



# Where the good signatures are: Signature collection and initiative qualification in California<sup>☆</sup>

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## ABSTRACT

Using data from eight recent California initiatives and data provided by the California Secretary of State's Office, this research explores the geographic source of signatures and their distribution across counties, investigates both total signatures and valid signatures, and presents a regression analysis to study how characteristics of counties relate to the number of signatures gathered. The findings indicate a high rate of equity in the distribution of signature gathering and little demographic targeting across measures. The study also finds that a variety of social and political factors influence the number of total and valid signatures across counties, though the results are more consistent for the former.

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## 1. Introduction

Dahl (2013) and others explore the long history of tension between proponents of direct and representative democracy. Supporters of direct democracy argue that only through the direct participation of citizens in government, manifested by their ability to vote on policy matters through the initiative and referendum process, can democracy best function. Advocates of representative democracy respond by noting that policymaking is so complicated, requiring specialized knowledge and information acted upon in a timely fashion, that it is best delegated to elected representatives.

During the Progressive Era in the early 20th century, a number of states adopted direct democracy procedures in attempts at political reform. By employing the direct

primary, the initiative, the referendum, and the recall, reformers in these states sought to more closely involve citizens in the policymaking process. These reformers were aware of the need for controls on the use of direct democracy in their states, so they also tried to limit their use, especially the initiative, referendum, and recall.

One of limitations on the use of these forms of direct democracy was minimal signature requirements for ballot qualification. By requiring a small number of signatures for ballot access, reformers wanted to ensure that discussion of issues took place before measures made it to the ballot, and keep issues with little prior public support from reaching the ballot.

Despite a great deal of scholarly interest in direct democracy and a growing interest in the consequences of signature gathering campaigns for turnout, little research focuses on the process whereby initiatives qualify for the ballot. Further, almost all of the studies of the qualification process are legal studies, case-study analyses, or are descriptive studies based on interviews (Magleby, 1985). The present study examines one of the more important and under-studied aspects of the initiative qualification process: signature gathering.

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The study uses data obtained from the California Secretary of State's Office on signatures gathered for eight initiative petitions that made it to the ballot between 2000 and 2003. The data constitute county-level reports for each measure on the total number of signatures gathered, the number of signatures verified, and the number that were valid. The data provide information on the distribution of signatures across counties which are compared to the distribution of population and other county-level demographic and political factors. This process helps identify the correlates of signatures per county and to evaluate the distribution of signatures relative to population. The latter allows further assessment of the possible consequences of geographic distribution requirements that specify that signature thresholds met statewide must also be met in a minimum number of districts or counties.

## 2. Initiative qualification and its consequences

The rise of a professional industry to support the qualification and campaign for ballot measures leads critics to proclaim that qualifying an initiative is not a test of public support, but a test of the depth of supporters' pockets. Ballot access, it follows, is effectively restricted to large and wealthy groups rather than the grassroots movements that Progressive reformers envisioned. While there is debate about whether broad-based interests are sidelined as a consequence of the need to gather signatures for ballot qualification, it is clear that a significant amount of money is needed to place a measure on the ballot.<sup>1</sup> Despite these concerns, voter support for the initiative process in California is strong (Field Poll, 1999).

In response to the growing use of the initiative process over the last few decades, many states have begun to impose more restrictive requirements for qualification. These usually take the form of greater signature thresholds of up to 15% or geographic requirements that the statewide signature threshold also be met in a proportion of all counties, with a typical requirement around 40%. Except for Nevada and Wyoming, county-based requirements generally involve meeting the statewide threshold in half the counties or fewer and often involve percentages less than the statewide requirement. Courts have ruled against county-based geographic requirements given the inequality in the distribution of population across counties. The move has increasingly been toward district-based requirements since districts have fairly equal populations.

To see the importance of qualification hurdles, consider the fact that since adopting the initiative process in 1911 through January 2013, California has had 1759 initiatives titled for circulation. Of those, only 360 (20.5%) have reached the ballot.<sup>2</sup> This discrepancy is certainly caused by many factors, including legal issues, legislative action,

and lack of sponsors' resources, but gathering the necessary signatures and meeting a distribution requirement constitute the greatest hurdle in successfully qualifying an initiative (Boehmke, 2005b). This is not surprising given that California's requirements of signatures equal to at least 5% of turnout in the previous election for statutory and 8% for constitutional initiatives translates into almost half a million and two-thirds of a million signatures, respectively.

Despite a number of studies and government inquiries that provide a general understanding of how signature gathering is organized and how the validation process works, there is almost no work thoroughly analyzing the source of actual signatures (Magleby, 1985; Neiman & Gottdiener, 1982).<sup>3</sup> Who signs petitions? Do signature gatherers focus on specific counties? Are certain voters or counties more likely to produce valid signatures? These questions are important in order to understand this form of political activity. Vast sums of money are spent in many states to qualify measures for the ballot, and there is now an industry that works on signature gathering for political groups and candidates; Ellis (2003) compares the signature gathering process for initiatives to primaries for candidates. Studying how the signature gathering process works is therefore critical to better understand the politics of the initiative process.

Answering this question becomes even more important based on the results of recent studies showing that ballot measures increase turnout in general (Schecter, 2009; Smith & Tolbert, 2004), and the signature gathering campaign itself plays a critical role in this increase. For example, Parry, Smith, & Henry (2012) find that individuals who signed ballot petition measures were more likely to vote in the subsequent election, while Boehmke and Alvarez (2013) find that counties in which circulators gather more signatures have greater turnout and lower rolloff rates on associated ballot measures.<sup>4</sup> Thus understanding who signs petitions matters not just for how measures reach the ballot, but also for the nature of turnout and participation in elections.

## 3. The signature gathering process

To satisfy the demand for placing measures on the ballot, an industry arose in California to manage initiative campaigns. Almost immediately after the adoption of direct legislation provisions in 1911, temporary consultants began assisting initiative campaigns. While attempting to qualify a referendum in 1912, dairymen reportedly paid ten cents a signature to gather 23,000 signatures (Goebel, 2002); a more typical rate at the time was about five cents per signature, corresponding to around 80 cents recently (Ellis, 2003). The first full-time permanent firm, Whitaker and Baxter's Campaigns Inc., was established in 1930 and handled five or six initiatives per election (McCuan, Bowler,

<sup>1</sup> Arguments on one side suggest that the initiative process is dominated by wealthy business interests (Ellis 2002; Smith, 1998); others observe that money is rarely enough to successfully pass an initiative and that the benefits of the process still accrue mainly to broader-based citizen groups (Boehmke, 2005a; Ernst, 2001; Gerber, 1999; Matsusaka, 2008).

<sup>2</sup> For more information, see <http://www.sos.ca.gov/elections/ballot-measures/history-initiatives-info.htm>.

<sup>3</sup> An excellent extended discussion of signature gathering and the issues surrounding it is contained in Ellis (2002, Chapter 3). Briefer discussions are contained in Broder (2000), Cronin et al. (1989), Ellis (2003), Lowenstein & Stern (1989) and Magleby (1984, 1985).

<sup>4</sup> Also, other research shows that how and what people read and write affects their perception of its content and quality (Dukes & Albanesi, 2013).

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