

Initiative Petitioning, Partisan Politics & Participation: Lessons from BC

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Introduction

‘Citizen initiatives’ (initiatives) are direct democracy mechanisms by which proponents of particular policy options may prompt referendums or other governmental actions on constitutional or statutory laws by collecting a minimum number of signatures from eligible citizens. All initiative processes have three stages: (1) during the *application stage*, proponents formally apply to a governmental body to begin the initiative process; (2) during the *petitioning stage*, proponents and supporters circulate petitions and collect signatures from citizens; and, (3) a referendum or some other response from elected officials is required during the *decision stage*, provided the number of valid collected signatures exceeds a legally prescribed threshold.

Much has already been written about initiative processes, especially those occurring in the United States of America, but large gaps still exist in our understanding of the operation and effects of these democratic mechanisms. For example, the vast majority of empirical work in this area centers on stage one or three of the initiative process. Authors examining stage one investigate, for example, why jurisdictions adopt initiative-enabling legislation or how the initiative process generally affects other aspects of the policy-making process. Those examining stage three concentrate on, for example, under what circumstances initiative-driven referendums succeed or the effect initiative-driven referendums have on voter turnout or political knowledge levels.

As only a handful of studies focus on stage two of the initiative process, this study attempts to further understand two important aspects concerning initiative petitioning. The first concerns the extent to which reaching the required signature threshold depends upon securing support from major legislative parties and these parties’ supporters. The second pertains to the potential of initiative petitioning to engage the otherwise political disengaged. This study

explores both lines of inquiry using data from all initiative petitioning processes conducted in British Columbia (BC), Canada since legislation enabling initiative was enacted in 1994.

In terms of determining why some initiative petitioning efforts succeed, the BC data show petitioning efforts fail unless they are endorsed by at least one major political party. However, endorsement from a major political party does not ensure success. Surpassing legal signature thresholds appears to require signatures from the supporters of the endorsing major party as well as those from supporters of at least one minor party or those without political affiliation. While these trends will undoubtedly vary between jurisdictions depending on the legal signature threshold levels, the BC results indicate initiative processes with high signature thresholds require coalition building to succeed and do not allow one major political party to unilaterally capture the political agenda.

In terms of the potential of these exercises to generally affect public participation, data from BC show the vast majority of those signing petitions are already regular voters, suggesting petitioning does little to activate non-voters. But, surprisingly, the vast majority of petition signers report they do not tend to join political causes or groups, suggesting initiative petitioning activates politically dormant citizens. Thus while initiative petitioning is unlikely to substantially increase voter turnout, it may be the type of political activity that pushes citizens who did little else but vote to engage in other types of political action including, in the BC case, other petition-based efforts such as future initiative or recall campaigns.

Studying Initiative

Initiatives have been part of the global democratic process for over 150 years. Switzerland began using initiatives to involve citizens in their own governance in 1847, followed by South Dakota, Utah, Nevada and Montana in the US at the turn of the 20th century. Thirty-seven countries

currently allow initiatives of one or another kind (Diskin et al, 2003; IDEA 2008; Schaffner, 1907).

The variation in the types of initiative processes in use around the world can perhaps most usefully be understood when classified according to *scope* (the range of legislation to which initiative applies) and *citizen control* (the extent to which control over different stages of the process rest with citizens or governments). In terms of **scope**, *propositional initiatives* allow citizens to propose new laws, *abrogative initiatives* enable citizens to repeal existing laws and *rejective initiatives* allow citizens to challenge proposed laws before they are enacted. In terms of **citizen control**, *direct initiatives* force referendums without any further intervention by the authorities upon collecting the required number of signatures, whereas *indirect initiatives* allow authorities to decide whether the proposal proceeds to referendum. Some initiative-triggered referendums require supermajority support to pass and, even if such measures receive the required number of positive votes, may not be legally binding or overturned through court challenges.

Political scientists have studied initiative for well over a century (i.e. Commons, 1902; Lowell, 1895; Schaffner, 1907). Table 1 organizes 32 initiative-focused studies according to which *stage* of the process and *variable type* researchers concentrate. All initiative research focuses upon at least one of three previously described initiative stages: (1) *application*; (2) *petitioning*; and, (3) *decision*. Researchers use data from initiative processes to construct: (a) *outcome variables* in which they seek wish to explain variation; or, (b) *explanatory variables* to explain variation in an array of different outcome variables.

Table 1: Academic Studies of Initiative by Stage and Variable Type

	(1) Application Stage	(2) Petitioning Stage	(3) Decision Stage
(a) Initiative is Outcome Variable	<u>Apply/Do not Apply</u> • Gerber (1999) <u>Initiative Laws/No Initiative Laws</u> • Smith & Fridkin (2008) <u>Number of Applications</u> • Gordon (2009)	<u>Sign/Do not Sign</u> • Pierce & Lovrich (1982) • Neiman & Gottdeiner (1982) <u>Signing Rate</u> • Stein et al (1983)	<u>Voter Preference (Yes/No)</u> • Lupia (1994) • Bowler & Donovan (1998) • Steel & Lovrich (1998) • Smith & Tolbert (2001) • Lupia & Johnston (2001) • Branton (2003) <u>Referendum Pass/Fail</u> • Gerber (1999) • Stratmann (2006) <u>Implemented/Not Implemented</u> • Gerber et al. (2001) <u>Yes Vote Rate</u> • Diskin et al (2007)
(b) Initiative is Explanatory Variable	<u>Median Policy Close/Far</u> • Gerber (1996, 1999) <u>Majority/Special Interest</u> • Matsusaka (2004) <u>Government Policy Change</u> • Gerber (1998) <u>Policy Differences</u> • Matsusaka (1995, 2000, 2004) • Matsusaka & McCarty (2001) • Schaltegger & Feld (2001) • Gerber & Hug (2002) • Feld & Matsusaka (2004) • Gordon (2009) • Primo (2010a, 2010b)		<u>Turnout Rate</u> • Smith (2001) <u>Political Knowledge Rate</u> • Smith (2002) <u>Vote/Do Not Vote</u> • Donovan et al (2009)

The two dimensions of stage and variable type combine to form six categories of studies by which to identify gaps in the current literature:

- (1a) Application Stage/Outcome Variable Studies - examine general aspects of initiative legislation, explaining, for example, why jurisdictions grant citizens the power of initiative.
- (1b) Application Stage/Explanatory Variable Studies - explore how the enactment of initiative legislation affects policy and, for example, if government policies to a greater or lesser extent reflect median voter preferences in jurisdictions with initiative legislation.
- (2a) Signature Stage/Outcome Variable Studies - investigate why some and not others sign or do not sign initiative petitions.
- (2b) Signature Stage/Explanatory Variable Studies - seek to explain how initiative petitioning affects other forms of political participation, such as voter turnout.

- *(3a) Decision Stage/Outcome Variable Studies* - examine what happens in initiative-driven referendums such as why citizens vote 'yes' or 'no', why referendums pass or fail or why bills approved by initiative driven-referendums become or do not become exacted into law.
- *(3b) Decision Stage/Explanatory Variable Studies* – ask whether participating in initiative-driven referendums result in higher aggregate or individual voter turnout or political knowledge levels.

The review presented in Table 1 shows a significant gap in initiative literature: many authors focus on the first stage and third stage of the initiative, but few examine the petitioning process occurring in stage two. Moreover, where a few studies examine the initiative-petitioning process as an outcome variable, none of the literature surveyed explores the effect initiative-petition signing might have on other forms of political behavior. Of the few published stage 2 articles, Pierce and Lovrich (1982) find survey respondents tend to underreport signing initiative petitions. Neiman et al (1982) find initiative petition signers are more likely to correctly identify the position various community leaders took on proposed initiative measures, but found no difference between signers and non-signers regarding income, sex, age, education, political philosophy, partisanship, activism, and attitudes regarding the environment. Stein et al (1981) show citizens subject to the largest increases in taxes over the shortest periods of time are more likely to sign anti-tax initiative-petitions.

Study Parameters and the BC Initiative Process

This study centers on initiative-petitioning as little research is conducted in this area, with none being undertaken for the last 30 years. It centres on two main areas of concern: (1) why some initiative petitioning efforts collect sufficient signatures to pass required thresholds; and, (2) the potential of petitioning processes to positively impact other forms of political participation.

These two areas are explored in subsequent sections using data from British Columbia, Canada (BC). Hypotheses are listed and explained below:

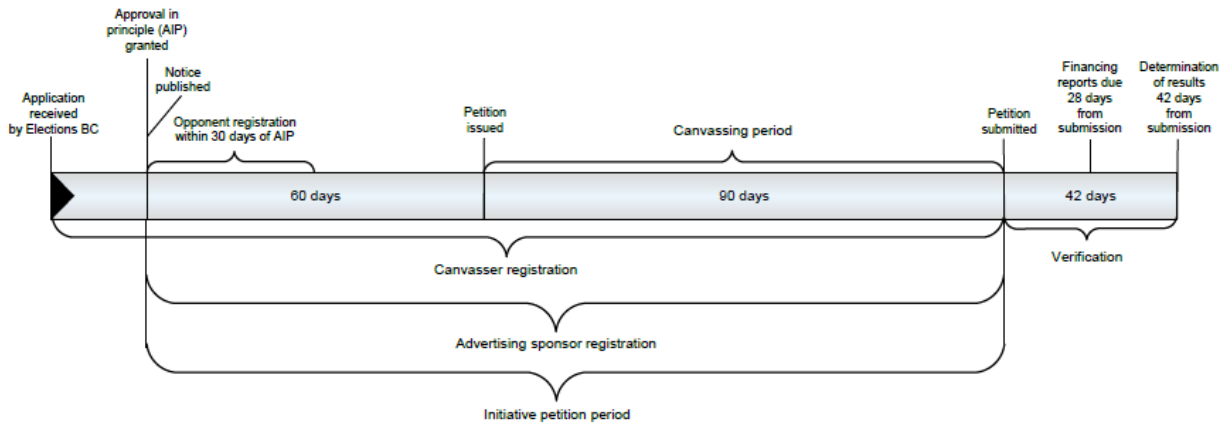
- *Hypothesis 1- Initiative petitions fail if not endorsed by a major political party.*

- *Hypothesis 2 – In successful petitioning efforts, the number of signatures supplied by supporters of an endorsing major party meet the established threshold.*
- *Hypothesis 3 - Regular voters supply all initiative petition signatures.*
- *Hypothesis 4 - Those tending to join causes or groups supply all petition signatures.*

Regarding the first line of inquiry about successful initiative petitioning, this study follows Smith and Tobert's (2001) work connecting initiative stages one and three with partisan activity, but extends this idea to stage 2 of the process. This study theorizes initiative petitioning cannot succeed without the support of a major political party (i.e. a party with the potential to hold a legislative majority or dominate a government coalition) and the party's supporters. This theory is tested by examining the seven initiatives conducted in BC since 2005, hypothesizing petitions fail if they are not endorsed by a major political party (hyp. 1). The partisan theory is further explored using opinion poll data to test the idea that endorsement by a major party is enough to ensure initiative petition success, hypothesizing that signatures supplied by supporters of an endorsing major party will meet or exceed the required number (hyp 2).

In terms of potential impacts on other forms of participation, this article follows the work of Pateman (1970), MacPherson (1977), and Milner (2002) who suggest participation in politics encourages further and deeper participation in politics as well as Smith and Tolbert's (2001) finding that initiative-prompted referendums increase voter turnout and other forms of political participation. This study tests these ideas and findings in two ways. First, the study examines the extent to which survey respondents indicating they regularly vote in elections also sign initiative petitions, hypothesizing all who sign are regular voters (hyp 3). Second, the study examines the extent to which those who tend to join political causes also sign petitions, hypothesizing all who sign already tend to be joiners (hyp 4).

Figure 1: BC Initiative Process



In terms of context, BC’s *Recall and Initiative Act* was enacted in 2004 and came into force in 2005. The act allows citizens to undertake *propositional* (i.e. allows proponents to propose laws of their choosing), and *indirect* (i.e. allows the government to decide whether to send proposed legislation to referendum or to the legislature) initiatives. As outlined in Figure 1, the act allows any registered voter to apply to have a petition issued and then gather signatures to support a legislative proposal on any matter within the jurisdiction of the provincial legislature. The proponent must collect signatures for 10 per cent of the registered voters in each electoral district within 90 days. If a sufficient number of verified signatures are collected and financing requirements met, a copy of the petition and a draft Bill is sent to a legislative committee. The committee must either directly introduce the draft Bill to the legislature or refer the initiative petition to a non-binding referendum. The government must introduce the Bill at the earliest practicable opportunity if more than 50 per cent of the total number of registered voters and more than 50 per cent of the total number of registered voters in each of at least 2/3 of the electoral districts vote in favour of the initiative.

Why Initiative Petitions Succeed

This section uses the BC initiative experience to explore why initiative petitioning efforts succeed or fail. The first hypothesis explored in this section concerns how partisanship affects initiative petitioning and tests the extent to which political parties support various initiative petitioning efforts. The second uses opinion poll data to determine the extent to which those supporting particular political parties also sign petitions.

Table 2: History of British Columbia Initiative Petitioning Process (1995-2010)

Date	Topic	Result	Signatures			Party	
			Required	Returned	Valid	Support	Type
04/10	End Harmonized Sales Tax	Passed	299,611	705,643	557,383	NDP/Cons	Maj/Min
05/02	Establish PR Elections	Failed	212,473	98,165	-	Greens	Min
05/00	Child Services Equality	Failed	202,984	4,325	-	None	None
09/96	Prohibit Bear Hunting	Failed	222,272	88,357	-	None	None
12/95	Limit MLA Pensions	Withdrawn	-	-	-	None	None
12/95	Remove School Taxes	Not Submitted	-	-	-	None	None
11/95	Balanced Budget & Debt	Not Submitted	-	-	-	None	None

Source: Elections BC

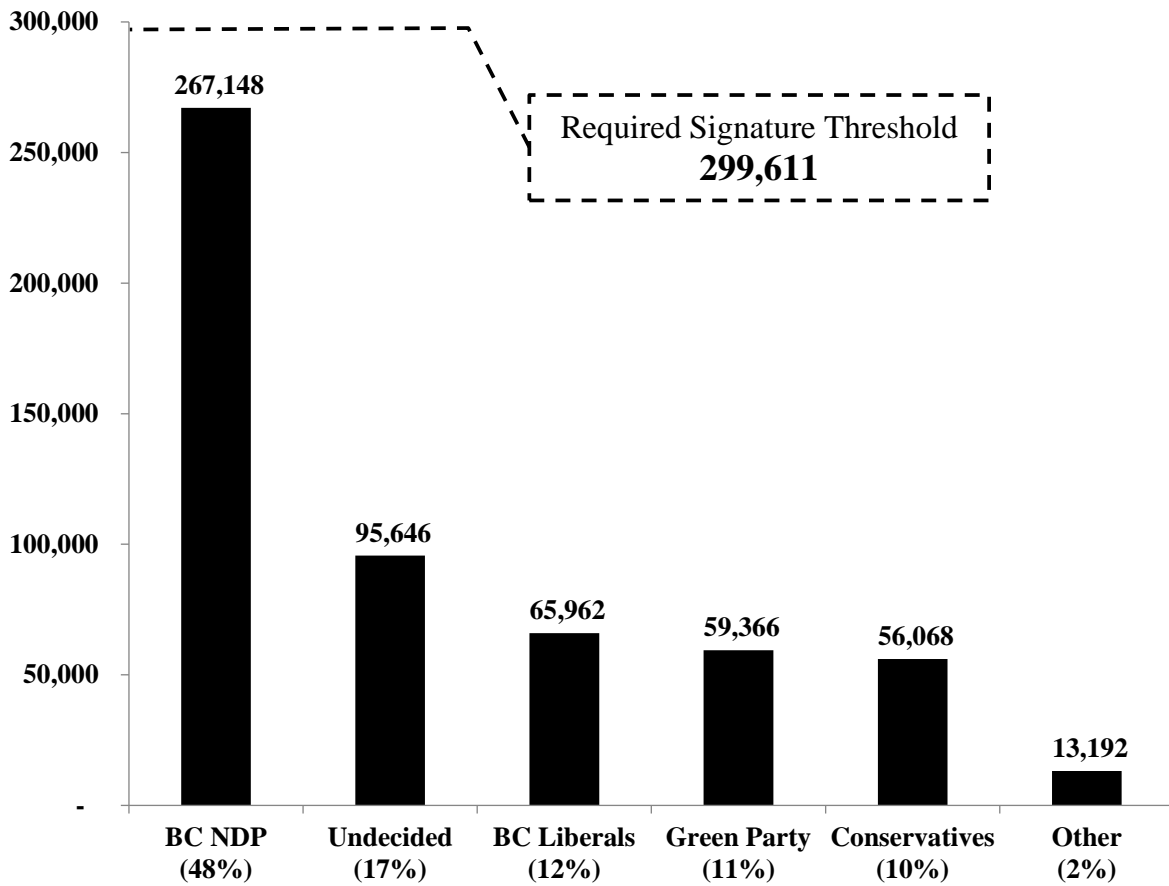
Table 2 describes all initiative petitioning efforts in BC. The table shows seven initiative petitions have been issued on a wide-variety of topics, ranging from banning bear hunting to electoral reform and debt reduction. The second column shows only 14 per cent (1 in 7) of the petitioning efforts secure sufficient signatures to pass the required threshold, a level of success similar to the 15 per cent success rate in state-level efforts held in California (Gordon, 2008). The final two columns show which BC parties support various initiative petitioning efforts. Only two of seven petitioning efforts secured overt support from political parties, with only the 2010 anti-HST petition gaining support from by a major political party (BC NDP). While the sample is small, these data confirm hypothesis 1 and show petitioning efforts fail unless supported by a major party.

This study now turns to testing hypothesis 2 which asserts petitions succeed because supporters of an endorsing major party on their own supply a sufficient number of signatures to

meet or exceed established thresholds. Here analysis is limited to 2010 anti-Harmonized Sales Tax initiative petitioning as it is the only successful initiative petition in BC history. By way of background, the British Columbia Harmonized Sales Tax (HST) combines a national Goods and Services Tax (GST) and Provincial Sales Tax (PST) into a single value added sales tax of 12 per cent (5% federal and 7% provincial). Announced as policy by the BC Liberal Government on 23 July, 2009 and instituted 1 July, 2010, proponents claim the HST reduces business costs and encourages investment. Opponents object to how the BC Liberals introduced the new tax and how the HST applies to some previously untaxed or less-taxed products (Fong, 2010).

Petitions for the "...initiative to end the harmonized sales tax (HST)" were issued to the proponent - former BC premier William Vander Zalm - on Tuesday, April 6, 2010. Vander Zalm's draft bill seeks to nullify a recent agreement between the Canadian federal government and the British Columbia government establishing a harmonized sales tax (HST) in British Columbia and reimburse monies already collected under the HST. Polling shows the HST to be unpopular with British Columbians. Non-probabilistic online polling by Angus-Reid Strategies shows 75 percent of British Columbians opposed the HST in August, 2009, 77 per cent in March, 2010, and 82 per cent by April, 2010 (Fowlie, 2010). The probabilistic telephone survey of 507 BC adults conducted for this study between 26 August and 7 September, 2010 indicate 74 per cent still oppose the HST (see appendix for details). As shown in table 1, 6,556 registered petitioners collected 705, 643 signatures, 557, 383 (79%) of which were valid, almost double the required signature threshold of 299, 611.

Figure 2: Estimated anti-HST petition signatures by voting intention (N=169)



Source: See appendix for survey details.

As shown in figure 2, arranging anti-HST initiative signatures according to partisan tendency falsifies hypothesis 2.¹ While the BC NDP supporters supplied 48 percent of the required signatures, supporters of this party did not supply a sufficient number of signatures to meet the required threshold. Rather, BC NDP supporters required a significant amount of help from disaffected supporters of BC’s other major party and the 65,962 signatures supplied by those backing the BC Liberals; supporters of minor parties such as the Green Party (59,366 signatures) or BC Conservative Party (56,068 signatures); or, undecided voters (95,646).

¹ Signature totals used in figure 2 are calculated by dividing a subsample of eligible voters who reported being familiar with and signing the petition according to which BC political party respondents support then multiplying the total number of valid signatures as reported by Elections BC (299,611) by the level of support shown for each party.

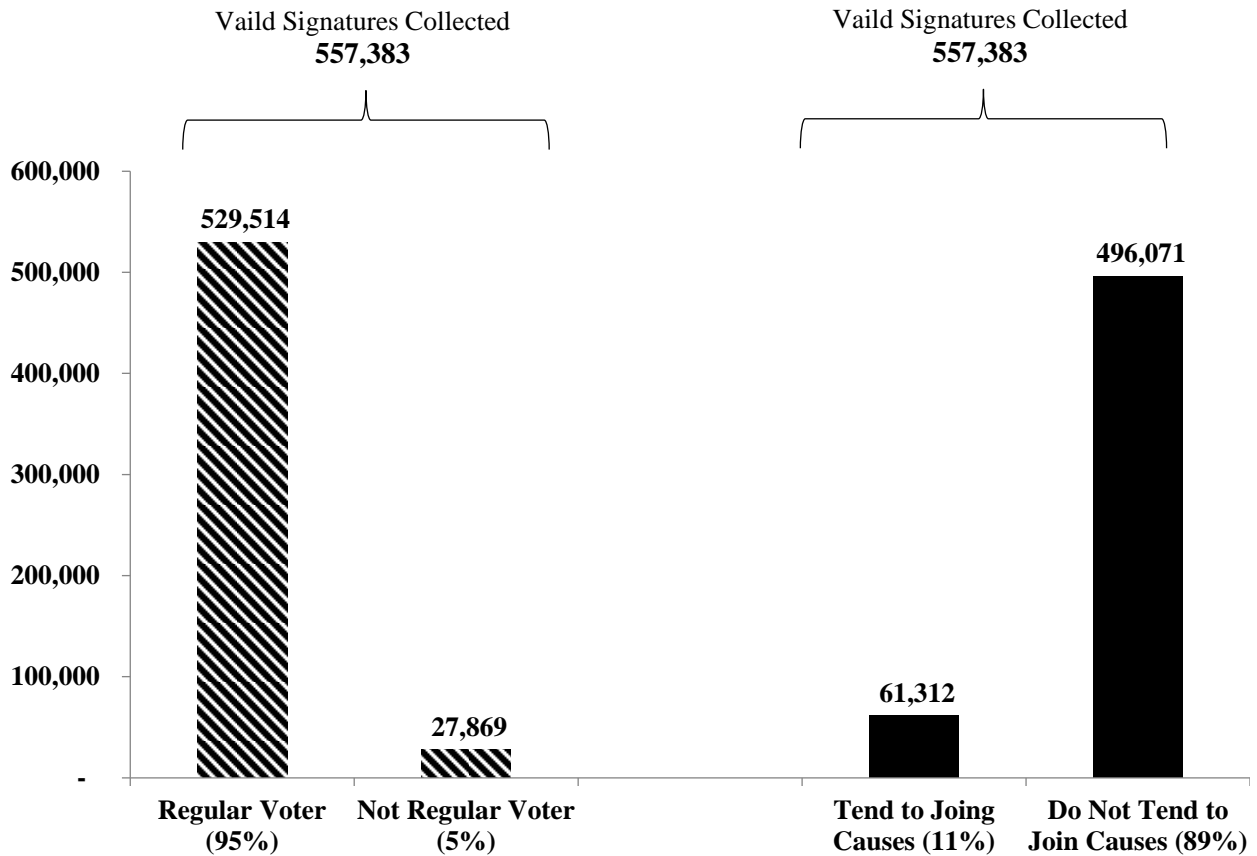
In sum, combining findings for hypothesis 1 and 2 suggests successful initiative petitioning requires endorsement from a major political party. However, the endorsing major party cannot on its own ensure the petition succeeds. Results from this analysis also suggest petitioning processes do not allow one major political party to use the initiative process to capture the political agenda, but rather require the party and its supporters to assemble a broader range of support if they are to meet or exceed petition signature thresholds.

Participatory Impacts of Initiative Petitioning

This section uses opinion polling conducted during the anti-HST initiative petitioning process to test the extent to which petitioning has the potential to draw politically disengaged citizens into politics. This section first examines links between voting and petition signing, testing if regular voters supplied all petition signatures (hyp 3). It then moves to explore connections between other forms of political activism and petition signing, testing if those already tending to join political groups or causes supply all petition signatures (hyp 4).

Figure 3 shows the distribution of those eligible to vote in BC elections who signed the anti-HST petition according to the respondent's tendency to participate in politics. The first two columns in figure 3 show 95 percent of the petition signatures came from those reporting to regularly vote in elections. Thus, while regular voters did not supply all signatures on the anti-HST petition as proposed in hypothesis 3 that so few of those signing the petition were not regular voters suggests the petitioning effort did little to draw in non-voting citizens. In other words, polling evidence strongly suggests initiative petitioning has very little potential to increase voter turnout during elections.

Figure 3: Estimated Anti-HST petition signatures by participatory tendencies (N=168)



The two columns on the right side of Figure 3 show those who tend to join political causes or groups supplied approximately 61,312 (11%) of the 557,383 total valid petition signatures. Those who do not normally join groups or causes supplied the remaining 89 percent.² These results disprove hypothesis 4, suggesting initiative petitioning has considerable potential to prompt non-activists to become activists. This potential for conversion increases if the analysis is extended beyond valid signatures to extend this analysis to the 705,643 total signatures collected by Vander Zalm and his team. Viewing the process through this lens suggests the anti-

² Signature totals used in figure 3 are calculated by dividing a subsample of eligible voters by self-reported voting and activist tendencies, then multiplying the total number signatures as reported by Elections BC (557,383) by the proportions of regular and non-regular voters as well as those who tend and do not tend to join political groups or causes.

HST petitioning process may have activated as many as 650,000 previously inactive citizens – almost 20 per cent of BC’s total adult population.

Conclusion

This study attempts to fill a gap in the existing citizen initiative literature regarding the stage in the process when citizens sign initiative petitions. It uses data from British Columbia to test four hypotheses regarding participation and the initiative process. The first hypothesis proposing petitioning processes require the support of a major party to reach required signature thresholds is confirmed, but the second hypothesis suggesting supporters of endorsing major parties supply sufficient signatures to meet or surpass required thresholds is disproved. Polling data also came very close to confirming the third hypothesis suggesting regular voters supply all petition signatures, although those reporting not to be regular voters did supply a very small proportion of the required signatures. Finally, these data disproved the fourth hypothesis, showing initiative petitions attract signatures from politically inactive citizens and offer considerable potential to change non-activists into activists.

Where these findings begin to illuminate the link between participation and initiative petitioning processes, additional testing will help confirm or disprove the BC experience. From a local perspective, these BC data suggest the anti-HST initiative petition may have forever changed the local political landscape. Where the effects may not be felt at the ballot box, they may emerge in future initiative efforts, or even sooner in upcoming recall campaigns in which citizens soon will be asked to sign petitions to dismiss those BC politicians supporting the HST. While the required recall signature thresholds are significantly higher than those used for initiative petitioning, that so many newly activated citizens can now converge on a single

constituency bodes raises the strong possibility of BC becoming the first jurisdiction in the British Commonwealth in which citizens recall elected representatives.

Appendix 1: Survey Questions

This study uses a random telephone sample of 502 BC adults, 18 years plus conducted by Mustel Group Market Research between August 26 and September 7, 2010. The full sample has a margin of error of ± 4.4 percent at the 95% confidence level.

1. The government of British Columbia recently implemented a new Harmonized Sales Tax (HST). Do you generally support or oppose the new HST?

1. I support the HST
2. I oppose the HST
3. Don't know/Won't say

2. Have you heard about the anti-HST initiative petition? IF YES: Have you signed...

1. An electronic version
2. Paper version
3. Both an electronic and paper version
4. Neither
5. Have not heard of anti-HST initiative petition
9. Don't know/refused

3. Do you regularly vote in elections?

1. Yes
2. No
9. Don't know/refused

4. Do you tend to join political causes or groups?

1. Yes
2. No
9. Don't know/refused

5. If a provincial election were being held tomorrow, which party's candidate would you support (unprompted)? IF UNDECIDED/DON'T KNOW: Which party are you leaning toward? Would it be...

1. NDP
2. BC Liberal
3. BC Unity Party
4. Green Party
5. Reform BC
7. Social Credit
8. BC Conservative Party
96. Other specify
97. Would not vote/Can't vote/None
98. Don't know/Refused

6. Gender

1. Male
2. Female

7. *Into which of the following age categories may I place you?*

1. 18-24
2. 25-34
3. 35-44
4. 45-54
5. 55-64
6. 65+
9. Refused

8. *Which of the following best describes your current household...?*

1. Single with no children at home
2. A couple with no children at home
3. A family with children at home (incl. single parent household)
96. Other
- 9 Refused

9. *Are you employed for pay?*

1. Yes
2. No
9. Refused

10. *What is the highest level of school/education that you have completed?*

1. Public elementary school (grades 1-7)
2. Some high school
3. Graduated high school (grade 12 or 13)
4. Vocational/technical/college/cegep
5. Some university
6. Graduated university
7. Post graduate
9. Refused

11. *Which of the following broad groupings best describes your total household income per year before taxes?*

1. Less than \$60k
2. Or \$60k and more
9. Refused

12. *Region*

1. Capital region
2. South coast/balance of island
3. North Coast/Interior
4. South Interior
5. Balance Vancouver CMA
6. City of Vancouver

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