

Direct Democracy Backsliding, 1955–2024

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ABSTRACT

Direct democracy backsliding occurs when a government alters its laws to hinder the use of initiatives and referendums. This study develops a measure of direct democracy backsliding, collects the data to calculate it over the last 70 years, and documents several trends and patterns. The data reveal a continuous chipping away at direct democracy throughout the period; legislatures proposed on average 2.2 amendments restricting direct democracy every two-year electoral cycle, and four amendments restricting direct democracy for every one amendment expanding it. The amount of such activity in recent years is high but not at a peak for the period. The strongest predictor of anti-direct-democracy proposals is Republican control of the state legislature. I find little evidence that legislators sought to restrict direct democracy for strategic reasons, either to forestall future adverse policy outcomes, or in reaction to past adverse outcomes.

Keywords: Backsliding; direct democracy; initiatives and referendums; institutions

About a decade ago, various democracy indexes began to characterize the United States as a “backsliding” democracy. These judgements were based on perceived erosion of voting rights, declining respect for rule of law, and

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widespread gerrymandering, among other things. The findings have prompted ongoing discussion about whether democracy is in fact being eroded, that is, whether the indexes are accurate, and if so, what might be the cause.¹

One form of potential democratic backsliding that has attracted popular, but so far little scholarly, attention is erosion in initiative and referendum rights. In the wake of successful campaigns to legalize marijuana, increase the minimum wage, expand Medicaid, and secure abortion rights, some state legislators have advanced laws making direct democracy more difficult to use. The purpose of this paper is to investigate direct democracy backsliding by developing a way to measure it, collecting the data to construct the measure going back 70 years, and parsing the data to reveal trends and causes.

Direct democracy backsliding is important to understand because initiatives and referendums have a substantial policy impact in the United States and across the world. Residents of 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 democracy to national attention. Direct democracy has become a central part of 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 (redistricting, open primaries, ranked-choice voting). An indicator of its importance is the amount of money spent on ballot measure campaigns: in California over the period 2000–2020, campaign spending on ballot measures 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 influences national politics, such as the U.K.'s 2016 Brexit referendum; Colombia's 2016 referendum to ratify an agreement ending a military uprising; Ireland's 2018 referendum legalizing abortion; and Taiwan's 2018 referendums on same-sex marriage.²

The measure I construct here is based on the observation that because the most important changes in direct democracy procedures require a constitutional amendment, backsliding on direct democracy can be tracked through amendments. I collected data on all proposed state constitutional amendments related to initiative and referendum rights from 1955 through 2024, and classified each one as increasing or decreasing the cost of proposing and approving ballot measures.

Using these data, I am able to establish several facts. One is that proposals to restrict initiative and referendum rights ("anti-DD" proposals for short) were

¹Indexes include V-Dem, the Economist's Economic Intelligence Unit, Freedom House, and IDEA's Global State of Democracy Initiative. See the symposium on democratic backsliding in the April 2024 issue of *PS: Politics and Political Science*.

²For overviews of direct democracy across the world, see Altman (2011) and Matsusaka (2020, chs. 7–8).

common throughout the study period, with an average of 2.2 every two-year election cycle, and anti-DD proposals outnumbered pro-DD proposals more than four to one. The number of anti-DD proposals did not surge in recent years; rather, there was a steady chipping away throughout the period. Popular accounts 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.”³ In terms of partisan origin, I find that 63% of anti-DD proposals originated from Republican-controlled legislatures, 19% 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 findings raise the question why legislators so often sought to undermine initiative and referendum rights. Extant theory suggests that they do this for “instrumental” or “strategic” reasons – to stack the deck in favor of policies they prefer and against policies they dislike. This is a core premise of political economy theories of institutional change (where the institutions here are democratic rules and processes) (North, 1990). As Shepsle (1989) put it, “one cannot understand or explain institutions . . . without first explicating their effects.”

The second, exploratory, part of the paper estimates regressions that seek to explain the occurrence of anti-DD proposals, with particular attention on strategic variables. Somewhat surprisingly, I do not find much explanatory power associated with strategic variables. While it could be that the variables I use to capture strategic motives are too weak to pick up an effect, another possibility is that legislators were not always focused on the expected outcomes; they may have had preferences over democratic processes in and of themselves. In general, people do appear to have preferences over how outcomes are achieved (Hibbing and Theiss-Morse, 2011; Johnson *et al.*, 2019). It could be that Republican opposition to direct democracy stems in part from philosophical concerns about how initiatives and referendums affect the functioning of government. After presenting the evidence, the paper discusses these and other questions raised by the findings.

³From U.S. News and World Report (Lieb, 2022). Other stories in the same vein appeared in the New York Times (Williams, 2018; Epstein and Corasaniti, 2021) [“Republicans move to limit a grass-roots tradition of direct democracy”], Politico (Messerly *et al.*, 2022; Ollstein and Messerly, 2023) [“Republicans across the country are working to make it harder to pass ballot measures”], and the Los Angeles Times (Barabak, 2023) [“Lawmakers in states are handcuffing voters and ignoring election results.”]

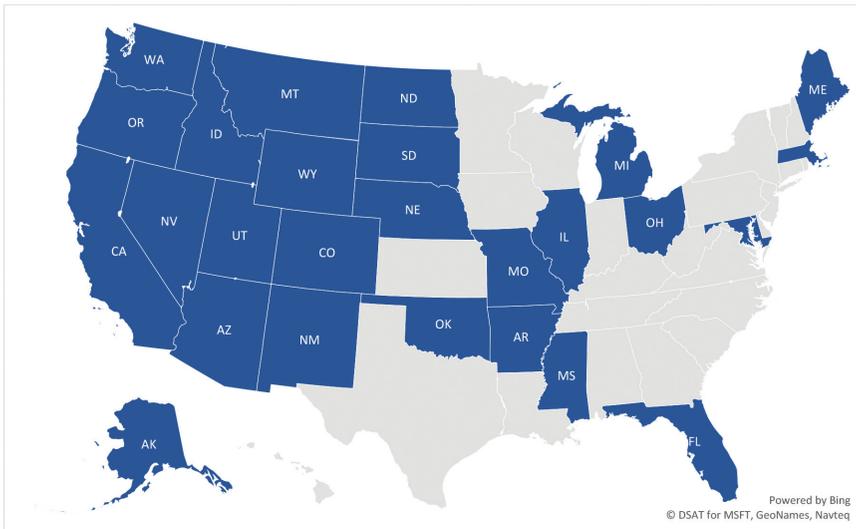


Figure 1: States Providing Either the Initiative or Veto Referendum.

Terminology and Two Recent Examples

It is useful to define a few terms at the outset. 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 proposed law 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 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

On a typical ballot, most propositions are not from citizen petitions, but instead are placed there by the legislature, called “legislative propositions” or “legislative measures.” Legislative propositions occur when the state constitution requires popular approval of a legislative action. For example, all but one state requires voter approval of 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.

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

To illustrate some of the nuances that are not visible in the statistical analysis, and to motivate the empirical approach, this section describes two recent attempts to make the initiative and referendum more difficult to use, one by Republicans in Ohio and the other by Democrats in California.

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.

Early in 2023, abortion rights groups submitted petitions for an initiative that, if approved by voters in a November 2023 election, would have amended the constitution to prohibit restrictions on abortion in the first 24 weeks, roughly reinstating the status quo under *Roe v. Wade*, overturned in 2022. Public opinion surveys suggested that a majority of Ohioans would support a policy along those lines.

In response, GOP state representative Brian Stewart and Secretary of State Frank LaRose sponsored a constitutional amendment to restrict the initiative process. The legislature called a special election for August 23 to approve it. Issue 1's key provisions were:

- Increased the approval threshold for amendments from 50% to 60%.
- Increased the petition signature requirement to 5% of voters in all 88 counties from the previous requirement of 5% in 44 counties.
- Eliminated a 10-day “cure period” in which petitioners could add signatures to rectify a deficiency in the number of valid signatures in their initial submission.

If approved, Issue 1 would have made it more difficult for the abortion initiative to pass three months later. The sponsors argued that their amendment supported democracy: “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% plus one.” They alleged that special interests were 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 at designated specific parcels of land that happened to be controlled by the initiatives' sponsors. Similarly, a 2015 proposal to legalize marijuana was written to give its sponsors 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. Critics argued that requiring a supermajority was antidemocratic, and manipulating longstanding political institutions to achieve short-run policy goals was cynical and short-sighted. Voters rejected Issue 1 in August 2023 and approved the abortion amendment in November 2023.

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 that in California the Democrats were in charge.

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 that overrode a law prohibiting app-based drivers from working as independent contractors; voters also weighed in on industry-sponsored referendums concerning single-use plastic bags and bail bonds. Business groups had qualified two more 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.

In response, Democratic assembly member Isaac Bryan introduced AB 421, cosponsored by 22 other Democratic legislators spread across both 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 Issue 1, AB 421 was a statute that did not require voter approval to go into effect. It only needed the legislature to pass it and the governor to sign it. Its key provisions were:

- Required at least 10% of signatures for popular referendums to be collected by volunteer petitioners rather than paid petitioners, and 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.
- Added several technical requirements for petitions, such as requiring voters to initial that they had read the information about sponsors.

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

- Changed the way that referendum questions would be posed. Under 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.”

AB 421 was supported by environmental groups and labor unions, two central Democratic constituencies that were 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.” A nominal version of AB 421 was passed in 2023 after all of its key provisions were removed.

Observations

First, the question of whether a reform enhances or hurts democracy is contentious – both proponents and opponents typically claim that they are defending democracy against the influence of special interests. What is not ambiguous is that both Ohio’s Issue 1 and California’s AB 421 would have increased the cost of using direct democracy.

Second, 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 accurately measure backsliding requires looking across multiple dimensions of direct democracy regulation.

Third, both parties can be hostile to direct democracy. When attempting to restrict direct democracy, legislators offer similar justifications based on protecting citizens from special interests. Legislators also appear to have strategic motivations, both forward-looking – attempting to forestall unfavorable policies in the future – and backward-looking – responding to past initiatives and referendums that they disliked.

Data

The core data consist of constitutional amendments related to initiative and referendum rights that were proposed by state legislatures from 1955 through 2024. The data were extracted from a complete list of proposed constitutional amendments in the 26 states that allowed 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).⁶ From this list, I extracted all proposals that potentially affected state-level

⁶Because I track proposals in states that allowed initiative and referendums, proposals to adopt the initiative and referendum in pre-direct-democracy states are excluded.

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. This provides a time series on backsliding that goes back 70 years, which allows a longer perspective than many existing backsliding studies.

Little and Meng (2024) define democratic backsliding as “the state-led debilitation or elimination of any of the political institutions that sustain an existing democracy.” In this spirit, I refer to amendments that made it more difficult to use direct democracy as “anti-DD” and amendments that made it easier as “pro-DD.” This shorthand is not intended to convey any sort of normative judgement. For example, an amendment to increase signature requirements would increase the cost of using direct democracy and is therefore labeled “anti-DD”; this is not to dismiss the argument that it may *improve* democracy by screening out frivolous proposals that distract the voters.

It’s important to recognize potential limitations of my approach. One is that it captures only legislative proposals that went to a vote of the people; bills of a nonconstitutional nature that did not go to the voters are not captured. I included California’s AB 421 above to call attention to this limit, and to allow the reader to form an opinion of its severity. Several considerations suggest that the limit may be modest. First, states incorporate the most important direct democracy provisions into their constitutions, especially the critical provisions regarding signature requirements, approval thresholds, and subject matter restrictions, so backsliding on these dimensions is captured. Second, all 15 components of the initiative index of Bowler and Donovan (2004) are included in my approach. Third, a perusal of Ballotpedia’s (2023) report on direct democracy laws over 2018–2023 suggests that the ones not requiring a constitutional amendment typically concern procedures of secondary importance, such as requiring petitioners to be registered with the state.

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 2021–2024. The partisan orientation of a 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 and 2024 from online sources. Legislative roll-call votes on direct-democracy-related amendments were taken from official legislative records when available; the data for 1999–2000 and 2003–2004 came from Gerald Wright, from his project Wright (2007).

Table 1: Legislative Proposals Related to the Initiative and Referendum, 1955–2024.

Proposal Topic	# Anti-DD	# Pro-DD	# Neutral or mixed
Amendment. Ease of legislative amendment or repeal of an approved measure	5	3	0
Approval. Votes required to approve a measure	13	1	2
New forms. Adopting new forms of direct democracy	0	2	0
Processes. Administrative procedures	10	5	8
Signatures. Number of signatures required to qualify for the ballot; geographic distribution requirement	28	4	2
Subject matter. Prohibition of certain topics; requiring initiatives to embrace a single subject	17	3	3
Time. Days allowed to collect signatures; signature submission deadline	16	2	2
TOTAL (APPROVED)	78 (56%)	17 (82%)	15 (100%)

Trends and Patterns

Table 1 lists the number of proposals by subject matter and whether they made 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 28 proposals seeking to increase signature requirements or impose geographic distribution requirements, 4 proposals seeking to ease signature requirements, and 2 proposals changing signature requirements in a way that didn’t obviously make petitioning easier or more difficult. Other common topics were restrictions on the subjects that can be addressed, the time allowed to collect signatures, and the vote threshold for approval. Overall, 78 legislative amendments proposed to restrict direct democracy, 17 proposed to facilitate it, and 15 were neutral or ambiguous in effect.

Two main findings emerge from Table 1. First, historically attempts to restrict democracy have been common, averaging more than one per year

across the states for the study period (2.2 per year over each two-year electoral cycle). Second, legislatures were much more likely to try to restrict than expand initiative and referendum rights.

Voters did not always go along with their legislatures; they accepted only 56% of anti-DD proposals, while accepting 82% of pro-DD proposals. Given that a total of 44 anti-DD proposals became law compared to 14 pro-DD proposals, unless the pro-DD amendments were considerably more impactful than the anti-DD amendments, the net effect was to make direct democracy less accessible. This fits the definition of backsliding in Little and Meng (2024), Waldner and Lust (2018), and others.

Recent news stories assert that anti-DD activity has surged in the last few years. Figure 2 examines this conjecture 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. While the last three cycles show a concentrated burst of anti-DD proposals, there was not a consistent upward trend throughout the period, and the most intense period of anti-DD proposals was approximately 1995 to 2004, not the last few years. These conclusions are even stronger for adopted amendments. Proposals to enhance 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.⁷ Panel A of Figure 3 shows the number of proposals from each type of state for the entire period. The preponderance of anti-DD proposals from Republican-controlled legislatures, 50 in all, stands out. Democrats and divided legislatures accounted for 15 and 13 such amendments each. The number of pro-DD amendments was similar by party. While this confirms the conjecture that most anti-DD proposals have come from Republican legislatures, it does not imply 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 more Republican legislatures during the period, or that states with latent anti-DD sentiment were more likely to elect Republicans. The next section addresses these possibilities.

Another interesting question is whether partisan preferences have changed over time. Party positions on some issues have evolved over the years, as has the tenor of public discourse about initiatives. In the 1970s and 1980s, direct democracy was associated with the tax revolt, a traditionally conservative issue, and other conservative issues were prominent in the 1980s and 1990s,

⁷If 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.

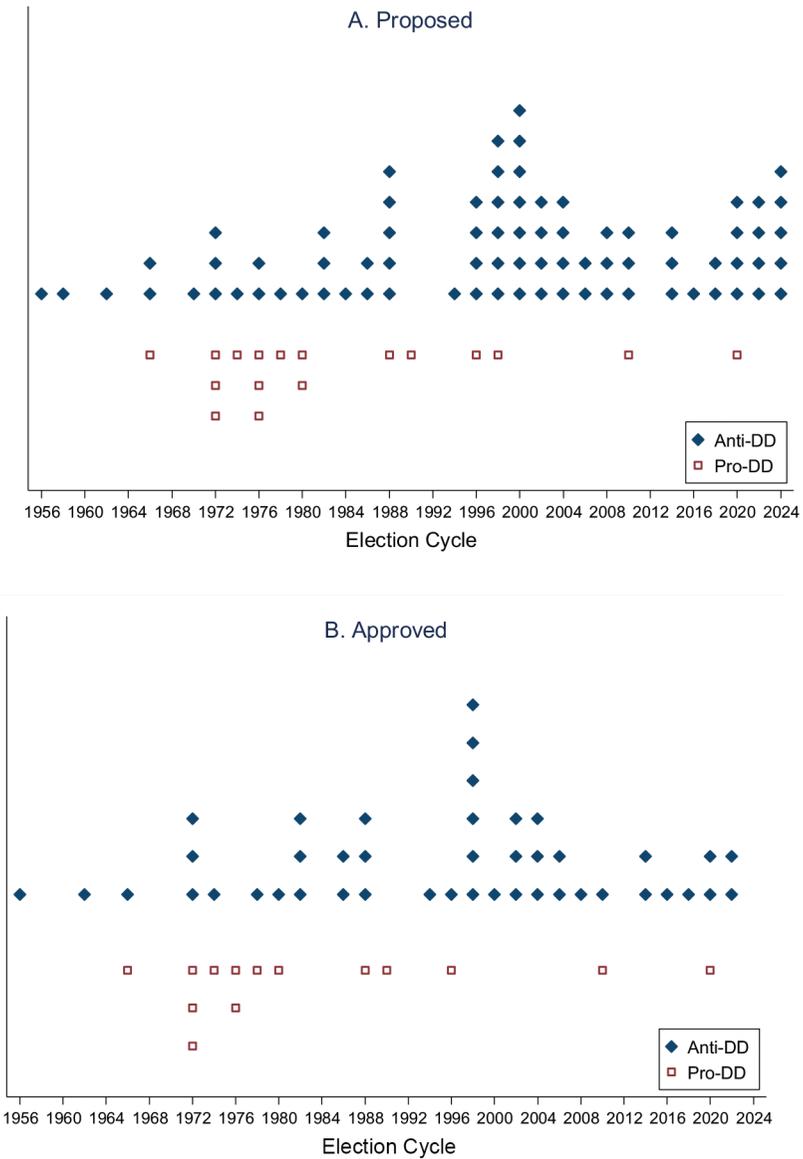


Figure 2: Number of Amendments Related to Direct Democracy.

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. In the 21st century, conservative issues such as banning same-sex

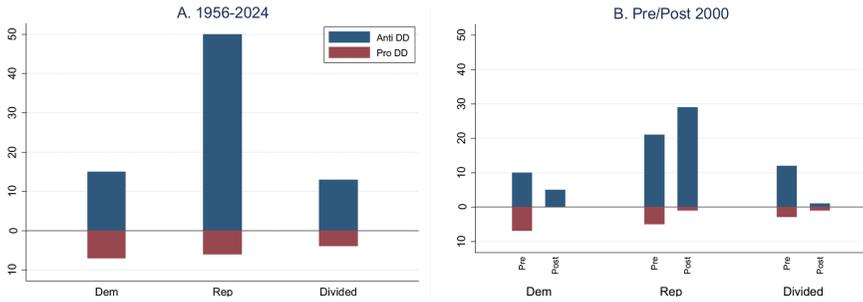


Figure 3: Number of Proposed Amendments by Party Control.

marriage continued to appear, but progressive issues such as increasing the minimum wage, marijuana legalization, and Medicaid expansion became more prominent.

Panel B of Figure 3 shows the number of proposals by party before and after 2000. The number of anti-DD proposals from Republican legislatures has grown over time, while Democratic and divided legislatures largely stopped proposing anti-DD amendments after 2000. While Democrats and Republicans seemed to share a distaste for direct democracy in the 20th century, this has become mainly a GOP trait in the 21st century. Party views seem to have polarized on this subject as on many others.

Theory: Strategic Motives and Process Preferences

Strategic Motives

In order to investigate the causes of direct democracy backsliding, this section develops a simple model that suggests some testable implications. Consider an incumbent legislature that chooses direct democracy procedures in order to influence a policy decision that will be made in the future. At time $t = 0$, the legislature chooses procedures that determine the difficulty or cost of using direct democracy $c > 0$. For simplicity, assume that the legislature’s procedures go 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 . If voters override the legislature, the policy preferred by the median voter prevails.

The party in control of the legislature (L), the opposition party (O), and the median voter (V) have spatial preferences over the future policy $x \in R$. The controlling party has an ideal point θ ; the opposition party has an ideal point

$-\theta$, and the median voter has an ideal point $m \in \{-\theta, \theta\}$, with preferences u 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 randomly evolves to $m = \theta$ with probability q and $m = -\theta$ with probability $1 - q$. This formulation implies that L faces two sources of uncertainty when choosing direct democracy procedures: whether it will hold power next period, and the ideal point of the median voter next period. There are many reasons that the median voter might not control the legislature ($p \neq q$), 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 expected payoff from increasing the cost is then:

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

The first term is positive and represents the legislature's benefit from hamstringing direct democracy in the event that the incumbent party retains power while the median voter aligns with the other party. The second term is negative and represents 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's gain from restricting direct democracy is increasing in $p(1 - q)$ and decreasing in $(1 - p)q$.

In the empirical analysis, I construct measures of $p(1 - q)$ and $(1 - p)q$ based on ex post outcomes under the assumption that legislators form reasonable (if noisy) expectations about future developments. For p , the probability that the incumbent party remains in power in the next session, I use a one-cycle-ahead dummy for whether the party retained a majority of seats. For q , the probability that the median voter is aligned with the incumbent party next session, I use a one-cycle-ahead dummy for whether the majority of congressional votes were cast for the incumbent party's candidates.

As an aside, equation (1) has implications regarding competition and polarization, two factors that have appeared in discussions of democratic backsliding. Competition is proxied by p , with $p \approx 0.5$ when 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 implies an ambiguous relation between competition and 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 polarization has a symmetric effect on these two payoffs, which net 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 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 the policy decision. This suggests that efforts to reform direct democracy will be more common when the median voter and legislature are not aligned.

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. The model supports this conclusion with p representing the size of the majority. 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, encompassing both p and q .

While the preceding discussion focuses on the forward-looking implications of direct democracy, legislatures may also be influenced by past experience. Based on case studies of several prominent issues, Dinan (2022) argued that legislatures often sought to limit direct democracy in response to citizens adopting initiatives that overrode existing laws. To examine this type of backward-looking strategic consideration, I explore if legislators were more likely to propose anti-DD amendments following passage of initiatives and referendums.

Process Preferences

A different, non-strategic theory is that legislators have preferences over democratic processes that are separate from their preferences over outcomes. Process preferences may stem from views about procedural justice, or intuitions about what leads to good policy making. A substantial body of research shows that citizens have distinct preferences over democratic processes, and Dyck and Baldassare (2009) observe that voters vary in their preferences over direct democracy processes themselves. Philosophical differences about democracy may lead to differences about citizen lawmaking. For example, Barker and Carman (2012) found that Republicans favor a trustee model of democracy more than Democrats; and Bowler (2017), using data from Europe, showed that those on the left favor a delegate model more than those on the right. Subscribers to the trustee model may be more confident about the wisdom of elected officials and therefore less attracted to direct democracy than those who favor a delegate model and want policy decisions to more directly reflect voter preferences.

One can think of two versions of this theory. The *political philosophy* version is that elected officials have philosophical beliefs about whether initiatives and referendums enhance or undermine democracy. American skepticism about whether a functional democracy is possible with citizen lawmaking runs from Federalist No. 10 all the way to the present. GOP governor Paul LePage of Maine opined, “Referendum is pure democracy, and it has not worked for 15,000 years” (Villeneuve, 2018). If Republicans are opposed to direct democracy for process reasons, they would be more inclined to support anti-DD amendments regardless of the strategic consequences. This would appear in the data as a party fixed effect after controlling for strategic variables.

The *power maximization* version of the theory is that legislators prefer processes that concentrate power in their own hands, and oppose processes that

give power to the people. Criticizing his party's attempt to limit initiatives, Arkansas state senator Bryan King said, "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."⁸ Legislators want power because it delivers personal benefits in the form of policy or perks. Weakening direct democracy also reduces the chance of initiatives that undercut their power and career prospects, such as term limits, nonpartisan redistricting, and open primaries. According to the power maximization theory, legislators of both parties dislike direct democracy. The empirical prediction is that Democratic and Republican legislators are equally likely to support anti-DD proposals, holding constant strategic considerations.

Exploratory Evidence on Motives

I explore the determinants of anti-DD proposals with regressions of the form:

$$\begin{aligned} PROP_{s,t} = & \beta_0 \cdot REP_CTRL_{s,t} + \beta_1 \cdot DEM_CTRL_{s,t} + \beta_3 \cdot [p(1-q)]_{s,t} \\ & + \beta_4 \cdot [(1-p)q]_{s,t} + \beta_5 \cdot \#IR_{s,t} + \beta_6 \cdot \%DEM_{s,t} \\ & + \lambda_s + \gamma_t + u_{s,t}, \end{aligned} \quad (2)$$

where the dependent variable *PROP* is a dummy equal to 1 if there was a direct democracy proposal in state *s* in the two-year election cycle *t*. The explanatory variables include dummies equal to 1 if Republicans controlled both chambers of the legislature and if Democrats controlled both chambers (divided control is the omitted category);⁹ proxies for the strategic variables $[p(1-q)]$ and $[(1-p)q]$ in equation (1); the number of successful initiative and referendum proposals in the preceding cycle, $\#IR$,¹⁰ and the percentage of votes cast in the previous cycle for Democratic congressional candidates, $\%DEM$. Time is partitioned into two-year periods (e.g., 2021-2022) because legislatures may propose amendments that don't come to a vote until the next general election. To address concerns with spurious correlation and provide a basis for causal inference, the regressions include year and state fixed effects. The strategic model predicts that $\beta_3 \geq 0$ and $\beta_4 \leq 0$ for anti-DD proposals, and conversely for pro-DD proposals.

Table 2 presents summary statistics, where the unit of observation is a state-election-cycle. Anti-DD proposals occurred in 7% of state-cycles and pro-DD proposals occurred in 2% of state-cycles. Democrats controlled both

⁸Quoted in Zernike and Wines (2023). Bryan further commented that the desire for control has been constant, regardless of which party ruled the state.

⁹Party control does not depend on the governor because in the sample states legislatures can propose constitutional amendments without approval of the governor.

¹⁰A referendum was "successful" if voters repealed the law that was being challenged.

Table 2: Summary Statistics.

	Mean	S.D.	Min	Max	N
Dummy = 1 if any DD amendment proposed	0.11	0.31	0	1	870
Dummy = 1 if anti-DD amendment proposed	0.07	0.26	0	1	870
Dummy = 1 if pro-DD amendment proposed	0.02	0.14	0	1	870
Dummy = 1 if Democratic control	0.45	0.50	0	1	838
Dummy = 1 if Republican control	0.40	0.49	0	1	838
Dummy = 1 if party control changed from previous cycle	0.23	0.42	0	1	870
Dummy = 1 if Democratic supermajority	0.29	0.45	0	1	838
Dummy = 1 if Republican supermajority	0.21	0.41	0	1	838
# initiatives and referendums passed in previous cycle	1.0	1.5	0	9	870
Republican control: $p(1 - q)$	0.16	0.36	0	1	318
Republican control: $(1 - p)q$	0.04	0.21	0	1	318
Democratic control: $p(1 - q)$	0.14	0.35	0	1	366
Democratic control: $(1 - p)q$	0.07	0.26	0	1	366

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

chambers in 45% and Republicans in 40% of state-cycles. Democrats had large enough majorities in both chambers to propose amendments without the other party (“supermajority”) in 29% of state-cycles, and Republicans in 21% of state-cycles. Party control changed in about one-quarter of the cycles.

Table 3 reports regression estimates for anti-DD and pro-DD proposals. For anti-DD proposals, the coefficient on GOP control is a large and statistically significant 9.23%. This is a sizeable effect in comparison to the unconditional probability of 7%. For pro-DD proposals, both party control variables are small and statistically insignificant. Because the Republican fixed effect for anti-DD proposals is a central finding, I also estimate it for several alternative specifications to probe robustness.

First, I estimated regression (2) with four different fixed effect configurations: none, state-only, time-only, and state-and-time fixed effects. Figure 4 reports the coefficient estimates for party control across these regressions. The

Table 3: Regressions Explaining Occurrence of DD-Related Proposals.

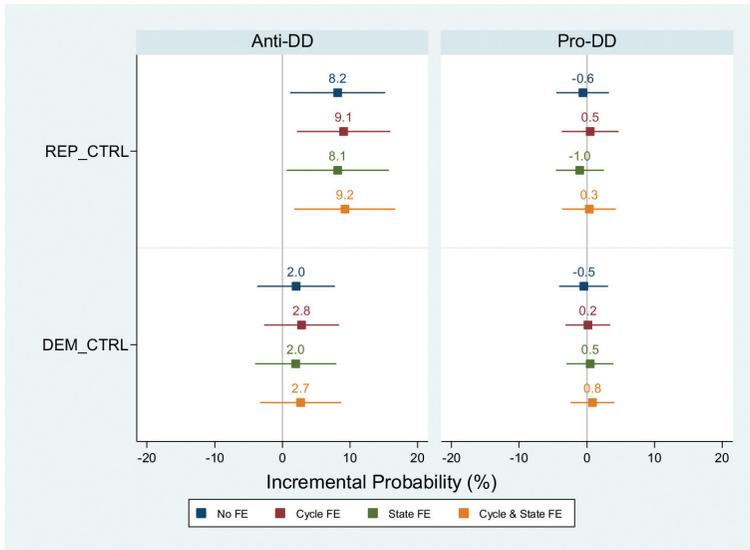
	Anti-DD (1)	Pro-DD (2)	Anti-DD	
			Rep control (3)	Dem control (4)
Dummy = 1 if Democratic control	2.72 (2.92)	0.84 (1.57)
Dummy = 1 if Republican control	9.23** (3.61)	0.33 (1.91)
$p(1 - q)$: Dummy = 1 if incumbent party wins but median voter not aligned with party next cycle	-3.14 (3.40)	1.77 (2.28)	-7.39 (6.87)	-0.01 (4.00)
$(1 - p)q$: Dummy = 1 if incumbent party loses but median voter still aligned with party next cycle	-2.81 (3.25)	-2.81* (1.38)	-13.34* (6.92)	3.28 (2.63)
# initiatives and referendums passed in previous cycle	1.55 (1.02)	-0.11 (0.29)	4.65* (2.46)	0.35 (1.06)
%Democratic voters	-0.17 (0.11)	-0.001 (0.04)	-0.11 (0.21)	-0.20* (0.09)
Observations	791	791	308	359

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)(4) or pro-DD (2) 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. Regressions include cycle and state fixed effects. Statistical significance: * = 10 percent, ** = 5 percent, *** = 1 percent.

left panel in 4A, in which the dependent variable is a dummy for an anti-DD proposal, shows a robust coefficient on Republican control in the 8–9% range. The Democratic control coefficient is robustly insignificant statistically. The right panel in 4A shows analogous coefficient estimates for the probability of a pro-DD amendment, all of which are small and statistically insignificant.

For the second robustness exercise, I estimated the same regressions but defined control based on whether the ruling party had a large enough majority to propose an amendment without the other party. This addresses the concern that having a majority does not allow a party to propose amendments in states that require a supermajority. The coefficients, reported in 4B, are qualitatively similar to those in 4A. In the left panel of 4B, Republican control led to more anti-DD proposals, with marginal effects in the range of 7–9%, and there was no significant connection between Democratic control and anti-DD proposals.

A. Control = Majority in Both Houses



B. Control = Supermajority in Both Houses

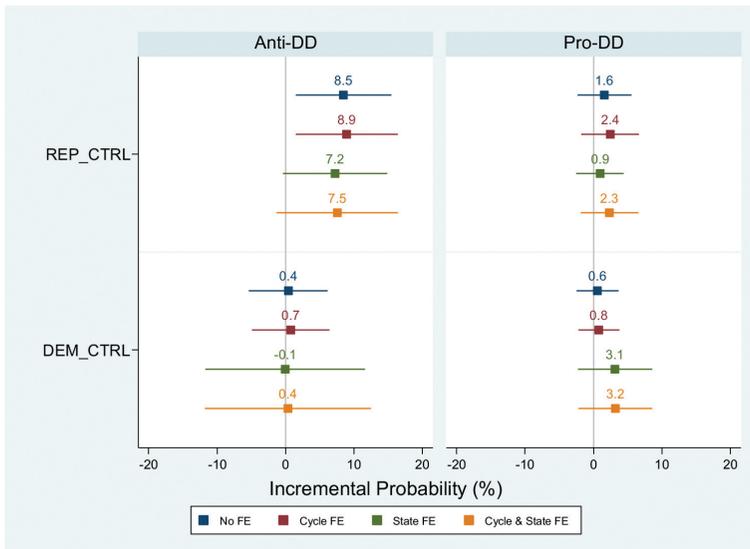


Figure 4: Number of Proposed Amendments by Party Control.

Returning to the other explanatory variables in Table 3, none of them are statistically significant for anti-DD proposals. For pro-DD proposals, the coefficient for $(1 - p)q$ approaches conventional levels of significance but the

sign is the opposite from what theory predicts. The other strategic variable, the number of recently successful initiatives and referendums, is also not a reliable predictor.

The final explanatory variable $\%DEM$ captures the preferences of the median voter. This variable allows exploration of the possibility that the legislative parties were not driving the process, but rather were responding to demands from the electorate. If legislative parties were simply channeling the voters, and voter preferences vary by party, then this variable should predict anti-DD activity.¹¹ The coefficient is negative, indicating that states with Democratic voters were less likely to have anti-DD proposals, but statistically insignificant.

One limitation of regressions like (2) is that they impose identical coefficients on the explanatory variables for Republican- and Democratic-controlled states. Columns (3) and (4) of Table 3 report the regressions estimated separately by party control to allow coefficients to vary by party. The sample sizes are smaller, of course, making it more difficult to find precise estimates. For Republican legislatures (3), the coefficients on the strategic variables are either statistically insignificant or take the opposite sign from that predicted by theory, in neither case offering support for strategic motives. The coefficient on past initiatives and referendums is larger and approaches the conventional boundary for statistical significance: taken at face value it implies that a successful initiative or referendum in the previous cycle increased the chance of a Republican-sponsored anti-DD proposal by 4.65%.

For Democratic legislatures (4), the strategic variables are small and statistically insignificant. There is some evidence that the presence of Democratic voters inhibited anti-DD proposals, suggesting that the somewhat neutral orientation by Democratic legislatures may have been partially in response to pro-DD attitudes among Democratic voters. Having said this, the regressions do not offer strong conclusions about Democratic motivations, perhaps because Democrats rarely sponsored anti-DD amendments.

Next, I report suggestive evidence that speaks to the power maximization versus political philosophy versions of the process preference theory. If anti-DD amendments were motivated by a simple desire to keep power out of the hands of the people, then both parties should have been in support. On the other hand, if anti-DD proposals were motivated by philosophical differences between the parties, then Democratic and Republican legislators should have been on opposite side of the proposals.

To test this, I collected roll-call votes for 75 chamber-laws during the period 2000–2024, and calculated the percentage of Democrats and the percentage of Republicans that voted in favor on each. Figure 5 plots the approval rate

¹¹Also, the coefficients on party control should be larger in regressions without voter preferences, which is not the case in unreported regressions.

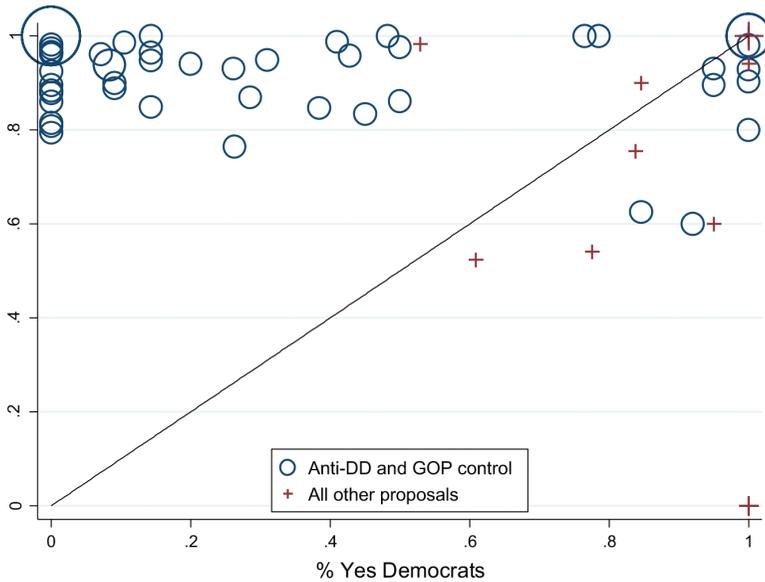


Figure 5: Number of Proposed Amendments by Party Control.

for Republicans against the approval rate for Democrats, with marker sizes indicating the frequency. 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 near (1, 1), indicating that some issues manage to attain bipartisan support. The largest cluster of points is near (1, 0), Republican-promoted anti-DD proposals that attracted little support from Democrats. This points toward philosophical differences rather than power maximization.

Citizens versus Legislators

This section explores the opinions of ordinary voters on backsliding amendments. One reason for doing this is to shed light on the importance of elites versus citizens; Bartels (2023) argues that in Europe backsliding has been driven by elites not citizens. We saw above that the partisan composition of the electorate did not predict anti-DD amendments. This suggests either that legislators were not channeling constituents when they attempted to restrict direct democracy, or that preferences over direct democracy did not follow partisan affiliation among ordinary voters.

Table 4: Voter Support for Anti-DD Proposals.

	(1)	(2)
% Democratic voters	0.09 (0.12)	0.19 (0.13)
$p(1 - q)$: Dummy = 1 if Democratic legislature + Republican median voter next cycle	...	2.38 (7.81)
$(1 - p)q$: Dummy = 1 if Republican legislature + Democratic median voter next cycle	...	-10.57** (4.77)
$p(1 - q)$: Dummy = 1 if Republican legislature + Democratic median voter next cycle	...	-5.64 (6.96)
$(1 - p)q$: Dummy = 1 if Democratic legislature + Republican median voter next cycle	...	1.01 (5.81)
# initiatives and referendums passed in previous cycle	...	0.91 (1.04)
Observations	78	78

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.

To gain insight into the partisan views of ordinary voters, Table 4 reports regressions in which the dependent variable is the percentage of votes cast by voters in favor of an anti-DD amendment, and the explanatory variables are those included above. These estimates come with some limitations. With only 78 observations, it is difficult to achieve precise estimates. Also, since legislatures likely formulate their proposals taking into account the inclinations of voters, the parameter estimates do not offer clean causal estimates.

The coefficient on the percentage of Democratic voters implies that a 1% increase in Democratic voters in a state was associated with 0.09% or 0.19% more votes in favor of a proposal, a tiny number that is statistically insignificant in both regressions. Voter opinion on direct democracy is not linked to partisan affiliation, unlike with legislators. In the second column, the first two strategic variables are sizeable, but only the second is statistically significant. The signs of these variables are consistent with strategic behavior from Democratic voters – curtailing direct democracy when Democrats were

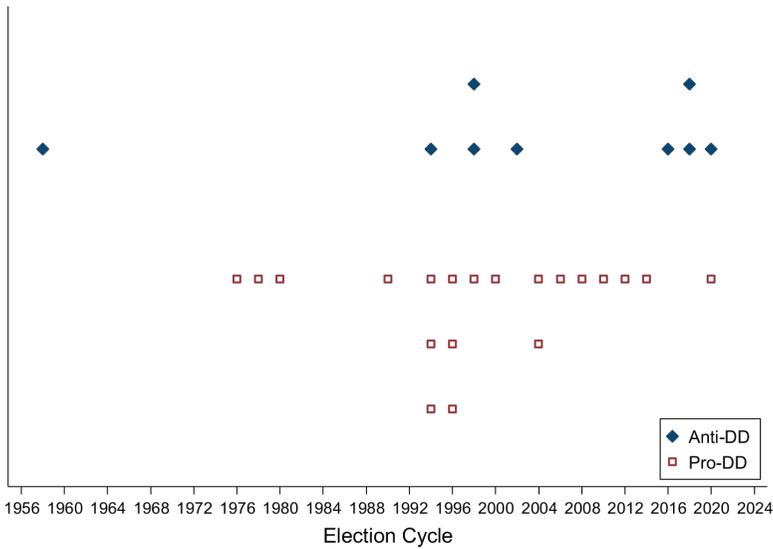


Figure 6: Number of Initiatives Related to Direct Democracy.

likely to take control of the government, and expanding it when Republicans were likely to take control. The coefficient on recent initiatives is positive, but not statistically significant.

Finally, we can get a different sense of citizen attitudes toward direct democracy by the orientation of the amendments they sponsor. Figure 6 plots the number of anti-DD and pro-DD proposals that originated from citizen initiatives. The number of initiatives related to direct democracy was smaller than the number of legislative proposals, but such initiatives were much more likely to propose expanding than restricting direct democracy. When sponsoring direct democracy amendments, citizens were more positive toward the process than their representatives.

None of the individual pieces of evidence on citizen preferences is conclusive. However, all of the pieces suggest that citizens are more positive toward direct democracy than legislators, and do not suggest that citizens see the issue through a partisan lens. This does not prove but suggests that backsliding has been driven by elites, independent of the wishes of their citizens.

Other Applications

One contribution of this paper is in terms of measurement – I propose a way to quantify changes in direct democracy institutions over time. This variable

is available across 26 direct democracy states for 70 years. Quantifying institutional change can be a challenge for research in political economy – having available a new measure provides an opportunity to pursue some potentially interesting research directions, a few of which I mention here.

One line of research is determinants of institutional change. The direct democracy measure would be the left-hand side variable in such applications. This paper provides some initial evidence on strategic and ideological determinants of institutional change, but this does not exhaust the list of existing theories. For example, the literature on policy innovation suggests that states may learn from each other (Gray, 1973); one could estimate if direct democracy backsliding in one state triggers subsequent changes in other states (in which case direct democracy would be both a dependent and explanatory variable).

The direct democracy variable could also be used to study the effect of the institution on policy and political outcomes, that is, direct democracy as the right-hand-side variable. For example, some research suggests that direct democracy can change the way that representative democracy functions – for example, having the option to override elected officials on individual issues may allow voters to retain officials they otherwise like instead of having to remove them to achieve a specific policy goal, called “issue unbundling” (Besley and Coate, 2008). One could estimate how changes in direct democracy affect the re-election rates of elected officials or the congruence of policies chosen by representatives (Matsusaka, 2010; Lax and Phillips, 2012). A huge literature studies the effect of direct democracy on policies such as taxes or social issues (Matsusaka, 2018). Another sizeable literature studies how direct democracy affects political participation and trust in government (Smith and Tolbert, 2004).

Because direct democracy is strong predictor of certain government reforms, the variable may also be a suitable instrument for studying the effects of other political institutions. For example, direct democracy states are much more likely to adopt term limits and citizen redistricting commissions. Changes in availability of direct democracy may provide an instrument for such laws, allowing identification of causal effects that run from the laws to outcomes of interest. For example, how do term limits affect the congruence of legislators’ roll-call votes or – on the policy side – state investments in long-term capital projects?

Discussion

This paper develops a measure of direct democracy backsliding in order to characterize trends and patterns in the American states over the last 70 years. In doing so, I hope to shed light on an aspect of democracy – initiatives and referendums – that is important in practice but has received little attention

in the backsliding literature. The data reveal 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 recent speculation, anti-DD activity did not increase markedly in recent years. I also find that anti-DD proposals mostly came from Republican-controlled legislatures.

Dinan (2022), based on qualitative analysis of several key issues over the last two decades, concluded that legislatures were engaged in an effort to undermine direct democracy. 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) constructed state-level indexes of electoral processes during 2000–2018. He found a trend toward less democracy beginning around 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 extends his finding of more backsliding in Republican-controlled legislatures to direct democracy.

The paper also reports exploratory evidence related to the causes of direct democracy backsliding. A natural starting assumption is that legislators sought to restrict direct democracy in order to forestall policy changes that they disliked, or in reaction to past initiatives and referendums that they disliked. There are recent examples of forward-looking motives in Ohio and backward-looking motives in California. However, the strategic variables I am able to examine – both forward and backward looking – have very little explanatory power. It could be that the variables I use are too noisy to pick up effects (although similar variables have had some success explaining adoption of the initiative in the early 20th century). Further research is required, perhaps with alternative strategic variables, before any conclusions can be drawn with confidence.¹²

Nevertheless, the weak performance of strategic variables and the strong performance of partisan fixed effects suggests that direct democracy backsliding might be driven by more than strategic calculations. It seems worth considering the possibility that Republican opposition also stems in part from philosophical beliefs that direct democracy is worse than representative democracy. This would be roughly consistent with other evidence suggesting that Republicans are more likely than Democrats to embrace a trustee model of democracy in

¹²One interesting possibility – not captured in my variables – is that legislators were not concerned about losing overall support of their constituents, but rather losing support on specific policy issues. An example is voters in red states adopting somewhat liberal abortion policies. This is related to the idea of unbundling issues via initiatives (Besley and Coate, 2008).

which representatives take the leading role in policy making. Here as well, more research is needed to advance this from speculation to conclusion.

Finally, the evidence suggests that political leaders and ordinary voters do not see direct democracy through the same lens. Legislators have mainly proposed anti-DD amendments while citizens have mainly proposed pro-DD amendments; and while legislators showed a clear partisan division on direct democracy, no such division appears among citizens. All of which suggest that direct democracy backsliding is primarily due to elite preferences – it does not appear that legislators were merely following the wishes of their constituents. This conclusion parallels evidence from Europe that democratic backsliding has been driven by elites not ordinary citizens (Bartels, 2023).

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