First Come, First Served?

Experiments on Ballot Order in Direct Democracy Elections

Michael Binder & Thad Kousser

Michael Binder is an Assistant Professor of Political Science at the University of North Florida. Thad Kousser is an Associate Professor of Political Science at the University of California, San Diego. In 2012, Thad Kousser submitted expert declarations (*Munger* v *Bowen* 2012) on behalf of the Munger campaign reviewing the political science literature on ballot order and speculating that ballot order would likely matter in the case of Proposition 30 and Proposition 38.

> "Something else I learned: it pays to be on top of the ballot. I always liked to have my measure listed as Proposition One, Two, or Three – any higher number had much less chance of passing."
>
> – Famed lobbyist Arthur H. Samish (1971)

The use of direct democracy is on the rise throughout the world and across Europe (Altman, 2011; Kaufmann, Buchi & Braun, 2008; Mathews 2006). With the adoption of the European Union initiative process, the coming referendum on Scottish autonomy and the Stuttgart 21 referendum, the practice and politics of citizen lawmaking is ever more important to the operation of democracies worldwide. This paper looks to the American state of California, home of one of the world's most energetic, combative, and frequently used initiative systems (Bowler & Donovan 2000), to understand whether the minute details of this process have massive consequences for its political outcomes. Looking at the battle between competing proposals for a six billion dollar and a thirty billion dollar tax increase, we ask whether the closely contested issue of ballot order tilted the scales of this high-stakes clash.

One piece of conventional wisdom about direct democracy elections – voiced by the unconventional Artie Samish, a midcentury California lobbyist whose influence over the policies that affected his liquor making, horse racing, chemical producing, and road building clients rivaled that of governors – is that appearing early on the ballot confers an electoral advantage. Ballot order, in the estimation of political pros like Samish, matters. Artie was so convinced that it mattered that he used his strongest connections to obtain a propitious placement. "How did I get the high position?" Samish mused in his memoirs. "Well, I had a lot of good friends in Sacramento, and one of them was Frank Jordan, the secretary of state, the man who decided what propositions appeared where on the ballot. So it was no accident… (Samish, 1971)."

Today's expert practitioners of direct democracy share Samish's conviction that an initiative appearing early on the ballot will garner more votes. For the November 2012 election in California, both Governor Jerry Brown and education activist Molly Munger led signature-gathering drives to qualify competing multibillion-dollar tax increases for the ballot. In the race to have those signatures certified first by county election officials, and thus obtain the first spot on the ballot, Munger's measure appeared to have the lead. Her campaign submitted signatures to counties such as Los Angeles and Alameda before the campaign for the governor's measure had (York, 2012). Instead of surrendering a prominent ballot position, Gov. Brown took action reminiscent of Artie Samish.

> "With the fate of his tax initiative hanging in the balance, Gov. Jerry Brown was in a tight spot. So he called Dave Macdonald, the top election official in Alameda County, for a conversation about Macdonald's progress in verifying thousands of petition signatures needed to help move Brown's measure onto the November state ballot… Brown's office referred queries about the call to Ace Smith, a spokesman for the governor's tax campaign. Smith said it was merely a "friendly inquiry" (York, 2012)."

While Munger's team filed a lawsuit demanding that county officials count the signatures in the order that they were submitted, the governor worked with legislators to pass a new bill attached to the state's budget declaring that constitutional amendments would always appear before other propositions on the ballot. Brown's ballot measure was constitutional, while Munger's was merely statutory, so this ensured him top billing no matter how the signature count was conducted. The law passed and survived judicial attack, and Brown's measure was number 30 with Munger's at number 38.

Were all of these stratagems worth the effort? Does ballot order matter in direct democracy elections? To determine whether the conventional wisdom in this matter is truly wise, we conduct two survey experiments on ballot order in an October 2012 poll. Both experiments, which look at sets of similar propositions, randomly rotate the order in which initiatives appear on the survey to estimate the causal impact of ballot order.

Randomized rotation gives us the causal leverage to measure the effects of coming first, while keeping the content of a ballot measure constant. In California's actual election, Gov. Brown's proposition won convincingly with 55.4% of the vote while Munger's lost in a landslide, with only 28.7% support. Part of this margin may have come from Brown's position atop the list of propositions, while Munger's was buried eight spots later. Yet much more important to their differing fates was the fact that because Brown's measure primarily taxed the rich, it performed much better in early summer polls and received many more endorsements than Munger's initiative, which raised nearly everyone's taxes (Field Poll 2012a, Field Poll 2012b). An observational study of election returns would confound these electoral advantages with the impact of ballot order. By conducting our own survey experiment, we are able ask the counterfactual: "How would Munger's initiative, with all of the challenges that a broad-based tax increase faces, have performed if it had appeared before Brown's on the ballot?"

We conduct our survey experiment in Florida, where respondents were unfamiliar with the California campaigns. Florida voters in the fall of 2012 had many ballot decisions of their own to make, including three separate propositions that would grant "homestead" exemptions to state property taxes to three sympathetic groups: veterans who had been disabled in combat; low-income seniors who had lived in their homes for at least 25 years; and widowed military spouses. Did ballot order determine the vote share of these measures? Again, we rotate their survey order randomly to

infer its causal impact, although, as we explain below, we change the relative order of only two of the initiatives, the exemption proposed for veterans and the one for low-income seniors, while asking respondents about all three. Testing for the impact of ballot order in a different electoral context – propositions that were complementary measures put on the ballot by the same supporters, rather than competing measures qualified by rival backers – allows us to learn more about how and when it might matter.

Our results are mixed, across the two sets of initiatives. We find that Munger's measure wins an estimated five percentage points more of the vote among Florida residents when it appears before Brown's on the ballot. While this effect is substantively large enough to shift Munger's measure from trailing to leading among Floridians, it falls short of significance in our underpowered test.[i] This finding is consistent with conventional wisdom, and also with the results of another survey experiment conducted in the same election (Burnett & McCubbins, 2012) as well as study of historical patterns on the California ballot (Matsusaka, 2012). Yet for the other measures, we detected no clear or consistent impact of ballot impact. Brown's measure performed an estimated two points worse when it appeared first in the survey. Florida's exemption for disabled veterans did approximately three percentage points better when it appeared first, but the proposition helping low-income seniors did about two points worse when it appeared first.

While the confluence of three recent findings from California by scholars working independently suggests that ballot order can matter in specific contexts, we are not ready to conclude that the conventional wisdom resembles an ironclad law. This subject deserves more study, both because of what it reveals about how voters make decisions and because the electoral stakes of ballot order may be so high. Further research should include a more concentrated examination of the causal pathways that may lead ballot order to shape voter choice. To draw more

definitive conclusions, a research program should feature a greater range of empirical applications, and survey experiments should be designed with greater statistical power and conducted to more closely mirror actual ballot conditions.

We address these suggestions in greater detail in our conclusions. This paper begins by briefly reviewing the literature on ballot order, drawing on studies of candidate ballot order and discussing why their findings may or may not translate into the realm of propositions. We then review three potential causal pathways through which ballot order might affect voter choice for propositions. Next we turn to our survey experiment, describing both sets of propositions more fully and relating the complexities of asking Sunshine State residents about Golden State initiatives. We report our results, through simple tables comparing means from the various propositions. We finish by discussing what our findings tell us about whether ballot order, which has been fought over so energetically from the days of Artie Samish to the present, leads to success in direct democracy.

I. The Literature on Ballot Order

The academic literature on the effects of ballot order dates back to the 1920s, and shows that in candidate races, a higher position in the ballot provides a clear electoral advantage. The research on ballot order has moved through two phases, with the more recent studies being more rigorous; however, most research in both phases has found a strong and consequential impact of ballot position in the types of candidate races that most closely resemble proposition contests. Five recent studies show that in non-partisan and primary races, being listed first or early on a ballot significantly helped candidates in term of election results, with the estimated impact of a prime ballot position on a candidate's vote share ranges between 2 to 3.4 percentage points (Miller & Krosnick, 1998; Koppell & Steen, 2004; Ho & Imai, 2006; Ho & Imai, 2008; Meredith & Salant, 2012). Yet for reasons that we will explain, it is much more difficult to study the impact of ballot order on

propositions, forcing us to rely on suggestive evidence and this election's round of preliminary studies (Burnett & McCubbins, 2012; Matsusaka, 2012).

Though there are other potential effects from the order that propositions appear on the ballot, most notably ballot roll-off (Bullock & Dunn, 1996; Kimball & Kropf, 2008; Magleby, 1984; Nichols, 1998), this paper focuses on vote choice implications of ballot ordering between propositions dealing with similar subject matter. While ballot roll-off has implications for democratic theory and even election results in states that require a majority vote of the total ballots cast in the election for passage – not just the votes in a particular initiative's race (such as Wyoming), the vast majority of states require only a simple majority of the vote for the ballot position to pass. As such, we focus on the importance of ballot order and draw analogies to candidate elections to highlight our theory.

A. Candidate Elections

A lengthy literature has observed the correlation between ballot order and candidate performance. Miller and Krosnick provide a comprehensive review of this literature and conclude that, "Most of these studies found that candidates did better when listed early" (1998). These studies generally looked across many elections, averaged the percentage of the vote garnered by candidates who happened to have been listed early on the ballot, and found that these percentages were higher than percentages for candidates listed later on the ballot. In fact, the California Supreme Court relied upon two such studies (Bain & Hecock, 1957; Scott, 1972) in 1975 when it struck down a statutory provision giving incumbents first position on the ballot in *Gould v. Grubb*, 14 Cal. 3d 661 (1975). The California Legislature responded to the *Gould* decision in the 1975-76 legislative session by enacting a system that randomized and rotated the ballot order of candidates (Cal. Elec. Code Section 13111(c)).

Yet the one drawback of this first phase of ballot order studies is that they rely upon data from elections in which a candidate's ballot position was constant across all ballots. This makes it difficult to answer the counterfactual "How many votes would Candidate A have won, if she had been listed first rather than later on the ballot?" When Candidate A's position on the ballot is fixed – and often determined by a non-random process such as incumbency status or alphabetic order – it is hard to know how she would have performed if she was listed, for instance, third. The key to answering the counterfactual is to rotate candidate names across ballots, either in different precincts, counties, or legislative districts, optimally through some randomized process. If Candidate A appears in different places on different ballots, researchers can look at her performance in these various places to measure the electoral bonus that would accrue to a candidate who is consistently listed first.

Ironically, California's system of randomized alphabetic order and rotation of ballot position provides the perfect research design to identify and measure the existence of the problem it was enacted to solve. The second phase of research on ballot order has come from California and from other jurisdictions that rotate candidates through positions on the ballot in a single election. By gathering records of a candidate's performance at these different positions, and by combining data for all of the candidates running in many elections, researchers have been able to draw strong inferences about the impact of ballot order in candidate races. Specifically, these studies have shown that:

- In 7,846 contested municipal and school board elections held in California from 1995 to 2008, "[c]andidates listed first win office between four and five percent more often than expected absent order effects (Meredith & Salant, 2012)."
- In the California statewide primary elections held between 1978 and 2002, "being listed first significantly increases vote shares for all candidates: major party candidates generally

gain two percentage points of the total party vote, while minor party candidates may increase their vote shares by 50 percent of their baseline vote (Ho & Imai, 2008)."

- In California's 2003 gubernatorial recall, 55 of the 135 candidates running did significantly better when they appeared on the first page of the ballot (Ho & Imai, 2006).
- During the 1998 Democratic primary in New York City, "[i]n 71 of 79 individual nominating contests, candidates received a greater proportion of the vote when listed first then when listed in any other position," with an average boost of 3.4% (Koppell & Steen, 2004).
- In Ohio's 1992 primaries, "reliable name-order effects appeared in 48 percent of 118 races, nearly always advantaging candidates listed first, by an average of 2.5% (Miller & Krosnick, 1998)."

Yet it is important to note that there is one electoral context in which recent studies have found no clear evidence of a ballot order effect: races involving major party candidates running in general elections. That is likely because when meaningful party labels appear on a ballot – as they do when major party candidates run in general elections – they provide voters with a strong signal that seems to outweigh any ballot order effects. Alvarez, Sinclair and Hasen's study (2006) of California's statewide contests in 1998 finds "little systematic evidence supporting the hypothesis that the primacy phenomenon prevails" in such contexts. Moreover, Ho and Imai's study (2008) of California statewide contests from 1978 to 2002 finds that while ballot order matters for all candidates in primaries, in general elections it "significantly impacts only minor party candidates, with no detectable effects on major party candidates." These authors invoke the role of party labels to explain the divergence between the strong ballot order effects found in primaries, in nonpartisan races held in November, and for minor party candidates, on the one hand, and the lack of any observed effect for major party candidates running in general elections, on the other. Ho and Imai

observe that "when party labels are not available, as in nonpartisan races, or not informative, as in party primaries, voters' decisions are more likely to be influenced by ballot order (2008; Alvarez, Sinclair & Hasen, 2006)."

Determining the implications this literature on ballot order in candidate elections has for a particular proposition contest, ballot order effects when competing or related initiatives are on the same ballot,[ii] therefore necessitates deciding whether the ballot question resembles a primary/nonpartisan contest or a general election with party labels. In a few rare cases, where the parties and their most prominent leaders have taken clear and visible positions on a proposition, the electoral dynamic might parallel a general election. Even in such cases, though, voters will not have the visual cue of a party endorsement on their initiative ballots. It seems to us that in nearly all circumstances, proposition contests are much more like nonpartisan or primary contests, because they do not provide voters with a party label on the ballot to help guide their decisions. Lacking labels, voters must work harder to inform themselves about their options just as they do when voting in city council races or choosing between different Democratic candidates in a primary. They do not always succeed in becoming policy experts, and a series of studies reviewed in Binder, Boudreau, and Kousser (2011) shows that their voting decisions can shift due to question wording, learning through endorsements, group discussions, and campaign advertisements. The demonstrated malleability of voters in proposition contests – whose decisions cannot be grounded in a party label -- indicates that they are likely susceptible to ballot order effects.

B. Suggestions of an Effect in Proposition Elections

Unfortunately, the same sorts of natural experiments that allow rigorous studies of ballot order effects by observing the outcomes of candidate elections are not available to study the impact of order in proposition contests. In order to avoid voter confusion, the ballot positions of

propositions are not rotated across different districts or precincts in the way that candidates' names are rotated. Proposition 1 is presented before Proposition 2 to all voters across a state. This makes it difficult to answer, through observational studies of election returns, the counterfactual question: "How many votes would Proposition 2 have won, if instead it had been listed above Proposition 1 on the ballot?" The problem is especially acute in this context because propositions often "earn" their way onto the top of a ballot. Some states put bonds (which often perform especially well) at the top of ballots, and when ballot order among citizen initiatives is determined by their date of certification, the best organized or most popular campaigns are likely to win favorable placement by turning in their signatures first.

As a result, it is hard to know if propositions at the top of a ballot perform better only because of their ballot position, or for other reasons. Still, a necessary first step to identifying a ballot order effect is to see whether propositions listed toward the top of a ballot in fact do better. Magleby (1984) draws on evidence from California elections from 1884 through 1980 and finds that "[t]he relationship between ballot location and passage is negative and statistically strong – that is, propositions appearing later on the ballot are less likely to pass." Matsusaka (2012) analyzes a long time series of election results in California to show that propositions do best when they come early on the ballot, but that much of this effect is driven by the fact that different types of measures (including those placed on the ballot by the legislature, a process that requires 2/3 votes in each house that screen out unpopular ideas) appear in an earlier position on the ballot. While each of these observational studies yield an empirical pattern that is consistent with a ballot order effect, further work taking different approaches is needed to make more definitive causal claims.

One complementary approach comes from the quasi-experimental evidence presented in a working paper which looks at the impact not of rotating ballot order *within* a set of propositions but

by rotating the position of the *full set* of statewide propositions across ballots from different cities and school districts. Augenblick and Nicholson (2012) take advantage of the fact that, because local candidate races appear before statewide propositions on ballots, voters in a precinct with many city council or school district candidates up for election will see the statewide propositions appear lower on their ballot. Their research on every contest in every precinct in San Diego County between 1992 and 2006 shows that, when statewide propositions were placed further down the ballot, voters were both more likely to abstain from voting on them and, if they did vote, to vote "no" on the propositions. In precincts where voters see, for instance, ten additional candidates for local office before seeing the statewide propositions, each proposition will have a predicted rate of abstention that is 0.76 percentage points higher and a "no" vote that is 1.1 percentage points higher.

Another approach that is particularly suited to causal inference is a survey experiment, which allows researchers to randomly rotate the order of two propositions across survey respondents to see if the same measure performs better when it appears first in a poll. The first such study comes in a conference presentation by Brady and Kogan (2010). In a survey of 1,005 registered voters in California conducted by The Field Poll, Brady and Kogan randomized the order of two potential propositions that involved, first, replacing the 2/3 legislative vote requirement to raise taxes with a simple majority; and, second, replacing the 2/3 legislative vote requirement to pass a budget with a simple majority (a proposal that eventually became Prop. 25 in the November 2010 election). They tested the hypothesis that respondents who were asked about the tax threshold first would then be primed to think about taxes – and their distrust of the legislature in fiscal affairs – when it came to the budget vote, and thus that their support for easing that threshold would be lower. Indeed, they found that support for changing the budget vote threshold declined from 47% when it was asked first to 39% when it was asked second, after voters were asked about the tax threshold. Question

order on this survey experiment clearly mattered, and its experimental design rules out other potential confounding factors.

Simultaneous studies conducted during the run-up to the 2012 elections each took this same experimental approach to studying ballot order effects for Propositions 30 and 38 in California. Burnett and McCubbins (2012) rotated the order of the two measures in a survey conducted in the Golden State, and found that the title and summary of Proposition 30 (no number was assigned to it in the experiment) won approximately 5% more of the vote when it appeared first. There was no impact on the vote won by the title and summary of Proposition 38, which fared poorly in any order. In part of the experiment, which we describe in greater detail below, we rotated the order of these two measures in a survey of Florida voters, and find an effect of the same scale. While none of these effects register as statistically significant, due to the low power of our survey experiments, the accumulation of evidence in the literature so far appears to point toward a minor but electorally important ballot order effect for propositions.

II. Potential Causal Pathways

Before detailing our empirical approach to determining ballot order effects for two sets of propositions, we outline three possible causal mechanisms that could drive such an effect. Although we do not have the leverage to determine which mechanism is at work in our experiments, we speculate about what pathways might be most likely to generate a ballot order effect in each context. We note that each pathway leads to different electoral effects, with primacy potentially driving down the support for subsequent related propositions, and framing potentially increasing the support for related propositions further down the ballot.

A. Primacy

There is a long history of randomized laboratory experiments revealing a "primacy" effect: when people are presented with a list of choices, they tend to opt for the first option that meets their needs. This appears in studies that range from candidate choice in elections to decisions about consumer products to responses on multiple-choice tests (Krosnick & Alwin, 1987; Miller & Krosnick, 1998). This logic could apply to pairs or sets of initiatives that seek to meet the same need. When working their way down the ballot, voters faced with a policy problem may back the first initiative they see as a solution. Once they have voted for it, they should be much less likely to support alternative approaches, even if they may favor them in the abstract, simply because they have already cast a vote for another type of approach.

This logic could apply to Propositions 30 and 38, which were titled "Temporary Taxes to Fund Education. Guaranteed Local Public Safety" (Prop. 30) and "Tax for Education and Early Childhood Programs" (Prop. 38). These were not simply two propositions that happen to appear on the same ballot. They were rival proposals. Both sought to increase taxes to bring in many billions annually in new state revenues. Both stated in their titles that they would dedicate at least a portion of the new revenues toward funding education. Both were competing for the support of the same group of voters.[iii] Voters were likely to see them as similar given their stated purposes and the similarities in their titles, and may not have been fully aware that the measure gaining the most votes would cancel the other out if both passed. It seems highly probable, then, that some voters working their way down the ballot might support the first tax increase for education that they see, but then not support the second one, either because there is an unwillingness to change or inability to change their first vote or they see their first vote as having solved the state's fiscal problems or because they fear that they would be taxed twice.

B. Framing

This is the logic that drives Brady and Kogan (2010). Frames do not always have to hurt the measure later on the ballot. Equivalency frames, preference or action altering terms that are logically equivalent, are often used in ballot measure wording and campaigns (Druckman, 2001). Think of the way an individual on a diet would judge a product that is 95% fat free versus a product that contains 5% fat. Emphasis framing is another tool that proposition supporters can use to garner support for their proposals, for instance placing "education funding" in the title of a tax measure or stressing the "fairness" of a set of policies can drive up support (Nelson, 2000; Druckman, 2001). In the vein of fairness, voters faced with ballot measures granting similar tax breaks to different, but equally sympathetic groups (wounded veterans, first responders' widows and low-income retirees) could be more inclined to support the later proposals. That sense of fairness might extend to other groups as the voter works her way down the ballot, and maintain or increase support for later ballot measures, assuming these propositions are not thought to be fighting over the same scare resources. In Florida for example, the 2012 general elections saw three different ballot measures granting homestead property tax exemptions to threes specific classes of people: wounded vets, first responders' widows and low-income retirees. Supporting one tax exemption might make voters more willing to vote for another. If you reward one deserving group, fairness would dictate that you grant an equivalent exemption to the next similarly sympathetic group appearing on the ballot.

III. Survey Experiment Results

Separating the potential theoretical explanations is secondary to whether or not competing ballot measures are actually benefited from appearing earlier on the ballot or when other related ballot measures are affected by some aspect of ballot order. To test these claims we conducted a series of survey experiments of Florida residents during the lead up the 2012 general election. Even though Florida and California are very different politically, both are large diverse states struggling

with annual budget deficits and, to the chagrin of many of their residents, shrinking education budgets. Supporters of both Proposition 30 and 38 tried to take advantage of the latter political trend by including "education" in their titles as the intended beneficiary of higher tax revenues.

The survey was conducted through the use of a 27-station telephone-polling laboratory at the University of North Florida (UNF). A sample of the polling universe was selected through the use of Random-Digit-Dialing methodology of landlines. An additional cell phone sample was used to increase representation. To ensure geographic diversity, the state was pre-weighted into seven strata. The survey was given in Spanish for those respondents who wished to complete the survey in Spanish, was conducted between October 1 and October 9, and includes 790 residents (+/- 3.49 %) and 683 voters (+/- 3.75%) in the state of Florida. Approximately 180 UNF political science students participated in the data collection.

The results of the survey (post weighting) are very representative of the demographics of Florida's population. The statewide survey had an AAPOR calculated Response Rate of 14% and a Cooperation Rate of 26% (AAPOR, 2009). Results presented in this chapter report responses from likely voters. Fifty-four percent of the sample of likely voters were female, while the racial breakdown is 67% white, 13% African-American and 14% Hispanic. Forty-one percent of the sample is Democratic, 35% Republican and 25% Non-Partisan Affiliated or members of alternative parties.

For the first survey experiment, we rotated[iv] Florida specific versions of California's Propositions 30[v] and 38.[vi] The actual text of those propositions in California focused on increasing state income taxes; however, Florida lacks an income tax. To ensure a sense of reality we substituted property tax increases for the income tax. To roughly estimate the tax proposal in Proposition 30 for income earning over $250,000, we substituted properties valued at over $800,000 so that a

generally similar percentage of the population would be affected in each state. The text from the question that we used:

> "Some groups are considering proposing a ballot measure that would increase property taxes on properties valued at over $800,000, for seven years and increase sales and use tax by ¼ cent for four years. It would allocate 89% of the temporary tax revenues to K-12 schools and 11% to community colleges. It would bar using the funds for administrative costs, but it would provide local school governing boards discretion to decide how funds are to be spent. It guarantees funding for public safety services realigned from state to local governments. If this were on the ballot and the election were held today, would you vote Yes or No for this proposition?"

Propositions 38 was transformed in a similar manner:

> "Some groups are considering proposing a ballot measure that would increase property tax on all properties, using a sliding scale with larger increases for more valuable properties and ending after twelve years. During first four years, 60% of revenues go to K-12 schools, 30% to repaying state debt, and 10% to early childhood programs. Thereafter, 85% of revenues go to K-12 schools, 15% to early childhood programs. It provides K-12 funds on school specific, per-pupil basis, subject to local control, audits, and public input. It would prohibit the state from directing or using new funds. If this were on the ballot and the election were held today, would you vote Yes or No for this proposition?"

In addition to adjusting these propositions to the political reality of Florida, we did not just simply randomly rotate these questions right after each other. We included a series of policy preference questions in between the two questions in an attempt to more closely match the ballot in California. Respondents were randomly[vii] given either the Florida version of Proposition 30 or

Proposition 38, then asked a few policy questions (not involving budgeting or taxes) and then asked about the other proposition. Granted, California's heavily Democratic political climate is vastly different from Florida's Republican dominated statehouse and national battleground status, but the overall support for tax increase packages is not of concern. We are interested in the difference between the levels of support when one version is asked earlier on the ballot (or in the survey) compared to the level of support when asked later.

The other test involves three propositions placed on the ballot by the Republican-dominated Florida legislature as constitutional amendments. They placed 11 measures before the voters, three of which focused on property tax reductions for select groups of people. Proposition 2: Veterans Disabled due to Combat Injury; Homestead Property Tax Discount[viii] removed the restriction that wounded vets were residents of Florida when they were injured in order to receive the tax break. Proposition 9: Homestead Property Tax Exemption for Surviving Spouse of Military Veteran or First Responder[ix] gave local governments the ability to reduce or eliminate the property taxes of widows of first responders. Proposition 11: Additional Homestead Exemption for Low-Income Seniors who Maintain Long-Term Residency on Property[x] provided a tax reduction for low income seniors who have lived in state for twenty-five years and whose house is valued under $250,000. Each of these propositions reduces taxes for a targeted group, which either primes a sense of fairness and equivalency triggering higher support for the similar propositions that follow, or they can be viewed as competitive as each reduces a finite pie of resources. The latter view would suggest that ballot measures further down the list would see decreasing support.

Unlike actual elections that would preclude rotating proposition order to reduce voter confusion and maintain the integrity of the numbering system of propositions, we are able in a survey setting to rotate the questions much more easily. However, much like the California

propositions, we did attempt to preserve as much electoral authenticity as we could in a survey setting that did not ask about the other eight propositions. We kept the flow of the propositions' numbering by only asking the questions consecutively in ascending or descending order, keeping Proposition 9 in between Proposition 2 and Proposition 11, and using ballot titles and summaries as they appeared on Election Day. We note that we simplified the experiment to change the order of only two of the three proposals, those granting exemptions to more veterans and to low-income seniors, although all three propositions were included in the survey. Again, like the other survey experiment, respondents were randomly asked either Proposition 2 or Proposition 11, followed immediately by Proposition 9 and then Proposition 11 or Proposition 2. Our randomization was not perfect, and to prevent misleading results due to basic preference differences among the groups, we weight each group by self-identified party registration to the official registration statistics in October of 2012 from Florida Department of State's Division of Elections. This helps to ensure any differences between the groups is due to their placement on the ballot (or within our survey) as opposed to other outside factors.

Table 1 presents the results for both sets of propositions. The results are mixed. Florida's version of Proposition 38 does almost five percentage points worse when asked later in the ballot than when it is asked before Proposition 30. This is a sizable effect (though not statistically significant) and supports the conventional wisdom that Artie Samish and Jerry Brown perpetuate, suggesting there is a benefit to appearing ahead of your opponents. Conversely, Florida's version of Proposition 30 actually does 2.2 percentage points better when asked after Proposition 38. Again, this difference is not statistically significant, but it does highlight the need for continued research into this topic. Florida's legislatively referred constitutional amendments tell a very similar story. Propositions 2 suffers a 2.7 percentage point decrease when asked last in the list of propositions compared to getting asked first, but Proposition 11 sees a 2.4 percentage point increase when

rotated from first to last.

All of the propositions were relatively similar in that very few respondents refused to answer (3 to 5 percentage points for Propositions 30 and 38, 2 to 3 percentage points for Proposition 2, 9 and 11). Propositions 30 and 38, not surprisingly, received a greater proportion of "Don't Know" responses (12 to 17 percentage points) than Propositions 2, 9 and 11 (8 to 12 percentage points). Aside from being particularly long survey questions, the actual Florida propositions were part of the campaign and presumably voters more informed about actual propositions than replicas of California propositions.

Do voters view tax breaks for sympathetic groups as fairness frames that lead to higher support for later ballot measures or do they view these propositions competitively? Table 2 provides could potentially shed some light on this question. Proposition 2 and Proposition 9 both address veterans (either wounded or spouses) and provide an interesting test for this theory. Proposition 9 is always asked second for each group of the survey experiment; therefore, ballot position is not a factor in altering support for that proposition. The difference between the groups is whether Proposition 2 gets asked first or Proposition 9 gets asked before Proposition 2. If voters view very similar groups sympathetically or at least equivalently we might expect the proposition that comes later to have more support out of the voters' sense of fairness. Table 2 suggests otherwise. When Proposition 2 is asked later is receives 2.7 percentage points less support. While that result may be confounded by the fact of its ballot position, Proposition 9 is second for both groups and thus may provide a better sense of the framing effect. Proposition 9 gets 2.2 fewer percentage points of support when asked after Proposition 2, the measure most closely related in terms of beneficiary groups, compared to being asked after Proposition 11.

IV. Conclusion

We started this project quoting California's famous lobbyist Artie Samish, "Something else I learned: it pays to be on top of the ballot. I always liked to have my measure listed as Proposition One, Two, or Three – any higher number had much less chance of passing (Samish, 1971)." Though we are unable to conclusively argue that Artie Samish, Jerry Brown and the countless other pols are right in their belief that being at the front of the line is markedly better than being at the end, we can suggest that there may very well be a nugget a truth in their beliefs. Our Florida version of Proposition 38 does almost five percentage points better when it gets asked first. Proposition 2 does 2.7 percentage points worse when asked after two other tax break propositions. Whether or not the effect we see in Proposition 2 is due to ballot order or framing from the other propositions (specifically Proposition 9), at this point we are unable to say. Nonetheless, even a couple of percentage points can have election altering consequences.

Be it primacy on the ballot or priming a sense of fairness, additional experiments can allow researchers to isolate the causal mechanism that leads to differential vote totals during these survey experiments. This research took advantage of telephone survey experiments using ballot measures from the current election, as well as initiatives from another state. Telephone research, while not a perfect representation, is one way to assess the effects of ballot order, but there are others. Future research could take advantage of online surveys that allow for replications of ballot images and a more authentic approximation of an election. A well timed online survey experiment taking advantage of competing ballot measures or related initiatives during the heat of an active campaign can help inform academics and politicos about how much, if at all, ballot order or framing can affect election outcomes.

Our muted conclusions from this survey experiment have to be taken with a grain of statistical salt since our tests are underpowered and none of the differences between groups are

statistically significant. However, evidence presented here, along with other suggestive evidence from this election, hints at what politicians seem to intuitively know: it's better to be first.

Table 1. Ballot Order

Propositions	N	Support - Asked First	Support - Asked Later	Difference
Prop 30 (FL Version)	291/290	62.6%	64.8%	+2.2%
SE		(11.7)	(11.6)	(16.5)
Prop 38 (FL Version)	276/290	50%	45.1%	-4.9%
SE		(12.3)	(12.1)	(17.2)
Proposition 2	320/291[1]	88.3%	85.6%	-2.7%
SE		(7.6)	(8.5)	(11.4)
Proposition 11	287/340[1]	88%	90.4%	+2.4%
SE		(7.8)	(6.9)	(10.5)

Notes: [1] Proposition 2 was asked first more frequently than Proposition 11 and there were slightly more "Don't Know" answers when it was asked first, hence the uneven N between the four groups. Standard errors in parentheses. No differences are statistically significant. Don't Know and No Response coded as missing, all support and opposition percentages add to 100%.

Table 2. Competition for Resources

Propositions	N	Support - Asked First	Support - Asked Later	Difference
Proposition 2	320/291[1]	88.3%	85.6%	-2.7%
SE		(7.6)	(8.5)	(11.4)
Proposition 9	347/301[1]	92%	89.8%	-2.2%
SE		(6.3)	(7.3)	(9.6)

Notes: [1] Proposition 2 was asked first more frequently than Proposition 9 and there were slightly more "Don't Know" answers when it was asked first, hence the uneven N between the four groups. Standard errors in parentheses. No differences are statistically significant. Don't Know and No Response coded as missing, all support and opposition percentages add to 100%.

References

Altman, David. (2011) *Direct Democracy Worldwide*. Cambridge: Cambridge University Press.

Alvarez, R. Michael, Betsy Sinclair & Richard L. Hasen. (2006) How Much Is Enough? The "Ballot Order Effect" and the Use of Social Science Research in Election Law Disputes. *Election Law Journal*, 5(1), pp. 40-56.

American Association for Public Opinion Research. (2009) Standard Definitions: Final Dispositions of Case Codes and Outcome Rates for Surveys (Lenexa, KS: American Association for Public Opinion Research).

Augenblick, Ned & Scott Nicholson. (2012) *Ballot Position, Voter Fatigue, and Voter Behavior,* available at <http://faculty.haas.berkeley.edu/ned/Choice_Fatigue.pdf> (accessed 14 May 2014).

Bain, Henry M. & Donald S. Hecock. (1957) *Ballot Position and Voter's Choice*. Detroit, (MI: Wayne State University).

Binder, Michael, Cheryl Boudreau & Thad Kousser. (2011) Shortcuts to Deliberation? How Cues Reshape the Role of Information in Direct Democracy Voting. *California Western Law Review,* 48(1), pp. 97-128.

Bowler, Shaun & Todd Donovan. (2000) *Demanding Choices: Opinion, Voting, and Direct Democracy*. Ann Arbor, MI: University of Michigan Press.

Brady, Henry A. & Vladimir Kogan. (2010) "Majority or Supermajority? Evidence from a Survey Experiment." Paper Presented at the 2010 Meetings of the Western Political Science Association in San Francisco.

Burnett, Craig & Mathew D. McCubbins. (2012) "Sex, Drugs, and Taxes: How Voters Decided Public Policy in Four States." Presented at the *Initiatives and Referendums in the Elections of 2012* Conference, University of Southern California, November 2012.

Druckman, James N. (2001) The Implications of Framing Effects for Citizen Competence. *Political Behavior,* 23, pp. 225–56.

Field Poll. 2012a. *The Field Poll Release #2413*, available at <http://field.com/fieldpollonline/subscribers/Rls2413.pdf> (accessed 22 December 2012).

Field Poll. 2012b. *The Field Poll Release #2415*, available at <http://field.com/fieldpollonline/subscribers/Rls2415.pdf> (accessed 22 December 2012).

Ho, Daniel E, & Kosuke Imai. (2006) Randomization Inference With Natural Experiments: An Analysis of Ballot Effects in the 2003 California Recall Election. *Journal of the American Statistical Association,* 101, pp. 888-900.

Ho, Daniel E, & Kosuke Imai. (2008) Estimating Causal Effects of Ballot Order from a Randomized Natural Experiment: The California Alphabet Lottery, 1978-2002. *Public Opinion Quarterly,* 72(2), pp. 216-240.

Kaufmann, Bruno, Rolf Buchi & Nadja Braun (2010) *Guidebook to Direct Democracy, in Switzerland and Beyond.* Marburg: The Initiative and Referendum Institute.

Koppell, Jonathan G. S. & Jennifer A. Steen. (2004) The Effects of Ballot Position on Election Outcomes. *The Journal of Politics,* 66(1), pp. 267-291.

Krosnick, Jon A., & Duane F. Alwin. (1987) An Evaluation of a Cognitive Theory of Response-Order Effects in Survey Measurement. *Public Opinion Quarterly,* 51, pp. 201-219.

Magleby, David B. (1984) *Direct Legislation: Voting on Ballot Propositions in the United States.* (Baltimore, MD: The Johns Hopkins University Press).

Mathews, Joe. (2006) *The People's Machine: Arnold Schwarzenegger and the Rise of Blockbuster Democracy.* New York: Public Affairs.

Matsusaka, John. (2012) "Does Ballot Order Matter for Propositions?" Presented at the *Initiatives and Referendums in the Elections of 2012* Conference, University of Southern California, November 2012.

Meredith, Marc & Yuval Salant. (2012) *On the Causes and Consequences of Ballot Order Effects*, available at < http://www.sas.upenn.edu/~marcmere/workingpapers/BallotOrder.pdf> (accessed 18 May 2014).

Miller, Joanne M. & Jon A. Krosnick. (1998) The Impact of Candidate Name Order on Election Outcomes. *Public Opinion Quarterly,* 62, pp. 291-330.

Nelson Thomas E. (2004) Policy Goals, Public Rhetoric, and Political Attitudes. *Journal of Politics,* 66, pp. 581– 605.

Samish, Arthur A. 1971. *The Secret Boss of California: The Life and High Times of Art Samish.* Crown Publishers.

Scott, James W. (1972). California Ballot Position Statutes: An Unconstitutional Advantage for Incumbents. *Southern California Law Review,* 45, pp. 365-95.

Notes

[i] In our survey experiment, we asked 276 respondents about the measures with Munger's listed first and 290 with Brown's listed first. In order to an effect of the same substantive scale (4.9 percentage points) to be statistically significant, we would have needed 800 respondents in each half of the split.

[ii] Other work (Magleby 1984 and Matsusaka 2012) looks at whether initiatives win a larger "yes" vote when they appear at the top of a ballot, regardless of whether linked measures appear on the same ballot. A third variant of this research question, on which we have not seen any systematic research, would ask whether ballot measures do better overall when "Yes" is the first option listed on the ballot or when "No" is the first option.

[iii] Recent polling shows that Democrats tend to favor both measures and that Republicans tend to oppose both, indicating that these measures are competing for the same group of voters. See The Field Poll's Release #2415 (July 5, 2012), p. 4.

[iv] Wincati (the survey program used), upon beginning the survey randomly generated which respondent would receive Proposition 30 first, as well as, which respondent received Proposition 11 first. Only the order in which the questions were asked was rotated, not the potential answer selections (i.e. "yes" was listed as the first potential and "no" was read second – just as the options are listed on California and Florida ballots).

[v] Text of Proposition 30 ballot summary: "Increases taxes on earnings over $250,000 for seven years and sales taxes by ¼ cent for four years, to fund schools. Guarantees public safety realignment funding. Fiscal Impact: Increased state tax revenues through 2018–19, averaging about $6 billion annually over the next few years. Revenues available for funding state budget. In 2012–13, planned spending reductions, primarily to education programs, would not occur."

[vi] Text of Proposition 38 ballot summary: "Increases taxes on earnings using sliding scale, for twelve years. Revenues go to K–12 schools and early childhood programs, and for four years to repaying state debt. Fiscal Impact: Increased state tax revenues for 12 years—roughly $10 billion annually in initial years, tending to grow over time. Funds used for schools, child care, and preschool, as well as providing savings on state debt payments."

[vii] The Win-Cati survey program randomized which version of the survey the respondents were given.

[viii] Text of Proposition 2 summary read to respondents, "This amendment expands the homestead exemption to disabled veterans who were not Florida residents when they entered military service."

[ix] Text of Proposition 9 summary read to respondents, "This amendment grants full homestead property tax relief to the surviving spouses of military veterans and first responders killed in the line of duty that were permanent residents of Florida."

[x] Text of Proposition 11 summary read to respondents, "This amendment grants full homestead property tax relief to low-income seniors who have lived in their home for at least 25 years."