

Direct Democracy Backsliding, 1955-2022*

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Direct democracy backsliding occurs when a government alters its laws to hinder the use of initiatives and referendums. This study quantifies the prevalence of direct democracy backsliding in the American states over the period 1955-2022, and investigates its causes. I find a continuous chipping away at direct democracy throughout the period; legislatures proposed 2.2 amendments restricting direct democracy every two-year electoral cycle on average, and there were four amendments restricting direct democracy for every amendment expanding it. The amount of such activity is not unusually high recently. In regressions with state and year fixed effects, the strongest predictor of anti-direct democracy proposals is Republican control of the state legislature. I develop a theoretical framework to characterize the motives for direct democratic backsliding, and provide evidence suggesting that strategic considerations – restricting direct democracy to induce favored policy outcomes – may not be the whole story; legislators may have philosophical preferences over processes, specifically opposition to the basic idea of citizen lawmaking. Anti-direct-democracy efforts appear to have been driven by legislators independent of citizen preferences.

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1. Introduction

About a decade ago, various democracy indexes began to characterize the United States as a “backsliding” democracy.¹ These judgements were based on perceived erosion in voting rights, declining respect for rule of law, and widespread gerrymandering. These findings raised two important questions: is democracy in fact being eroded, that is, do the indexes accurately measure democracy, and if so, what is causing the erosion?

More recently, a different form of potential democratic backsliding has attracted attention, erosion in initiative and referendum rights in the states. In the wake of successful campaigns to legalize marijuana, increase the minimum wage, expand Medicaid, and secure abortion rights, state legislators have advanced laws making direct democracy more difficult to use. Observers often attribute this backsliding to Republicans: “The Republican pushback against the initiative process is part of a several-year trend that gained steam as Democratic-aligned groups have increasingly used petitions to force public votes on issues that Republican-led legislatures have opposed.”²

The purpose of this paper is to investigate the prevalence and causes of *direct* democratic backsliding. Focusing on this specific aspect of democracy sidesteps interpretative issues that arise when studying democracy indexes, and allows consideration of narrowly tailored qualitative and quantitative evidence. For the quantitative analysis, I collected data on all state constitutional amendments related to initiative and referendum rights proposed by legislatures from 1955 through 2022. Each proposed amendment was classified as either increasing or decreasing the cost of proposing and approving ballot measures. I use these data to investigate several questions: (i) has there been backsliding in direct democracy over the study period; (ii) has backsliding increased recently; (iii) if backsliding occurred, was it driven by Republicans; and (iv) what caused legislators to seek to curtail direct democracy?

Direct democracy is an interesting and important – but somewhat neglected – institution to study. Those living in states that allow voter initiatives are acutely aware of their importance to state politics, and recent referendums on abortion have brought the importance of direct

¹ Examples include V-Dem, the Economist’s Economic Intelligence Unit, Freedom House, and IDEA’s Global State of Democracy Initiative.

² From U.S. News and World Report (Lieb 2022). Other stories in the same vein appeared in the New York Times (Williams 2018; Epstein and Corassaniti 2021) [“Republicans move to limit a grass-roots tradition of direct democracy”] and Politico (Messerly et al. 2022; Ollstein and Messerly 2023) [“Republicans across the country are working to make it harder to pass ballot measures”], and Los Angeles Times (Barabak 2023) [“Lawmakers in states are handcuffing voters and ignoring election results”].

democracy to national attention. In fact, direct democracy has long driven the lawmaking process across the states on issues such as taxes and spending, social issues (abortion, same-sex marriage), economic regulation (minimum wage, clean energy), and political reform (term limits, redistricting, open primaries). An indicator of importance is the amount of money spent in ballot measure campaigns: in California, campaign spending on ballot measures since 2000 was \$4.2 billion, more than double the \$1.5 billion spent on campaigns for the state senate and assembly (Matsusaka 2023). While restricted to the state and local level in the United States, in other countries direct democracy plays an important role in national politics, such as the U.K.'s Brexit referendum in 2016; Colombia's referendum in 2016 to ratify an agreement ending a military uprising; Ireland's referendum in 2018 legalizing abortion; and Taiwan's referendums in 2018 on same-sex marriage.³

One of the paper's goals is to provide a careful description of the evolution of direct democracy provisions across the states. I find that proposals to restrict initiative and referendum rights ("anti-DD" proposals for short) were common throughout the previous seven decades, with an average of 2.3 every two-year election cycle, and anti-DD proposals outnumbered pro-DD proposals more than four to one. I do not find a surge in anti-DD proposals in recent years; rather, a steady chipping away throughout the period. In terms of partisan origin, I find that 63 percent of anti-DD proposals originated from Republican-controlled legislatures, 19 percent from Democratic-controlled legislatures, and the rest from divided legislatures. Pro-DD proposals, on the other hand, were about evenly divided between Republican-controlled, Democratic-controlled, and divided legislatures. The study's descriptive information is supplemented with qualitative evidence from case studies from California and Ohio.

In addition to its topical relevance, the paper speaks to a core issue in political economy, the causes of institutional evolution (North, 1990; Shepsle 1989). The dominant approach in studying institutional change sees it as driven by a desire to induce political outcomes. As Shepsle (1989) put it, "one cannot understand or explain institutions . . . without first explicating their effects." In this spirit, I develop a model in which legislators modify direct democracy strategically in order to increase the chance of favorable policy outcomes in the future. The model nests the amount of political competition and ideological polarization, two factors that other research suggests may contribute to democratic backsliding (Grumbach 2023). The basic idea is that if the majority party expects to remain in power but with a majority of voters opposed to its position on some issues, it would like to limit direct democracy; while if the majority party expects to lose power but still have

³ On direct democracy across the world, see Altman (2011) and Matsusaka (2020, chapters 7-8).

a majority of voters on its side on some issues, it would like to enhance direct democracy; these conditions are measurable in principle and thus provide leverage to test for strategic motives.

An alternative perspective on institutional change is that it is driven by legislator preferences over democratic processes independent of the outcomes (this is not to say that legislators ignore outcomes but that part of their assessment of institutions is not connected to outcomes.) There is evidence that citizens have opinions about political processes (Hibbing and Theiss-Morse 2001; Johnson et al. 2019). In the *political philosophy* version of this theory, legislator preferences stem from philosophical beliefs about the competence of ordinary citizens in political matters; they may prefer a “trustee” type of democracy compared to a “delegate” type. Philosophical preferences may differ by party – the trustee view is often associated with conservative political views. In the *power maximization* version of this theory, legislators seek to maximize their own power in lawmaking relative to the power of ordinary citizens. The implications of these versions differ: a preference for power should yield similar behavior by Democrats and Republicans, while philosophical differences may cause one party to be more negative toward direct democracy than the other.

The core empirical evidence on causes of backsliding comes from panel regressions predicting the probability of an anti-DD proposal in a given state in a given year, with causal inference supported by controlling for state and year fixed effects. The strongest and most robust finding is a pronounced tendency for Republican-controlled legislatures to seek to restrict initiative and referendum rights. This tendency appears even after controlling for strategic considerations, which suggests that the GOP’s hostility toward direct democracy might stem from a philosophical preference for purely representative democracy. It also holds after controlling for constituent partisanship, suggesting the Republican elites are driving the agenda themselves, not being forced by voters. I find little evidence for strategic behavior: anti-DD proposals were not linked to partisan misalignment with the electorate, or expectations of losing control. There is some evidence that past successful initiatives led to future anti-DD proposals, at least in Republican-controlled states. Other evidence is provided from roll-call votes: there is an absence of the bipartisan clustering that would occur if both parties were averse to sharing power with voters.

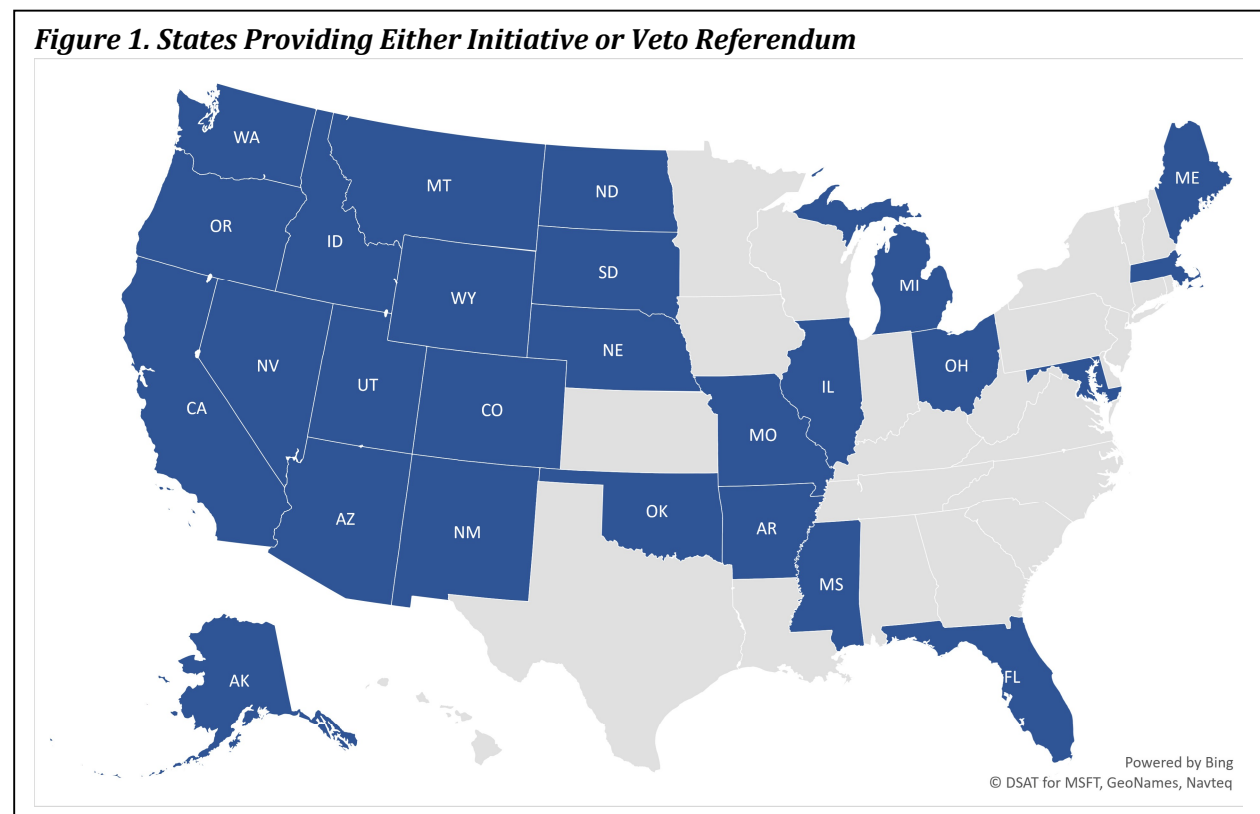
2. Terminology and Two Recent Examples

To avoid confusion later, it is useful to define terminology. A proposed law, constitutional amendment, or advisory issue that goes to a vote of the electorate is called a ballot “proposition” or “measure” or “referendum.” A proposition can reach the ballot in several ways. If a citizen group

drafts a new proposed law, amendment, or advisory issue, and qualifies it for the ballot by collecting signatures (petitioning), then it is called an “initiative.” If a citizen group petitions to repeal an existing law, it is called a “veto referendum” or “popular referendum” or sometimes (confusingly) just a “referendum.” Most states with the initiative or veto referendum adopted the processes early in the 20th century during the Progressive Movement (Matsusaka 2020). Figure 1 shows the 26 states that currently allow initiatives or veto referendums.⁴

In practice, most propositions on a typical ballot do not arrive there by citizen petition, but rather are placed there by the legislature, called “legislative propositions” or “legislative measures.” Legislative propositions primarily exist because states require popular approval for certain legislative actions. For example, all but one state requires a referendum on constitutional amendments, and 24 states require a referendum to issue bonds (Matsusaka 2018).

All of these different types of propositions fit under the general umbrella of “direct democracy,” which means voters making laws directly without involvement of representatives. This paper focuses on legislative measures that propose to change the initiative or referendum.



⁴ Florida, Illinois, and Mississippi allow only initiatives; Maryland and New Mexico allow only veto referendums; the other states allow both.

In order to bring out some nuances of efforts to reform direct democracy, this section provides a description of two recent attempts to make the initiative and referendum more difficult to use, one led by Republicans in Ohio and the other by Democrats in California. The capsule histories also motivate some choices in empirical analysis.

A. *Ohio's Issue 1*

Following the 2022 elections, Republicans enjoyed supermajorities in the Ohio House and Senate and the governor was a Republican. This continued a period of unbroken Republican control of both branches going back to 2011.

Issue 1 had its roots in abortion policy. Like many states after the Supreme Court overturned *Roe v. Wade* in 2022, Ohio's abortion policy consisted of layers of laws that were being litigated, the most extreme of which would ban abortion once embryonic cardiac activity could be detected, usually around five or six weeks after conception, with an exception for the health of the woman but not for rape or incest. Early in 2023, abortion rights groups submitted petitions for an initiative that, if approved by voters in a November 2023 election, would amend the constitution to prohibit restrictions on abortion in the first 24 weeks, roughly reinstating the status quo under *Roe v. Wade*. Public opinion surveys suggested that a sizeable majority of Ohioans would support a policy along those lines.

In part to forestall the initiative, GOP state representative Brian Stewart and Secretary of State Frank LaRose sponsored a constitutional amendment that would have had the effect of restricting the initiative process. The legislature adopted the proposal and called a special election for August 23 for it to go before the voters as Issue 1. The proposal's key provisions were:

- Increased the approval threshold for constitutional amendments from 50 to 60 percent.
- Increased the petition requirement of signatures from 5 percent of voters in all 88 counties from the previous requirement of signatures from 5 percent in 44 counties.
- Eliminated a 10-day "cure period" in which petitioners could add signatures if a preliminary count indicated a deficiency in the number of valid signatures in their initial submission.

By scheduling the election on its own proposal before the abortion referendum, the legislative measure, if approved, would have made it more difficult for the abortion initiative to

pass. The sponsors argued that their amendment supported democracy by shielding the state from special interests, something that both parties should support: “We have repeatedly watched as special interests buy their way onto the statewide ballot and then spend millions of dollars drowning the airwaves to secure fundamental changes to our state by a vote margin of 50 percent plus one.” They complained about out-of-state special interests buying amendments that “benefit themselves first, and the public a distant second,” citing as an example a 2009 proposal sponsored by gambling interests that authorized casinos in four cities and designated specific parcels of land for each casino that happened to be controlled by the initiatives’ sponsors. Similarly, the sponsors of a 2015 proposal to legalize marijuana wrote the law to give themselves exclusive commercial rights to operate the 10 proposed facilities. Yet at a campaign event in June, LaRose did not focus on past initiatives, instead saying, “This is 100% about keeping a radical, pro-abortion amendment out of our constitution.”⁵ Democrats were unified in opposition to the amendment.

Whether Issue 1 would help or hurt democracy depends on how one defines democracy. One could argue, as the Republicans did, that requiring a supermajority is a reasonable precaution to ensure that changes to fundamental law enjoy a broad consensus. This follows Thomas Jefferson’s (1808) admonition that “great innovations should not be forced on slender majorities,” and safeguards of this sort are common in constitutions. One could also argue that requiring more signatures from across the state ensures that propositions reflect broad social interests. What is unambiguous is that all of the proposed changes would have had the effect of raising the cost of using the initiative process, and thus making it more difficult for the people to make laws.

B. California’s AB 421

Following the 2022 elections, Democrats enjoyed supermajorities in the California Assembly and Senate and the governor was a Democrat. As in Ohio this continued a string of unbroken one-party control of the government dating back to 2011, except in California the Democrats were in charge, not the Republicans.

California’s AB 421 had its roots in several recent initiatives and veto referendums by which petitioners had delayed and sometimes repealed laws adopted by the legislature. In 2020, voters approved an initiative sponsored by Uber, Lyft, DoorDash and other tech companies repealing a law prohibiting app-based drivers from working as independent contractors. In the same year, voters turned down a referendum sponsored by the plastic bag industry that would have repealed a law

⁵ The first two quotes are from Rep. Stewart’s testimony (Stewart 2023); the third is reported in Ingles (2023).

banning single-use plastic bags in grocery stores, while approving a referendum funded by the bail bond industry that repealed a law eliminating cash bail. Most recently, business groups qualified two referendums for the 2024 ballot, one to repeal a law prohibiting oil drilling near schools and residences and the other establishing a state council to set wages for fast-food industry workers. Under California's referendum procedures, the laws in question were frozen as soon as the referendum petitions were submitted, even though the election itself was almost two years away.

In response, Democratic assembly member Isaac Bryan introduced AB 421, cosponsored by 22 other Democratic legislators spread across the two chambers. The goal, according to Bryan, was to protect democracy by stopping a "small, disgruntled, well-funded, well-powered set of interests that often undermine the collective will of the people of California" (Luna 2023). Unlike Ohio's proposal, AB 421 was a statute that did not require voter approval to go into effect. All that was needed was for the legislature to adopt and the governor to sign it.

The key provisions of AB 421 were:

- Required at least 10 percent of signatures for popular referendums to be collected by volunteer petitioners, rather than paid petitioners.
- Required petitioners to register with the state and undergo state training.
- Reduced the time allowed to collect signatures for initiatives from 180 to 90 days.
- Created several bureaucratic rules regarding signing of petitions, such as requiring voters to initial that they had read the information about sponsors, that would have increased the chance of a petition being disqualified for procedural defects.
- Changed the way that referendum questions would be framed on the ballot. Under the existing procedures, a "yes" vote was to approve the law in question and a "no" vote was to repeal the law. Under AB 421, the ballot would state the two options as "keep the law" and "overturn the law." This provision did not obviously enhance or hinder direct democracy.

AB 421 was framed by its sponsors as helping democracy; this was a contested point, but there is no disagreement that it would have had the effect of making the initiative and veto referendum more costly to employ. AB 421 was supported by environmental groups and labor unions, two central Democratic constituencies that had been on the losing end of recent ballot

measure campaigns. It was opposed by the Chamber of Commerce and other business groups, as well as most Republicans. GOP assemblyman Tom Lackey tweeted that it was a “a blatant attempt to disenfranchise Californians & help out partisan special interest backers.”

C. Comments

These two examples inform the subsequent analysis in several ways. First, the question of whether a reform actually enhances or hurts democracy is contentious – both proponents and opponents typically claim that they are defending democracy against the nefarious influence of special interests.⁶ Rather than wade into the waters of defining the essential nature of democracy, I focus instead on whether a law would have increased the cost of using direct democracy. From this perspective, both Ohio’s Issue 1 and California’s AB 421 clearly would have increased the cost of using direct democracy. For ease of exposition, I label laws that would increase the cost of using direct democracy as “anti-DD” laws, albeit with some hesitation because I do not wish to take a normative position by doing so (Matsusaka (2020) discusses normative issues).

Second, the examples highlight that direct democracy can be impeded in many ways. California’s law encumbered it at the petition stage, while Ohio’s amendment acted at both the petition and approval stage. To paint a broad picture of what is happening, this paper takes care to consider as many dimensions of direct democracy regulation as possible. A small contribution of the paper is to identify the different ways that direct democracy can be hobbled.

Third, the two examples show that both parties can be hostile to direct democracy; neither party has a monopoly on anti-initiative or anti-referendum sentiment. When hostile, legislators tend to offer similar justifications, especially the idea that special interests are undermining the process. At the same time, their motivations can appear to be instrumental in nature, intended to manipulate initiative and referendum rules in order to tilt the playing field toward specific policy outcomes they prefer.

D. Epilogue on the Examples

Voters rejected Ohio’s Issue 1 in November 2023, with 57 percent voting against it. California’s AB 421 secured favorable votes from the relevant legislative committees, but did not

⁶ It could be that most laws changing democratic practices are contestable. Consider, for example, voter ID laws: opponents see them as anti-democratic because they raise the cost of voting; proponents see them as pro-democratic because they reduce fraud. (Contoni and Pons (2021) offer considerable evidence against both views.)

come to the floor until the final week of the legislative session. At the last minute, it was amended to remove all of the provisions except the one changing the way options were presented on the ballot, approved by both chambers on a party-line vote, and signed by the governor. The story behind the last-minute maneuverings is not public at this time, but some speculate that the governor may have balked at the original proposal. The amended bill also contained a provision allowing veto referendum sponsors to withdraw their referendums prior to an election, a provision that was immediately used by the fast-food industry upon reaching a deal with labor unions on a statewide minimum wage.

3. Data

The core data consist of constitutional amendments proposed by state legislatures from 1955 through 2022 to alter initiative or referendum rights. The data were extracted from a complete list of legislature-proposed constitutional amendments in the 26 states that allow initiatives or referendums that I have collected over the years, consisting of more than 5,000 proposals in total, available through the Initiative and Referendum Institute (www.iandrinstitute.org). From this list, I extracted all proposals that potentially affected state-level initiatives, veto referendums, and legislative measures (proposals related to local direct democracy were excluded.) Based on ballot descriptions, amendment text, and public commentary, I classified each amendment as increasing or decreasing (or uncertain) the cost of using direct democracy. Most of the proposals concerned the initiative process.

For ease of exposition, I refer to amendments that would have increased the cost of using direct democracy as “anti-DD” and amendments that would have reduced the cost as “pro-DD.” This shorthand, while convenient, runs the risk of subtly inserting a normative judgement, which I do not intend. For example, an amendment to increase signature requirements unambiguously would increase the cost of using direct democracy and is therefore labeled “anti-DD”, but advocates of such a reform may argue that it *improves* direct democracy by screening out frivolous proposals that might distract the voters or needlessly their time. I want to emphasize that I am not advancing a normative claim with my labels.

My data are limited in that they only include legislative proposals that went to a vote of the people. This excludes legislative proposals that could not muster enough support within the legislature to reach the ballot, and it excludes legislative bills of a nonconstitutional nature such as California’s AB 421. At present, there is no database going back more than a few years that tracks

initiative and referendum changes approved directly by legislatures without a vote of the people.⁷ This should be recognized as a limit to my study, but is unlikely to be a severe limit. For one thing, in most states, the most important direct democracy provisions (signatures, approval, amendment, etc.) are embedded in the constitution; legislative bills that do not amend the constitution then tend to implicate direct democracy features of relatively minor importance. In support of this view, Ballotpedia found that of the 57 bills passed in 2018-2023, the most common topics were petitioning details: circulator requirements (21), petition requirements (8), and signer requirements (5). Another reason that amendments are more important than statutes is their inertia – amendments are a way that a legislature can bind future legislatures while ordinary laws can be repealed by a new legislature.

Information on party control came from data collected by Dubin (2007) for 1959-2009, supplemented by data collected by James Snyder for 2010-2020; and information that I collected for 2021-2022. I cleaned a few minor typographical errors in the older data. The partisan orientation of the state’s electorate is proxied by the percentage of the two-party vote received by Democratic congressional candidates in the state. Data for 1976-2020 came from MIT Election Data and Science Lab (2017); for 1960-1974 from various editions of *Statistical Abstract of the United States*; and for 2022 from online sources. The number of initiatives and referendums, and votes on other ballot propositions came from data I collected that are available from the Initiative and Referendum Institutes. Legislative roll-call votes on direct-democracy-related amendments were taken from official legislative records when available. Information on roll-call votes during 1999-2000 and 2003-2004 were provided by Gerald Wright, from his project Wright (2007).

4. Descriptive Findings

Table 1 lists the number of proposals by subject matter and whether they tried to make initiatives and referendums more difficult (anti-DD) or easier (pro-DD) to use. States that adopted direct democracy during the study period are included the year after adoption. The most frequent topic was signature requirements, with 25 proposals seeking to increase signature requirements or impose geographic distribution requirements, four proposals seeking to ease signature requirements, and two proposals that changed signature requirements in a way that did not appear to make petitioning easier or more difficult. Other common topics were restrictions on the subjects

⁷ The most extensive analysis to capture all proposals is Ballotpedia (2023), which counts state bills and resolutions from 2018 to 2023.

Table 1. Legislative Proposals Affecting the Initiative and Referendum, 1955-2022

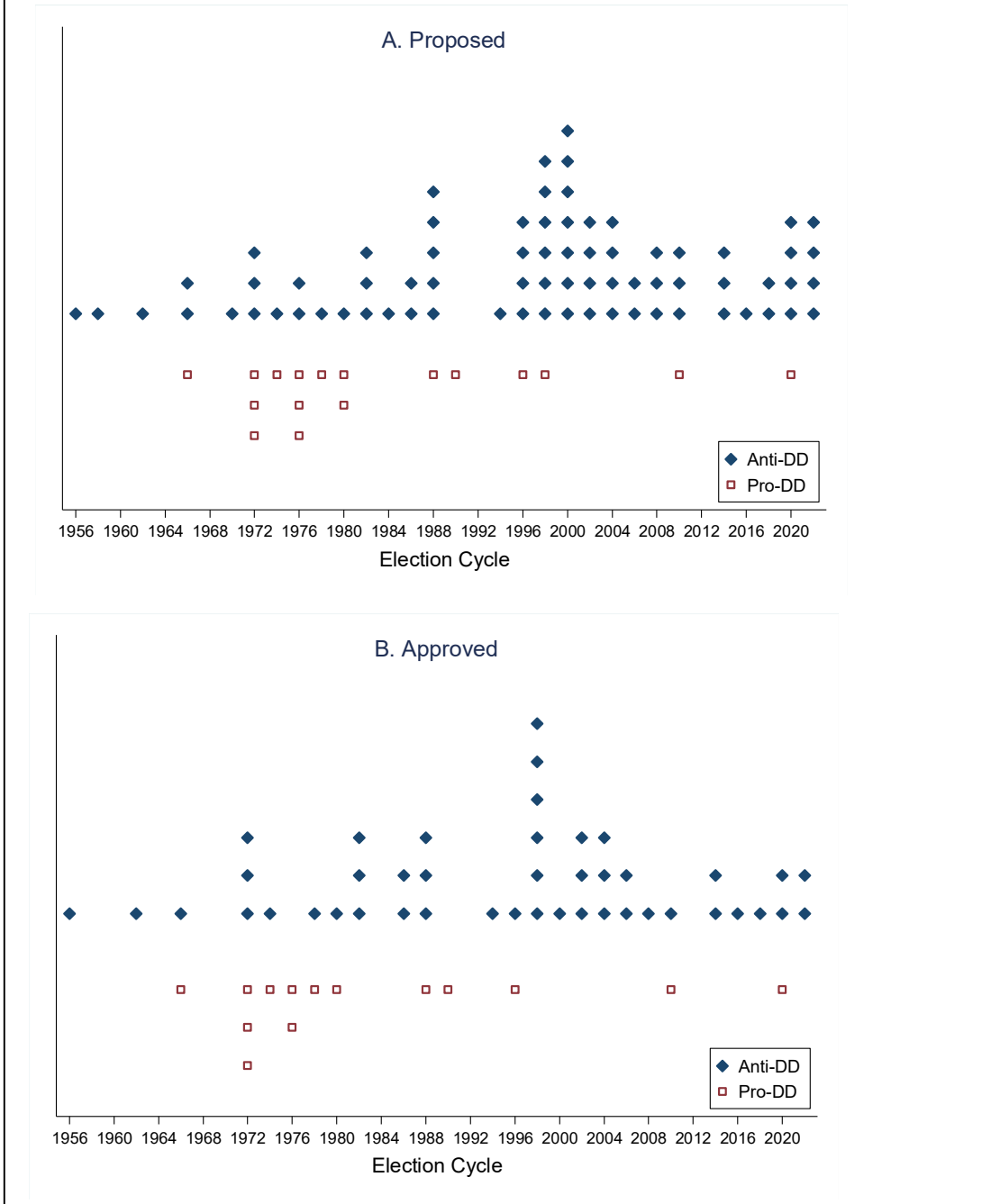
Description of proposal	# Anti-DD	# Pro-DD	# Neutral or mixed
Amendment. Ease for the legislature to amend or repeal an approved measure	5	3	0
Approval. Votes required to approve a measure	11	1	2
New forms. Adopting new forms of direct democracy	0	2	0
Processes. Administrative procedures	7	5	6
Signatures. Number of signatures required to qualify for the ballot; geographic distribution requirement	25	4	2
Subject matter. Prohibition of certain topics; requiring initiatives to embrace a single subject	16	3	3
Time. Days allowed to collect signatures; signature submission deadline	14	2	2
TOTAL (APPROVED)	73 (60%)	17 (82%)	13 (100%)

that could be addressed, tightening the time allowed to collect signatures, and the vote threshold for approval. Overall, 73 legislative amendments proposed to restrict direct democracy, 17 proposed to enhance it, and 13 were neutral or ambiguous in effect. Two observations: historically attempts to restrict democracy have been common, averaging more than one per year across the states for the 68-year study period (2.2 per year over each two-year electoral cycle); and legislatures tried to restrict direct democracy much more often than expand it. Voters did not always go along with legislative proposals, especially those restricting the processes. They accepted only 60 percent of the anti-DD proposals, while accepting 82 percent of the pro-DD proposals.

Given that a total of 44 anti-DD and 14 pro-DD proposals became law during the study period, unless the pro-DD amendments were considerably more impactful than the anti-DD amendments, this implies that on net direct democracy became less accessible over the study period. This fits the definition of backsliding in Waldner and Lust (2018): “a deterioration of qualities associated with democratic governance.”

Some recent news stories assert that anti-DD activity has surged across the country in the last few years, largely due to Republican legislatures. Figure 2 examines the first part of this claim, that the number of anti-DD proposals has been unusually high recently, by plotting the number of pro-DD and anti-DD proposals by two-year electoral cycles. Panel A shows proposed amendments, and Panel B shows adopted amendments. We do not see a consistent upward trend across the period, nor is there much evidence for a surge in the last few years. The most concentrated period

Figure 2. Number of Amendments Related to Direct Democracy

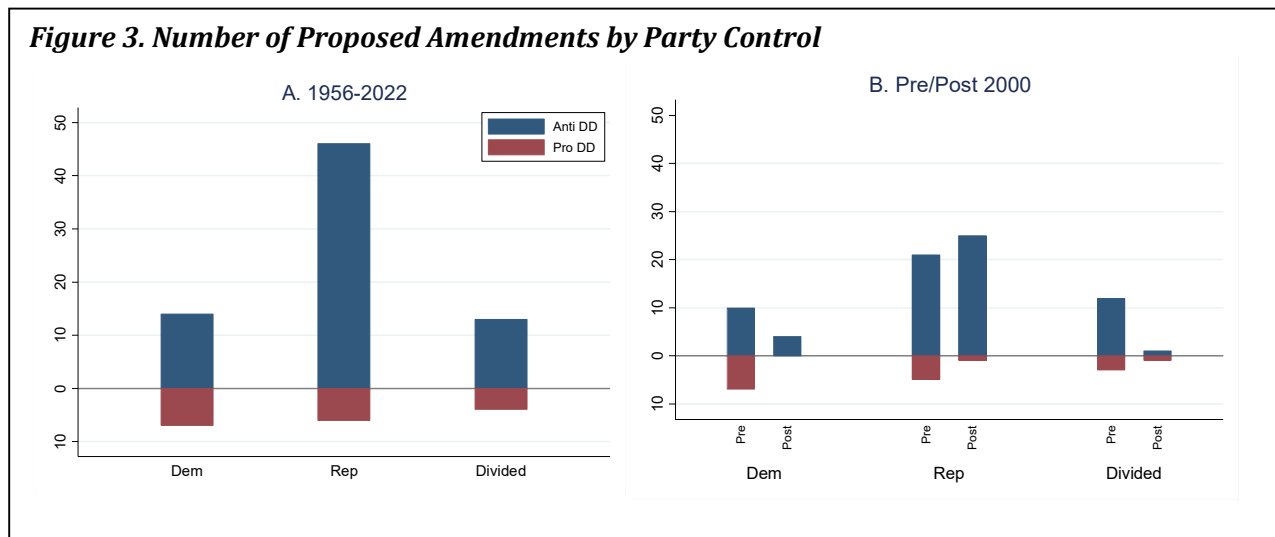


of anti-DD proposals was approximately 1995 to 2004. Proposals to expand direct democracy have dwindled over time, and almost gone extinct in the 21st century.

To examine the partisan orientation of proposals, I divide states into three groups, those with Democratic majorities in both houses (“Dem”), those with Republican majorities in both

houses (“Rep”), and those with divided control.⁸ Figure 3 shows the number of proposals related to direct democracy that originated from each of the three types of states. Looking first at the top panel with totals for the entire period, the preponderance of anti-DD proposals coming from Republican-controlled legislatures, 46 in all, stands out. Democrats and divided legislatures accounted for 14 and 13 such amendments each. The number of pro-DD amendments was similar by party. As a descriptive fact, then, we can confirm that most anti-DD proposals, by a large margin, have come from Republican legislatures. However, we cannot conclude from this that Republican legislatures were more likely to make anti-DD proposals or that election of Republicans was more likely to lead to anti-DD proposals: it could be that there were many more Republican legislatures during the period, or that states with latent anti-DD sentiment were more likely to elect Republicans. I attempt to sort this out in the next section.

We might wonder if the partisan difference has changed over time. Party positions have evolved over the years on many issues, as has the tenor of public discourse about initiatives. In the 1970s and early 1980s, direct democracy was associated with the tax revolt, a traditional conservative issue, and other conservative issues were prominent in the 1980s and 1990s such as get-tough approaches to crime (e.g., three-strikes laws), rollbacks on racial preferences/affirmative action, and restrictions on benefits to illegal immigrants. Some of that conservatism carried over into the 21st century with laws banning same-sex marriage, but in general, progressive issues such

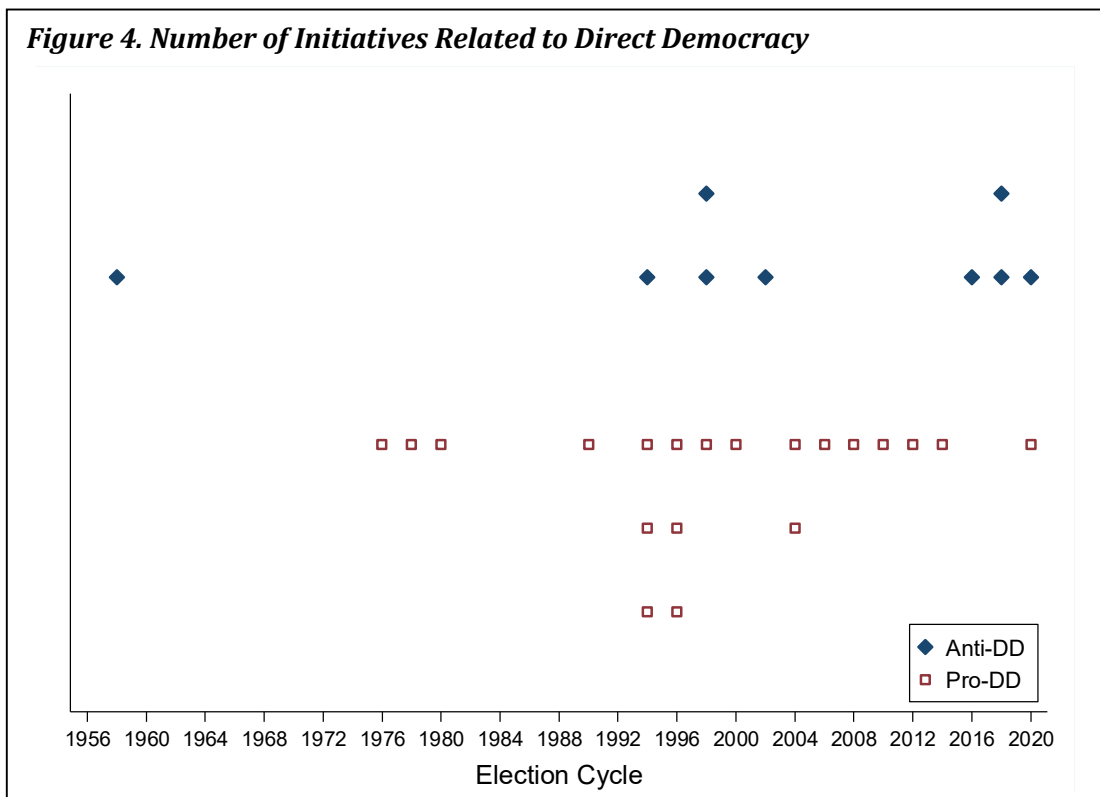


⁸ If a chamber was evenly divided, I assigned control to the party that controlled the tiebreaker, such as the Lieutenant Governor in some states, and assigned it as controlled by neither party if there was no tiebreaker. If party control flipped within a cycle, control was assigned to both parties.

as increasing the minimum wage, marijuana legalization, and Medicaid expansion became more prominent in the last two decades.

Panels B and C in Figure 3 show the number of proposals by party for the years before and after 2000. The number of anti-DD proposals from Republican legislatures was similar in the two periods. The interesting change is that Democratic and divided legislatures largely stopped proposing anti-DD amendments after 2000. In the pre-2000 period, divided legislatures proposed 13 amendments restricting direct democracy compared to a single one after 2000, and the number of anti-DD amendments from Democrats fell from 10 to 4. While Democrats and Republicans seemed to share a distaste for direct democracy in the 20th century, this has become predominantly a trait of the GOP in the 21st century as party views seem to have polarized on this subject as on many others.

A final descriptive exercise in Figure 4 reports the number of anti-DD and pro-DD proposals that originated from initiatives rather than the legislature. This gives a sense of how proposals that came from citizens themselves compared to those that came from legislators. Overall, the total number of initiatives related to direct democracy (31) was much smaller than the number of legislative proposals related to direct democracy. In stark contrast to legislative proposals, initiatives were much more likely to propose expanding than restricting direct democracy, with 20 pro-DD initiatives versus 9 anti-DD initiatives and 2 mixed or neutral proposals that are not shown.



Although activists sought to bolster direct democracy, the electorate did not usually go along with them: voters approved only 6 of the 20 pro-DD initiatives but 6 of 9 anti-DD initiatives. Initiatives related to direct democracy were rare before the 1990s.

5. Theory: Strategic Motives and Process Preferences

The paper next explores the reasons that legislatures try to restrict direct democracy. I focus on two broad theories. The first theory is that changes are strategically or instrumentally motivated to influence policy outcomes. For Ohio's Issue 1, Republicans were explicit that they intended to prevent adoption of a liberal abortion policy. The second theory is that legislatures have direct preferences about democratic processes.

A. *Strategic Motives*

Consider first an incumbent legislature that chooses direct democracy procedures so as to influence a policy decision that will be made in the future. At time $t = 0$, the legislature chooses procedures that determine the cost of using direct democracy $c > 0$, where a high cost has the effect of weakening the process. For simplicity, assume that the legislature's proposal goes into effect without requiring a popular vote. After the legislature chooses c , an election is held to select a new legislature, and at the same time the median voter's policy preference may evolve. At time $t = 1$, the new legislature chooses the policy, and citizens have the option to use direct democracy to override the policy if they pay the cost c . With override, the preference of the median voter prevails.

The incumbent party in control of the legislature (L), the party not in control (O), and the median voter (V) have spatial preferences over the future policy $x \in \mathbf{R}$. The incumbent party has an ideal point θ ; the party not in control has an ideal point $-\theta$, and the median voter has an ideal point $m \in \{-\theta, \theta\}$, with preferences defined as absolute distances, so that $u_L = -|x - \theta|$, $u_O = -|x + \theta|$, and $u_V = -|x - m|$.

The election that occurs between $t = 0$ and $t = 1$ returns the incumbent party to power with probability p while the opposition party takes power with probability $1 - p$. Between the two periods, the position of the median voter also randomly evolves to $m = \theta$ with probability q and $m = -\theta$ with probability $1 - q$. This formulation implies that L faces two types of uncertainty when it chooses direct democracy procedures: about which party will hold power next period, and about the ideal point of the median voter next period. In the special case where the median voter chooses which party controls the legislature, $p = q$. There are many reasons that the median voter might not control the legislature, such as gerrymandering (Gilligan and Matsusaka 2006).

Solving the model backwards beginning with $t = 1$, the new legislature chooses the policy, keeping in mind the possibility of being overridden by direct democracy. If citizens use direct democracy, they set the policy at the median voter's idea point, $x = m$. This type of game is familiar from the direct democracy literature (Gerber 1996; Matsusaka and McCarty 2001): the solution is for the legislature to adopt a policy that makes the median voter indifferent between the chosen policy and the cost-adjusted direct democracy policy, which deters the use of direct democracy. If the legislature's ideal point is θ , then it chooses $x = \theta$ if $m = \theta$, and $x = -\theta + c$ if $m = -\theta$. If the legislature's ideal point is $-\theta$, then it chooses $x = -\theta$ if $m = -\theta$, and $x = \theta - c$ if $m = \theta$.

At time $t = 0$, the incumbent legislature's expected payoff as a function of c is:

$$E[u_L(c)] = -p \cdot (1 - q) \cdot (2\theta - c) - (1 - p) \cdot q \cdot c - (1 - p) \cdot (1 - q) \cdot 2\theta .$$

The change in the incumbent legislature's expected payoff from increasing the cost of using direct democracy is then:

$$(1) \quad \frac{dE[u_L]}{dc} = p(1 - q) - (1 - p)q.$$

The first term is positive, the legislature's benefit from hamstringing direct democracy in the event that the incumbent party retains power but the median voter aligned with the other party. The second term is negative, the cost of hamstringing the incumbent party's own partisans in the event that the opposition party takes control. The incumbent legislature can be better off by increasing or decreasing the cost of direct democracy, depending on the probabilities p and q . The legislature gains from increasing the cost when its probability of staying in power is high *and* the probability of the median voter aligning with the other party is high. The legislature gains from decreasing the cost of direct democracy when its probability of staying in power is low and the probability of the median voter aligning with the opposition party is low. The empirical prediction is that a legislature probability of restricting direct democracy is increasing in $p(1 - q)$ and decreasing in $(1 - p)q$. I discuss how to measure these quantities below.⁹

Equation (1) has implications regarding competition and polarization, two factors that feature in discussions of democratic backsliding. Competition is proxied by p , with $p \approx 0.5$ when

⁹ The observed tendency of legislators to restrict more often than expand direct democracy can emerge in this model if p is usually large and q is usually small.

the parties are competitive, and $p \approx 0$ or $p \approx 1$ in a one-party state. It is straightforward to show that $\frac{du_L}{dc}$ is strictly increasing in p : the more likely the incumbent party is to retain power, the greater is its benefit from increasing the cost of direct democracy. This creates an ambiguous relation between competition and democratic backsliding: if we start with maximum competition ($p = 0.5$), then a decline in competition in favor of the incumbent party ($p > 0$) creates an incentive to increase c , while a decline in competition in favor of the other party ($p < 0.5$) creates an incentive to lower c . Intuitively, what matters is not the level of competition, but the incumbent party's likelihood of retaining power.

An increase in polarization is represented by an increase in θ . The fact that θ does not appear in equation (1) implies that changes in polarization do not affect the incentive to restrict direct democracy. This is because of two offsetting forces. When polarization increases, the incumbent party has a greater incentive to restrict democracy in the event that it retains power, but it has a greater incentive to encourage democracy in the event that it loses power. Changing the cost has a symmetric effect on these two payoffs, which nets out to zero.

In the special case where the legislature is always aligned with the median voter, $p = q$, then $\frac{dE[u_L]}{dc} = 0$; the legislature is indifferent about the cost of using direct democracy. The reason is that if the incumbent party retains power, voters will be on its side and not challenge its decisions; while if the opposition party acquires power, voters will be on the opposition's side and again not challenge their decision. Direct democracy is then irrelevant. An implication is that efforts to reform direct democracy will be more common in states where the median voter and the legislature are not aligned, which may happen, for example, in states that are heavily gerrymandered.

Previous research on adoption of the initiative and referendum in the early 20th century has focused on strategic explanations. Smith and Fridkin (2008) argued that greater competition – in the sense of a reduction in the size of the legislative majority – forced legislatures to become more pro-direct democracy because that is what the median voter wanted. If p is a proxy for the majority, the analysis above supports this conclusion. Bridges and Kousser (2011) argued that Progressives supported adoption when they believed that the median voter would be on their side but the legislature was not. This is the intuition captured in the model above.

B. *Process Preferences*

A different reason that legislators may want to restrict direct democracy is because they have direct preferences about the process of lawmaking by voters. This sort of explanation is less common in the scholarly literature, which generally favors strategic policy-based theories. To flesh

out this idea, consider two versions of it. The *political philosophy* version is that elected officials have philosophical beliefs about what is the best form of democracy, and believe that democracy is harmed by initiatives and referendums. GOP governor Paul LePage of Maine argued, “Referendum is pure democracy, and it has not worked for 15,000 years.”¹⁰ American concerns about direct democracy as a matter of principle go back to Federalist No. 10. These objections stem from doubts about the ability of ordinary citizens to make policy decisions, and a fear that they are easily manipulated by special interests. The important point is that these preferences are not simply derivative of the outcomes that would be induced by the institution.

Direct preferences about direct democracy processes can be formalized by assuming that the legislature’s payoff function is $u_L = -|\phi - c|$. Legislatures have an “ideal” cost ϕ . They prefer increasing the cost if it is below their ideal, and decreasing the cost if it is above their ideal – strategic considerations play no role. This theory runs the risk of being tautological – the legislature wants to reform direct democracy because it has a preference for reforming democracy. To make it parsimonious, we can assume that parties have different underlying philosophies about democratic processes. Empirically, this would manifest as party effects independent of strategic considerations.

The *power maximization* version of this theory is that legislators prefer processes in which power remains in their hands, and not in the hands of the people. Initiatives are often used to pass laws that undercut the power of legislators as a class, such as term limits, nonpartisan redistricting, and open primaries, and such initiatives are often opposed by political elites of both parties. As Arkansas state senator Bryan King, in opposing an attempt by his party to limit initiatives, explained: “I don’t think this is a party issue. This is a control issue. It’s trying to fence off challenges to whatever decisions a government makes.”¹¹ Formally, in this case $u_L = c$; the higher is c , the better. Since both parties dislike limiting the power of legislators, according to this view, one testable implication is that parties will generally agree about restricting direct democracy.

This list of theoretical explanations is not complete, of course. Among the ideas that I am not able to explore in this study is that direct democracy may produce asymmetric political advantages for the two parties. For example, ballot propositions generally increase turnout; if higher turnout benefits Democrats then Democratic legislators may view direct democracy more favorably. Another example is that one party may have advantages in using direct democracy; for example, if it

¹⁰ Quoted in Villaneuve (2018). LePage made the comments in the context of a discussion about increasing signature requirements. He also expressed the common frustration with special interests.

¹¹ Quoted in Zernike and Wines (2023). Bryan further commented that the desire for control has been constant, regardless of which party ruled the state.

is easier to collect signatures in densely populated urban areas, then initiatives and referendums may offer a comparative advantage to Democrats, who have more constituents in cities. Although I do not consider these rationales, intuitively we might expect them to manifest in a similar way to political philosophies, as a party-specific fixed effect.

C. Empirical Implications

In practice, all of the motives discussed above come into play for some legislatures at some points of time, and the different motives may conflict and interact with each other. So the empirical task is not to reject outright any of the motivations but rather to disentangle the different motives and evaluate which have the most explanatory power. I pursue the following testable implications:

The first implication concerns the predictive power of party control. The political philosophy theory implies that parties have different preferences over citizen lawmaking, and more specifically that Republicans are more likely to restrict direct democracy than Democrats. The strategic theory implies that legislatures adjust direct democratic institutions to achieve policy ends, but partisan identity itself is not a predictor. The power maximization theory similarly does not predict a difference by party.

The second implication is that transitory political developments, such as the incumbent party anticipating an electoral defeat, or an anticipated shift in the position of the median voter, drive anti-DD proposals. I test the specific conditions (1) that emerge from the model. The political philosophy and power maximization theories posit that legislatures are guided by their preferences over processes, which are not driven by short-term political changes in political configurations or policy preferences.

The third implication concerns roll-call votes on anti-DD amendments. The strategic theory predicts that roll-call votes are polarized on party lines because advancing the policy goals of one party undercuts the goals of the other party. The political philosophy theory also predicts polarized votes since implementing one party's preferred process works against the other party's preferred process. In contrast, the power maximization theory predicts congruence in voting on anti-DD proposals since both parties prefer limits the power of ordinary citizens in lawmaking.

6. Core Evidence

Because it turns out to be the single most important predictor, I begin with a careful analysis of the effect of partisan control on anti-DD proposals. The basic model is a regression of the form:

$$(2) \quad PROP_{s,t} = \beta_0 \cdot REP_CTRL_{s,t} + \beta_1 \cdot DEM_CTRL_{s,t} + \alpha_t + \gamma_s + u_{s,t},$$

where the dependent variable *PROP* is a dummy equal to 1 if there was a direct democracy related proposal in state *s* in the two-year election cycle *t*, and the explanatory variables are dummies equal to 1 if Republicans controlled both chambers of the legislature and if Democrats controlled both chambers, with divided control the omitted category.¹² Time is partitioned into two-year periods (e.g., 2021-2022) to allow for the fact that a legislature may propose an amendment that does not come to a vote until the next general election, which may be the next year. Party control does not depend on the governor because in the sample states legislatures can propose constitutional amendments without approval of the governor. To address concerns with spurious correlation and provide a basis for drawing causal conclusions, some regressions include fixed effects for year and state. In a context like this where the explanatory variables may be slow moving, there is a risk that fixed effects strip out valuable information, so I typically report results with and without fixed effects for robustness.

Table 2 presents summary statistics, where the unit of observation is a state-election-cycle. To put the subsequent estimates in context, anti-DD proposals occurred in 7 percent of state-cycles and pro-DD proposals occurred in 2 percent of state-cycles. Democrats controlled both chambers in 45 percent and Republicans in 39 percent of state-cycles. Democrats had large enough majorities in both chambers to propose amendments without the other party (“supermajority”) in 29 percent of

	Mean	S.D.	Min	Max	N
Dummy = 1 if any DD amendment proposed	0.10	0.30	0	1	844
Dummy = 1 if anti-DD amendment proposed	0.07	0.26	0	1	844
Dummy = 1 if pro-DD amendment proposed	0.02	0.14	0	1	844
Dummy = 1 if Democratic control	0.45	0.50	0	1	812
Dummy = 1 if Republican control	0.39	0.49	0	1	812
Dummy = 1 if party control changed from previous cycle	0.24	0.43	0	1	844
Dummy = 1 if Democratic supermajority	0.29	0.45	0	1	812
Dummy = 1 if Republican supermajority	0.20	0.40	0	1	812
# initiatives and referendums passed previous cycle	1.0	1.5	0	9	844
Republican control: $p(1 - q)$	0.16	0.37	0	1	304
Republican control: $(1 - p)q$	0.05	0.21	0	1	304
Democratic control: $p(1 - q)$	0.14	0.35	0	1	356
Democratic control: $(1 - p)q$	0.08	0.27	0	1	356

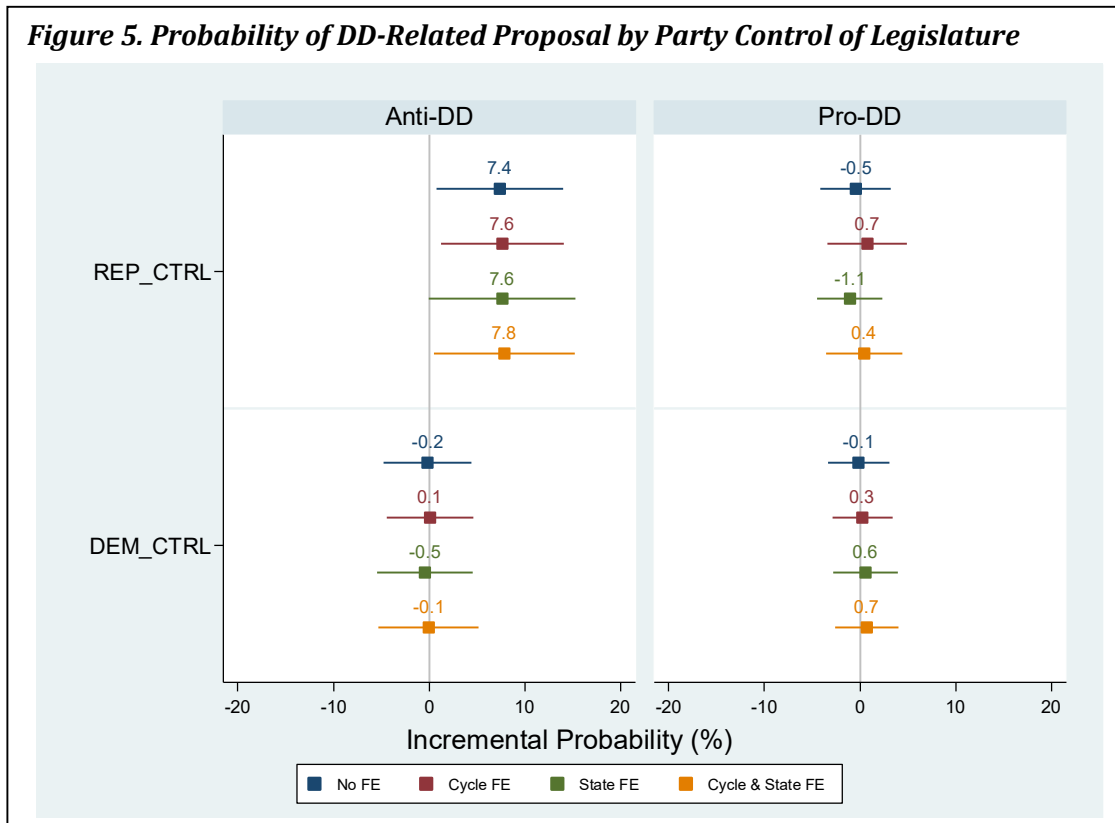
Note. The unit of observation is a state in a two-year election cycle. A “supermajority” means the party controls enough seats to propose an amendment without votes from the other party.

¹² The main findings are qualitatively similar with a logit specification instead.

state-cycles, and Republicans in 20 percent of state-cycles. Party control changed in about one-quarter of the cycles.

Figure 5 reports coefficients from estimates of regression (2).¹³ In the left panel, where the dependent variable is a dummy for an anti-DD proposal, we see that states controlled by Republicans were over 7 percent more likely to propose an anti-DD amendment and states controlled by Democrats were essentially no more likely to propose an anti-DD amendment, compared to states with divided control. The four regressions vary in terms of their fixed effects, with none in the first regression, and both cycle and state fixed effects in the last regression, but the party effects are not sensitive to these differences. The specification with both cycle and fixed effects is the most demanding, and provides some foundation for interpreting the coefficients as causal effects.

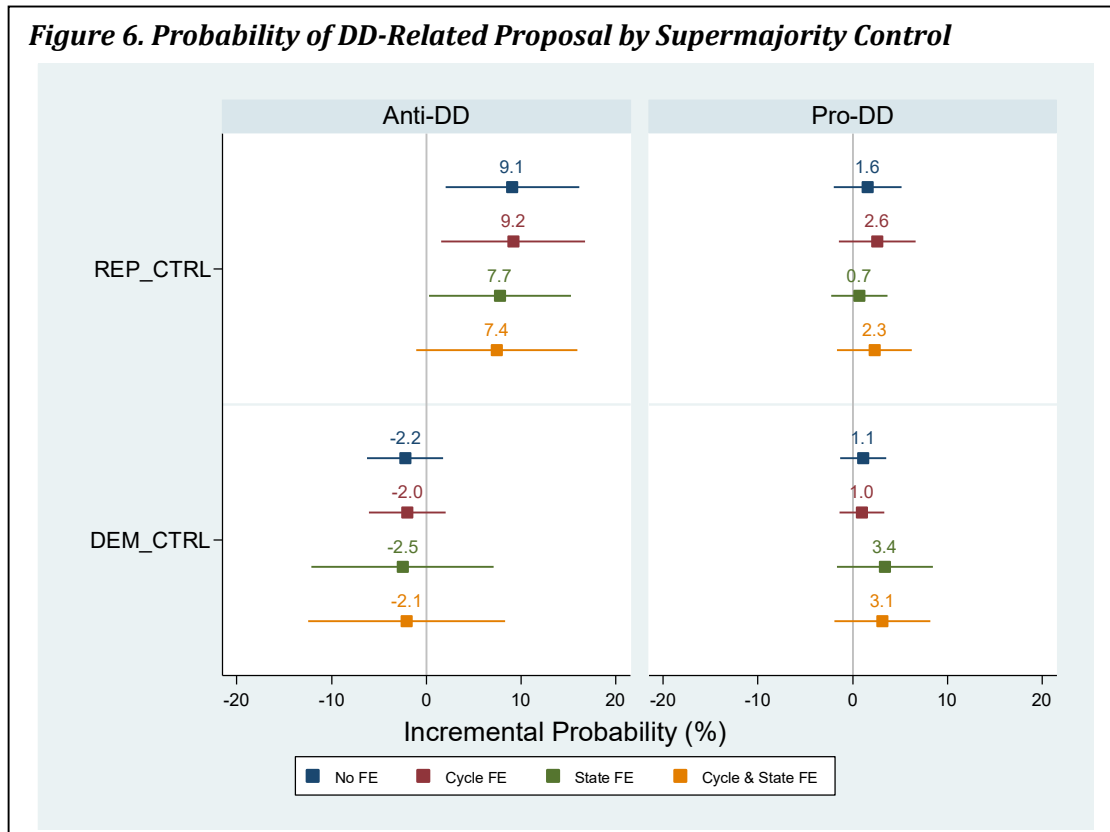
The right panel shows analogous coefficient estimates for the probability that a pro-DD amendment was proposed. The four regressions vary by their fixed effects. All of the coefficients are small and statistically insignificant for both party control variables: neither party was more or less likely to propose amendments enhancing direct democracy.



¹³ All regressions have 812 observations, and errors are clustered at the state level.

One concern with the estimates in Figure 5 is that control of the legislature is not sufficient to propose constitutional amendments in states that require a supermajority vote. To explore the importance of this assumption, I re-estimate the same regressions using a dependent variable that indicates if a party had the required supermajority. The coefficients are reported in Figure 6. The findings are qualitatively similar to those in Figure 5. In the left panel, again Republican control led to more anti-DD proposals, with slightly marginal effects in the range of 7.4 to 9.2 percent. There is no significant connection between Democratic control and anti-DD proposals. Again, the coefficients do not display much sensitivity to inclusion or exclusion of different fixed effects.

Having established that Republican control is a strong predictor of anti-DD proposals, the next question is why? I focus on two core hypotheses and one auxiliary question. The first hypothesis is that Republican legislators had process preferences that made them philosophically or ideologically opposed to direct democracy. The second hypothesis is that Republican legislators were behaving strategically, attempted to restrict direct democracy in order to change future policy outcomes. The auxiliary question is whether the hostility of Republican legislators toward direct democracy originated with the legislators themselves, or whether the legislators were simply channeling the preferences of their constituents. The basic regression is:



$$(3) \quad PROP_{s,t} = \beta_0 \cdot REP_CTRL_{s,t} + \beta_1 \cdot DEM_CTRL_{s,t} + \beta_3 \cdot [p(1 - q)]_{s,t} + \beta_4 \cdot [(1 - p)q]_{s,t} + \beta_5 \cdot \#IR_{s,t} + \beta_6 \cdot \%DEM_{s,t} + u_{s,t},$$

where $[p(1 - q)]$ and $[(1 - p)q]$ are empirical proxies for the strategic terms in equation (1).

The terms p and q cannot be directly observed; I proxy for them with ex post outcomes, under the assumption that legislators are able to form unbiased (but noisy) expectations about future developments. For p , the probability that the incumbent party remains in power during the next session, I use a one-cycle-ahead dummy for whether the party retained power. For q , the probability that the median voter is aligned with the incumbent party next session, I use a one-cycle-ahead dummy variable for whether the majority of congressional votes were for the incumbent party's candidates, a measure of the partisan orientation of the median voter. In plain English, $[p(1 - q)]$ is the probability that the legislative majority party remains in control but the median voter is aligned with the other party; and $[(1 - p)q]$ is the probability that the incumbent party loses control but the median voter remains on its side. A high cost of direct democracy helps advance the policy goals of the incumbent party in the first case and hurts its goals in the second case, so if strategic motives are important $\beta_3 \geq 0$ and $\beta_4 \leq 0$ for anti-DD proposals, and conversely for pro-DD proposals. If the GOP's higher propensity to make anti-DD proposals is largely strategic, then including the strategic proxies should rob β_0 of explanatory power.

The other explanatory variable related to strategic motives is $\#IR$, the number of successful initiative and referendum proposals in the preceding cycle.¹⁴ Based on case studies of several prominent issues, Dinan (2022) argues that when groups use initiatives to bypass the legislature, the party in control of the legislature often searches for ways to limit the process. An initiative is defined as successful if voters approved it, and a referendum is successful if voters repealed the law that was being challenged. Past use of direct democracy matters if it indicates a misalignment between the legislature and the median voter, or if it reveals information about future direct democracy use.

The final explanatory variable $\%DEM$ is the percentage of votes cast in the previous cycle for Democratic congressional candidates. I include this proxy for the preferences of the median voter to explore the possibility that the parties are not driving the process, but rather are responding to demands from the electorate. If parties are simply channeling the voters, then inclusion of this variable will reduce the significance of the party control variables. This test sheds

¹⁴ The results are similar if the variable covers activity over the previous two cycles.

light on the question of whether backsliding is driven by elites, as Bartels (2023) argues for Europe, or by ordinary citizens.

Table 3 reports the estimates when pooling all legislatures. To economize on the information displayed, I report only regressions without fixed effects and with both cycle and state fixed effects. Columns (1) and (2) contain the key regressions, where the dependent variable is a dummy if the legislature proposed an anti-DD amendment. Even with the strategic proxies included, the coefficient on Republican control remains sizeable, similar in magnitude to previous estimates, and statistically significant. Of the strategic variables, the signs of those related to loss of control and the position of the median voter are statistically insignificant and not reliably consistent with theory. The number of successful initiatives and referendums in the previous cycle predicts anti-DD proposals: one more successful initiative or referendum led to a 2 percent increase in the probability of an anti-DD proposal in the subsequent legislative cycle in column (1), and a 1.66 percent increase in column (2), significant without fixed effects but insignificant with them. The coefficient on percent of Democratic voters is negative, suggesting that states with Democratic voters were less likely to see anti-DD proposals, but statistically different from zero. The fact that party of the legislature but not party preferences of the electorate mattered suggests that political

Table 3. Regressions with Strategic Proxies

	Anti-DD Proposals		Pro-DD Proposals	
	(1)	(2)	(3)	(4)
Dummy = 1 if Democratic control	2.17 (2.78)	3.30 (2.88)	-0.44 (1.77)	0.86 (1.61)
Dummy = 1 if Republican control	7.99** (3.26)	8.58** (3.47)	-0.56 (1.89)	0.36 (1.94)
$p(1 - q)$: Dummy = 1 if incumbent party same but median voter not aligned with party next cycle	-1.14 (2.88)	-2.84 (3.46)	2.27 (2.41)	1.78 (2.35)
$(1 - p)q$: Dummy = 1 if incumbent party loses but median voter still aligned with party next cycle	-2.20 (3.38)	-2.97 (3.23)	-2.04*** (0.59)	-2.83* (1.41)
# initiatives and referendums passed previous cycle	1.97** (0.89)	1.66 (1.05)	-0.22 (0.29)	-0.10 (0.30)
%Democratic voters in state	-0.14 (0.09)	-0.17 (0.11)	0.02 (0.05)	-0.002 (0.04)
Cycle and state FE	No	Yes	No	Yes
Observations	766	766	766	766

Note. Each column is a regression in which the unit of observation is a state-election cycle. The dependent variable is a dummy = 1 if there was an anti-DD (1)(2) or pro-DD (3)(4) amendment on the ballot. Standard errors, clustered at the state level, are in parentheses beneath coefficient estimates; coefficients and errors are scaled by 100 for readability. Statistical significance: * = 10 percent, ** = 5 percent, *** = 1 percent.

elites were not restricting direct democracy in response to citizen demands. Columns (3) and (4) report analogous regressions for pro-DD proposals. The coefficients are not large in magnitude nor are they statistically distinguishable from zero, except for the strategic variable $[(1 - p)q]$, the sign of which is contrary to predictions from the strategic model.

Table 4 reports the same regressions estimated separately for Republican-controlled and Democrat-controlled legislatures. This allows the effect of strategic variables, constituent preferences, etc. to vary by party, implicitly allowing for interaction of strategic and process motives. For Republican legislatures in Panel A, the pattern is similar to the full sample, except that the coefficients on successful initiatives and referendums are larger. While statistical significance falls with the smaller sample size, the estimates suggest that GOP legislatures tended to launch anti-DD amendments in response to successful initiative and referendums. The coefficients in the pro-DD proposal regressions remain statistically insignificant.

The story is different for Democratic legislatures in Panel B. Past initiatives and referendums do not predict proposals related to direct democracy, either pro or con. Nor do the strategic variables matter, except the anomalous case in (B3). Altogether, the regressions offer little insight into what motivated Democrats to propose anti-DD amendments, perhaps because they rarely did so.

Taken together, the regressions in Tables 3 and 4 do not provide much evidence of strategic motives. There is some evidence that Republican legislatures reacted to successful initiatives and referendums. Democratic legislatures rarely attempted to restrict direct democracy, and when they did it was unconnected to past initiative or referendum success or shifting political fortunes.¹⁵

7. Auxiliary Findings

Here I report evidence that is more suggestive in nature. The theoretical discussion suggests that if direct democracy reform was guided by distinct political philosophies or strategic considerations, then we should observe Democratic and Republican legislatures being on opposite sides of the proposals. If anti-DD amendments were motivated by a simple desire to keep power out of the hands of the people, then both parties should be in support.

To examine this, I collected roll-call votes for 66 chamber-laws during the period 2000-2022. For each proposal and each chamber, I calculated the percentage of Democrats and the

¹⁵ I also explored if the propensity to propose was connected to misalignment between the party controlling the legislature and the party of the median voter, but did not find a reliable relation.

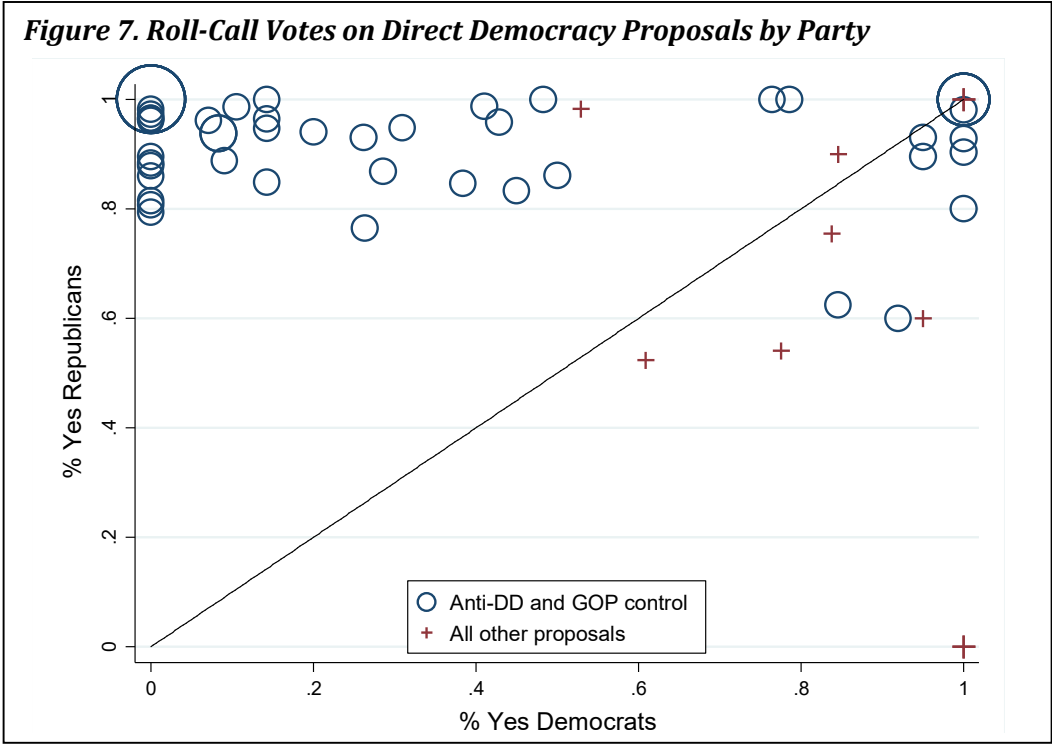
Table 4. Regressions with Strategic Proxies, Legislatures Controlled by One Party

	Anti-DD Proposals		Pro-DD Proposals	
	(A1)	(A2)	(A3)	(A4)
<i>Panel A. Republican-Controlled Legislatures</i>				
$p(1 - q)$: Dummy = 1 if Republican legislature + Democratic median voter next cycle	-5.89 (4.14)	-6.83 (7.07)	2.34 (3.08)	1.65 (2.46)
$(1 - p)q$: Dummy = 1 if Democratic legislature + Republican median voter next cycle	-7.90 (5.56)	-13.42* (7.05)	-1.67** (0.77)	0.03 (1.35)
# initiatives and referendums passed previous cycle	6.04*** (1.57)	4.64* (2.52)	0.02 (0.63)	0.83 (0.72)
%Democratic voters	-0.15 (0.16)	-0.22 (0.17)	0.03 (0.06)	0.03 (0.05)
Cycle and state FE	No	Yes	No	Yes
Observations	294	294	294	294
<i>Panel B. Democratic Controlled Legislatures</i>				
	(B1)	(B2)	(B3)	(B4)
$p(1 - q)$: Dummy = 1 if Democratic legislature + Republican median voter next cycle	0.51 (3.26)	-0.14 (4.11)	1.86 (3.24)	2.44 (3.64)
$(1 - p)q$: Dummy = 1 if Republican legislature + Democratic median voter next cycle	-0.46 (3.12)	3.34 (2.60)	-2.21** (0.79)	-1.59 (2.01)
# initiatives and referendums passed previous cycle	0.23 (0.61)	0.46 (1.18)	-0.15 (0.28)	0.02 (0.35)
% Democratic voters	-0.17* (0.08)	-0.20* (0.10)	0.01 (0.04)	0.06 (0.06)
Cycle and state FE	No	Yes	No	Yes
Observations	350	350	350	350

Note. Each column in each panel is a regression in which the unit of observation is a state-election cycle. The dependent variable is a dummy = 1 if there was a proposed amendment on the ballot. Standard errors, clustered at the state level, are in parentheses beneath coefficient estimates; estimates are scaled by 100 for readability. Statistical significance: * = 10 percent, ** = 5 percent, *** = 1 percent.

percentage of Republicans that voted in favor, excluding legislators that did not vote. Figure 7 plots the approval rates for Republicans against the approval rate for Democrats, with the size of markers indicating the frequency of the observation. If the parties had the same perspective on these laws, the dots would lie along the 45-degree line, indicated in gray. If the parties were polarized, most of the dots would be at (0,1) and (1,0).

As can be seen, few proposals lie along the 45-degree line, although there is a cluster at (1,1). Most of those proposals were from Republican-controlled legislatures and were anti-DD. The largest cluster of points is near (1,0), Republican-promoted anti-DD proposals that attracted little support from Democrats. The evidence here lends some support to the political philosophy and strategic theories only limited support for the power maximization theory.



Finally, I explore how ordinary citizens voted on proposals related to direct democracy. I focus on anti-DD proposals because they were most common and that is where partisan differences for legislatures appear. The regression model is:

$$\%Yes_{i,s} = \beta_0 \cdot \%DEM_{i,s} + \beta_1 \cdot X_{i,s} + \gamma_s + u_{i,s},$$

where $\%Yes$ is the percentage of votes cast in favor of proposal i in state s , and X are variables representing partisan and strategic factors. As before, I report regressions with and without fixed effects, but in this case the fixed effects regressions account for only state-specific factors. Political philosophy is proxied by $\%DEM$, the percentage of votes cast statewide in Congressional elections for Democrats as a percentage of the two-party vote. The strategic variables are the $[p, q]$ values discussed above, the number of approved initiatives and referendums in the previous cycle, and a variable related to the alignment of voters and the legislature, discussed below.

These estimates come with some significant limitations. First, only 72 anti-DD proposals can be studied, making it difficult to achieve precise estimates. Second, legislatures surely formulate their proposals taking into account the inclinations of voters, and are more likely to propose an anti-DD law if they expect voters to be receptive to the idea. The explanatory variables are thus endogenous, and the parameter estimates may not be causal effects.

The first two columns of Table 5 test for the importance of voters' partisan affiliation. The coefficient in column (1) implies that a 1 percent increase in Democratic voters in a state was associated with 0.09 percent more votes in favor of a proposal, a tiny number that is statistically insignificant. Column (2), with state fixed effects, shows an equally miniscule and statistically insignificant relation. Interestingly, this suggests that the political philosophies that separate Republican and Democratic legislators over direct democracy do not divide ordinary voters.

The regressions in columns (3) and (4) introduce the strategic variables. While some coefficients are borderline statistically significant, the main message is an absence of reliably significant coefficients. The coefficient on recent initiatives is positive, but not reliably different from zero statistically, suggesting that ordinary voters did not share the alarm of Republican legislators they saw direct democracy being used. The final variable is a dummy equal to one if the party in control of the legislature was the same as the party of the median voter. This intuitively motivated variable reveals whether proposals were more likely to pass when they come from legislatures that were aligned with the voters. The coefficients are negative, but small and statistically insignificant. The main message from these estimates is that voter behavior on anti-DD proposals is not easily explained by the factors that appear to influence legislators, nor do voters routinely follow the lead of their elected officials, even if they belong to the same party.

	(1)	(2)	(3)	(4)
% Democratic voters	0.09 (0.12)	-0.12 (0.16)	0.12 (0.14)	-0.20 (0.15)
$p(1 - q)$: Dummy = 1 if Democratic legislature + Republican median voter next cycle	...	...	25.79* (14.57)	14.41 (13.14)
$(1 - p)q$: Dummy = 1 if Republican legislature + Democratic median voter next cycle	...	...	-9.71* (5.12)	0.43 (4.80)
$p(1 - q)$: Dummy = 1 if Republican legislature + Democratic median voter next cycle	...	...	-9.84 (7.08)	-17.33** (8.14)
$(1 - p)q$: Dummy = 1 if Democratic legislature + Republican median voter next cycle	...	...	-22.66* (13.04)	-10.10 (11.27)
# initiatives and referendums passed in previous cycle	...	...	1.89* (1.12)	1.81 (1.37)
Alignment: Same party in control of legislature and median voter	...	...	-2.64 (4.33)	-0.83 (4.73)
State fixed effects	No	Yes	No	Yes
Observations	72	67	67	62

Note. Each column is a regression in which the dependent variable is the percent of votes in favor of the proposed amendment. Standard errors are in parentheses beneath the coefficient estimates. Statistical significance: * = 10 percent, ** = 5 percent, *** = 1 percent

8. Discussion

This paper takes a careful look at attempts to alter the initiative and referendum processes in the American states from 1955 through 2022. I collect information on every proposed amendment related to direct democracy, classify each of them as enhancing or restricting direct democracy, and explore the factors that predicted the occurrence of such proposals.

I use these data to speak to two literatures. First, the paper offers new evidence on the broad issue of democratic backsliding by focusing on an aspect of democracy – initiatives and referendums – that is important in practice but has received little attention in the backsliding debate. I find evidence of a continual chipping away at direct democracy throughout the study period, with an average of 2.2 anti-DD amendments proposed and 1.3 approved per two-year election cycle, compared to 0.5 pro-DD amendments proposed and 0.4 approved each cycle. Contrary to some recent speculation, anti-DD activity did not noticeably increase in recent years. I also find that most anti-DD proposals originated with Republican-controlled legislatures.

Dinan (2022), based on qualitative analysis of several key issues over the last two decades, concludes that attempts to limit direct democracy have been increasing. My evidence places his conclusion on a rigorous empirical footing, and shows that backsliding extends back much farther in time. In a study of *representative* democratic backsliding, Grumbach (2023) constructs state-level indexes of electoral processes during 2000-2018. He finds an overall downward trend beginning in about 2010, with most of the erosion attributable to Republican-controlled legislatures. My evidence, over a longer period, does not reveal a comparable post-2010 increase in direct democratic backsliding, but shows that his finding of more backsliding in Republican-controlled legislatures extends to direct democracy as well.

Second, the paper speaks to the literature on institutional change. Political economy research usually assumes that political leaders initiate institutional change in order to induce policy outcomes they favor. I develop a theoretical framework in which legislators may seek to change direct democracy rules for strategic reasons, in order to shift the political equilibrium to produce their favored policy outcomes. The framework produces a set of empirical predictions to detect strategic motivations.

I do not find reliable evidence in support of strategic motivations as predicted by the model. In part this could be because my empirical proxies for strategic motives are not measured well enough, but another possibility is that legislators are motivated to a significant degree by process preferences as much as by strategic preferences. Previous research shows that people have preferences over processes that are not completely derived from the policy outcomes of those

processes. A potential explanation for the finding that Republican legislators were more opposed to direct democracy than Democratic legislators throughout the study period is that GOP elites dislike the process of the lawmaking by citizens for philosophical reasons. They may favor a trustee model of government more than Democrats. All of this raises the possibility that research on institutional change may benefit from going beyond the traditional focus on strategic motives to consider direct process preferences as well.

Interestingly, it does not appear that Republican voters shared their representatives' hostility toward direct democracy. Democratic and Republican voters were about equally likely to support anti-DD proposals. This brings to mind Bartels' (2023) argument that democratic backsliding (in Europe) has not been driven by ordinary voters, but rather by the machinations of elites, sometimes for strategic reasons. The evidence here supports the idea that backsliding is driven by elites, but raises the possibility that elite-driven restrictions on democratic institutions may not be entirely strategic – there may be genuine philosophical differences among political actors about which democratic processes are most conducive to a well-functioning government.

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