 2006), <http://www.census.gov/population/www/documentation/twps0081/twps0081.pdf> [<http://perma.cc/4FVU-VEKV>].

<sup>78</sup> Campbell Gibson & Kay Jung, U.S. CENSUS BUREAU, *Historical Census Statistics on Population Totals by Race, 1790 to 1990, and by Hispanic Origin, 1970 to 1990, for Large Cities and Other Urban Places in the United States*, (Feb. 2005), <http://www.census.gov/population/www/documentation/twps0076/twps0076.pdf> [<http://perma.cc/5Z83-LVU8>].

<sup>79</sup> *Id.*

<sup>80</sup> Michael R. Haines, *Historical, Demographic, Economic, and Social Data: The United States, 1790-2002 (ICPSR 2896)*, ICPSR (Feb. 25, 2005), <http://www.icpsr.umich.edu/icpsrweb/ICPSR/studies/2896?q=Michael+R.+Haines&searchSource=find-analyze-home&sortBy=>.

| Variables   | Sources   |
|---|---|
| party candidates across those elections and subtracts this value from 100. A zero reflects the complete absence of two-party competition across a state in a given year, whereas a score of 100 reflects “perfect competition between the parties.” <sup>81</sup> |   |
| Presence of a senate election, measured using a dichotomous measure.  | <i>A Statistical History of the American Electorate</i> for 1870–1996 data. 1998–2008 data are from the Office of the Clerk, U.S. House of Representatives. <sup>83</sup> |
| Presence of a gubernatorial election, measured using a dichotomous measure.   | <i>A Statistical History of the American Electorate</i> for 1870–1996 data. 1998–2008 data are from Carl Klarner’s “Governors Dataset.” <sup>84</sup>                     |

#### V. THE DIFFERENTIAL EFFECTS THAT INITIATIVES AND REFERENDA HAVE ON TURNOUT

The evidence below largely supports our expectations and advances our understanding of how direct democracy affects voter participation. First, we corroborate previous work finding that low information midterm elections are more conducive to mobilization effects from ballot proposition campaigns than presidential elections over time. Second, and more importantly, we find that in addition to initiative races, legislative referenda races increase turnout. The regression results presented in Tables 3 and 4 confirm previous work on initiatives by the authors, showing that competitive and uncompetitive initiatives alike provide for a boost in turnout during midterm elections.

The regression model in Table 4 shows that initiatives and referenda do not affect voter turnout across the states in presidential elections. The table displays six models, and each one has a key independent variable of interest. In the first model, we see that the square root of the number of competitive initiatives has a negative but fails to have a statistically significant effect on a state’s turnout rate because the standard error (in parentheses) is larger than the coefficient itself. The

<sup>82</sup> *Id.* at 568–84; *Voting and Elections Collection*, CQ PRESS (Mar. 11, 2010), <http://library.cqpress.com/elections/index.php>.

<sup>81</sup> RUSK, *supra* note 59, at 558.

<sup>83</sup> RUSK, *supra* note 59, at 639–53; *Election Statistics, 1920 to Present*, HIST., ART & ARCHIVES: U.S. HOUSE OF REPRESENTATIVES, <http://history.house.gov/Institution/Election-Statistics/Election-Statistics/> (last visited Dec. 19, 2015).

<sup>84</sup> RUSK, *supra* note 59, at 667–88; *Voting and Elections Collection*, *supra* note 82. Data are also available from Carl Klarner, *Governors Dataset*, HARVARD DATAVERSE (July 13, 2015), <https://dataverse.harvard.edu/dataset.xhtml?persistentId=hdl:1902.1/20408>.

models show the same pattern for our key coefficients in columns two through five. Regardless of whether we are considering competitive or uncompetitive initiatives or referenda, they fail to reach statistical significance, indicating that they do not significantly affect state turnout in presidential elections.

The regressions in Table 5 show that initiatives and referenda do significantly affect statewide turnout in midterm elections. The asterisks next to the coefficients indicate that they have a statistically significant effect on turnout at the 0.05 level. In the first column, we see that the square root of competitive initiatives have a positive and significant effect on turnout. For each additional competitive initiative on the ballot, turnout increases by approximately 1.7%. Columns two and three reveal that uncompetitive initiatives and competitive legislative referenda positively and significantly increase statewide turnout. However, the coefficient for uncompetitive initiatives is greater than the coefficient for competitive legislative referenda, meaning that relatively less competitive initiative elections have greater impacts on turnout than competitive legislative referenda elections. Columns four through six show that uncompetitive legislative referenda and both types of popular referenda fail to significantly affect statewide turnout.

Figure 4 graphs the marginal effects that the number of initiatives and referenda can have on turnout in off-year elections, as calculated from the results in Table 5. We only present data for the coefficients that were statistically significant. Though the marginal effects show potentially large increase in turnout—up to eight percentage points when there are twenty-one competitive initiatives—the maximum number in our data was only eight. Colorado had eight in 1912, and our results estimate a five-point jump in turnout. However, the typical number of competitive initiatives on a ballot in any given state is much lower. There was a maximum of twenty-one uncompetitive initiatives in our sample, which predicts about a five-point increase in turnout. Again, there are typically many fewer of them on a ballot in any given year. Competitive legislative referenda are more prevalent than competitive initiatives and at the sample maximum of twelve in one election, turnout increases by about 3.74%.

**Table 4: The Effects of Initiatives and Referenda on Voter Turnout in the States During Presidential Elections, 1890–2008**

|                          | (1)              | (2)              | (3)              | (4)              | (5)              | (6)              |
|--------------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| √Competitive Initiatives | -0.27<br>(0.32)  |                  |                  |                  |                  |                  |
| √Competitive Leg. Ref.   |                  | 0.70<br>(0.46)   |                  |                  |                  |                  |
| √Competitive Pop Ref.    |                  |                  | -0.38<br>(1.62)  |                  |                  |                  |
| √Uncomp. Initiatives     |                  |                  |                  | -0.20<br>(0.35)  |                  |                  |
| √Uncomp Leg Ref.         |                  |                  |                  |                  | -0.16<br>(0.51)  |                  |
| √Uncomp Pop Ref.         |                  |                  |                  |                  |                  | -0.76<br>(0.79)  |
| Party Competition        | 0.33*<br>(0.02)  | 0.33*<br>(0.02)  | 0.33*<br>(0.02)  | 0.33*<br>(0.02)  | 0.33*<br>(0.02)  | 0.33*<br>(0.02)  |
| Education                | 9.60*<br>(3.28)  | 9.47*<br>(3.21)  | 9.56*<br>(3.30)  | 9.55*<br>(3.31)  | 9.64*<br>(3.27)  | 9.46*<br>(3.29)  |
| Foreign Born             | 0.29*<br>(0.11)  | 0.29*<br>(0.11)  | 0.29*<br>(0.11)  | 0.29*<br>(0.11)  | 0.29*<br>(0.11)  | 0.29*<br>(0.11)  |
| Nonwhite                 | -0.31*<br>(0.14) | -0.31*<br>(0.14) | -0.31*<br>(0.14) | -0.31*<br>(0.14) | -0.31*<br>(0.14) | -0.31*<br>(0.14) |
| Percent Urban            | 0.08<br>(0.05)   | 0.07<br>(0.05)   | 0.08<br>(0.05)   | 0.08<br>(0.05)   | 0.08<br>(0.05)   | 0.07<br>(0.05)   |
| Secret Ballot            | -3.18<br>(2.26)  | -3.17<br>(2.24)  | -3.19<br>(2.26)  | -3.21<br>(2.26)  | -3.20<br>(2.25)  | -3.19<br>(2.27)  |
| Women's Suffrage         | -7.77*<br>(1.91) | -7.76*<br>(1.91) | -7.78*<br>(1.91) | -7.76*<br>(1.90) | -7.78*<br>(1.91) | -7.73*<br>(1.91) |
| Gubernatorial Election   | 1.26<br>(0.70)   | 1.28<br>(0.70)   | 1.26<br>(0.69)   | 1.25<br>(0.69)   | 1.25<br>(0.68)   | 1.24<br>(0.70)   |
| Senate Election          | 0.28<br>(0.40)   | 0.22<br>(0.41)   | 0.27<br>(0.40)   | 0.28<br>(0.39)   | 0.27<br>(0.39)   | 0.29<br>(0.37)   |
| Constant                 | 35.27*<br>(7.90) | 35.60*<br>(7.88) | 35.38*<br>(7.93) | 35.35*<br>(7.90) | 35.22*<br>(8.05) | 35.55*<br>(7.93) |
| N                        | 1451             | 1451             | 1451             | 1451             | 1451             | 1451             |
| States                   | 50               | 50               | 50               | 50               | 50               | 50               |
| Within-R <sup>2</sup>    | 0.44             | 0.44             | 0.44             | 0.44             | 0.44             | 0.44             |

\*Indicates that the coefficient is statistically significant at the .05 level.

Note: Linear Regression with State Fixed Effects and Driscoll-Kraay Standard Errors in Parentheses.

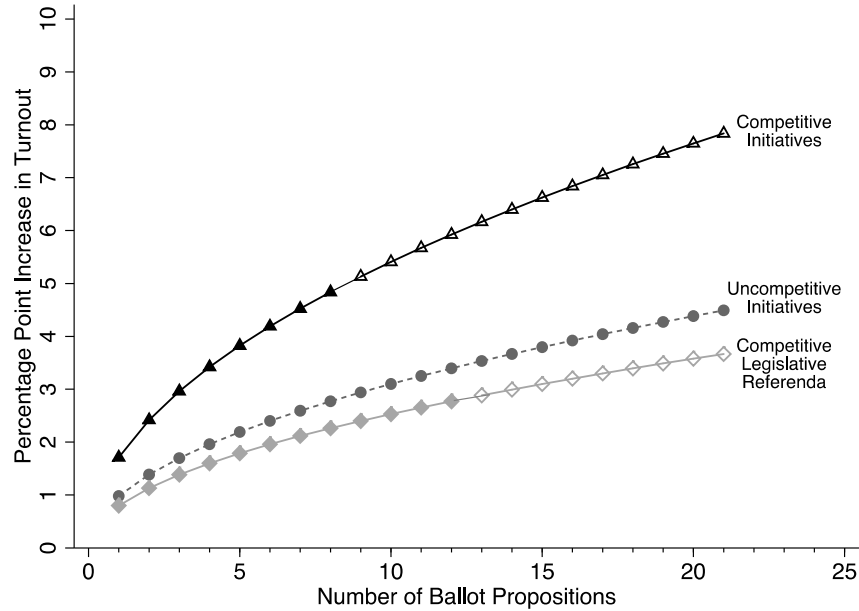
**Table 5: The Effects of Initiatives and Referenda on Voter Turnout in the States During Midterm Elections, 1890–2006**

|                          | (1)              | (2)              | (3)              | (4)              | (5)              | (6)              |
|--------------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| √Competitive Initiatives | 1.71*<br>(0.50)  |                  |                  |                  |                  |                  |
| √Competitive Leg. Ref.   |                  | 0.98*<br>(0.47)  |                  |                  |                  |                  |
| √Competitive Pop Ref.    |                  |                  | 0.80*<br>(0.38)  |                  |                  |                  |
| √Uncomp. Initiatives     |                  |                  |                  | 0.60<br>(0.52)   |                  |                  |
| √Uncomp Leg Ref.         |                  |                  |                  |                  | -0.70<br>(1.41)  |                  |
| √Uncomp Pop Ref.         |                  |                  |                  |                  |                  | -0.06<br>(0.66)  |
| Party Competition        | 0.31*<br>(0.01)  | 0.30*<br>(0.01)  | 0.30*<br>(0.01)  | 0.31*<br>(0.01)  | 0.30*<br>(0.01)  | 0.30*<br>(0.01)  |
| Education                | 2.22<br>(2.39)   | 1.99<br>(2.33)   | 2.01<br>(2.36)   | 2.04<br>(2.32)   | 1.77<br>(2.10)   | 2.04<br>(2.34)   |
| Foreign Born             | 0.17<br>(0.11)   | 0.17<br>(0.11)   | 0.18<br>(0.11)   | 0.17<br>(0.11)   | 0.17<br>(0.11)   | 0.18<br>(0.11)   |
| Nonwhite                 | -0.44*<br>(0.09) | -0.43*<br>(0.09) | -0.43*<br>(0.09) | -0.44*<br>(0.09) | -0.44*<br>(0.09) | -0.43*<br>(0.09) |
| Urban                    | -0.00<br>(0.03)  | -0.01<br>(0.03)  | -0.00<br>(0.03)  | -0.01<br>(0.03)  | -0.01<br>(0.03)  | -0.00<br>(0.03)  |
| Secret Ballot            | -9.61*<br>(0.98) | -9.52*<br>(0.97) | -9.55*<br>(0.96) | -9.57*<br>(1.00) | -9.54*<br>(0.97) | -9.55*<br>(0.96) |
| Women's Suffrage         | -8.58*<br>(1.65) | -8.52*<br>(1.65) | -8.48*<br>(1.65) | -8.60*<br>(1.67) | -8.53*<br>(1.64) | -8.49*<br>(1.64) |
| Gov. Election            | -3.59*<br>(0.45) | -3.60*<br>(0.44) | -3.59*<br>(0.47) | -3.63*<br>(0.45) | -3.64*<br>(0.45) | -3.59*<br>(0.47) |
| Sen. Election            | 0.17<br>(0.75)   | 0.23<br>(0.74)   | 0.25<br>(0.74)   | 0.21<br>(0.75)   | 0.23<br>(0.75)   | 0.24<br>(0.74)   |
| Constant                 | 43.69*<br>(4.31) | 43.77*<br>(4.30) | 43.58*<br>(4.31) | 43.80*<br>(4.29) | 44.31*<br>(4.14) | 43.55*<br>(4.32) |
| N                        | 1441             | 1441             | 1441             | 1441             | 1441             | 1441             |
| States                   | 50               | 50               | 50               | 50               | 50               | 50               |
| Within-R2                | 0.51             | 0.51             | 0.51             | 0.51             | 0.51             | 0.51             |

\* Indicates that the coefficient is statistically significant at the .05 level.

Note: Linear Regression with State Fixed Effects and Driscoll-Kraay Standard Errors in Parentheses.

**Figure 4: The Marginal Effects of Ballot Propositions on Turnout in Midterm Elections, 1890–2006<sup>85</sup>**



Control variables in both the midterm and presidential elections reinforce traditional findings in the literature about the role that institutions, demographics, and political context have on drawing voters to the polls. Women's suffrage and the secret ballot significantly decreased voting eligible turnout in both midterm and presidential elections. Their effects, however, vary slightly by whether it is a presidential or a midterm year. A state's rank in census education indicators (see Table 3 for an explanation) has a strong and robust effect on turnout in presidential election years, but little effect in midterm elections.

<sup>85</sup> See *supra* Table 5. This graphs the marginal effects of competitive initiatives, uncompetitive initiatives, and competitive legislative referenda on voter turnout in midterm elections as the number of each type of ballot proposition increases from zero to twenty-one. This is based on the regression results in Table 5. To calculate the marginal effects of an independent variable on the dependent variable in a linear regression, as the independent variable increases from zero to infinity (or another theoretically interesting limit), you multiply the independent variable's coefficient by the value of the independent variable. For example, each data point in the competitive initiatives plot line is equal to the coefficient for the square root of competitive initiatives (1.71) (see Table 5) multiplied by the respective number on the x-axis. The plot lines for uncompetitive initiatives and competitive legislative referenda were calculated similarly. Hollow markers indicate out of sample predictions. The maximum number of competitive initiatives in one election was eight in Colorado in 1912, and the maximum number of competitive legislative referenda was twelve in California in 1914 and Alabama in 1994. See *Initiative, Referendum and Recall*, *supra* note 7.

The size of a state's foreign-born population has significant negative effects on turnout in presidential elections while the size of its nonwhite population also negatively affects turnout (but in both presidential and midterm elections).

The state of political competition overall also has a major impact on a state's turnout rate in both presidential and midterm elections. In presidential elections, the most competitive states (close to 50–50 support for each major party) can have an approximately ten percentage point increase in turnout over very uncompetitive states (65–35 support for one party). The most competitive partisan atmosphere, when each party gets on average 50% of the two party share across elections in that state, equals 100 on Rusk's scale. A state where one party averages 65% support across elections while the other averages 35%, earns a 70 on Rusk's scale. Thus, turnout is about ten points higher in the most competitive state compared to one where there is a 65–35 split between Democrats and Republicans  $((100 \cdot .33) - (70 \cdot .33) = 10)$ . Party competition has almost the same impact in midterm elections when one performs the same calculation for coefficients in Table 5.

## VI. CONCLUSION

This Article contributes to our understanding of how ballot propositions affect political participation in three ways. First, we show that legislative referenda races affect turnout. More specifically, competitive legislative referendums draw voters to the polls and less competitive ones do not. Secondly, they have weaker effects on turnout than either competitive or uncompetitive citizen initiatives. Thirdly, we also show that popular referenda do not boost turnout over time. They may garner some campaign activity because they require citizens to gather signatures across the state, but that does not translate into campaigns that are vigorous enough to stimulate the electorate.

Our evidence corroborates other claims suggesting that direct democracy draws voters to the polls via campaign mobilization. As we explained in a previous section, campaigns allocate their resources in areas where the race is most competitive and they spend more money overall as races get more competitive. Thus, they allocate their money to mobilize voters and do so in ways to get the most bang-for-their-buck. Tolbert, Bowen, and Donovan use campaign spending data from a few recent election years to illustrate that spending per capita on all



ballot questions in a state increases turnout.<sup>86</sup> Their work, along with our findings above and previous work on competitive versus uncompetitive initiatives, strongly suggests that ballot proposition campaigns mobilize voters.<sup>87</sup>

We also acknowledge that our work, along with the others cited above, has an important limitation that future research needs to address. One take-home point of this Article is that all ballot measures are not created equal. Initiatives and referenda (legislative and popular) have differential impacts on the level of political engagement in a state. The mobilization thesis will be even more convincing when scholars are able to show that individual ballot races that are more intense have a stronger impact on turnout than races with less intensity using data on actual campaign expenditures from individual campaigns. Research on candidate elections shows this in abundance, and, hopefully, direct democracy scholars will soon join their ranks.

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<sup>86</sup> Tolbert, Bowen & Donovan, *supra* note 4, at 181.

<sup>87</sup> *See generally* Childers & Binder, *supra* note 1.

