

# Confusion or Competence? Ballot Initiative Politics and Voting Behavior in the American States

Honors Research Thesis

Presented in partial fulfillment of the requirements for graduation  
*with honors research distinction* in Political Science  
in the undergraduate colleges of The Ohio State University

by

Christopher Evans Skovron\*  
Department of Political Science  
The Ohio State University  
skovron.2[at]osu.edu

May 28, 2011

Project Advisors: Herbert B. Asher, Department of Political Science  
Paul Allen Beck, Department of Political Science

## Abstract

The proliferation of ballot initiatives, referendums and voter-approved constitutional amendments in American states has significantly impacted policy and the conduct of campaigns and elections. My thesis seeks to create a more complete theory of voters' engagement with these elections than exists in the literature. In particular, I am concerned with the interactions among ballot issues, campaigns, and voters' preferences. I evaluate competing theories of voting behavior in ballot issue elections and propose modifications. In particular, I focus on developing a theory of how voters acquire and process information about ballot issues in order to make reasoned vote

---

\*I thank Herb Asher and Paul Beck for serving as mentors and advisors throughout the writing of this senior thesis and throughout my undergraduate studies. Larry Baum, Logan Casey, Skip Lupia, Justin Phillips, Sandy Skovron, and conference participants at University of São Paulo and Walsh University offered helpful comments, conversations and suggestions. Steve Slepchick provided helpful information on the 2009 gay marriage election in Maine. I thank John Matsusaka and the Initiative and Referendum Institute at the University of Southern California for access to data on ballot issue elections. Research on this project was supported by a grant from The Ohio State University Honors and Scholars Center.

choices. Three empirical studies supplement my theoretical analysis of voting behavior. I study how opinion changes in high-salience initiative campaigns, how voters respond to low-information situations, and how initiative campaigns affect standing preferences. On balance, I find that voters generally seek out information in an effort to make reasoned choices, but that they are highly susceptible to deceptive cues, meaning that concerns about the democratic performance of ballot issue elections are often valid.

# 1 The Initiative in the American States: A Democratic Disgrace?

In the fall of 2010, voters in Columbus, Ohio, faced Issue 12, a ballot question that would change the city charter to allow the City Council to meet in private to discuss personnel appointments and other matters, including, crucially, the appointment of new members of council to fill vacancies. In the midterm election cycle, a significant portion of the electorate could be expected to turn out to vote for statewide and federal offices, so many Columbus residents faced the ballot issue. Those voters who did turn out were confronted with the following question:

“Shall Section 8 of the charter of the City of Columbus be amended to permit council or its committees to convene in the same manner as the general law of Ohio pertaining to open meetings of public bodies when discussing issues such as personnel matters, purchase of property, litigation, collective bargaining and security matters, as recommended by the Charter Review Committee?”

To cast a fully informed vote on this issue, voters would need to know what Section 8 of the charter stated (that all council meetings had to be open to the public) and that the general law of Ohio prescribed for public meetings (that some could be closed).<sup>1</sup> This informed voter would know that a “Yes” vote would allow council to hold some executive sessions closed to the public, an idea supported by the council’s seven Democratic members, the Democratic mayor, and the county Democratic party. One need not systematically survey voters to know that it is highly unlikely that many possessed this level of information. Issue 12 did pass, thanks to a modest campaign effort by the county Democratic party to associate the issue with the popular mayor and Democratic members of council. Even among Columbus

---

<sup>1</sup>This ballot language was drafted by Democrats and approved by Secretary of State Jennifer Brunner, who intervened to break a tie between Democrats and Republicans on the board of elections. The Republicans on the board favored an even more confusing ballot text that merely asked voters whether they wanted to approve the recommendations of the Charter Review Committee, with no mention of the subject of those recommendations (Vitale 2010).

voters who turned out in the election, though, many wondered why the rules for city council meetings were relevant to their lives.

Issue 12 is not an isolated example. Across the country, voters are asked to weigh in on ballot issues that are complex, confusing, and often irrelevant to large segments of the population. Why do voters approve some confusing ballot issues and reject others? The answer is not easy, for the landscape of ballot issues in the American states is vast and complex. Ballot issues range from voter approval of liquor licenses to tax levies for schools, public safety, and parks, to laws and state constitutional amendments proposed by state legislatures or by voters.

Between 1970 and 2009, voters in the American states faced 1,184 ballot initiatives and many more referendums. Table 1 lists states that provide for the legislative and/or constitutional initiative.<sup>2</sup> In 2008, California voters took the unprecedented step of taking away the right to marry from gays and lesbians when they passed Proposition 8. Mainers did the same only two months later, when they passed Question 1 in 2009. After repeatedly rebuffing attempts to legalize casino gambling, Ohio finally did so in 2009 in the midst of a severe recession. Voters in Missouri passed a law that seeks to keep the provisions of the Affordable Care Act from taking effect in that state. Animal rights groups have placed issues on ballots across the country that attempt to restrict the practices of corporate agriculture, and agricultural interests have countered by proposing laws favorable to their interests. Some ballot issues have broad effects, such as increases to state minimum wages, while others, like regulations on mobile home rents, only affect small numbers of people.

The direct democracy mechanisms of initiative and referendum have been a feature of state-level American politics for over a century, but the stakes have recently become considerably higher. Since California voters passed a controversial limit on property taxes, Proposition 13 of 1978, many states have passed laws and constitutional amendments dra-

---

<sup>2</sup>In addition to the states that allow for citizens to petition for constitutional initiatives, 49 states require that constitutional amendments proposed by the legislature be approved by popular referendums.

matically changing policy. The consequential nature of some of these ballot issues and the development of a highly professionalized ballot initiative industry have had and will continue to have important implications for policy in the United States. At the same time as high-profile battles over taxes and civil rights play out at the ballot box, less-salient issues also come up for votes. For many voters, the challenge of initiative voting comes in making sense of the questions before them on issues as diverse as the size of cages for chickens or the rules for city council meetings.

Voting behavior and campaigns in issue elections are quite different than in candidate elections. Voters' sources of information in ballot issue elections are considerably different. Political party is the most important heuristic for American voters, and the nature of ballot issue contests removes this cue from the process (Magleby 1984; Hershey 2009). Most notably, though, these elections require voters to answer a question pitting two policy choices against one another. Voters' capacity to understand that question and the policy choices on competing sides of the question are essential determinants of the policies that arise from this kind of direct legislation. This is a highly different task than the one that confronts voters in candidate elections.

This thesis addresses the problem of voting behavior in initiative elections by considering the interactive nature of information, voter competence, campaigns, and the nature of ballot issues themselves. I proceed by first considering the rhetoric of ballot issues, attempting to organize the challenges that they pose to voters. I next consider the theoretical models and empirical studies of vote choice in these elections in the literature, paying close attention to research on campaign effects and voter competence. I then conduct several new empirical studies of voting behavior in both high- and low-salience initiative contests. With the results of those studies in mind, I move toward creating a new theory of voter preferences, confusion, and vote choice in ballot initiative elections. I attempt to rehabilitate the initiative process from criticism that it is anti-democratic while offering cautions about how it could be exploited in an anti-democratic way.

A word on terminology: throughout the thesis, I refer both to “ballot issues” and to “(ballot) initiatives” and “(ballot) propositions.” Colloquially, these terms often mean the same thing, but I use them specifically to refer to different sets of contests: “ballot issues” refers to all ballot questions, including tax levies, local options, legislative referenda, legislative initiatives, legislature-referred state constitutional amendments, voter-initiated state constitutional amendments, and so forth. It does not include recalls, judicial retention elections, and other races that involve officeholders or candidates. “Initiatives” are legislative measures or state constitutional amendments that are put on the ballot by citizen petitions. In Study One and Study Three, I consider ballot issues including gay marriage measures that originate both in legislatures and with voters and both constitutional amendments and legislative measures. In Study Two, I study only voter-initiated measures. The distinction is worthwhile to note, but the voter’s experience is largely similar. I exclude referendums from my analysis. In this case, voters must choose whether to accept or reject a law that has already been passed by the legislature and is often already in effect. Because of the different status quo in these situations, I feel that referendums merit their own analysis, one which is outside the scope of this thesis.

Like many features of state and local politics, ballot issues have received far less attention from political scientists than congressional and presidential elections. In part, this is the result of the difficulty of generalizing ballot issues—because each election is different, comparisons across states and across time can be difficult.<sup>3</sup> Strong work in the study of voting in initiative contests goes back to the 1960s, when Mueller (1969) examined a trove of ballots in California to analyze patterns in individual-level voting when several propositions appeared on the ballot. The keystone work in the literature remains Magleby’s (1984) *Direct Legislation*, a comprehensive exploration of voting behavior in initiative elections. Following on Magleby, Cronin (1989) continued to expand research on voting behavior in these elections. In the 1990s and the early 2000s, it became clear that the stakes were rising for

---

<sup>3</sup>I will make several such comparisons below, with differing degrees of validity.

initiative politics, as more corporate interests became involved in campaigns and signature collection became more highly professionalized. The long-term consequences of some tax and expenditure limitation (TEL) initiatives, such as California's Proposition 13 of 1978, also became evident (Schrag 2001). The tone of much of the academic literature of the past twenty years, then, is skeptical. At times, scholars have argued that the initiative is anti-democratic because of the influence of wealthy campaign interests (Broder 2000), voters' inability to understand complex initiatives (Cain and Miller 2001), the possibility of a tyranny of the majority, or governments' ability to ignore the outcome of initiatives (Gerber, Lupia, McCubbins and Kiewiet 2001).

The turn against the institution of the initiative has been powerful and cross-cutting and often comes with an argument against the other direct democracy institutions of the recall and the referendum. No state has abandoned the initiative in recent years, but its expansion has virtually stopped since the late 1980s (Dubois and Feeney 1998; Ellis 2002). Clearly, the position of the ballot initiative within American politics is at a crossroads. It is not difficult to imagine that reformers will seek its abolition in some states in the next decade. As wealthy interests become even more aware of their ability to influence the outcome of ballot issues, the role of interest groups and the parties in the process should continue to grow.

In a recent editorial, *The Economist* joins the chorus of initiative detractors quick to point to ballot propositions as the cause of all of California's problems, budgetary and otherwise:

“This citizen legislature has caused chaos. Many initiatives have either limited taxes or mandated spending, making it even harder to balance the budget. Some are so ill-thought-out that they achieve the opposite of their intent: for all its small-government pretensions, Proposition 13 ended up centralising California's finances...Rather than being the curb on elites that they were supposed to be, ballot initiatives have become a tool of special interests, with lobbyists and extremists bankrolling laws that are often bewildering in their complexity and

obscure in their ramifications.” (*The Economist*, 23 April 2011)

Even after this scathing indictment, though, the editors stop short of calling for an end to the initiative process, calling instead for its use to be limited. Like many features of the political system, the initiative, once established, is difficult to overturn.

When surveyed, Californians express some concerns about the initiative process. While a supermajority of Californians still support the initiative, support has declined since the 1970s. Eighty-six percent of Californians think that the initiative is used to benefit special interests, and 82% report that they are concerned with one-sided spending initiative campaigns. In a 1990 survey, only 21% believed that “a typical voter” can understand the initiatives on the ballot (Dubois and Feeney 1998, 4–5). Despite some of this hesitation toward the initiative by voters, they still prefer it to the traditional legislative process, at least in the abstract. Voters believe that legislatures are capable of making good decisions, but they think that the policies achieved through direct democracy are better and less influenced by special interests (Donovan and Bowler 2005). Voters’ perception that they are more free from the influence of special interests than their elected representatives merits a closer look. Indeed, special interest capture of the initiative process has been one of the main arguments that detractors make against it. Gerber (1999, 5) calls this “the populist paradox”: “the alleged transformation of direct legislation from a tool of regular citizens to a tool of special interests.” Gerber argues that the trend is only alleged, and that special interests have not taken over the process. Nevertheless, others, such as Ellis (2002), demonstrate that, at least sometimes, special interests can dominate the process.

Gerber and Lupia are among the strongest defenders of the initiative process. In their work, they argue that voters can make competent decisions and that the process returns democratic outcomes (Gerber 1999; Lupia 1994, 2001; Gerber and Lupia 1995, 1999). As a practical matter, public perception of the outcomes of ballot issues may matter more than the empirical reality. It is puzzling, though, that so many voters recognize problems with the process but still support its continued existence. Particularly in a political climate



in a which a resurgent right emphasizes individual liberty against government action, the initiative process should have increased relevance. To better understand its place in American politics, though, we must consider the process and outcomes of the initiative as it is practiced today.

## 2 Rhetoric

Ballot initiative elections and campaigns are systematically different from candidate contests. Although candidate elections often offer voters a dichotomous choice between two people,<sup>4</sup> the choice that voters make in initiative campaigns is not analogous. Ballot issues are unique in that they require voters to weigh in on a specific policy. The requirement that initiative proponents explain to voters why their initiative is preferable to the status quo underpins the conduct of these campaigns. Thus, it is impossible to create an acceptable model of voting in initiative elections without a comprehensive understanding of the rhetorical issues in these campaigns. Fortunately, the differences in legal and normative regimes for initiatives across the states and between initiatives provides ample variance for the study of initiatives and rhetoric.

Even the most basic rhetorical issue of initiative politics is not always constant. In most cases, voters choose either “Yes” or “No” as their vote. In some cases, though, the options are different. For example, in Ohio, taxation levies and bond issues ask the voter to vote “For” or “Against” them. The increased negative connotations of the word “against” could trigger more intense emotions for voters. Plausibly, a strongly anti-tax voter could be more pleased to vote “against” a tax levy than “no” on it. Similarly, an undecided parent voter might be hesitant to vote “against” school children. In the slippery policy questions raised by many ballot issues, language can matter, especially if voters only encounter an initiative

---

<sup>4</sup>As a practical matter, even elections in which more than two candidates run are usually a dichotomous choice, because of the American two-party system and Duverger’s Law. Even a candidate election that is ostensibly contested over a single issue, though, forces voters to consider a host of policy positions between the candidates.

in the form of the ballot text on election day. As we will see, in the absence of significant campaign activity or media attention, voters encounter many ballot issues for the first time at the moment they are required to make a choice on them.

Variance exists among states and among ballot issues in the length of the issue summaries that appear on the ballot. Rules for titling ballot measures, too, are not consistent nationwide (Dubois and Feeney 1998). Especially on low-salience ballot issues that voters encounter for the first time at the polls, these rules can impact voting. Some states allow campaigns on either side of ballot issues to write arguments for their side that appear on the ballot. In polls that test voters' preferences before and after being read these summaries, being exposed to the arguments does sway some voters to change their opinion. If the ballot language is the only or the last thing a voter sees on a certain issue, it becomes very important in that voter's decision. In general, ballot text is highly legalistic and complicated, offering referencing statutes and constitutional provisions without explaining their subjects. Based on Flesch reading ease scores, the average ballot text in California requires a graduate school level of education to understand (Magleby 1984).

Some states, including Arizona, attempt to reduce the burden on voters by providing additional cues on the ballot. The Arizona ballot has plain-English statements after the ballot text that explain the effect of a "Yes" or "No" vote (Dubois and Feeney 1998). There is not yet enough state-level data to determine the extent to which these features of the ballot reduce voters' uncertainty and voting that is incongruent with policy preferences, but it stands to reason that they must help voters.

Another key rhetorical feature of initiative campaigns is the fact that they assign a "Yes" or "No" to the sides of the campaign. This acts as a constraint on the messages that campaigns can put forth: proponents are pushed to adopt "positive" campaigns that will encourage voters to associate them with the "Yes" option, while opponents are pushed to go negative, making voters prefer to negate the proposed law.<sup>5</sup> The extent to which campaigns

---

<sup>5</sup>Of course, some campaigns break this mold, like the Ohio campaign that asked voters to vote "Yes" to

are able to create compelling narratives that lead voters to choose the correct option on Election Day is highly determinant of their success.

It is clear that the way that ballot issue elections ask voters to make decisions opens the door to a whole different set of cognitive processes than in candidate contests. Voters choose between two clearly defined policy choices as opposed to candidates who come with a litany of expressed and unexpressed policy positions. Unlike candidates, who typically present both positive and negative messages, ballot issues provide an incentive for a side to present only positive or negative arguments or risk creating cognitive dissonance. This rhetorical framework has important consequences for the conduct of ballot issue campaigns.

### 3 Vote Choice

The task of creating a model that accounts for vote choice in ballot issue elections has occupied scholars for much of the past three decades.

Scholars have modeled ballot issue elections, like other legislative decisions, as an attempt by voters to locate policy as close to their preference as possible along an ideological spectrum. In Gerber and Lupia's (Gerber and Lupia 1995, 1999; Lupia 1992) model of the ballot issue election, a voter knows the ideological location of the status quo ( $SQ$ ) and his or her ideal point ( $i$ ). Voters observe campaigns for and against the issue expending effort to persuade them, and their observation of this effort helps to reduce their uncertainty about the policy location of the proposed initiative. An initiative proponent's goal is to reduce the voter's uncertainty enough that he or she recognizes that the initiative is advantageous and will vote for it.

The Gerber and Lupia model needs to be expanded a bit to completely encapsulate what happens in actual campaigns. In many cases, a proposed initiative is farther than the status quo from the ideal point of a majority of voters. In these situations, initiative

---

"Stop Excessive Taxation." This creates cognitive dissonance and confused voting (Asher 1989).

proponents need to be more creative to assemble a winning coalition of voters. This is the origin of deception in initiative campaigns. Here, there is an incentive for campaigns to create confusion or to imply that an initiative does something different than it actually proposes to do. This is the only way that particularly extreme initiatives can pass. Another tactic that campaigns can take is to attempt to add another issue dimension to the conflict. This gives voters another reason to vote for the initiative. For example, proponents of Prop 8 in California gained traction in the campaign when they began to make arguments about the teaching of gay marriage in public schools, rather than marriage equality itself (Fleischer 2010).

The behavior of voters in ballot issue campaigns is suggestive of the mechanics behind incumbency bias in candidate elections. The status quo, a “no” vote in an initiative, and the incumbent in a candidate race occupy the same position—that of a commodity that the voter knows, or at least thinks he or she knows. This status quo bias is the reason why a majority of initiatives do not pass and why campaign spending in opposition to initiatives is much more successful than spending in support of them (Smith 2005).

Perhaps the most universal truth about ballot issue elections is that campaigns matter. Ballot issue campaigns are especially influential because of a number of issues related to the process of voting in these elections. Because political parties are not usually involved in ballot issue elections, removing the primary cue that most voters use to make their decisions in candidate races, voters must look elsewhere for information on these races. Except for high-salience ballot issues, these campaigns receive less attention in the media than most candidate races. Because of this low-information environment, voters turn very often to the campaigns themselves for information on ballot issues (Magleby 1984; Cronin 1989; Dubois and Feeney 1998).

In the aggregate, public opinion on propositions of all salience levels and on all subjects exhibits a curious trend over the course of campaigns. When voters are surveyed about issues early in a campaign, many of them have stated preferences, and many are favorable

toward the proposal. As the campaign goes along, though, the number of undecided voters actually rises, evidently because voters learn more about the complexities of the proposal and become unsure of where it falls in relation to the status quo and their ideal point (Magleby 1984, 1989). When the number of voters with an opinion begins to rise again, support for the ballot issues begins to decline steadily. This trend in public opinion seems to suggest that voters go through an information-seeking process as they consider ballot issues. Once voters are opposed to ballot issues, it is very difficult for campaigns to move their positions to support. It is often easy, however, to create enough doubt for voters who initially favor an issue to oppose it.

Burnett and Kogan (2010) run an experiment that exposes voters to hypothetical ballot issues and varies the ballot text and whether the voters are exposed to elite endorsements. Their results are a powerful reinforcement for the theory that voters turn first to endorsements for cues, then use the ballot text. Nevertheless, differences in ballot text can have significant effects on voting behavior. Even on a gay marriage ballot issue, on which we would expect a vast majority of voters to have a standing preference, slight variations in ballot text can move enough voters to change the outcome of close elections like Proposition 8 of 2008. Ballot text may play an even larger role than polling has suggested in the past. A memo from experienced Michigan pollster Mark Grebner estimates that a majority of voters have no attitude toward any given ballot proposition. The significant gaps between polls and actual results on ballot issues, he argues, is a function of voters deciding their positions at the last minute based on ballot text. His explanation, though, fails to address why some polls that use the actual ballot text perform poorly.

Vote choice in an initiative election does not occur in a vacuum, but rather as one of a number of choices that a voter must make on Election Day. The other attitudes that this voter expresses in the election can influence how he or she responds to initiative contests. Voters with high levels of distrust toward the government tend to favor the conservative or status quo option on initiatives, even when those measures were proposed by citizens

attempting to reform the government (Dyck 2010). The number of issues on the ballot can also create voter fatigue, causing increased dropoff as the number of issues increases (Mueller 1969). There is some evidence that voters behave less ideologically as they proceed further down a long ballot. This indicates that voters' capacity to develop positions on all of the issues is limited, and that their limited attention spans lead to capricious voting at the end of ballots (Selb 2008). Thus, studies of vote choice in initiative elections need to consider the electoral environment, not only with respect to turnout patterns, but also with an eye toward the way that issues in candidate campaigns affect vote choice in ballot issue elections. Initiatives themselves rarely have a significant impact on turnout, except in off-year elections when no statewide or federal offices are contested (Smith 2005).

Gerber and Lupia's (1995) model of the ballot issue election as an acceptance or rejection of an alternative to the status quo is useful. When voters confront a ballot initiative, they must decide whether they prefer the proposed policy to the status quo. If they can collect enough information to reduce their uncertainty to the point that they know the policy is closer to their preferences than the status quo, they will vote "Yes." The voter's decision to accept or reject the ballot issue is predicated on his or her understanding of the consequences of a "yes" or "no" vote. In some cases, these consequences might not be obvious. For example, 2008 and 2009 elections in California and Maine, respectively, found voters deciding on the future of same-sex marriage, which was already legal in those states. Voters who wanted to retain the policies of marriage equality had to vote no on these issues to retain a positive right. This might have been cognitively difficult for some voters.<sup>6</sup> While the Gerber and Lupia spatial model of voting has merit, uncertainty, confusion, and non-attitudes are very normal in ballot issue elections.

Sometimes, a ballot issue is proposed but does not generate enough support or opposition to inform voters about it. In this information vacuum, vote choice is much more

---

<sup>6</sup>Campaign operatives in these states, though, report that they estimate that voter confusion operated in favor of gay-rights advocates (personal communication).

unpredictable. Of course, not all uninformed voters end up casting a ballot, and some “no” votes are a form of opting out of the decision-making process, similar to undervoting. Bowler, Donovan and Happ (1992) present compelling evidence that voters confronted with issues that they do not understand, gravitate toward undervoting or voting “no.” This behavior allows them to avoid ushering in a policy change that could move a status quo policy farther away from their ideal point. In the absence of a trusted cue, many, but not all, voters privilege the status quo or self-select out of participating. Ballot issue elections in general exhibit greater dropoff than down-ballot candidate elections, although variance across states, elections and issues is strong. In general, even the most salient initiatives will see a 5–15% dropoff from the first contest on the ballot (Cronin 1989). Across the country, though, dropoff is on the decline, thanks to the rise in electronic voting machines. Voters are significantly less likely to skip initiative contests when they use an electronic machine rather than a manual punchcard or lever system (Nichols 1998).<sup>7</sup> As more states allow for no-fault absentee voting, changes in voting patterns may arise. Evidence suggests that absentee voters actually undervote more often on ballot issues than do precinct voters, but absentee voters vote “Yes” more often (Dubin and Kalsow 1996). If more voters, cued by their voting machines to finish their ballots, are casting votes in every ballot issue contest, we should expect to see an increase both in the number of defeated initiatives and in capricious voting.

Like in candidate elections, vote choice in ballot issue elections is a function of several inputs, including ideology, partisanship, awareness, affective feeling, and campaign activity. Unlike candidate contests, though, the dichotomous choice presented in ballot issue elections tends to privilege the status quo. The ways in which voters work toward reducing their uncertainty about the location of the ballot issue vary considerably, and the diversity of ballot issues means that the model of vote choice can look quite different from issue to issue.

---

<sup>7</sup>Asher (1982) presented earlier evidence of this phenomenon in candidate elections.

## 4 Voter Competence

The issue of voter competence is at the root of many debates over direct legislation. Much of the concern over the democratic value of initiatives and referendums either explicitly or implicitly assumes that voters cannot choose policy outcomes that benefit them.

For a democracy to function, it is normatively important for voters to be able to make reasoned choices at the ballot box. These choices are not limited to candidate choice but also to the choice of whether to vote or to abstain. While the League of Women Voters and other civic groups seek to create an electorate that is highly informed on the candidates and the issues, empowering voters to make reasoned choices might not require quite so much information. Instead, voters use heuristics, chiefly party identification, as shortcuts when they vote. This is essential because a number of election contests in the American system, including initiatives and referendums, are low-information contests about which voters do not passively receive reliable information. “People often have only incomplete information. Fortunately, reasoned choice does not require complete information. Instead, it requires *knowledge: the ability to predict the consequences of actions* (emphasis in original)” (Lupia and McCubbins 1998, 6). Throughout his work, Lupia attempts to rehabilitate the idea of the rational voter, arguing that the political system contains enough information for voters to predict the consequences of their votes. Lupia seems to discount the impact of misinformation, though. Others disagree, arguing that relying on a system of heuristics is a tenuous way to ensure that voters make reasoned choices (Delli Carpini and Keeter 1996). In contemporary politics, it seems that for every useful cue, it seems there is an equal and opposite deceptive cue. Thus, casino developers rebrand themselves as “Ohioans for Jobs and Growth,” providing a deceptive cue. In 2006, Ohioans had to choose between “Smoke Free Ohio,” a comprehensive public smoking ban supported by the American Cancer Society, and “Smoke Less Ohio,” an initiative supported by tobacco money that might not have resulted in anyone smoking less. In both of these elections, voters had other sources of information,



but these deceptive cues circulated freely with the valid information.

Gerber and Lupia (1999) define competent voting as the ability to vote the way one would if she had all available information about the consequences of the proposition. Elsewhere, Lupia (2001) argues that the simple dichotomous choice presented by ballot issues empowers voters to make these reasoned choices with little effort.<sup>8</sup>

Should rational voting and self-interested voting be synonymous? The answer here seems to be a clear “no.”<sup>9</sup> The most-cited example of voters allegedly working against their self-interest is the 1978 passage of Proposition 13 in California, which capped property tax assessments and, many economists argue, caused structural problems in the state budget that have weakened the state’s ability to provide government services in the future. Many commentators, working from the social democratic perspective that taxation is a worthwhile cost to pay for government to solve collective action problems, view this decision as a irrational one on the part of voters, accusing them of focusing only on the benefits of lower taxes and not on the long-term negative impacts of their decision (Schrag 2001). This view, though, makes an assumption about voters’ preferences. It doesn’t seem clear that all voters, even if informed of the long-term consequences of a yes vote on Prop 13, would feel that the long-term costs outweigh the short-term costs. In this and many other taxation initiatives, collective action problems come to the forefront. A failure to consider long-term consequences is probably not a good enough reason to declare that voters are irrational, and a failure to vote self-interestedly should not be considered irrational.

Lupia’s definition of voter competence does not distinguish whether a proposition would improve a voter’s personal condition from a material or purposive perspective in either the short or the long term. Rather, Lupia focuses on amounts of information, arguing that a competent vote is any vote in the same direction that a voter would have chosen if he or

---

<sup>8</sup>Lupia explains that an electorate of chimps flipping coins could approximate the “correct” choice on ballot issues, so an electorate of cognitive misers should be able to do so as well.

<sup>9</sup>In perhaps the most ironic case of non-self-interested voting, Ted Koppel interviewed a prisoner in California who voted for the Three Strikes initiative, then committed his third offense and was sentenced to life in prison.

she had all available information. This does not mean, though, that voters are as adept at choosing policy outcomes that benefit the collective as are legislators. When making legislation, voters are far more likely than legislators to make decisions that increase the difficulty of budgeting in the future or create unwieldy criminal justice penalties. This suggests a bias in favor of short-term effects that is congruent with the “cognitive miser” theory of decision-making. Direct democracy voters frequently seem to view their task narrowly and only consider the immediate effects of the issue at hand. They lack the institutional memory and the support from experts that state legislatures have.

The voter’s task of acquiring information is especially difficult in cases in which the proposition engages several issue dimensions or policy areas. The literature often categorizes propositions as straightforward or complex based on the difficulty an average voter would have in understanding the policy consequences of votes on either side. From a formal perspective, though, we can expand on Gerber and Lupia’s model of the voter’s decision calculus in propositions to understand how multi-dimensional ballot issues strain voters but also allow for the possibility of increased rates of passage. In a one-dimensional proposition, voters determine whether the unidimensional location of the proposition is likely closer to their ideal point than the status quo. Gerber and Lupia argue, seemingly correctly, that voters will default to a “no” vote, upholding the status quo, unless their uncertainty about the location of the proposition is reduced enough for them to determine that a “yes” vote is advantageous for their preferences. When a ballot issue engages multiple policy areas (and the campaign makes this clear to voters), the picture is bit more unclear. Often, proponents make several arguments on different policy issues in favor of their initiatives, hoping to logroll and build a winning coalition (Bowler and Donovan 1998). If voters look for an excuse to vote “Yes,” this strategy is wise. If the negative voting hypothesis is correct, though, this is a dangerous idea, for it gives voters more reasons to vote against a proposal.

While voters can make ill-advised decisions and still behave rationally, voter confusion is a more serious problem. Voters can become confused in candidate elections, but ballot

issue elections provide much more significant opportunities for voter confusion. Research on Ohio ballot issues in the 1970s and 1980s demonstrated highly significant rates of voter confusion and found that the outcomes of several consequential races would have been reversed if all voters had voted for their true policy preference (Asher 1989). However, little work has been done to study the causes of voter confusion. I hypothesize that there are two primary sources: confusion created by campaigns and confusion created by ambiguous, illogical or complex ballot questions. The political system is rife with misinformation, and recent research suggests that, once exposed to misinformation, voters have a great deal of difficulty countering their misperceptions (Nyhan and Reifler 2011).

The meaning of the “Yes” and “No” choices in a campaign can be highly influential for voters’ understanding of the consequences of their votes. In one prominent example, California’s Proposition 15 (1975) was titled “Nuclear Power Plants,” but a “Yes” vote was a vote for a regulation that would restrict their construction (Magleby 1984; Dubois and Feeney 1998). These “vote no if you mean yes” situations provide challenges to campaigns. Asher (1989) details a situation in which a campaign created voter confusion by using a stop sign as its logo while urging a “Yes” vote.

Even though one good cue can permit voters to make reasoned choices, the fact remains that voters frequently cast votes that are incongruent with their policy preferences or appear capricious. In some elections, the level of apparently capricious voting can be as high as 60% (Mueller 1969). In addition to Asher’s study of confusion in Ohio, several scholars have examined the 1976 nuclear power initiative in California, Proposition 15. Surveys before the election found that 18% of voters were confused about the effect of a Yes or No vote, while 14% remained confused in a post-election survey. Confusion was strongly correlated to voters’ levels of education. Proposition 10 of 1980, an initiative on rent control, was the most confusing initiative that has been systematically studied, with over 77% of the electorate casting votes incongruent with their expressed policy preferences. Confused voting was so widespread on this proposition that it evidently did not benefit either side (Magleby 1984).

Voters' assessments of their own knowledge of ballot issues can vary widely. In a 1976 exit poll in Massachusetts, 99% felt informed on some or all of the ballot questions, with 79% reporting that they felt informed on all of the issues. In a survey of Colorado voters in 1980, only 57% of voters felt informed in the September before the November general election, but 70% reported being informed in late October (Cronin 1989). This evidence indicates that voters become more informed as the campaign goes along. However, many voters would report feeling informed because they have a defined attitude about the ballot issue and still cast an incongruent vote because they do not understand the meaning of the "Yes" and "No" options. Thus, relying on voters to tell us when they are actually informed is a questionable strategy.

Another situation that can create voter confusion is when two ballot issues are in conflict. This is common when ballot issue create a conflict between a broad-based group and a narrow interest, such as conflicts between anti-smoking activists and bar owners, customers and automobile insurers, and environmentalists and polluting industry. When a majoritarian (or at least public-minded) group proposes a ballot issue that could negatively impact an established interest, that interest often retaliates by working not to defeat the proposed issue but to pass a competing issue that would create a more favorable environment for them. Competing initiatives sometimes come in the same election, as in the case of Ohio's 2006 indoor smoking initiatives, but they are often spread over different election cycles, as in the case of the long string of insurance regulation propositions in California. Across states and election cycles, voters are more likely to vote "No" on both ballot issues when two issues are in conflict (Banducci 1998).

Voter confusion is widespread in initiative elections, for fairly obvious reasons. These are elections that present voters with difficult choices and often do not provide much information. There are multiple sources of voter confusion both endogenous and exogenous to the voting process itself, and these should concern those who wish to see the initiative produce purely democratic outcomes.

I now turn to several original empirical studies of ballot issue politics in the states. These studies consider voting behavior in high- and low-salience issues across the country and across time. My goal is to shed further light on the mechanics of ballot initiative campaigns, opinion formation, and the congruence between the policy preferences of the electorate and the outcome of these campaigns.

## **5 Study One: Issue Dimensionality, Policy Benefits, & Vote Choice**

### **5.1 Introduction**

In high-salience initiative elections, voters usually can rely on a large number of cues or information sources to assist them in making their decision. In many ballot initiative elections, though, cues are completely or nearly completely absent. Voters encounter many ballot issues for the first time in the voting booth, where the issue summary on the ballot is their only source of information. Under these circumstances, do voters behave rationally and competently? What motivates vote choice in low-information environments? The answers to these questions are essential for understanding how preferences and information interact with voters' attempts to make competent choices on election day.

How do voters determine what's in an initiative for them? To answer this question, I start by examining some broad trends in initiative voting.

The average American voter is not interested or knowledgeable enough about politics to function as a legislator. Research has suggested that American voters are highly non-ideological and do not usually have strong sets of policy preferences (Campbell, Converse, Miller and Stokes 1960; Converse 1964). Recent surveys provide evidence that more Americans have developed more coherent policy preferences. Some scholars consider this trend evidence of true ideological polarization in the electorate (Abramowitz 2010), while others believe that Americans have simply become better at adopting policy positions congruent

with cues from opinion leaders (Levendusky 2009).

## 5.2 Modeling the vote

Gerber and Lupia (1995) propose a model of voting in ballot issue elections that considers the vote as a rational attempt on the part of the voter to choose between the status quo and a proposed alternative. If the voter gains enough information about the proposed alternative to determine that its location is closer to his or her ideal point than the status quo, he or she will vote yes. Thus, they model the initiative campaign as an effort to educate voters that the proposed law is close to their ideal point. This is not particularly difficult; “one good cue is enough” (Lupia 1994). As demonstrated above and in Asher (1989), voter confusion based on misinterpreted cues is frequent. Nevertheless, analyzing such a large dataset allows us to consider voting in these elections at the aggregate level, where the effect of occasional confusion in certain elections—what I call “hard” initiatives—will be minimized. If Gerber and Lupia are correct, initiative voting should demonstrate an attempt by voters to work out the costs and benefits of the proposed policy to them. Thus, competent voters should vote more often in favor of initiatives that provide a benefit to them that outweighs the cost.

Prior research indicates that voters are responsive to cues about what initiatives benefit them. Indeed, for low-education voters, self-interest is the most reliable predictor of vote choice. Voting on initiatives concerning term limits is more determined by whether a voter’s party stands to benefit than by general attitudes toward the government (Branton 2003). A study of parents voting in elections on school voucher initiatives found that a reliable cue about whether the voucher program would benefit them strongly predicted vote choice. Many voters make rational choices on ballot issues based on narrow self-interest (Bowler and Donovan 1998).

### 5.3 Methods

This study incorporates all voter-initiated ballot issues in the United States from 1970 to 2009 ( $n = 1184$ ).<sup>10</sup> Using a categorization adopted by Bowler and Donovan (1998) and outlined in Table 3, I assign a category to each initiative based on its benefits and costs. The categories are derived from James Q. Wilson’s work and are interest group, entrepreneurial/populist, client, and majoritarian. If voters behave rationally, issues with the broadest benefit and smallest cost will pass most frequently and by wider margins. Using an earlier version of the same dataset, Braunstein (2004) conducts a similar study by dividing issues by their subject matter and comparing rates of passage nationally and for specific states. This analysis, though, masks the fact that issues about, say, the environment, can have very different costs and benefits. Thus, I attempt to categorize the issues in a way that more closely approximates how voters consider policy choices and that translates better into the model of vote choice in initiative elections.

I also assign each initiative a score for issue dimensionality, or the number of policy areas that the issue engages.<sup>11</sup> Zaller (1992) suggests that voters will have more difficulty forming opinions when presented with a “two-sided message,” in which the policy in question is both supported and opposed by campaigners. The more policy areas the ballot issue engages, the more messages there will be, and the greater the likelihood that voters can be persuaded to form or to change their attitudes. I also create two dummy variables. The first codes whether the initiative is voted on in a general election cycle or a primary/special election. The other controls for initiatives in California and Oregon. The frequent use of the initiative in these states may, I hypothesize, influence voting behavior because of ballot length or voters’ learning over time.

---

<sup>10</sup>Thanks to John Matsusaka for access to the vote totals, titles, and subject matter for these initiatives.

<sup>11</sup>While I assign the cost-benefit categories and the dimensionality scores systematically, these are by their nature subjective measurements. The comprehensiveness of the dataset, though, should smooth out some subjectivity, and my purpose is to look at broad patterns in initiative voting.

## 5.4 Results: a rational vote?

The result of an aggregated analysis of the outcomes of ballot initiative success rates indicates that voters pay attention to the cost-benefit ratio implied in the proposition. A simple analysis of the frequency of passage and the average vote in favor of these issues suggests that voters behave in a manner that maximizes benefits to themselves while minimizing costs. The mean vote in favor of initiatives of each category is reported in Fig. 9. On average, entrepreneurial or populist measures receive the most support from voters, indicating that they are aware when they are getting the best return on their perceived future investment. Client politics, in which the collective sacrifices for a specific interest group, receives the least support from voters, further support for a rational voting hypothesis. A t-test for the difference of means in these groups indicates that these results are statistically significant. For client issues,  $p < .01$ , and for entrepreneurial issues,  $p < .003$ . The results for majoritarian issues do not achieve significance, as we might expect, since there is no clear “winner” in those issues.

There is, of course, a good deal of variance masked behind these means; standard deviations for the percentage of support in the four categories ranged from 10-15%. Nevertheless, this aggregate view suggests that voters often vote based on the perceived costs and benefits of a proposed initiative and are not swayed by campaigns to act against their self-interest. Explanatory factors outside of the costs and benefits themselves failed to achieve significance. In the aggregate, we cannot declare that the election cycle, issue complexity or being in California or Oregon has a systematic effect on the approval of ballot initiatives.

## 5.5 Vote choice and voter confusion

Defining voter confusion is the subject of much debate in the literature. Suffice it to say, though, that some ballot issues are about obscure policy areas, are complex, or are written in a way that demands a high level of knowledge on the part of the voter. In these cases, the



Gerber-Lupia model must be abandoned. A voter might react to a confusing ballot issue in a number of ways. First, he or she might skip over the issue, choosing not to vote. Second, he or she might vote no, avoiding changing the status quo to a new alternative about which he or she knows little or nothing (Bowler and Donovan 1994). Regardless, an initiative about which the voter does not or cannot know enough to make an informed decision will not be subject to the same kind of rational voting as one that is easily understood.

It is particularly difficult to identify initiatives that are likely to cause widespread voter confusion. As mentioned above, some evidence indicates that those initiatives that require voters to vote no to retain some positive right or change to the status quo may be challenging. The best method to identify voter confusion is to compare the outcome of initiatives to surveys gauging public support for proposals that are similar to the ones engaged by the initiatives. Because state-level opinion polling on policy issues is scarce, this is often difficult. Moreover, a disparity in the findings of a poll and the outcome of an initiative campaign can be the result of campaign effects, question wording, or other variables not related to voter confusion. A systematic study of voter confusion, thus, will require many more waves of surveys similar to the one used by Asher (1989) that compare voters' choices on Election Day to their preferences for the policy on which they were voting. Finding a useful measure of baseline public opinion in the states is useful for studying voter confusion, though, along with campaign effects, mobilization, and other issues related to the conduct of initiative campaigns. In Study Three I employ a method being used to analyze public opinion in the states to address this question.

## 6 Study Two: Campaign Effects in Gay Marriage Initiatives

### 6.1 Introduction

As a case study of high-salience initiatives, we can look to anti-gay ballot issues that voters in a majority of states have considered. In the past decade, voters in 24 states have faced ballot issues calling for laws and constitutional amendments banning or limiting same-sex marriage rights. All but one of these issues have passed, a surprising fact considering that the American public as a whole is not overwhelmingly opposed to marriage equality. In a March 2011 Washington Post/ABC News poll, 53% were in favor of and 44% were opposed to marriage equality; this marked the first time that a majority of Americans supported same-sex marriage. Fig. 3 reports the trend in national public support and opposition to marriage equality. Gay marriage ballot initiatives, most of which amend state constitutions to ban gay marriage and often any form of domestic partnership rights, were a centerpiece of the Republican Party's 2004 election strategy. Following the Massachusetts Supreme Court's 2003 ruling legalizing gay marriage, voters in 11 states faced gay marriage ballot issues in 2004. These states became the battlegrounds largely because of the ease with which proposed constitutional amendments could be placed on the ballot; some of the states were also important for the presidential election (Lupia, Krupnikov, Levine, Piston and Von Hagen-Jamar 2010).

Research has found that support for most ballot issues erodes over time and that voters are less knowledgeable about ballot issues than they are about candidate elections (Magleby 1984, 1989, *inter alia*). Lax and Phillips (2009a) find that state policies regarding gays and lesbians generally reflect public policy preferences, but they study a wide variety of policies, most of which are passed through the traditional legislative process. Lupia et al. (2010) find that rules for amending state constitutions and other institutional regimes are a better explanation of state marriage bans than is public opinion. This study seeks to find how

campaigns affect vote choice and opinion change/formation.

Now that so many of the states have considered anti-gay marriage ballot issues, some aggregate analysis of these campaigns is possible. This study, combining all available data from the marriage initiatives in the 2000s, is one of the first two meta-analyses of the anti-gay ballot campaigns. The other (Egan 2010) takes a similar methodological approach by using public opinion polling and campaign finance data to determine the effects of the campaigns on persuadable voters. Egan also uses public opinion polling to track change in aggregate voter opinion over the course of campaigns, but he ends his time series with the final poll in each race rather than the election-day vote total. I include the election day total as the final entry in the time series. Because of this methodological difference, our results are different. Egan conceptualizes this disparity as polls underestimating the final support for the initiatives; I argue that it demonstrates a systematic shift of undecided voters to favoring the initiative. The fact that opinion change on initiatives often occurs very late in campaigns pushes me not to drop undecided voters from the analysis.<sup>12</sup> This choice of modeling is extremely important, as it changes the overall conclusion of the two studies.

## 6.2 Hypotheses

I posit four hypotheses about shifts in public opinion in these elections, of which  $H_1$  is the most important to the overall analysis.

$H_1$ : Campaigns for gay marriage restrictions drive voters to the anti-equality side. This hypothesis is suggested by anecdotal evidence and media reports on these elections. Because of the widespread failure of gay rights groups to combat these ballot issues, many observers have either blamed the grand strategy of pro-gay interest groups or have thrown up their hands, declaring the pro-gay cause impossible.

---

<sup>12</sup>In the aggregate, one-third of initiative voters make up their minds on the ballot issues in the final weekend of the campaign. Usually, fewer than 10% of voters in top-of-the-ballot candidate races are undecided in the final weekend (Magleby 1989).

$H_2$ : Anti-equality spending is most influential in shifting public opinion.

$H_3$ : Public opinion shifts in opposition to gay marriage correlate with the success of Republican candidates. This hypothesis supposes a bandwagoning effect, that as undecided voters make up their minds, they are more likely to vote for a marriage ban if they also vote for a Republican candidate. Similarly, a successful conservative turnout operation would be expected to drive up support both for Republican candidates and marriage bans.

$H_4$ : Public opinion will shift most in close races in which campaigns are highly active. The dependent variable is the shift in public opinion, measured by  $\frac{(v_f - v_0)}{(t_f - t_0)}$ , where  $v_f$  is the vote in favor of the ban,  $v_0$  is the expected vote for the ban when the first poll was taken during the campaign,<sup>13</sup>  $t_f$  is the date of the election, and  $t_0$  is the date of the first poll. The percent of support in the polls is normalized to remove the effect of undecided voters.

$H_1$  is tested with a meta-analysis of all elections 2004-2009.  $H_2$ ,  $H_3$  and  $H_4$  are tested by analyzing the results of individual elections.

### 6.3 Findings

As shown in Figs. 6, 7, and 8, voter support for marriage bans trends upward as the election approaches. Almost all elections in the study exhibit this behavior; none trended in favor of the pro-gay rights side. We can assume that voters who remain undecided until late in the campaign and those who change their mind most often change to be opponents of marriage equality. In the average race, voter preferences shift 8.7% in favor of marriage bans from the first poll to election day. The median race had an 8% shift.

The study is hamstrung in part because of a lack of polling data for many of the races. In some small, conservative states, only one public poll was conducted, showing a relatively stable preference in favor of marriage restrictions. However, even in these states, the election day tallies were higher in support of the ban than would be expected from the initial poll.

---

<sup>13</sup>I normalize the expected support for the ban to account for undecided respondents by using the percentage of voters who express an opinion and favor the ban.

Public opinion polling can be inexact, but this pattern, which exists across the states, seems not to be an artifact of polling effects.

This trend of increasing support for anti-gay propositions, regardless of whether it comes about through the decisions of undecided voters or the conversion of the opinions of voters who had previously made up their minds, is a significant departure from the usual trend in ballot issue races, in which propositions steadily lose support as the election approaches and frequently fail although they appear to be headed for passage (Magleby 1984; Bowler and Donovan 1998). For example, the Initiative and Referendum Institute's Ballotwatch made a spectacularly bad prediction about California's Proposition 8 in October 2008:

“Opinion surveys indicate that Proposition 8 is headed toward rejection. Field and PPIC polls in late September show the measure trailing by more than 10 points, essentially where it stood in August. Since support for ballot propositions tends to erode over the time, the substantial deficit facing Proposition 8 at this time strongly suggests its prospects for passage are dim” (IRI 2008).

We now know enough about same-sex marriage ballot issues, though, to know that the expectation of eroding support over time is not applicable in these elections. Egan's (2010) model shows stable levels of support over the course of the campaigns, and mine demonstrates an increase in support for the anti-gay side, contrary to the dynamics described by Magleby (1989) and Bowler and Donovan (1998).

What might account for this trend in these races? To analyze possible explanations for the change in voters' opinions, I conduct a multiple regression analysis of several explanatory variables. The results are reported in Table 2. Because of the organized power of the religious right and the coordination of the 11 issues on the ballot in 2004, one possible explanation is that anti-gay forces simply out-organize, out-spend and out-campaign their counterparts on the pro-equality side. This explanation does not hold up under scrutiny, as campaign spending has no significant effect on the margin of victory or the shift of public opinion

in these races, even when controlling for state partisanship. Unlike in most proposition campaigns, neither side can buy an outcome.

The results of the regression analysis explore some potential causes of these opinion shifts. Because of the small number of cases, this model is severely underspecified, so it cannot be conclusive. No significant relationship exists between Republican success or spending by anti-equality forces and the opinion shift, indicating that sheer brute force from the right does not move public opinion. The closeness of the outcome in the race, though, is significant with a 94% confidence interval. The closeness of the race can be a proxy for increased campaign activity and turnout, indicating that in highly active races, anti-equality forces are successful in shifting public opinion.

## 6.4 Discussion

Evidence indicates that, in the course of campaigns for gay marriage ballot issues, public opinion shifts in favor of banning marriage equality. These shifts are present in almost all states through five different years and apply to presidential, midterm, off-year and special elections. Voter support for ballot issues tends to decline, but gay marriage initiatives gain support over the course of campaigns.

The regression results point to a key conclusion: in these elections, campaigns matter. In states in which the result of the referendum was in question, increased campaign activity increased the shift to a position in favor of the ban. This evidence indicates that there may be a cognitive bias in favor of the anti-equality side. In all states but California in 2008 and Maine in 2009, a vote in favor of the gay marriage ban was a status quo vote, and marriage was new in those two states. Thus, it is plausible that voters move toward these initiatives because they represent a status quo position.

Even though campaigns matter, there seems to be a systematic bias in favor of the anti-gay side. Despite often having more financial resources than their opponents, gay rights

supporters are unable to sway public opinion behind them. Instead, higher campaign activity shifts public opinion in favor of restrictions on gay marriage. Voters who change or make up their minds seem much more willing to move toward a position in opposition to gay marriage, and equality advocates have run campaigns that successfully persuade them.

The strategies employed by gay rights supporters in campaigns to date have not worked, and future campaigns should change course. Even more damning is the fact that these campaigns have failed despite having the usually advantageous position of asking voters to vote “No” on an initiative. I investigate the relationship between these elections and public opinion further in Study Three below, and I again find grim results for supporters of marriage equality.

## **7 Study Three: Campaign Effects on Standing Preferences: Gay Marriage Revisited**

### **7.1 Introduction**

My first study of the marriage initiatives demonstrated that campaigns in these elections have significant effects, systematically move voters to a position of support for anti-gay initiatives, and can change the outcome of the ballot issues. As in all initiative elections, there is reason to hope that the outcomes of these issues accurately reflect the public’s preferences. Knowing that public opinion shifts over the course of campaigns, we can use other methods to analyzing how well these outcomes reflect public opinion in the entire electorate.

The debate over the legality of same-sex marriage has defined much of American politics in the first decade of the twenty-first century. After the Massachusetts Supreme Court legalized same-sex marriage in 2003, a conservative effort resulted in the passage of legislation and constitutional amendments banning same-sex marriages, and in many cases domestic partnership benefits for unmarried people. Between 2004 and 2009, voters in 24 states

weighed in on the gay marriage controversy, as a variety of constitutional and legislative measures, initiated either by state legislatures or by voter petition, passed to restrict same-sex partnership rights. All but one of these issues passed.<sup>14</sup> These campaigns were highly salient, but the degree to which they were contested, as measured by campaign spending, varied considerably (O'Connor 2006). Although many accounts in the popular press credited the 11 ballot issues voted on in 2004 with President Bush's re-election, there is no conclusive evidence that these initiatives galvanized turnout in the presidential race (Smith, DeSantis and Kassel 2006).

Voting in ballot issue elections can be difficult for many Americans. Ballot issues require them to determine whether a proposed law is closer to their ideal points than the status quo. Many voters have a great deal of uncertainty about the locations of all three of those policy positions (Gerber and Lupia 1995). Thus, initiative proponents attempt to reduce voters' uncertainty about the policy change they have proposed. One major way they do this is by offering voters cues about the initiative through endorsements and arguments. Even in low-salience races, voters can cling to these cues to make reasonably informed decisions (Lupia 1994). The gay marriage ballot issues, though, were some of the highest-salience ballot issues of the past decade, with intense media attention and campaign spending.

A political campaign is perhaps best modeled as an act of persuasive communication, a person or group attempting to convince a group of voters that choosing its position will improve their lives for some reason.<sup>15</sup> In this way, the campaign is a one-way communicative act undertaken between two political actors with different baseline preferences, or an actor with a preference and a *tabula rasa* voter without one. If initiative campaigns are an attempt to move voters, then the proper analysis of campaigns requires at least some knowledge of where voters' preferences (ideal points) lay to begin with—if they existed at all. The initiative

---

<sup>14</sup>The one issue that failed, in Arizona in 2006, passed in 2008 in a more restricted form that allowed for some domestic partnership rights.

<sup>15</sup>See, for example, Phelan (2007), who characterizes narrative as “someone telling someone else for some reason that something happened.”



proponents' task is much greater if a preponderance of voters have ideal points far away from the proposed initiative. The study of voters' preferences on initiative topics, though, has been hampered by two major constraints: a lack of state-level survey data and many voters' indifference or ignorance of the issues.

A new method of modeling voters preferences at the state level helps to assess this issue of preferences. The method involved a statistical technique called multi-level regression and poststratification (MRP), developed by Gelman and colleagues (Gelman and Hill 2007; Gelman 2007; Park, Gelman and Bafumi 2004). In this method, national opinion surveys on policy issues are analyzed at the state level by comparing the demographic makeup of the survey samples to the demographic characteristics of the states; thus, the national survey provides a template that is adjusted to reflect the kinds of respondents who would have responded to the survey if it were conducted only in the state being analyzed. This method creates estimates of state public opinion that are quite robust when compared to the estimates generated by disaggregating many national surveys by state.

Lax and Phillips (2009*a*) use MRP to analyze the impact of public opinion on gay rights policies at the state level. Analyzing policies ranging from sodomy bans to marriage equality, Lax and Phillips evaluate the congruence and responsiveness of state policies to opinion majorities. In this study, I take Lax and Phillips' estimates of state attitudes toward gays and lesbians in a different direction, analyzing the impact of these standing attitudes on the campaigns for same-sex marriage initiatives. Using a gay marriage "megapoll"<sup>16</sup> that combines several national surveys from 2004 and 2005, I create estimates of state-level opinion on same-sex marriage. I can then compare these estimates to public opinion polls taken during same-sex marriage initiative campaigns.

Two questions are of primary interest to me. First, how does the condition of actually facing a campaign and ballot issue on gay marriage impact so-called "standing" preferences?

---

<sup>16</sup>Thanks to Lax, Phillips and Jon Kastle for these data and a tutorial on using them to generate MRP estimates.

The polls used to construct the state-level assessments ask voters whether they support or oppose marriage rights for same-sex couples. This question is a bit more abstract than asking a voter whether he or she supports or opposes a proposed “Issue X” to ban same-sex marriage. Thus, I am interested in the nature of gaps between the MRP estimates and the initial polls in these contests. The second variable of interest is the change in public opinion over the course of the campaign, which I analyze in Study One above. Although all races exhibited some form of public opinion change, the degree differs by state. In all cases, though, public opinion trended toward the anti-gay side.<sup>17</sup>

The fact that support for marriage bans trends upward over the course of campaigns is unusual. In general, support for proposed ballot issues tends to fade as the election approaches, a phenomenon that is usually explained as a status quo bias that allows a risk-averse electorate to minimize the uncertainty of possible policy changes (Magleby 1989). It is plausible that the increase in support for these ballot measures comes because they are a kind of inflated status quo. In every state except for California in 2008 and Maine in 2009, gay marriage was already illegal; the ballot issues simply made it significantly more difficult to legalize. Thus, this is one of the unusual cases in which a “Yes” vote was a vote for the status quo. This status quo bias is the most plausible explanation for the unusual opinion trend in these campaigns; but it is not the only plausible reason.

## 7.2 Methods

This analysis requires me to identify two key variables—“baseline” state-level public opinion on same-sex marriage and the effect that campaigns had on voters’ preferences. Using the same polling data as in Study One, I identify the shift in public opinion that occurred between the beginning of the campaign and the election day totals. I then create estimates

---

<sup>17</sup>I find these results by comparing the first poll taken in the campaigns, normalized to remove the effect of undecided respondents, to the election outcome. Egan (2010) uses the final poll in the campaign rather than the election outcome, and thus argues that there is not a change in public opinion, but rather that polls consistently understate support for the bans.

of state-level public opinion on same-sex marriage, based on the gay marriage “megapoll” aggregated by Kastellec, Lax and Phillips (2010). This megapoll combines five surveys taken at the national level in 2004 and 2005. Using multi-level regression and poststratification and state-level census data, the responses from these surveys can be extrapolated to create estimates for public opinion in each state. I then compare these estimates to the level of voter support for marriage bans at the beginning of the 2004 campaigns and at the end of the campaigns.

I cannot directly compare the public opinion estimates from the MRP process with the election outcomes, because the “megapoll” and the state-level polls ask different questions. The megapoll asks whether voters support same-sex marriage, while the state-level polls ask whether voters support a proposed ban on same-sex marriage (and, in some cases, civil unions and domestic partnership rights). However, comparison across states is possible, and it stands to reason that the attitudes expressed in the megapoll and in the elections should correlate despite not being perfect matches. In national polls that ask voters both whether they support gay marriage and whether they support a constitutional ban on gay marriage, approximately 10% more voters express an opposition to constitutional bans than report actually supporting gay marriage. In some polls, the difference was more than 15%.

After generating the state opinion estimates, I use multiple regression and correlation analysis to investigate their relationship to the outcomes of the marriage ballot initiatives. I include data on the shift in public opinion over the course of each campaign, based on the difference between the first poll conducted and the election day totals, normalized to remove the impact of undecided voters. I also include data on Republican success, measured by the share of the vote accrued by the Republican candidate at the top of the ticket. For some states, I include measures of spending for and against the initiative, although spending and outcomes do not correlate. For each ballot issue I also include a dummy variable that accounts for whether the initiative bans civil unions or domestic partnerships in addition to marriage rights.

### 7.3 Results

Using Kastellec, Lax & Phillips' data and methodology, I estimate the percentage of voters in each state who supported gay marriage in 2004. The results are reported in Table 4, along with the share of the vote for bans (Anti-equality) and against them (Pro-equality). These values are interesting in and of themselves. As we might expect, there is considerable variance across states, with support estimated as low as 18% and as high as 47%. In one of the polls from which the estimates are derived, an ABC News/Washington Post Poll conducted Feb. 18-22, 2004, 39% of respondents nationally supported gay marriage, while 55% were opposed. The megapoll combines surveys that asked dichotomous questions, offering "marriage" or "no marriage" as the only options. Surveys that allow respondents to indicate support for civil unions or other domestic partnerships other than marriage tend to find public opinion split among the three options. Voters tend to express opinions on the dichotomous questions, so there is little evidence that there is a significant segment of the electorate without an attitude on this issue.

I then compare the estimates of state-level public opinion to the outcomes of the elections. These results are surprising. In the mean election, the estimate of state-level support for gay marriage is 3.13% higher than the opposition to the ban on election day. While this difference does not appear significant, remember that the position of opposing a marriage ban does not necessarily imply support for marriage. Indeed, in many campaigns, gay rights advocates argue that it is inappropriate for marriage bans to be codified in state constitutions. This is one of many tactics by gay rights supporters that attempt to inject issues other than marriage into the campaigns, building a broader pro-gay coalition. A significant portion of the electorate does not support gay marriage but opposes putting bans on it into constitutions. When polls in the past decade have asked respondents generic questions about gay marriage, about 10% of the electorate consistently expresses an opposition to gay marriage but an opposition to banning in in constitutions. Thus, we should assume that opposition to marriage bans should be significantly higher than the MRP estimates. This is

the case in Alaska, Arizona, Missouri, South Dakota, Utah, and Wisconsin, but the results for other states suggest that the pro-gay side significantly underperforms compared to the estimated support for gay marriage in those states. In Table 5, I report the difference between the estimate of each state's support for marriage equality and the pro-equality vote on election day. We should expect this number to be less than zero because support for gay marriage is a stronger preference than opposition to a marriage ban. I estimate that, for an election's result to be congruent with public opinion, the value in the right column should be less than -10. It is clear, then, that the outcomes of the elections at the top of the table are congruent with public opinion (or skewed toward the pro-gay side), whereas elections at the bottom of the table are incongruent with public opinion. Moreover, the outcomes in a majority of states were incongruent with public opinion.

The state-level estimates of public support for gay marriage correlate to the percentage of opposition to initiatives at  $r = 0.44$ . While the sign is in the right direction, this correlation is not as strong or as statistically significant as one would expect if the elections were good representations of public opinion. Clearly, factors intervene in these campaigns that shift them away from representing baseline public preferences.

I run an OLS regression model assessing the impact of several contextual factors on the shift in voting intentions over the course of the campaign. The results, reported in Table 2, do not point to any systematic conclusions about campaign effects. Campaigns are not necessarily more persuasive because of a strong Republican on the ballot, because of baseline preferences, or because of the presence or absence of a civil union ban.

## 7.4 Discussion

These results lead to several important conclusions about the nature of gay marriage ballot issues, but they raise perhaps more questions than they answer. The first major area of interest is the disparity between what voters tell pollsters about gay marriage and how

they vote on gay marriage ballot issues. It is clear that the consistently anti-gay results of these ballot issue campaigns do not add up to a majority or near-majority of the public in favor of marriage equality.

Even in the presidential election years of 2004 and 2008, voter turnout was not representative of the voting-eligible population of the United States. Thus, national surveys that attempt to gauge public opinion in the aggregate do not necessarily correspond to the policy preferences of those who turn out to vote. Some studies suggest that these ballot issues are more salient to social conservatives than to moderates or liberals, driving up turnout among voters hostile to gay rights (Camp 2008). Others suggest that this effect has been overstated. I find in Study One that the anti-gay shift over the course of these campaigns is not impacted by the success of Republican candidates also on the ballot in that election. Some gay rights supporters have argued that low turnout helps their side, because they perceive that some low-income, low-turnout groups, primarily African Americans, are more hostile to gay rights than high-turnout groups. Others argue that conservatism among middle-class voters, particularly parents, has driven some close outcomes in recent elections, such as California's Proposition 8 (Egan and Sherrill 2009; Fleischer 2010).

Estimates derived using MRP, particularly on gay rights and other social policy issues at the state level, have been shown to be robust when compared to disaggregating national polls by state (Lax and Phillips 2009*b*). Thus, it is unlikely that the disparity between public opinion and the outcome of these elections is the result of the estimation process. It is possible that national surveys overestimate support for gay marriage, although such an overstatement would run counter to the assertions of Egan (2010). Moreover, support for gay marriage had not nearly reached a majority in 2004–05, so it seems unlikely that opponents of marriage equality would feel uncomfortable expressing their position to pollsters. Rather, I point to the ballot issues themselves as the source of the disparity between public opinion and election outcomes. Some factors in the campaigns for these initiatives, as well as the fact that not all eligible voters come out to vote on them, shifts these elections to the anti-gay

side.

## 7.5 Conclusion

The results of this study suggest that the gay marriage ballot issues in the American states have been imperfect expressions of the public's preferences. If a majority of the American public supports marriage equality, it is incongruent that a majority of states, home to a majority of the population, have codified bans on marriage and other partnerships. Although a small minority of states have successfully implemented marriage equality, the backlash in California in 2008 and in Maine in 2009 suggests that the reality of gay marriage can be enough to mobilize a winning electoral coalition in opposition to it.

Lupia, Krupnikov, Levine, Piston and Von Hagen-Jamar (2010) find that institutional regimes affecting how state constitutions are amended, particularly the ability of voters to initiate amendments via petition, play a more central role in determining whether states ban gay marriage than do the attitudes favored by Lax and Phillips (2009*a*). Lupia et al. may be right, for little progress has been made in my work and others' that seeks to identify campaign effects that have resulted in anti-gay policies in a time of increasing tolerance.

## 8 A New Model of Dropoff and Vote Choice

After considering the evidence from these empirical studies and the diverse conclusions of the literature, I can now move toward constructing a new model of voting in ballot issue elections. In Section 3 above, I proposed some changes to Gerber and Lupia's model of vote choice to account for the role of misleading information and multi-dimensional ballot issues. This model does not sufficiently address why voters choose to cast a vote in the first place, so I consider that part of the process here. My model considers three major stages to the voter's decision-making process. First, the voter must become aware of the ballot issue. At this stage, there needs to be enough campaign activity or media coverage to make the voter

aware that the initiative has been proposed.<sup>18</sup> Reaching this threshold means that the voter advances to the next stage, a decision whether to vote or to abstain.<sup>19</sup> The voter's decision to cast a ballot requires her to consider the same information that helps lead to vote choices, so the choice of "Yes" or "No" and the choice of whether to abstain occur concurrently. At this point, because abstention is so common in ballot issue elections, I think that it is worthwhile to base my model on the calculus of voting, presented by Downs (1957) as a model of all voting decisions. I engage with the model as modified by Riker and Ordeshook (1968).

The calculus of voting is an expected utility model, described as:

$$R = PB + D - C$$

where  $R$  represents the rewards for voting,  $P$  the probability that any one vote is efficacious (that is, that it is necessary to break a tie in favor of the preferred candidate),  $B$  the benefits of the preferred candidate or side of a ballot issue winning,  $C$  the costs of voting, and  $D$  the value of seeing democracy continue (in other words, one's perception of one's duty to vote). If  $R$  is positive, the voter turns out to vote for the preferred candidate or side in a ballot issue,  $A$ .

The calculus of voting in ballot issue elections is different than in presidential or other high-salience candidate elections. In most cases, voters' decision to turn out to vote is determined by the candidate races on the ballot, not ballot issues (Smith 2005).<sup>20</sup> Thus, for ballot issues, we should be more concerned with whether the voter who is already in the polling booth chooses to cast a vote or abstain/drop off.

By applying each term of the calculus of voting to initiative elections, we can determine when voters abstain from voting in these races. The value of  $P$  is determined by the closeness

---

<sup>18</sup>Voters are more aware of ballot issues that concern morality or civil liberties than any other issue category (Nicholson 2003).

<sup>19</sup>It is possible that a voter can make the vote/abstain choice even if he or she is not aware of the ballot issue. This is the source of a great deal of capricious voting and thus of error in the model.

<sup>20</sup>The exceptions are in off-year elections, which are more susceptible to turnout driven by ballot issues, and ballot issues on social/morality issues, which sometimes have a significant impact on turnout.



of the election. That is, the closer a voter expects an election to be, the more his or her vote matters. The value of  $P$  also increases when electorates are small, so it will be higher in a school levy campaign in a small district than in a California ballot proposition (Aldrich 1993). What matters for a voter's decision to turn out, though, is his or her perception of  $P$ .<sup>21</sup> For a voter who favors a proposition, the value of  $B$  is determined by  $|(SQ-i)|-|(b-i)|$ , where  $SQ$  is the location of the proposition,  $i$  is the location of the voter's ideal point, and  $b$  is the location of the proposition. That is,  $B$  is the value of the advantage of the proposition compared to the status quo for that voter.

Determining the value of  $B$ , though, is not always easy, as shown above in the discussion of the Gerber and Lupia (1999) model above. As Gerber and Lupia explain, the voter expects  $b$  to be somewhere within a range of policy locations based on the effort put forth by its supporters and opponents. Thus,  $B$  exists on a range from  $B_{max}$ , the benefit if the proposal is in the most advantageous location, to  $B_{min}$ , the benefit to the voter if the initiative is in the least advantageous location in policy space. The greater the difference between  $B_{max}$  and  $B_{min}$ , the less predictable the vote will be. As Riker and Ordeshook (1968) explain,  $B$  can be negative. Particularly when voters' uncertainty is high, as in ballot issue elections,  $B_{min}$  could be negative. When this is possible, a rational voter will not vote.

The  $C$  term is the site of a considerable deal of the variance between ballot issue elections. These are the costs of voting. For a strict turnout model, these costs include taking the time to register to vote, travel to a polling place and vote as well as to gather information and make decisions about how to vote. If we restrict our analysis only to voters who are deciding whether to drop off,  $C$  is mostly composed of information costs. Because  $C$  can be very large in low- and mid-salience initiative contests, this is the source of a considerable amount of dropoff in initiative elections.

---

<sup>21</sup>As an expected utility model, the calculus of voting has been alleged not to fully explain psychological reasons for voting (Aldrich 1993; Edlin, Gelman and Kaplan 2007). Let us assume, though, that psychological reasons, such as appeals from social networks or campaigns either impact the voter's perception of  $P$  or increase the value of  $D$ .

One caveat to the reliance on the calculus of voting in this case is that turnout does not increase in California ballot issue elections when the outcome is close (Matsusaka 1993). It is possible that voters are less sensitive to fluctuations in  $P$  in ballot issue elections than in other races. However, since our primary concern is explaining why some voters drop off or cast defensive “No” votes and because ballot issues rarely drive turnout in a significant way, I feel that the use of the model is valid.

Voters in ballot issue elections have a “safety valve” that does not exist in candidate elections: they can, by voting “No,” ensure that nothing changes in the political system. For this reason, a considerable amount of *actual voting decisions* are explained by the calculus of voting in these elections. A negative value of  $R$  leads many voters to vote “No.” This is actually a more defensive position than simply abstaining, for it ensures that supporters of an initiative of unknown consequences cannot pass it into law. Thus, a voter should vote “Yes” if and only if she is certain that  $(SQ - i) - (b - i)$  is positive. If she is certain that it is negative, she will vote “No.” If she is uncertain of its value, she will vote “No” or abstain.

To this point, few, if any, models of voting behavior in ballot issue elections have considered the possibility that voters learn over time or otherwise draw connections between elections in different cycles. Ballot issue campaigns that voters have experienced in the past must have a priming effect on all but the most apathetic voters. The magnitude of this effect should vary according to the cognitive impact that past ballot issues have had on voters, so it should be most effective in ballot issues that closely resemble previous campaigns. The variance among states in the frequency of initiative use should also affect learning over time. Voters in some states, particularly the western states in which consequential initiatives are frequent, have learned to identify which ballot issues require their attention, and they have had more exposure to the rhetoric of ballot issues. Thus, we should expect voters in these states to make more reasoned choices with less effort. That expectation is complicated, though, by the fact that the increased volume of initiatives in these states taxes voters’ limited information-seeking capacity and their memories. Thus, the precise nature of learning

over time in these states is probably related to voters' search for cues. California voters' task is more difficult than Michigan voters', but Californians have learned where to look for heuristics. Learning over time should reduce capricious voting, which is a source of error in this model that is very difficult to explain.

## 9 Conclusion

The dream of the Progressive-era reformers is dead. It may never have existed. The initiative has not empowered the public to take ownership of its laws. Instead, the initiative process has become captured by other parts of the political system, being used by parties, interest groups, legislators, governors, and other actors as one of the many tools at their disposal to influence public policy. This is hardly surprising. It would be a great exception to a general rule of American politics if political actors had not learned to exploit direct legislation to their benefit. This is the reality of all aspects of American government, and it does not mean that democratic outcomes are impossible to achieve.

The increasing professionalization of the initiative process does make it harder for a ragtag band of citizens to change policy at the ballot box. This does not mean, though, that the alarm bells sounded by Broder (2000), the editors of *The Economist*, Ellis (2002), and others are necessary. In comparison to the "normal" process of lawmaking at both the state and federal levels, the initiative is an efficient and versatile means of changing policy.

To be sure, the outcomes of these elections are often incongruent with public opinion. Substantial evidence suggests that, if the initiative process truly reflected majority will, many fewer states would have passed bans on same-sex partnerships. In many cases, wealthy interests have made end-runs around hostile legislatures, cajoling voters into passing laws that could not make it through the traditional legislative process. Nevertheless, these problems do not mean that the initiative is inherently anti-democratic. Lawmaking through legislatures also produces outcomes that are often out of touch with public opinion (Lax and Phillips

2011).

Instead, there is ample evidence that voters can and do rise to the challenge of ballot issue elections. Using very different methods, Burnett and Kogan (2010), Lupia (1994), Bowler and Donovan (1998), and I (Study Two above) all find voters reasoning and considering valid evidence before making their decisions. This research does not square with a theory of the initiative voter as uninformed, lazy, or capricious.

Sometimes, though, the electoral environment does not provide voters with enough reliable information to cast informed votes. These are the cases in which high voter confusion is observed, and they are a lamentable feature of the initiative process. The states should undertake reforms to reduce voter confusion and to force initiative proponents to make good-faith efforts to provide reliable information. Current efforts to educate voters, such as the California voter pamphlet, have not worked to reduce voter confusion, because they are too technical or cumbersome for many voters. The voters who are most prone to confusion are those with low levels of education, so efforts to better educate voters need to be easily legible to these groups. Reforming the writing of ballot text to make it more clear would allow voters to make better choices on low-salience initiatives. The states and the media also share a responsibility to discourage deceptive campaign advertisements, Orwellian initiative titles, and other efforts that campaigns make to influence voters in bad faith.

A great deal of the work in this thesis has been speculative. In part, this is because it is difficult to assess the extent of voter confusion without much more robust data collection at the individual level. Similarly, it is difficult to generalize across ballot issue elections because they vary so much in topic and context. By looking at opinion formation in specific elections as well as results in the aggregate, though, it becomes clear that the democratic responsiveness of these elections is mixed.

Some key questions about voting behavior in initiative elections remain unanswered. As I have mentioned previously, more studies like the one conducted by Asher (1989) are necessary to gauge the extent of voter confusion. Because Asher studied relatively high-

salience issues, it is possible that confused voting changes the outcome of a very significant number of initiatives of all levels of salience. If so, the democratic performance of initiatives can no longer be defended. It seems, though, that there are some simple ways to improve voters' understanding of the meaning of a "Yes" or "No" vote. The plain-English descriptions of the consequence of each vote on the Arizona ballot are a good example of one such option.

The possibility of a tyranny of the majority is another concern in the initiative process. The gay rights ballot issues are a prominent example, but other cases also exist. The American system was originally designed in part to temper the passions of the mass public, who Madison and Hamilton strongly distrusted. Through the initiative, a small fraction of a state's population, 50% plus one of the voters who turn out in an election, can alter state laws and constitutions in any way they see fit. In many cases, this power is as dangerous as an initiative funded by a narrow interest.

Most commentators who want to make a judgment on the validity of the initiative want to do so in the aggregate, drawing a conclusion about initiatives writ large. By analyzing elections in the aggregate, though, I have demonstrated that drawing these kinds of conclusions about ballot issues is difficult and can be counter-productive. There is a great degree of variance along the dimensions of salience, comprehensibility, ideology, and so on between ballot issues. The democratic performance of some ballot issues is less than we might hope for, but many seem to adequately reflect the wishes of the public without causing policy failures.

Like most features of the American political system, the initiative works best when voters are thoughtful and factual information is plentiful. Of course, this cannot always be the case. It is possible, though, for states and voters to make the process of reasoned decision making easier. The initiative fits into the system of policy-making at the state level as a kind of amplification, allowing organized opinion majorities to quickly and efficiently alter policy to their benefit. Whether the future of ballot issues in the American states is more or less democratic depends on the voters—they have the power to set the agenda and to make

reasoned choices.

## References

- Abramowitz, Alan I. 2010. *The Disappearing Center: Engaged Citizens, Polarization, and American Democracy*. Yale University Press.
- Aldrich, John H. 1993. "Rational Choice and Turnout." *American Journal of Political Science* 37(1):246–278.
- Asher, Herb. 1982. The Effect of Voting Systems on Voter Participation. Paper presented at the annual meeting of the Midwest Political Science Association.
- Asher, Herbert B. 1989. "Voter Confusion in Initiative Elections". Paper presented at the Annual Meeting of the American Political Science Association.
- Banducci, Susan A. 1998. Direct Legislation: When is it Used and When Does it Pass? In *Citizens As Legislators*, ed. Shaun Bowler et al. Ohio State University Press pp. 109–131.
- Bowler, Shaun and Todd Donovan. 1994. "Information and Opinion Change on Ballot Propositions." *Political Behavior* 16:4:411–435.
- Bowler, Shaun and Todd Donovan. 1998. *Demanding Choices: Opinion, Voting, and Direct Democracy*. University of Michigan.
- Bowler, Shaun, Todd Donovan and Trudi Happ. 1992. "Ballot Propositions and Information Costs: Direct Democracy and the Fatigued Voter." *Western Political Quarterly* 45(2):559–568.
- Branton, Regina P. 2003. "Examining Individual-Level Voting Behavior on State Ballot Propositions." *Political Research Quarterly* 56(3):367–377.
- Braunstein, Rich. 2004. *Initiative and Referendum Voting: Governing Through Direct Democracy in the United States*. New York: LFB Scholarly Publishing.

- Broder, David S. 2000. *Democracy Derailed: Initiative Campaigns and the Power of Money*. New York: Harcourt.
- Burnett, Craig M. and Vladimir Kogan. 2010. The Case of the Stolen Initiative: Were the Voters Framed? Paper presented at the annual meeting of the American Political Science Association.
- Cain, Bruce E. and Kenneth P. Miller. 2001. The Populist Legacy: Initiatives and the Undermining of Representative Government. In *Dangerous Democracy: The Battle over Ballot Initiatives in America*, ed. Larry J. Sabato, Howard R. Ernst and Bruce A. Larson. Lanham, MD: Rowman & Littlefield pp. 33–62.
- Camp, Bayliss J. 2008. “Mobilizing the Base and Embarrassing the Opposition: Defense of Marriage Referenda and Cross-Cutting Electoral Cleavages.” *Sociological Perspectives* 51(4):713–733.
- Campbell, Angus, Philip E. Converse, Warren E. Miller and Donald E. Stokes. 1960. *The American Voter*. University of Chicago.
- Converse, Philip E. 1964. The Nature of Belief Systems in Mass Publics. In *Ideology and Discontent*, ed. David Apter. New York: Free Press pp. 206–61.
- Cronin, Thomas E. 1989. *Direct Democracy: The Politics of Initiative, Referendum, and Recall*. Cambridge, MA: Harvard University Press.
- Delli Carpini, Michael X. and Scott Keeter. 1996. *What Americans Know About Politics and Why It Matters*. Yale University Press.
- Donovan, Todd and Shaun Bowler. 1998. An Overview of Direct Democracy in the American States. In *Citizens as Legislators*, ed. Shaun Bowler, Todd Donovan and Caroline J. Tolbert. Columbus: Ohio State University Press pp. 1–26.



- Donovan, Todd and Shaun Bowler. 2005. Voters, Candidates, and Institutions: Can Voters Make Sense of Institutions? Can Candidates Make Sense of Voters? In *Initiative-Centered Politics: The New Politics of Direct Democracy*, ed. David McCuan and Steve Stambough. Durham, NC: Carolina Academic Press pp. 11–32.
- Downs, Anthony. 1957. *An Economic Theory of Democracy*. New York: Harper.
- Dubin, Jeffrey A. and Gretchen A. Kalsow. 1996. “Comparing Absentee and Precinct Voters: Voting on Direct Legislation.” *Political Behavior* 18(4):393–411.
- Dubois, Philip L. and Floyd Feeney. 1998. *Lawmaking by Initiative: Issues, Options and Comparison*. New York: Agathon Press.
- Dyck, Joshua J. 2010. “Political Distrust and Conservative Voting in Ballot Measure Elections.” *Political Research Quarterly* 63(3):612–626.
- Edlin, Aaron, Andrew Gelman and Noah Kaplan. 2007. “Voting as a Rational Choice: Why and How People Vote To Improve the Well-Being of Others.” *Rationality and Society* 19:293–314.
- Egan, Patrick J. 2010. “Findings from a Decade of Polling on Ballot Measures Regarding the Legal Status of Same-Sex Couples.”
- Egan, Patrick J. and Kenneth Sherrill. 2009. “California’s Proposition 8: What Happened, and What Does the Future Hold?”
- Ellis, Richard J. 2002. *Democratic Delusions: The Initiative Process in America*. Lawrence: University Press of Kansas.
- Fleischer, David. 2010. “The Prop 8 Report: What Defeat in California Can Teach Us About Winning Future Ballot Measures on Same-Sex Marriage.” *The LGBT Mentoring Project* .
- Gelman, Andrew. 2007. “Struggles with Survey Weighting and Regression Modeling.” *Statistical Science* 22(2):153–164.

- Gelman, Andrew and Jennifer Hill. 2007. *Data Analysis Using Regression and Multi-level/Hierarchical Models*. Cambridge University Press.
- Gerber, Elisabeth R. 1999. *The Populist Paradox: Interest Group Influence and the Promise of Direct Legislation*. Princeton: Princeton University Press.
- Gerber, Elisabeth R. and Arthur Lupia. 1995. "Campaign Competition and Policy Responsiveness in Direct Legislation Elections.." *Political Behavior* 17(3):287–306.
- Gerber, Elisabeth R. and Arthur Lupia. 1999. Voter Competence in Direct Legislation Elections. In *Citizen Competence and Democratic Institutions*, ed. Stephen L. Elkin and Karol Edward Sotán. University Park: Penn State University Press pp. 147–160.
- Gerber, Elisabeth R., Arthur Lupia, Mathew D. McCubbins and D. Roderick Kiewiet. 2001. *Stealing the Initiative: How State Government Responds to Direct Democracy*. Prentice Hall.
- Hershey, Marjorie Randon. 2009. *Party Politics in America*. 13 ed. New York: Longman Pearson.
- Kastellec, Jonathan P., Jeffrey Lax and Justin Phillips. 2010. "Estimating State Public Opinion With Multi-Level Regression and Poststratification using R."
- Lax, Jeffrey and Justin Phillips. 2009a. "Gay Rights in the States: Public Opinion and Policy Responsiveness." *American Political Science Review* 103(3).
- Lax, Jeffrey and Justin Phillips. 2009b. "How Should We Estimate Public Opinion in the States?" *American Journal of Political Science* 53(1).
- Lax, Jeffrey R. and Justin H. Phillips. 2011. "The Democratic Deficit in State Policymaking."
- Levendusky, Matthew. 2009. *The Partisan Sort: How Liberals Became Democrats and Conservatives Became Republicans*. University of Chicago.

- Lupia, Arthur. 1992. "Busy Voters, Agenda Control, and the Power of Information." *American Political Science Review* 86(2):390–403.
- Lupia, Arthur. 1994. "Shortcuts Versus Encyclopedias: Information and Voting Behavior in California Insurance Reform Elections." *American Political Science Review* 88(1):63–76.
- Lupia, Arthur. 2001. Dumber than Chimps? An Assessment of Direct Democracy Voters. In *Dangerous Democracy? The Battle over Ballot Initiatives in America*, ed. Larry J. Sabato, Howard R. Ernst and Bruce A. Larson. Lanham, MD: Rowman & Littlefield pp. 66–70.
- Lupia, Arthur and Mathew D. McCubbins. 1998. *The Democratic Dilemma*. Cambridge: Cambridge University Press.
- Lupia, Arthur, Yanna Krupnikov, Adam Seth Levine, Spencer Piston and Alexander Von Hagen-Jamar. 2010. "Why State Constitutions Differ in their Treatment of Same-Sex Marriage." *The Journal of Politics* 72(5):1222–1235.
- Magleby, David B. 1984. *Direct Legislation: Voting on Ballot Propositions in the United States*. Johns Hopkins.
- Magleby, David B. 1989. Opinion Formation and Opinion Change in Ballot Proposition Elections. In *Manipulating Public Opinion: Essays on Public Opinion as a Dependent Variable*, ed. Michael Margolis and Gary A. Mauser. Pacific Grove, CA: Brooks/Cole Publishing pp. 95–115.
- Matsusaka, John G. 1993. "Election Closeness and Voter Turnout: Evidence from California Ballot Propositions." *Public Choice* 76:313–334.
- Mueller, John E. 1969. "Voting on the Propositions: Ballot Patterns and Historical Trends in California." *American Political Science Review* 63(4):1197–1212.
- Nichols, Stephen M. 1998. "State Referendum Voting, Ballot Roll-Off, and the Effect of New Electoral Technology." *State & Local Government Review* 30:106–117.

- Nicholson, Stephen P. 2003. "The Political Environment and Ballot Proposition Awareness." *American Journal of Political Science* 47(3):403–410.
- Nyhan, Brendan and Jason Reifler. 2011. "When Corrections Fail: The Persistence of Political Misperceptions." *Political Behavior* Forthcoming.
- O'Connor, Sue. 2006. "The Money Behind the 2004 Marriage Amendments." *The Institute on Money in State Politics* .
- Park, David K., Andrew Gelman and Joseph Bafumi. 2004. "Bayesian Multilevel Estimation with Poststratification: State-Level Estimates from National Polls." *Political Analysis* 12:375385.
- Phelan, James. 2007. *Experiencing Fiction: Judgments, Progression, and the Rhetorical Theory of Narrative*. Ohio State UP.
- Riker, William H. and Peter Ordeshook. 1968. "A Theory of the Calculus of Voting." *American Political Science Review* 61(1):25–42.
- Schrag, Peter. 2001. *Paradise Lost: California's Experience, America's Future*. New York: The New Press.
- Selb, Peter. 2008. "Supersized votes: ballot length, uncertainty, and choice in direct legislation elections." *Public Choice* 135:319–336.
- Smith, Daniel A., Matthew DeSantis and Jason Kassel. 2006. "Same-Sex Marriage Ballot Measures and the 2004 Presidential Election." *State & Local Government Review* 38(2):78–91.
- Smith, Mark. 2005. Ballot Initiatives and Voter Turnout. In *Initiative-Centered Politics: The New Politics of Direct Democracy*, ed. David McCuan and Steve Stambough. Durham, NC: Carolina Academic Press pp. 33–49.

Vitale, Robert. 2010. "Brunner sides with Democrats on wording for ballot measure to let Columbus City Council meet in private." *The Columbus Dispatch* .

Zaller, John. 1992. *The Nature and Formation of Mass Opinion*. Cambridge University Press.

## 10 Figures and Tables

Initiative	Constitutional Initiative
Alaska	Arizona
Arizona	Arkansas
Arkansas	California
California	Colorado
Colorado	Florida
District of Columbia	Illinois
Idaho	Massachusetts
Maine	Michigan
Massachusetts	Mississippi
Michigan	Missouri
Missouri	Montana
Montana	Nebraska
Nevada	Nevada
Ohio	North Dakota
Oklahoma	Ohio
Oregon	Oklahoma
South Dakota	Oregon
Utah	South Dakota
Washington	
Wyoming	

Table 1: States that provide for legislative and constitutional initiatives (Dubois & Feeney 1998)

	Estimate	Std. Error	t value	Pr(> t )
(Intercept)	13.3825	8.3450	1.60	0.1296
Top ticket GOP vote	-0.1787	0.1389	-1.29	0.2180
MRP estimate	0.0245	0.1410	0.17	0.8645
Civil union ban	-0.0204	3.0735	-0.01	0.9948
Anti-gay margin of victory	0.1400	0.0688	2.03	0.0600

Table 2: OLS model predicting the shift toward the anti-gay side over the course of the campaign

	Narrow cost	Broad cost
Narrow benefit	Interest group	Client
Broad benefit	Entrepreneurial/populist	Majoritarian

Table 3: Categorization of initiative types by costs and benefits (Donovan and Bowler 1998)

**#12 PROPOSED CHARTER  
AMENDMENT  
CITY OF COLUMBUS**

**A Majority Affirmative Vote is Necessary  
for Passage.**

Shall Section 8 of the charter of the City of Columbus be amended to permit council or its committees to convene in the same manner as the general law of Ohio pertaining to open meetings of public bodies when discussing issues such as personnel matters, purchase of property, litigation, collective bargaining and security matters, as recommended by the Charter Review Committee?

**YES**

**NO**

Figure 1: An example of a local ballot issue.



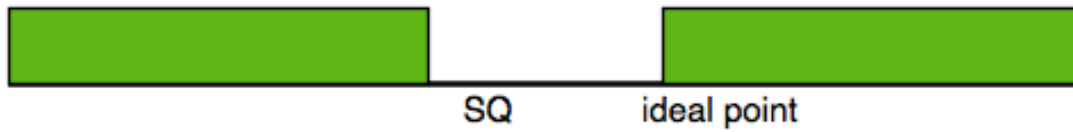


Figure 2: Gerber and Lupia (1999) model of initiative elections. Green area represents possible location of initiative proposal based on voter's observation of campaign effort.

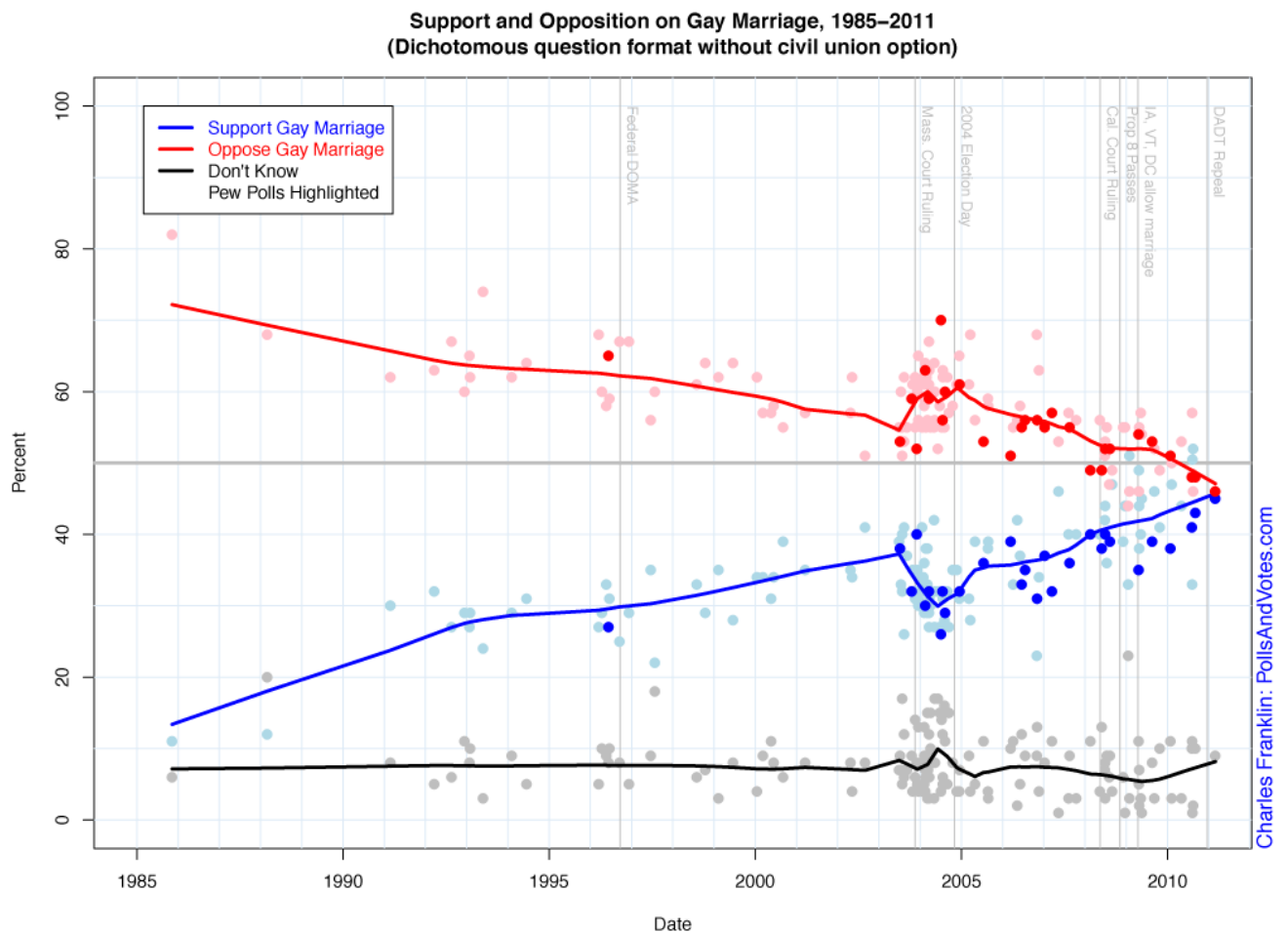


Figure 3: Trend in gay marriage support and opposition in national polls. Courtesy Charles Franklin, PollsAndVotes.com



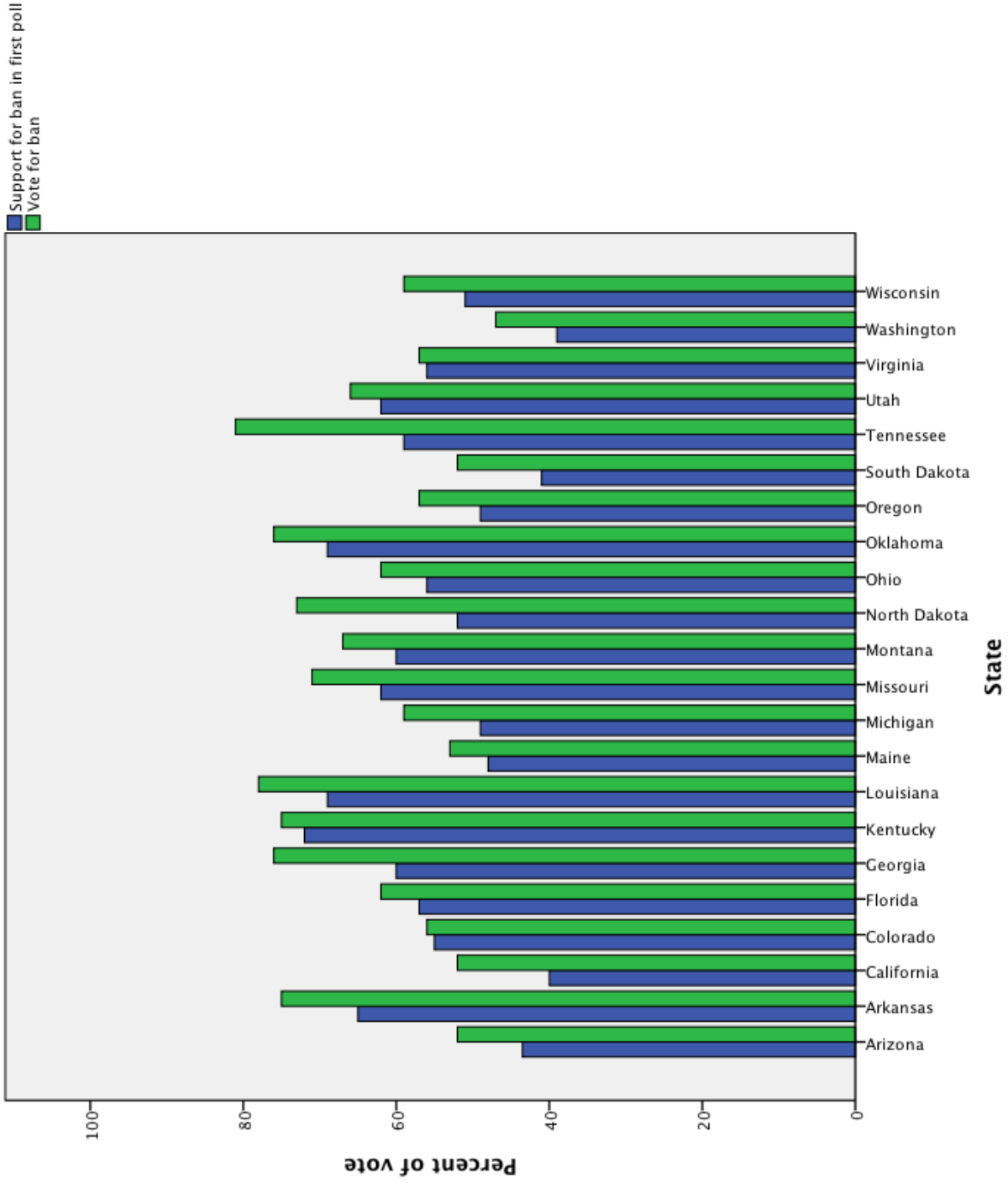


Figure 5: Comparison of support for gay marriage bans in initial polls and on election day

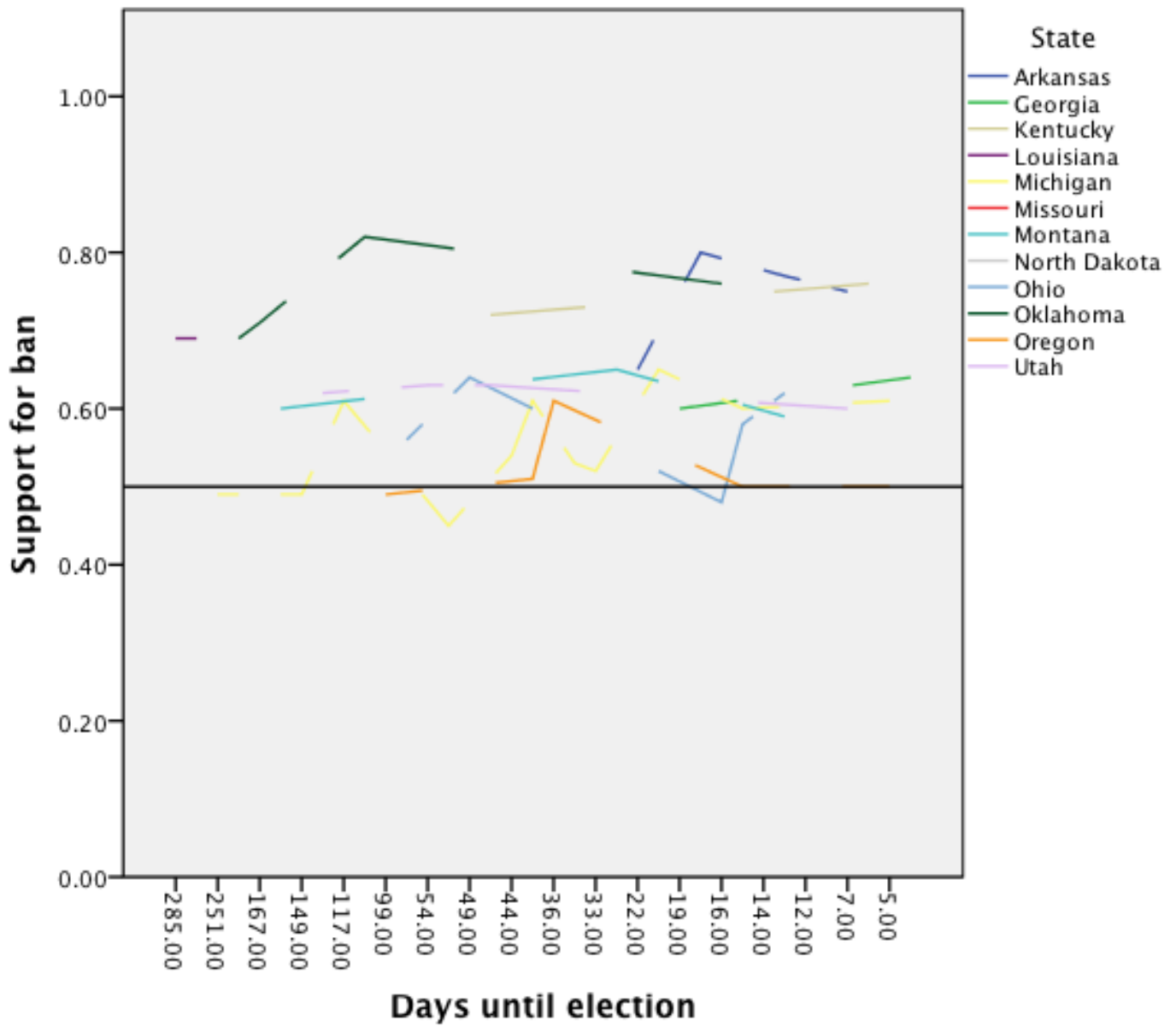


Figure 6: Partial tracking polls for marriage initiatives in 2004

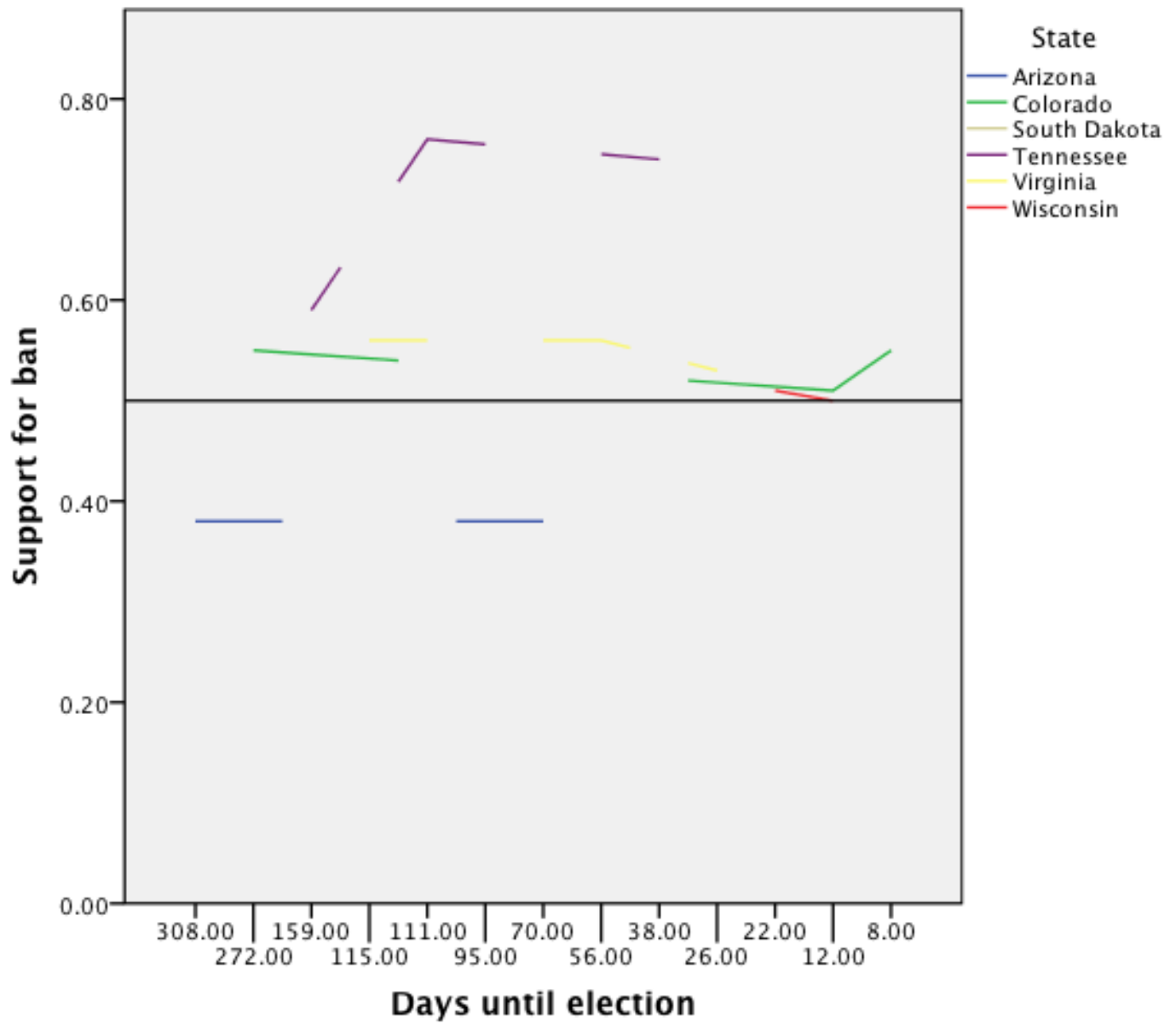


Figure 7: Partial tracking polls for marriage initiatives in 2006

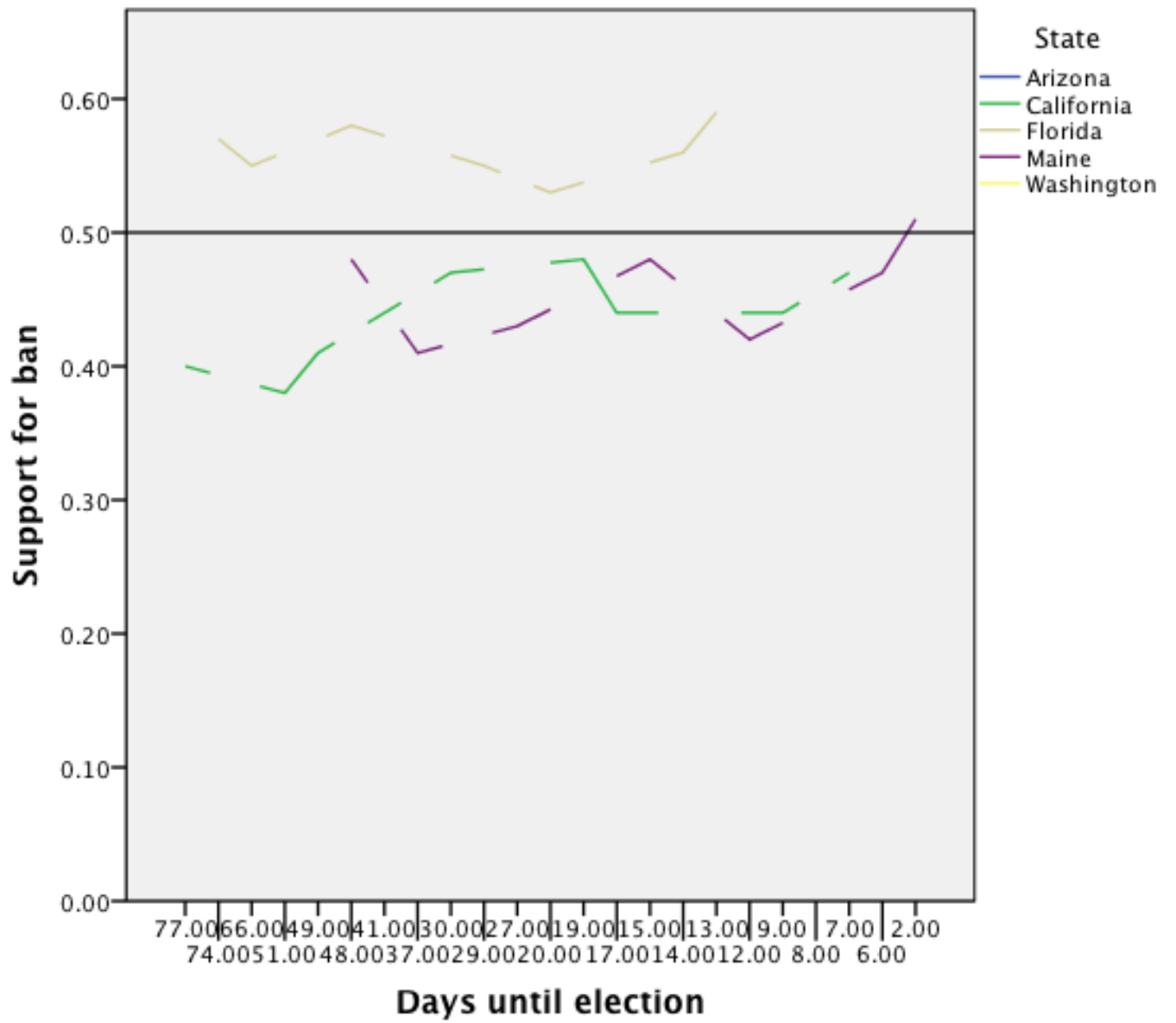


Figure 8: Partial tracking polls for marriage initiatives in 2008 and 2009

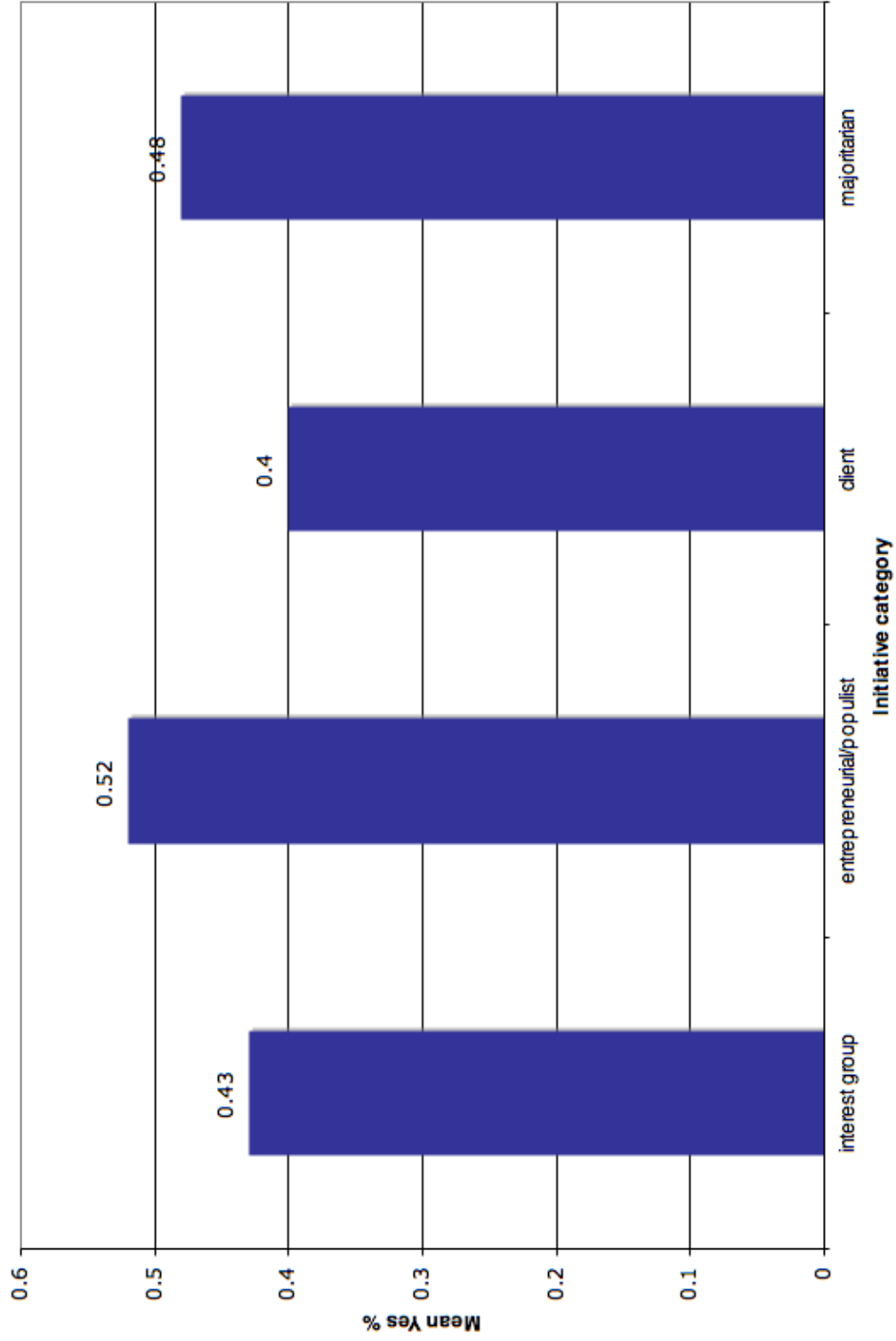


Figure 9: Mean share of vote for each category of ballot issue, 1970-2009.

	Year	State	Pro-equality %	Anti-equality %	MRP estimate
1	2006	Alabama	19	81	35.87
2	1998	Alaska	32	68	18.42
3	2006	Arizona	52	48	19.65
4	2008	Arizona	44	56	19.65
5	2004	Arkansas	25	75	38.72
6	2008	California	48	52	45.61
7	2000	California	39	61	45.61
8	2006	Colorado	47	53	41.98
9	2006	Colorado	44	56	41.98
10	2006	Colorado	47	53	41.98
11	2008	Florida	38	62	28.98
12	2004	Georgia	24	76	24.09
13	1998	Hawaii	31	69	43.20
14	2006	Idaho	37	63	32.33
15	2005	Kansas	30	70	27.48
16	2004	Kentucky	25	75	21.32
17	2004	Louisiana	22	78	24.59
18	2009	Maine	47	53	47.13
19	2004	Michigan	41	59	33.97
20	2004	Mississippi	14	86	27.31
21	2004	Missouri	29	71	19.37
22	2004	Montana	33	67	35.08
23	2000	Nebraska	30	70	25.05
24	2002	Nevada	33	67	28.10
25	2004	North Dakota	27	73	44.20
26	2004	Ohio	38	62	32.88
27	2004	Oklahoma	24	76	18.17
28	2004	Oregon	43	57	40.95
29	2006	South Carolina	22	78	22.44
30	2006	South Dakota	48	52	27.64
31	2006	Tennessee	19	81	21.35
32	2005	Texas	24	76	24.71
33	2004	Utah	34	66	19.14
34	2006	Virginia	43	57	44.80
35	2009	Washington	53	47	43.10
36	2006	Wisconsin	41	59	27.35

Table 4: Outcomes of same-sex marriage ballot issues, 1998-2009 and MRP estimate of support for gay marriage in 2004-2005



Year	State	MRP estimate - Pro-equality vote
2006	Arizona	-32.35
2008	Arizona	-24.35
2006	South Dakota	-20.36
2004	Utah	-14.86
2006	Wisconsin	-13.65
1998	Alaska	-13.58
2009	Washington	-9.90
2004	Missouri	-9.63
2008	Florida	-9.02
2004	Michigan	-7.03
2004	Oklahoma	-5.83
2004	Ohio	-5.12
2006	Colorado	-5.02
2000	Nebraska	-4.95
2002	Nevada	-4.90
2006	Idaho	-4.67
2004	Kentucky	-3.68
2005	Kansas	-2.52
2008	California	-2.39
2004	Oregon	-2.05
2006	Colorado	-2.02
2004	Georgia	0.09
2009	Maine	0.13
2006	South Carolina	0.44
2005	Texas	0.71
2006	Virginia	1.80
2004	Montana	2.08
2006	Tennessee	2.35
2004	Louisiana	2.59
2000	California	6.61
1998	Hawaii	12.20
2004	Mississippi	13.31
2004	Arkansas	13.72
2006	Alabama	16.87
2004	North Dakota	17.20

Table 5: Comparison of MRP estimates to pro-equality vote totals