Ballot Initiatives and Economic Redistribution: A

Preliminary Analysis

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**Introduction**

What factors and structural features of government promote or discourage economic redistribution in the United States? Political scientists have focused much attention on this question in recent decades, motivated by the evidence of sharply increased income inequality and failure of the political system to represent well the interests of lower income citizens (see for example Bartels 2008; Gilens 2012; Task Force on Inequality and American Democracy 2004). Scholars have considered the increasing importance of campaign finance and the preferences of wealthy donors who tend to provide the bulk of funds, enhanced organization of business interests, decline of labor unions, significance of immigration and its impact on political participation of new citizens as well as attitudes of non-immigrants, and many other factors.

The bulk of the existing research has examined policy at the national level. However, more recently political scientists have considered what influences state redistribution choices. Such studies often shed more light on the impact of structural features, since the states differ significantly on a number of key variables that might influence propensity to enact redistributive laws and budgets (e.g., professionalization of legislatures, use of term limits, existence and extent of direct democracy).

Research has first shown that state policies can indeed significantly influence inequality. Thus Hayes and Vidal (2015) find that greater state spending on cash assistance and unemployment income tends to raise the income of the lowest income group, controlling for many other factors. Yet some state level research has also confirmed a pattern evident in national level studies: in general, the views of low income residents are not well incorporated into the platforms of state party elites (Rigby and Wright 2013). This suggests that even if states are capable of enacting significant redistributive policy they may be little inclined to do so, given that the poorly represented low income people tend to be more favorably disposed to redistribution. More generally, a recent study finds that specific aspects of state government, notably legislative professionalism, enhances responsiveness to public opinion on a wide variety of issues not explicitly redistributive in nature (Lax and Phillips 2012). Perhaps such features could enhance redistribution as well.

This leads us to direct democracy. Might the presence and/or extensive use of state ballot initiatives encourage economic redistribution? One recently published study in particular indicates this is the case. Radcliff and Shufeldt (2015) find that voters, and especially low income people, are happier in states with ballot initiatives in significant part because these lead to policies that benefit less well-off citizens Yet as we will show there are also many reasons to be skeptical. Ultimately, it is an empirical question.

 Scholars could use different approaches to examine the impact of ballot initiatives on redistribution. For example, one might attempt to match the preferences of citizens at different income levels with state policy outputs, comparing results across states that did not provide for direct democracy mechanisms, those that used such tools infrequently, and those that used them frequently. Such work would be consistent with the sophisticated methods employed by Bartels (2008), Gilens (2012), and others to assess the relationship between opinions and national policy. However, given how little is known about direct democracy and redistribution, we have opted to begin at the ground level, focusing on the actual content of ballot measures in California, a state that is among the heaviest users of ballot initiatives. That is, we consider how frequently people face redistributive ballot measures, what types they are, and how often they pass, focusing on the explicit aims of propositions rather than potential long term impact and unintended consequences. We also consider the direction of change since many initiatives—indeed some of the most famous ones—might be seen as decreasing rather than increasing redistribution. We use such information to draw insights into the potential for direct democracy to enhance redistribution at the state level.

 Our paper presents preliminary results. While we ultimately plan to consider all California ballot measures beginning right after World War II through the present, the current paper only examines data from 1946 through 1990. Additionally, we limit our analysis to citizen proposals specifically; in subsequent work we also plan to consider legislative proposals that have gone to the voters, such as legislative constitutional amendments. We also stick with very simple data analysis at this stage of our research. Accordingly, our conclusions are very tentative. Nevertheless, even at this early stage we see little evidence to suggest that ballot initiatives might offer a major route to promoting economic redistribution.

**Why Might Ballot Initiatives Encourage or Fail to Promote Redistribution?**

Arguments that ballot initiatives will enhance redistribution tend to center on the notion that representative institutions do a poor job of reflecting the interests of lower income citizens. By creating another policy route that bypasses legislatures, the initiative process may help correct for such inequity. Radcliff and Shufeldt (2015, 7-8) write:

[I]ndividuals of low socioeconomic status may also be benefit more from the instrumental benefits of direct democracy… [D]irect democracy may lead to policy outcomes that are closer to the preferences of the median voter, i.e. less biased toward the wealthy. Thus, since direct democracy is a majoritarian institution, the outcomes may be relatively more responsive to the preferences of low SES individuals than representative institutions. Put differently, direct democracy might have the strongest impact on those of lower SES precisely because their voices are so feebly and inconsistently heard in representative institutions… such that initiatives may offer a more level playing field, especially on ‘‘easy issues’’ such as the minimum wage that are likely to have profound impacts on the lives of the working class.

 Nevertheless, there are many reasons to doubt that ballot initiatives will have a major impact on redistribution, and especially to be skeptical about the idea that it will push state policy to be more redistributive. These include the following.
1. *Majoritarianism Does Not Necessarily Favor Redistribution.*

Much research has examined the question of whether the presence of ballot initiatives leads to policy more reflective of the views of average citizens. Results are inconclusive with some studies over many years supporting that claim (e.g., Gerber 1999; Matsusaka 2004, 2005) while others challenge it (e.g., Lascher, Hagen, and Rochlin 1996; Lax and Phillips 2011; Monogan, Gray, and Lowery 2009). Yet even if one were to stipulate such an argument is correct, it is not apparent that would favor redistribution. Indeed, some of the theoretical research suggests the opposite: redistribution may favor small groups (e.g., the poorest group of citizens) at the expense of the “median voter. The majoritarian impact of direct democracy mechanisms may be to overturn or forestall benefits for such groups. More specifically, middle and high income voters may prefer tax cuts to social programs that mainly aid low income people (for a review of the literature on majoritarianism and direct democracy see Feld et al. 2006; Wagschal 1997).

There is extensive literature about cases in which middle and high income citizens unite over policies against the interests of a smaller group of lower income citizens, especially if the poorer citizens also are disproportionately members of racial and ethnic minority groups (see for example Abrajano and Hajnal 2015). And it is worth mention that the tax reduction movement that began in the late 1970s was initiated in response to Proposition 13, a California ballot measure strongly opposed by groups advocating for social programs for the disadvantaged. Some of the academic literature even referred to the Proposition as a “revolt of the haves” (Sears and Citrin 1982).

2. *Moneyed Interests Have Disproportionate Impact on Getting Initiatives on the Ballot*

Many scholars have examined the impact of campaign spending and the role of special interest contributions on election outcomes. Much of this literature suggests that wealthy groups that might oppose redistributive measures (e.g., state chambers of commerce, trade associations, and private businesses and individuals) do not necessarily get their way on measures that appear on the ballot, especially if they are backing an initiative rather than fighting against it (for a review of the literature see Dubois and Feeney 1998; Stratmann 2005).

Yet the bigger influence of money may be on what even appears on the ballot. The modern initiative process requires an expensive signature gathering process. In California the cost of signature gathering typically reaches seven figures. For example, the average cost for signature gathering for each of California’s 2012 ballot propositions exceeded $2 million. Yet even in Oregon, a much smaller state requiring many fewer signatures to place a measure on the ballot, the average signature gathering costs for measures on the 2012 ballot exceeded $400,000 (source: Ballotpedia). Groups supporting redistributive efforts on behalf of poorer citizens are much less likely to have the money and other resrouces necessary to qualify an initiative than, say, groups supporting a policy that will favor wealthier taxpayers or a set of commercial interests. And people tend to be less discriminating in signing initiative petitions than they are in actually casting votes, increasing the influence of moneyed groups able to pay a lot of money for signature gatherers (Lowenstein and Stern 1989). Historically, initiative measures tend to lose in California and across the nation, and scholars have taken this as a sign of voter caution about changing public policy (see for example Bowler and Donovan 1998). While proponents with lots of money can at least “roll the dice” by getting preferred measures on the ballot, it seems unlikely that most of these groups would back economic redistributive efforts.

3. *Voting on Ballot Measures Skews toward High Socio-Economic Status*.

Even if redistributive measures make it the ballot, past research indicates that the portion of the electorate casting votes will skew toward high socio-economic status. That is, lower income voters are significantly more likely to “drop-off” and fail to vote on initiatives. Magleby (1984) found this to be the case for many measures brought before voters in the 1970s and 1980s, concluding (p. 121) that “persons with low education and income are underrepresented in deciding most propositions.” Subsequent research has not undermined this claim. Some research even suggests that drop-off is a more serious problem for economic measures than social measures (Biggers 2011), further casting doubt on the idea that ballot measures would promote redistribution.

 In short, the literature suggests much more evidence is needed before we should be ready to accept claims of the type advanced by Radcliff and Shufeldt. We turn now to examining some such evidence from California’s experience.

**Data and Methods**

California has been a leader in the use of direct democracy, making it an appropriate place to study redistributive efforts. California competes with Oregon as the state that makes heaviest use of the ballot initiative over time. California leads the nation with an average of 3.5 ballot initiatives per year since their introduction to the state in 1911 (source: https://ballotpedia.org). The “initiative industry” that coordinates signature gathering and organizes campaigns came to prominence in the Golden State. Academic and non-academic books have been written about initiative contests in California (e.g., Chavez 1998; Sears and Citrin 1982).

 We use two main sources of data. The main one is the California Ballot Measures Database at UC Hastings Law Library. That on-line archive is a comprehensive, searchable source of information on California ballot propositions and initiatives from 1911 to the present. It includes the full text of individual ballot propositions, accompanying information contained in the ballot pamphlets, related legal and legislative history, and full ballot pamphlets in PDF form. The second is the National Conference of State Legislature (NCSL) on-line Ballot Measure Database. We use the Hastings archive to determine the content and intent of ballot measures and the NCSL archive to determine voting results.

 California voters considered 566 propositions from 1946 through 1990, the period we focus upon for this paper. Most of these measures appeared on the primary or general election ballots in even numbered years but some appeared on off-year or special election ballots. Of the total, for the present project we concentrate on 119 that can be classified as originating with citizens rather than the state legislature, i.e., initiative constitutional amendments, initiative statutes (including a 1958 measure labeled as a repeal of an initiative that eliminated a statute added by a prior ballot measure), and referenda to overturn acts of the legislature. The vast majority of such citizen-sponsored measures were initiative statutes and initiative constitutional amendments.

This large amount of initiative activity in California pales, however, to the massive number of propositions placed on the ballot by the legislature. Californians voted on propositions referred by their state legislature over four times as often as signature-gathered measures. In most elections the number of such constitutional amendments and bond measures vastly dwarfed the number of citizen originated measures. In the 1970 General election, for example, voters saw 19 bonds and legislatively-referred items compared to just one signature-backed initiative. Legislative initiatives in California require a 2/3 supermajority to place them on the ballot, and we felt that to obtain that large, almost always bipartisan legislative majority would limit the type and scope of economic redistributive measures that would appear on the ballot. Therefore, we decided our initial study should focus solely on citizen measures individually sponsored by groups large and small, wealthy and less wealthy.

It is also possible that there is a relationship between the appearance of non-initiative measures on the ballot and voters’ willingness to support redistributive initiative propositions. For example, citizens might be less inclined to vote for liberal initiatives if they are also facing a number of bond measures that would lead to major new state spending. We intend to explore such possibilities in further work.

 We developed our own scheme for determining if citizen measures were redistributive in nature, and classified them as either “liberal” (i.e., pro-redistribution) or “conservative” (i.e., anti-redistributive). We looked at two main criteria: whether the measure would expand the role and size of government or the amount of government revenue, and whether the measure generally aimed at strengthening the power of workers, worker organizations or consumers in direct economic terms vis-à-vis employers. If a measure increased taxes, increased other sorts of revenue, significantly expanded government programs, expanded employee rights, strengthened labor unions, or imposed price caps or mandatory price rollbacks on consumers we labeled it as liberal. If instead it cut taxes, eliminated or shrank government programs, restricted governmental revenue, strengthened the hand of employers, weakened labor unions, or removed price ceilings we labeled it as conservative.

 Our coding scheme implies that many measures commonly labeled by others as “conservative” or “liberal” would not meet our definitions of those terms for purposes of this project, because they were not primarily economically redistributive. Thus we would not classify an initiative to legalize marijuana as liberal or a measure to strengthen criminal penalties as conservative. We also ignored ambiguities about long term consequences. For example, economists and others commonly debate whether minimum wage laws truly help redistribute income and aid poorer individuals over the long run. We acknowledge such disagreements but for our purposes a measure to increase the minimum wage would be labeled as liberal since its explicit intent is to help less advantaged workers in immediate economic terms. We also label Proposition 103 on the 1988 general election ballot as liberal because it aimed to roll back automobile insurance rates and restrict them from rising in the future, even though one of us has written about how experts in the field considered this approach profoundly misguided and unlikely to benefit consumers over the long run (Lascher and Powers 1997).

 We also ignored a number of measures that were minor or technical in impact, or moved money between different levels of government without expanding or contracting programs generally. For example, in the aftermath of Proposition 13 in 1978 many measures made minor changes in the rules regarding whether property would be reassessed for property taxation, since Proposition 13 sharply restricted when such reassessment could occur. Voters commonly were asked to decide whether, say, adding earthquake retrofits required that the property be reassessed. Such measures did not make it on our redistribution list. In contrast, we label as conservative Proposition 58 from 1986, a legislative constitutional amendment passed by the voters, even though it earned unanimous support in the state legislature; that measure allowed the transfer of $1 million in real property between parents and children without a reassessment for property taxes, effectively lowering taxes for a broad class of citizens and significantly reducing government revenues in perpetuity.[[1]](#footnote-1)

 We each coded every ballot proposition on our own, following guidelines we set forth at the outset and adding others as necessary as we better understood the details of the initiatives. We then met to share our coding decisions. In the large majority of cases we individually coded the propositions in the same way. When we disagreed or were unsure how to classify a proposition we discussed each measure until we reached consensus. We also note that we have sharply different political views from one another; one of us considers himself a conservative and the other considers himself a liberal. We believed this was helpful in checking any ideological biases in coding decisions.

 For the present paper we have limited our analysis to simple tables and qualitative analysis. We may use more sophisticated methods in future work. It is important to note that unlike the case with the vast majority of political science research, we are not dealing with sample data: instead, we are considering the entire universe of ballot propositions considered by California voters over a specified time period.

**Findings**

Table 1 provides a summary of the raw numbers and aggregate results for citizen originated measures (initiative constitutional amendments, initiative statutes, and referenda) we classified as either conservative or liberal in economic terms for the time period studied. We can discern several things from this table. First, a significant number but less than half of citizen originated measures may be classified in these terms (54 out of 119). Second, most redistributive measures, like most citizen originated measures generally, failed at the ballot box. Third, while there was a somewhat higher number of liberal than conservative measures on the ballot from 1946-1990, the liberal measures were even more likely to be defeated, and on average garnered a lower percentage of “yes” votes.[[2]](#footnote-2)

**Table 1: Numbers of and Results for Citizen Originated Measures, 1946-1990**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Conservative** | **Liberal** | **Non-****Redistributive** |
| **Outcome** |  |  |  |
| **Passed** | 10 (43%) |  9 (29%) | 30 (46%) |
| **Failed** | 13 (57%) | 22 (71%) | 35 (54%) |
| ***Total*** | 23 (100%) | 31 (100%) | 65 (100%) |
| **Average Vote (unweighted)** |  |  |  |
| **Percentage “Yes”** | 47% | 40% | 48% |

 A striking feature of the liberal measures enacted is their limited scope. Table 2 provides a brief description of the nine liberal, citizen initiated measures enacted from 1946-1990. There are no measures establishing or even expanding broad taxes, making existing taxes more progressive, establishing or expanding broad social programs, increasing the minimum wage, imposing any type of price controls beyond one specific industry, or strengthening collective bargaining. The only tax increase passed was on smoking, and that reflected an emerging social consensus about reducing the harmful health effects of tobacco use. One of the only other revenue increasing measures was establishment of the state lottery in 1984. In that case, the enhanced revenue for schools was arguably a “sweetener” to make the measure more acceptable to a public concerned about gambling, and which had rejected previous lottery proposals. Indeed, the opponents included the Democratic Attorney General and others who argued in the ballot pamphlet that the lottery was essentially a regressive tax, not the way to fund education, and would enrich the promoters while the public would pay.

**Table 2:**  **Description of Liberal Measures Passed by Voters**

|  |  |  |
| --- | --- | --- |
| **Year & Election****Type** | **Prop. #** | **Description** |
| 1946 (general) | 3 | Increases state support for schools and minimum salary for teachers |
| 1948 (general) | 4 | Increases maximum monthly aid for needy aged and blind people |
| 1952 (general) | 2 | Increases required state support for public schools |
| 1984 (general) | 37 | Establishes state lottery and designates portion of revenues for school support |
| 1988 (general) | 97 | Requires restoration of and funding for State Occupational and Safety Health Administration program (Cal-OSHA)  |
| 1988 (general) | 98 | Establishes minimum level of funding for public schools and community colleges (no additional revenue) |
| 1988 (general) | 99 | Imposes an additional excise tax on cigarettes amounting to 25 cents per cigarette pack; designates revenue for health programs, etc. |
| 1988 (general) | 103 | Requires rollbacks of automobile insurance rates and increases regulation of insurance companies |
| 1990 (primary) | 117 | Establishes habitat conservation fund to be used primarily for habitat for deer, mountain lions, and endangered species  |

 Some scholars have suggested that the biggest impact of voter initiatives may be indirect, putting pressure on legislatures to accommodate measures both on the ballot and even potentially on the ballot (see especially Gerber 1996). In that regard, it is possible to imagine that the mere presence of liberal propositions could encourage the legislature to enact those or similar liberal proposals even if the initiatives failed. This might happen to satisfy the political actors behind such measures or even head off further policy changes through the direct democracy route. We do not aim to test this claim in a rigorous fashion at this stage of our project, but we see reason to doubt it would hold up.

Some of the broadest liberal measures were crushed at the polls and not subsequently enacted. For example, in 1980 Democratic Governor Jerry Brown and other prominent figures backed Proposition 11 on the primary election ballot that would have established a 10% oil surtax, using the campaign slogan “tax big oil.” The funds would have been used for increased bus and transportation services and to develop alternative transportation fuels. Only 44% of the electorate voted in favor of the measure and no oil surtax was subsequently enacted in California. Additionally, in 1990 a coalition of medical groups and others backed Proposition 134 on the general election ballot, which would have established a “nickel a drink” excise tax on alcoholic beverages, and used the funds for alcohol and drug abuse prevention and treatment programs, enforcement of drunk driving laws, community mental health programs, and related purposes. The measure received only a 31% “yes” vote. The legislature subsequently enacted a minimal alcohol tax increase in 1991 and the tax has not been raised again over the subsequent 25 years; California’s alcohol tax remains below the national average (Cadelago 2015).

 By contrast, some of the conservative measures passed by voters had sustained, far reaching impact. The most readily apparent example is Proposition 13 which drastically lowered property taxes, restricted the ability of representative institutions to raise other types of taxes, restructured the relationship between state and local governments, and launched the tax revolt movement. Other major conservative measures enacted into law included:

* Proposition 10 on the 1950 general election ballot required approval by the local electorate before any publicly funded low income housing project could be built; the impact of the measure was subsequently narrowed by interpretations of the California Supreme Court and actions of the State Legislature, but it has not been repealed (Morgan-Martinez 1993);
* Proposition 4 on the 1979 special election ballot put a cap on total state government spending; this measure was largely replaced by two liberal initiatives passed a decade later: citizen-sponsored Proposition 98 in 1988, and the legislative-referred Proposition 111 in 1990;
* Proposition 6 on the 1982 primary election ballot repealed state estate and gift taxes;
* Proposition 7 on the 1982 primary election ballot required state income tax rates to be indexed for inflation; and
* Proposition 62 on the 1986 general election ballot required voter approval for any tax increase at the local level

Many broad conservative measures also failed at the ballot box. These included a “right to work” measure on the 1958 general election ballot that would have eliminated the ability to require workers to join a union, multiple property tax limitation propositions sent to the voters prior to Proposition 13, a 1980 primary election proposition to prohibit rent control, and a 1984 general election measure to reduce welfare and Medicaid spending. It is also worth noting that even some of the most famous backers of the tax limitation movement subsequently experienced rejection by the electorate. Thus Howard Jarvis, made famous as coauthor of Proposition 13, later lost a 1980 primary election battle to sharply reduce state income tax, failing to garner even a 40% favorable vote in the process.

Nevertheless, it difficult to look at the results from 1946 through 1990 and fail to conclude that conservatives scored more successes than liberals on redistribution issues decided at the ballot box. Not only did they have a better passage rate than liberals for redistributive initiatives, but the scope of conservative backed initiatives was far greater as well.

Conclusion

Our analysis underscores the need to closely examine the content of ballot measures to determine whether the initiative process (or direct democracy more generally) is likely to enhance or restrict redistribution. The preliminary results for such detailed analysis of content may come as a surprise to some followers of California politics who recall major liberal initiatives during the period we studied. It is true that during that time voters passed major measures to protect the coastline, regulate and label chemicals that may cause cancer, create the Fair Political Practices Commission, and urge the federal government to establish a nuclear freeze. Yet while these measures may be considered socially liberal, they were not redistributive. The most striking things about the 1946-1990 period was how rarely liberal citizen-originated redistributive measures were considered by voters, how few of those measures passed, and how limited the impact was of measures that were enacted.

 This tentative conclusion leaves us with some interesting questions. For example, during the period we studied, Californians passed many bond measures that we would consider liberal because they significantly expanded state spending and the scope of state programs. Might the presence of bond measures dampen enthusiasm for liberal initiatives on the same ballot? Are liberal advocates likely to focus more on backing bond measures because they believe they are more likely to be successful? Do redistributive conservatives increase their initiative frequency when Democrats control the entire state government? We will consider such questions as we expand our analysis to cover both additional years and types of direct democracy mechanisms.

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1. Of course, as a legislative-referred ballot measure, we excluded Proposition 58 from this initial analysis, but we wanted to explain our detailed coding parameters. [↑](#footnote-ref-1)
2. Our database for 1946-1990 includes two referenda measures we classified as conservative (and three referenda measures we classified as non-redistributive). In these cases we counted “no” votes as supportive of the conservative effort to overturn a liberal measure enacted by the legislature because “yes” votes would support the original law. Under California practice, “yes” votes on referenda support the proposed law enacted by the legislature, while “no” votes are counterintuitively siding with the supporters of the referendum seeking to overturn the law. [↑](#footnote-ref-2)