

# Direct democracy in representative systems: Understanding breakdowns in responsiveness through ballot initiative success\*

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23 April 2020

## Abstract

Policy referendums around the world succeed regularly and on important policy areas. But why do these policies pass by direct democracy and not through the legislature? In this paper, I address this puzzle by focussing on ballot initiative success in the United States. Using a combination of district level voting data, ideological estimates of campaign donors, and a small survey of state legislators, I test why state policy is incongruent with citizens' preferences and thus why direct democracy succeeds. Taken together, my results suggest that initiatives are used to pass popular policy when the issue has not taken root in the mainstream policy community. Moderate correlations between partisan and initiative voting suggest that initiative issues are not fully captured by the partisan dimension of conflict. Many initiatives, but not all, moderate away from the position of the majority party and towards the minority party. And evidence from campaign finance data suggests successful initiative campaigns attract more ideologically extreme donors than do successful legislative candidates in the same cycle. Finally, I present qualitative survey evidence to show that legislators are aware of the responsiveness gap and their own aversion to passing certain popular policies.

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\*Working paper. This research is jointly funded by a Wadham RCUK - ESRC studentship. I would like to thank Andy Eggers, Rachel Bernhard, Lucas Leemann, Arndt Leininger, and participants at the 2019 European Political Science Association conference for their insightful comments at various stages of this research.

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Policy is approved regularly by voters at the ballot box across the world, and over a broad range of issue areas. From the “Brexit” referendum in the United Kingdom, to same-sex marriage legalisation in Ireland, and an array of economic and social policies passed in the United States, referendums are a powerful and frequent mode of policy change across advanced democratic nations (Qvortrup, 2014). In the United States, in particular, the initiative process provides a separate but concurrent policymaking venue (Jourdain, Hug and Varone, 2017) with limited restrictions on the types of policy citizens can propose (Smith and Tolbert, 2007). As Figure 1 demonstrates, citizen-initiated means of legislating in the US are a prevalent form of policymaking.<sup>1</sup>

Initiative success, however, is theoretically puzzling. Under the ideal conditions noted by Downs (1957) and Schumpeter (1976), elites and parties engage in a competitive struggle for the people’s vote. In competitive democracies like the United States, when a policy is supported by a majority of voters we should expect a party to advocate and claim that policy position (Manza and Cook, 2002; Gerber and Lewis, 2004; Leeman and Wasserfallen, 2016; Page and Gilens, 2017). If they do, direct democratic policymaking should not succeed. Even if politicians are initially hesitant to pass the majority’s preferred position, citizens can threaten to override the status quo by proposing their own legislation. This threat should force legislators to “crowd out” the initiative policy and converge towards the median voter (Gerber, 1996).

Despite these expectations, initiatives continue to pass every electoral cycle across the United States. Of course, there are numerous reasons why the Downsian logic will fail in practice, but work to date has yet to explain why in a systematic fashion. Previous explanations have focussed on the uncertainty of voters’ positions (Matsusaka and McCarty, 2001; Hug, 2004). If parties are uncertain over support for a policy, it is possible that the legislature will fail to converge on the median voter allowing initiative proponents to set a position preferred by the electorate. But this theory does not comport with the typically high levels of support successful initiatives garner. The average vote share for successful initiatives was nearly 64 percent in 2018, and 27 of these 28 measures were supported by over 55 percent of voters. The high proportion of votes successful initiatives receive suggest parties should know that these policies are popular, and therefore whether to support their passage through the legislature.

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<sup>1</sup>State-level initiative processes exist in 24 states, and over half of all American cities have some form of initiative provision. In total, around 70 percent of the US population has access to one or more direct democratic procedures (Matsusaka, 2005).

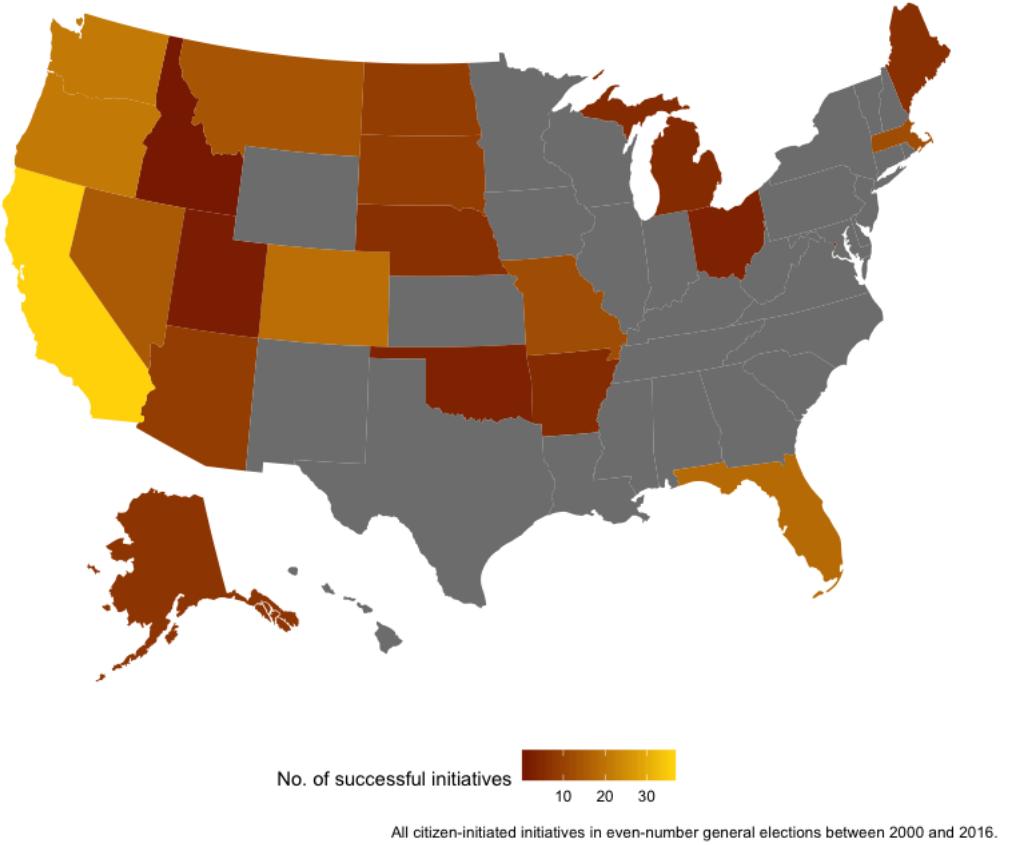


Figure 1: Successful initiative usage across the United States (2000-2016).

The colour gradient indicates the number of initiatives passed between 2000 and 2016. States shaded grey have no initiative provisions or did not pass an initiative during this time period. Data source: Initiative & Referendum Institute, University of Southern California (2018) and National Conference of State Legislature (NCSL; 2018).

Arguments from uncertainty also fail to capture other important aspects of the electoral context that impact parties' willingness to pass popular policies. Theories of initiative policymaking should take seriously institutional features that may preclude legislative convergence (Boehmke, Osborn and Schilling, 2015), the role interest groups play in influencing legislative outcomes (Hertel-Fernandez, Mildenberger and Stokes, 2018), the systematic biases in legislators' perceptions (Broockman and Skovron, 2018), and normative policy judgements made by legislators themselves. As initiatives continue to pass by wide margins in the US, and new sources of data become available to researchers, we should re-examine the success of initiatives taking into account these important factors.

In this paper, I explore five different explanations for why parties fail to adopt popular policies,

and thus why initiatives succeed. First, does the concentration of interests within a small number of legislative districts impact the ability of legislators to converge on the statewide median voter? Second, are legislators ignoring issues where the issue dimension is orthogonal to the partisan dimension, making it hard to form coalitions capable of passing these popular policies? Third, do strong majority party agenda-setting powers preclude legislative action even when a majority of legislators would endorse policy change? Fourth, are legislators systematically biased in their perceptions of where the median voter is? Finally, might legislators be unwilling to pass certain policies even if they know they are electorally popular due to sectional interests or normative policy concerns?

Each of these explanations have distinct implications about the level and distribution of support for initiatives. To test these theories, therefore, I present empirical evidence using a diverse range of different data that allows me to assess the electoral, financial, and legislative behaviour of both voters and actors within state policymaking processes. In particular, this paper presents the results from three different data generating processes.

First, I compile and match precinct and district-level voting data for 194 initiatives across six states, manually scraped from the respective states' official filings. I merged these vote returns with districting information to calculate the actual district-level vote-share for initiative and presidential elections. This data enables me to estimate the “ideal” behaviour of legislators based on their own districts’ majority preference. I use these calculations to estimate the proportion of legislative support each initiative *should* have received in the legislature had the same initiative bill come to the floor. Finally, I compare the initiative voting patterns with corresponding precinct and district-level vote shares for presidential elections to assess the correlations between issue voting and overtly partisan races.

Second, I isolate the political action committees (PACs) that supported successful ballot initiatives across all initiative states, and merge this information with financial contribution data from the Database on Ideology, Money in Politics, and Elections (DIME; Bonica, 2016). I focus my analysis on the financial support coalitions of 77 successful initiatives to successful candidates between 2000 and 2012 (13,500 legislators across all years and states). I then compare the financial supporters of these initiatives to the financial supporters of successful candidates to estimate the relative position of support on an initiative-by-initiative basis. In total, these estimations are

calculated on the basis of nearly three million unique donors.

Finally, I present small-n evidence from a survey of legislators in five high-usage initiative states. Fielded in 2019, this survey complements the quantitative analysis in the rest of the paper by directly probing the motivations and concerns of legislators. The data provides direct evidence of legislators attitudes towards not only the initiative process, but perceptions of their role as representatives. Legislators were asked, across a battery of questions, to consider why popular policies may nevertheless be acted on by the legislature.

I find that while initiative voting and partisan voting are correlated, the extent of this correlation is reasonably limited. This evidence is consistent with the theory that policy passed by initiative tends not to be fully captured by dominant partisan dimension of political conflict. Moreover, most (but not all) successful initiatives tend to moderate away from the majority party's position. The majority party seems unwilling to adjust its position on certain issues, even when a majority prefer such a shift. At the same time, supporters of successful initiative campaigns are more "extreme" than supporters of successful legislative candidates. Taken together, this evidence suggests that successful initiatives are popular policies that have not taken root in the mainstream policy community.

There are various reasons why policy might lie outside the mainstream. It could be because they are untested, possibly unwise (at least to conventional policymakers), or because they are opposed by powerful financial interests. Using the responses to the legislative survey, I show that state legislators consistently point to both the role of financial interests and political sensitivity of the issues as reasons that deter legislative action.

Conversely, the empirical evidence suggests that how preferences are distributed across legislative districts, is not a convincing explanation for why initiatives succeed. Were legislators to vote according to the expressed preference of their constituents, almost all successful initiative policies should have been passed in the legislature. Moreover, policies do not appear to be predominantly liberal-leaning, suggesting that conservative bias plays a limited role in determining whether initiative policies are passed at the ballot.

Testing these theories is empirically challenging precisely because it involves selecting on the dependent variable. While we observe cases where legislators fail to act on majority public opinion (successful initiatives), we are unable to directly observe the relevant counterfactual – those

initiatives that were not proposed because the legislature had passed the popular policy. Selection problems of this sort often pose serious inferential issues for research designs (Geddes, 1990; Mintz, 2009). In this paper, however, I show how researchers can be sensitive to selection issues when the relevant counterfactual is systematically unobserved. Using insights from Bayesian theory, I present a simple formalisation of the selection problem that better enables researchers to make inferentially valid claims in the face of incomplete data. This framework for handling difficult empirical contexts has broader utility beyond the focus of this paper.

Substantively this paper presents a new lens through which to understand policy incongruence. The broader literature on responsiveness dynamics makes clear that legislators often do not fully converge on the demands of the electorate. While state policy is responsive – more liberal states have more liberal policy and *vice versa* (Erikson, Wright and McIver, 1993; Caughey and Warshaw, 2018) – it nevertheless remains out of kilter with majority preferences even as it moves in the right direction (Lax and Phillips, 2012; Caughey, Warshaw and Xu, 2017; Broockman and Skovron, 2018; Simonovits, Guess and Nagler, 2019). Ballot initiative success is symptomatic of (previous) policy incongruence. These cases represent instances where legislators seemingly could have passed policy with greater congruence to the state’s median voter but did not. This paper shifts our attention towards cases where we observe policy incongruence being resolved: cases where ballot initiatives succeed.

In the next section, I develop a simple framework to understand policy incongruence with respect to direct democracy. I directly address the empirical challenge of constructing valid tests in the face of systematically unobserved data, and how this conditions the analysis in the remainder of this paper. In Section 2 I then use this framework to set out five separate explanations for why popular legislation is passed by initiative rather than by the legislature. In Sections 3-5, I test these explanations using the voting, ideological and qualitative evidence respectively.

## 1 Selection problems and direct democratic policymaking

Initiatives succeed when legislators fail to pass policy that a majority of voters demand. Policy entrepreneurs place these items of policy directly on the ballot and citizens vote to enact them. The fundamental puzzle is therefore why legislators act on some popular policies, but not on others? Put

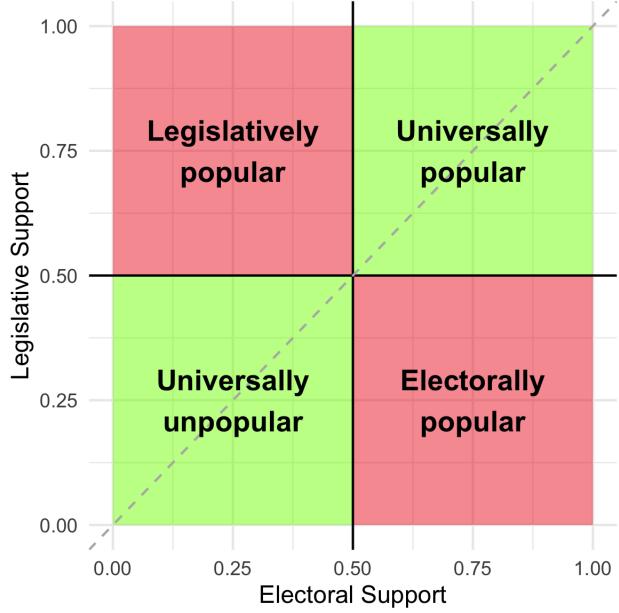


Figure 2: Hypothetical forms of policy proposals disaggregating legislative and popular support.

another way, why do we observe policies that are electorally popular but which are not supported by the legislature?<sup>2</sup>

### 1.1 What are the relevant comparison cases?

Consider the graph depicted in Figure 2, where policy support is disaggregated into electoral and legislative support respectively. The four quadrants indicate ideal types of policy support: universally popular policies favoured by both legislators and voters, those that are electorally popular but legislatively unpopular, universally unpopular policies, and legislatively popular but electorally unpopular policies. In a majoritarian system, all policy proposals should fall along the positive diagonal - either universally unpopular or universally popular. If a majority of the public favours a proposal, a majority of legislators should also favour it (and vice versa). As a result, all policies with greater than 50 percent support in the electorate (and no others) should be passed into law by the legislature.

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<sup>2</sup>Implicitly, this framing assumes that policies proposed directly at the ballot are done so because they were, or would be, unsuccessful within the legislature. Again, this feature is largely unobservable. Intuitively, however, the costs associated with private citizens or interested groups pursuing direct legislation are higher than the costs of legislatures doing the same (Gerber, 1996). Therefore, that policy entrepreneurs pursue this costly action suggests that, at least from their perspective, the legislature will not consider the policy in question despite its popularity.

Breakdowns in policy congruence occur when policy proposals end up in either the top-left or bottom-right quadrant of Figure 2. “Legislatively popular” policies are those where legislators pass policies despite opposition from a majority of the public. I do not consider these cases in this paper. Instead I focus on those cases in the bottom-right quadrant – policies with a majority of popular support, but where legislators are resistant to change. These policies typify successful ballot initiatives. Since legislators do not support the proposals, policy entrepreneurs instead submit them to the ballot where citizens override the legislature’s intransigence. But why, if a majority of the electorate support a proposal, are legislators intransigent in the first place?

The ideal comparison to answer this question is between successful initiatives posed on the ballot (where the legislature failed to act), and those popular initiative policies *not posed* because legislators acted on the majority’s preference. This is because the puzzle is *conditional on* majority electoral support for the policy. Crucially we are not trying to explain why some initiatives succeed when others fail.<sup>3</sup> Comparing between successful and unsuccessful initiatives is not informative because initiatives that fail are by definition unpopular. In which case, it is not puzzling that legislators do not act on these proposals. Instead, the issue is why some policies are located in the bottom-right instead of the top-right quadrant.

## 1.2 Valid inferences with systematically missing data

The ideal comparison, however, poses an interesting empirical problem for researchers. Since universally popular policies are enacted by legislators, the electorate never votes on them. Therefore, by dint of legislative support, we never observe these policies on the ballot. Consequently, we only ever observe the “negative” cases in which legislators do not support the proposal.

Given the systematic absence of data, we should rightly be concerned about inferences made on the basis of observed cases alone, or “selecting on the dependent variable” (Geddes, 1990; Mintz, 2009). Selection problems, however, do not have to be fatal to empirical research designs. In the remainder of this section, I formalise the selection problem to motivate precisely why it is problematic in comparative designs. I then show how researchers can mitigate some of these problems. In short, by accumulating evidence that refines our priors over counterfactual cases,

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<sup>3</sup>There is an entire literature on understanding the causal drivers of initiative success (Gerber, 1999; Smith and Tolbert, 2007; Stratmann, 2010; Figueiredo et al., 2011; Adams, 2012; Richards, Allender and Fang, 2013). This question would be answered by comparing initiative policies located in the bottom-left and bottom-right quadrants.

researchers can make inferentially valid claims even when some portion of the data is systematically missing.

Suppose ten children all score highly in a test, and a researcher notes that each of these children reported watching cartoons the night before. They conclude from this data that watching cartoons is good for test performance. Most of us would balk at this claim, and rightly so. How do we know that children who scored poorly did not also watch the same cartoons? In which case, cartoon-watching could not explain the difference in test scores. In other words, it is very easy to construct alternate hypotheses commensurate with the observed data but where the suggested mechanism is inert.

Naively interpreting commonalities between successful initiatives can be similarly misleading. If it is plausible that some same set of features common to successful initiatives would also be true of the counterfactual unproposed initiatives, then we should not conclude that those features cause initiative success. Since we cannot observe the counterfactual cases, we seemingly have little way of knowing whether observed commonalities across successful initiatives are also common to unproposed initiatives too. By making inferences about why successful initiatives occur only on the basis of observed cases, we risk making inferential errors associated with selecting on the dependent variable.

To generalise this problem, assume there is some comparative hypothesis  $H$  that states  $\phi$  is responsible for a given outcome. For simplicity's sake, let us assume the outcome can either be positive (+) or negative (-).  $H$  is more consistent with some observed data than others. That is, if  $H$  is true, we expect some joint distribution over the outcome  $D_H = \{d_{\phi,+}, d_{\neg\phi,-}\}$ , those positive (negative) cases that are (not) coincident with  $\phi$ . In Bayesian terms, this is the likelihood  $P(d_{\phi,+}, d_{\neg\phi,-}|H)$ . Some alternative hypothesis,  $H_a$ , is associated with a different joint distribution of the data such as  $D_{H_a} = \{d_{\phi,+}, d_{\phi,-}\}$  – a hypothesis under which the observed feature is present among both positive and negative outcomes. To assess the probability of  $H$  being true we sample observations from the real world and assess how similar the draw is to the joint distributions expected under  $H$  compared to the alternative  $H_a$ .

In ideal comparative designs, we are able to sample observations that encompass the full joint distribution of positive and negative outcomes. We take some draw of data  $D' \sim \{d_+, d_-\}$ , comprised of both positive and negative outcomes, and assess the similarity of the drawn data with the

expectations under  $H$  compared to  $H_a$ . For example, we may compare whether children watched cartoons across those who did well and those who did poorly in the test. Or we may compare electoral rules between systems with many and few parties. In the initiatives puzzle, however,  $D' \sim \{d_-\}$ ; we only observe features of campaigns that actually took place, namely where legislative support was insufficient for the policy to pass in the legislature. We cannot observe those initiatives left dormant because legislators acted in accordance with the majority preference. In which case, the full joint distribution of data is unobserved and it is not possible to compare across outcomes. The fundamental problem, therefore, is making valid inferential claims when some portion of the joint distribution of cases is systematically missing.

But suppose the ten students in the previous example had all been found to have taken a rare drug known to boost attention. Again the researcher claims the drug improves test scores on the basis of these ten high-performing students alone. While the validity of a claim about the drug's effects is not as strong as if the researcher had conducted a randomised drug-trial, this claims seems more plausible than the cartoon-watching theory. Why? Because despite not sampling from the full joint distribution of data, we have some prior belief that this drug's use is highly uncommon among the population. In other words, we believe it is highly unlikely that we would observe the drug's usage in the unobserved cases.

More generally, selecting on the dependent variable is not problematic simply because the researcher made an inference on the basis of incomplete data. Rather, selection issues are problematic when we think there are many alternate and *plausible* hypotheses commensurate with the observed data in which the proposed mechanism has no effect. A researcher's claim is invalid when, with the subset of data available to them, they could not discriminate between these plausible hypotheses. Consequently, selection problems are not entirely intractable. In some instances, researchers can explicitly assess the strength of their hypotheses given the observed data *and* a range of plausible distributions for the unobserved data. If the theory is resilient to these likely alternatives, there is a useful, substantive claim to be made using the incomplete data.

The magnitude of the selection problem, or inversely the strength of our convictions in the face of incomplete data, depends on how many plausible alternatives we can rule out. Suppose we have the hypothesis that  $A$  is smaller than  $B$ , where  $A, B \in [0, 1]$ . We observe that  $A = 1$ , but  $B$  remains unobserved. Note that given  $A$  is the maximum value, there is no plausible joint distribution over

$A$  and  $B$  in which  $B$  is larger than  $A$ . Therefore, despite not observing  $B$ , we can logically refute the hypothesis. In this instance, there is no selection problem despite systematically missing data.

If  $A < 1$ , there are possible values of  $B$  greater than  $A$  and so we cannot deductively falsify the hypothesis. We can assess the probability of  $B > A$ , however, given some prior over  $B$  (even though we do not observe  $B$  in the data). Most simply, we might assume an uninformative uniform prior over the possible values of  $B$  and let  $A = 0.95$ . The probability that the hypothesis holds is  $1 - A = 0.05$ . It is reasonably unlikely, in other words, that  $B$  is larger than  $A$ . The uniform prior, however, may not be a good assumption about the distribution of  $B$ . If, in fact,  $B$  is more likely to be close to 1 then the uniform prior is not a useful way of assessing the posterior probability of the hypothesis. The supplementary objective for researchers working with incomplete data, therefore, is to produce informative priors over the missing component.

Put simply, when a hypothesis cannot be deductively falsified, the validity of that claim will rest on the validity of our priors. To overcome the selection problem, researchers need to assemble evidence to inform these prior beliefs, which in turn improve the validity of our inferences. As I demonstrate at various points in this paper, this additional evidence can come from alternative sources of data that indirectly strengthen our prior beliefs. The goal is not to quantify the unobserved values themselves, but to refine our beliefs over their possible values. To the extent this is possible, researchers can make informative claims from incomplete data that would typically be dismissed due to selection issues.

In practical terms, this inference strategy requires a two-pronged approach. First, and as with typical analyses, empirical tests should be designed to discriminate between theories given the observable data. Second, when making inferences about a given theory researchers should incorporate assessments of how likely the theory is to hold across a range of *plausible* values for the unobserved portion of the data. To do so, they can assemble evidence that helps generate informative priors over the systematically unobserved component of the model.

This strategy provides researchers with a principled way to approach inference when some portion of the data is systematically unobserved. The claims made using this approach are invariably weaker than when researchers can sample from the full joint distribution of data. They are nonetheless a useful way to make sense of important political phenomena while taking selection problems seriously. Systematically missing data occur in substantively important areas of study, like rare

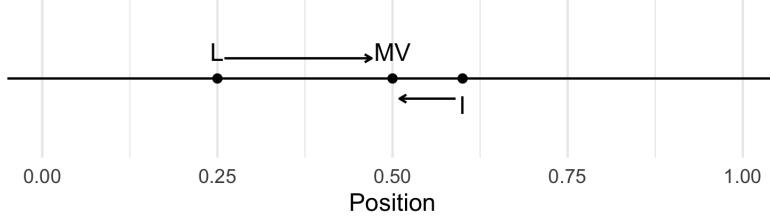


Figure 3: Uni-dimensional model of initiative-legislature interplay, following the reduced logic of Gerber (1996). Individual points indicate the ideal policy position of the legislature (L), median voter (MV), and initiative proponent (I) respectively. Arrows indicate the hypothetical movement of policy positions by L and I as they converge on MV.

event studies (King and Zeng, 2001), and selection issues often arise in small-n analyses more generally. This approach is also useful for larger quantitative studies, as I illustrate in the remainder of this paper. Careful analyses can help researchers learn important things about the world even in the presence of incomplete data.

## 2 Theories of electorally popular but legislatively unpopular policy

This section outlines five different explanations for why some popular policies have to be passed by ballot initiative. These theories capture separate intuitions about policy responsiveness, building on recent theoretical advances in the literature. In each case, I outline the empirical expectations of the theory, which I subsequently test using voting, donations, and survey data in Sections 3-5.

**The foundational model.** Formalisations of initiative-legislative interactions typically model policy contestation in a one-dimensional policy space, along which the legislature, initiative proponent and median voter are arrayed (Gerber, 1996). The objective for both the legislature and initiative proponent in these models is to minimize the distance between the final policy position and their ideal point. All players have perfect information of each others' positions.

For instance, Figure 3 depicts a hypothetical set of ideal points. Assuming actors are rational, L will shift their position to converge on MV (since I strictly prefers MV to all positions between L and MV) – at which point, there is no pareto optimal policy that can trump L at the ballot and

$I$  withdraws their threat of initiative.<sup>4</sup> In other preference orderings,  $L$  will adjust their position just until the initiative proponent is no longer the most proximate point to the median voter. Of course, the legislature may well find itself having to offset the positions of various potential proponent groups. In which case, they may still end up converging on MV. In all cases, as Gerber (1996) demonstrates, the legislature will revise the status quo to crowd out the initiative proponent. As a result, initiatives should never succeed.

Few expect this rational actor model to comport with reality and, indeed, ballot initiatives succeed every electoral cycle in the United States. Revisions to the foundational model have predominantly focussed on limiting the extent to which the legislature can converge on the true position of the median voter. In the case of imperfect information, the legislature may simply misjudge how far it must shift its policy proposal (Matsusaka and McCarty, 2001; Hug, 2004). In pivotal actor models, supermajority requirements limit the ability of the legislature to pass new policy (Boehmke, Osborn and Schilling, 2015). These modifications suggest that convergence dynamics are disrupted by institutional or behavioural features of legislative politics that complicate how and whether legislators respond to majority demands in the electorate.

These broader policymaking dynamics deserve further attention. New theoretical developments in the literature on policy responsiveness can be applied to refine our understanding of initiative success, including: the role of parties and partisanship (Cox and McCubbins, 2005; Shor, Berry and McCarty, 2010); systematic biases in legislators' perceptions (Broockman and Skovron, 2018); the influence of interest groups (Hertel-Fernandez, Mildnerger and Stokes, 2018); and normative policy judgements by legislators themselves. The five explanations I discuss below incorporate these concerns, challenging or extending the foundational model, to help us better understand why initiatives succeed. Collectively, I focus on explanations that encompass instances where legislators are responsive (but the electoral system is not), where they are insufficiently responsive, or where they are deliberately unresponsive to the majority's preferences.

**Electoral Disproportionality.** While the entire state electorate is eligible to vote on ballot initiatives, individual legislators are selected by non-overlapping subsets of the same electorate. The legislature may not act if a majority of these districts do not favour a policy. This feature is

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<sup>4</sup>The additional assumption here is that  $I$  and  $L$  incur some cost  $c$  to legislating, but  $c_I > c_L$ .

problematic if a policy nevertheless is favoured (relative to the status quo) by a majority of the state electorate as a whole.

Assume legislators are only concerned about their constituents' preferences, and are perfectly responsive to them. A legislator will vote for any proposal their constituency median voter prefers to the status quo, and reject any policy further away. Individual legislators do not take into consideration the statewide median voter when deciding whether to support a proposal. Sufficient imbalances in the density of a proposal's support across districts will lead to instances where each legislator is fully responsive to their district's median, but the legislature as a whole is not responsive to the demands of the statewide median.

To illustrate this implication, suppose we have a state with ten electoral districts, each comprising 100 voters.<sup>5</sup> Three districts have large majorities in favour of the proposed policy - say, 80 percent. In the other seven districts, only 40 percent favour the initiative policy. If all voters turn out, 52 percent of the state electorate would be in favour of the initiative policy. Seven out of the ten legislators, however, would vote against that policy given their districts' median preferences. Most importantly, these seven state legislators are still perfectly responsive with respect to their own constituents.

At the state level, the breakdown in responsiveness is a function of how preferences are aggregated at the state level and the imbalance of support across legislative districts. Because support for a proposal is concentrated in relatively few districts, a majority of legislators oppose policy change that is nevertheless supported by a majority of voters in the state.

The observable expectation for this theory is simple: successful initiatives should have majority support in less than half of all legislative districts. More broadly, the theory entails that for those counterfactual (and unobserved) initiative policies that never get proposed, majority support should more often be distributed across a majority of legislative districts. In other words, legislators act in the interest of their constituents, and policy gets passed by the legislature when it is supported by a majority of district median voters, irrespective of the preference of the statewide median voter.

**Issue orthogonality.** Alternatively, what if the particular issue does not relate to the partisan dimension along which other major issues are decided? If an issue is orthogonal to the partisan

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<sup>5</sup>Note this argument does not rely on imbalances in population across districts. Of course, if voters are unevenly distributed across legislative districts, the potential for incongruent state level outcomes increases.

dimension, and legislators are unwilling to engage in bipartisan action, popular proposals may be ignored in the legislature.

Consider a specific issue dimension,  $D_I$ , and the liberal-conservative partisan dimension,  $D_P$ . The correlation between voting along these two dimensions,  $\rho$ , ranges between 0 to 1 (in absolute terms).<sup>6</sup> Let us also assume that there are two parties in the legislature – Party A and Party B – and along  $D_P$  the rightmost legislator in A is to the left of the leftmost legislator in B. The two parties in other words are polarised along the partisan dimension - mirroring contemporary legislative dynamics (Barber and McCarty, 2015; Thomsen, 2014; Andris et al., 2015; McCarty, Poole and Rosenthal, 2016).

If  $\rho = 1$ ,  $D_I = D_P$  and legislators in Party A and Party B are perfectly divided on the issue. As  $\rho$  approaches 0, however, the extent to which  $D_P$  determines  $D_I$  diminishes, and as a consequence we would expect the composition of support coalitions across this issue to be comprised more equally of members of Party A *and* B. Suppose some policy on  $D_I$ ,  $p_I$ , commands a majority of support in the legislature and the electorate (it is universally popular). If  $\rho$  is sufficiently low, then the legislative coalition behind this support is likely to be bipartisan.

Formally, nothing above precludes the legislature passing  $p_I$ . However, party polarisation has led to ‘concrete behavioural effects’ within American legislatures (Miller and Conover, 2015, p.225), increasing hostility towards the opposition and reducing cooperation across party lines (Mann and Ornstein, 2012; Gluck, O’Connell and Po, 2015; Aldrich and Battista, 2002; Shor, Berry and McCarty, 2010). These dynamics, therefore, combined with the assumptions made above may preclude bipartisan action irrespective of the size of the supportive legislative coalition. As a result, the legislature may be unable to shift its position towards  $p_I$ . The resultant incongruence between legislative and electoral preferences means initiative proponents can pass the policy by ballot initiative.<sup>7</sup>

If this theory holds, we should expect successful initiatives to be uncorrelated with the partisan dimension of conflict. Moreover, this theory implies that as the relationship between partisan and

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<sup>6</sup>A correlation of  $-1 < \rho < 0$  indicates that the issue dimension is inverted with respect to the direction in which the partisan dimension is ordered.

<sup>7</sup>A weaker version of this theory would simply state that orthogonal issues are less valuable to parties, because the partisan signal they send to voters is weaker. Party labels in low-information contexts like state legislative races provide key information shortcuts to voters (Schaffner and Streb, 2002; Coan et al., 2008). In order to focus on the salient partisan priorities, parties may want to preserve the apparent distinction between their brands by ignoring orthogonal issues.

issue dimensions increases, the ability of a party to “own” and pass a policy issue without having to create bipartisan linkages also increases. Therefore counterfactual initiative policies that we do observe are ones where the corresponding issue dimension is more partisan.<sup>8</sup> Moreover, the extent of the relationship between these two dimensions helps us to gauge the extent to which any given issue dimension has been captured by conventional partisan forces.

**Partisan legislatures.** Other features of partisan politics may prevent legislative convergence towards the median voter. One potential explanation is that the majority party refuses to engage in legislation where the median voter lies away from its own ideal position. Given its agenda-setting powers, it can prevent the legislature from shifting the policy – even if legislators’ positions on the whole would support a policy shift towards the state median.

Suppose the majority party has near total control of the legislative agenda (cf. Cox and McCubbins, 2005), and that the majority party acts under a Hastert Rule (HR) – only legislating on positions favoured by a majority of the majority party. There is no guarantee that this position, as determined by HR, includes the electoral median voter. For a given proposal, there may be sufficient support from a small number of members of the majority party, as well as the minority party, to command an overall legislative majority, despite a majority of the majority party favouring the status quo.

Suppose Party A has 60 seats and Party B has 40 seats. Some policy  $p$  is favoured by the electorate over the status quo. All members of Party B are in favour of  $p$ , and so too are 20 members of Party A. In total, a clear majority in the legislature would like to pass  $p$  (thus improving congruence with the state electorate). But this policy won’t pass under the conditions outlined above. Since 40 members of Party A, and thus a majority of the majority party, favour the status quo, the majority party under HR will not move  $p$  to the floor. And since the minority party has little control over the agenda, they cannot force the issue.  $p$  is not passed, leaving open the option for an initiative proponent to submit the legislation directly to the ballot.

Under the foundational model, the majority party should anticipate this chain of events and shift its position away from the party’s median position. But if individual legislators are resistant to shifting their position (because they are unwilling to abandon their party’s programme), then

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<sup>8</sup>Note, this theory is not a comparative claim against unsuccessful initiatives. Unsuccessful initiatives may simply be orthogonal cases that also happen to be electorally unpopular.

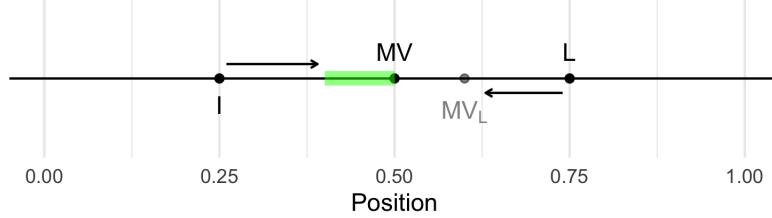


Figure 4: Uni-dimensional model of initiative-legislature interplay when the legislature faces a conservative bias constraint.  $L$  misperceives the median voter's position as  $MV_L$ . The green shaded area indicates the possible policy space in which an initiative proponent can pose a policy favourable to the median voter, which the legislature will not crowd out.

these convergence mechanisms may fail, at least in the short run. Ultimately, this theory rests on the assumption that legislators have party concerns in addition to the proximity of legislation to their individual ideal points. Consequently, at time, they are stubborn.

The key implication of this explanation is that successful initiatives should be those policies where support for the policy lies away from the majority party. In Democrat-controlled states, initiatives should be supported by more centrist and Republican-leaning voters, and vice versa in Republican-controlled states. Those unproposed popular initiatives are, conversely, ones where a majority of the majority party support the policy preferred by the state median voter.

**Conservative bias.** Alternatively, legislators may attempt to converge on the median voter but be systematically mistaken about where the median voter lies. Legislators (of both parties) are known to overestimate the extent of voters' conservatism (Broockman and Skovron, 2018; Hertel-Fernandez, Mildnerger and Stokes, 2018). If legislators are wrong about the position of the median voter, then the legislature will not adjust its position fully. This lack of full convergence leaves a policy winset open to initiative proponents to pass majority-preferred legislation.

Imagine a single legislator who attempts to maximise policy congruence by passing all policies they believe to be favoured by the majority. An unbiased legislator (with perfect information) is able to decide accurately which policies to adopt and which to reject. In this world, there would be perfect policy congruence. Any policy favoured by a majority in the electorate would be favoured by the legislator (as represented by the diagonal line in Figure 2.)

But if the legislator's responsiveness function is biased to the right, then there is a "blindspot" where the legislator will not respond sufficiently. Consider Figure 4, where the preferences are

ordered  $I < MV < L$ . Given the conservative bias,  $L$  fails to converge fully on the actual position of  $MV$ . The shaded green area represents policy positions initiative proponents can propose at the ballot but which the legislator will not converge on. The ordering of preferences does matter here. When  $L < I < MV$ , the legislature will still converge on  $I$  even though it perceives  $MV$  to be further to the right than it actually is. In general, if legislators exhibit conservative bias and have an ideal position to the right of the median voter, there will exist some winset of policy positions that command majority support in the electorate but which the legislature will not converge.<sup>9</sup>

By implication, successful initiative policies should be left-leaning. In contrast to the partisan legislatures explanation, this expectation has a singular direction (towards the liberal end of the policy spectrum) irrespective of which party holds a majority within the legislature. And in terms of the relevant counterfactual cases, these should be instances where legislators possess less conservative bias and therefore the proportion of left-leaning cases should be essentially zero. In other words, different issues or policies are affected by conservative perceptual biases to different extents, and legislators are more able to adequately converge on certain issues than others.<sup>10</sup>

**Active legislative aversion to policies outside the political mainstream.** What if legislators simply refuse to act on certain issues? Legislators may be averse to certain policy areas or policies, despite their *known* electoral popularity. In particular, legislators may resist passing new legislation when the policy lies outside the mainstream policy networks – those actors, parties, and institutions that regulate conventional legislative processes.

There are numerous reasons why legislators may be averse to particular policies that are nevertheless popular. Policies that are relatively novel, and thus untested, may have uncertain social or economic implications, and not be incorporated into party's agendas. In which case, risk-averse legislators (and parties) may decide not to pass new legislation despite broad electoral support. Legislators make a trade off between immediate electoral reward (the conventional payoff associated with policy convergence) and the potential long term impact on their electoral support from enacting risky policy.

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<sup>9</sup>Legislators in this model are not wilfully unresponsive. Each legislator is assumed to respond as best as they can, resulting in a convergence on  $MV_L$ . In some sense, therefore, this explanation reintroduces uncertainty into the model. Unlike generic plane uncertainty, however, the form considered here is bounded with a definite direction.

<sup>10</sup>This adaptation to the conservative bias theory can be extended and formalised in greater detail. Given that the full implications of this theory for ballot initiatives success are unobserved, I leave this avenue open for future research.

Alternatively, it may be that legislators exercise their own policy expertise (acting as “Burkean” trustees) to arrive at different policy preferences to their constituents. In this sense, legislators may consider certain policies unwise even if they are electorally popular. Again, these policies are likely to be those that lie outside the policy mainstream (and are thus not captured by either party). In which case, legislators face an intrinsic trade-off between setting policy positions they deem to be normatively acceptable and what a majority want at any given time.

Or, the status quo may be preferred by interested groups who donate to political parties. These unelected actors in policy networks influence conventional policymaking through their control of political resources. Politicians, dependent on donations to finance campaigns, may discount the preferences of the majority in favour of their donors (Barber, 2016*b*). If candidates’ responsiveness prioritises the interests of donors, then legislators may oppose certain policy positions even if they are electorally popular (Francia et al., 2005; Przeworski, 2015; Hill and Huber, 2017; Page and Gilens, 2017; Klüver and Pickup, 2019). Recent experimental survey evidence suggests that legislators’ knowledge of constituency policy preferences are, in fact, biased by interest group contact at both the national and state level (Hertel-Fernandez, Mildenberger and Stokes, 2018; Stokes, Mildenberger and Hertel-Fernandez, N.d.).

In sum, the policy responsiveness of legislators may be mediated by other factors – such as the issue’s novelty, the economic costs of the policy, unknown policy implications, or resistance by influential donors. These considerations lessen the importance of the median voter’s demands on legislators and parties. And common across these factors, the policy defies aspects of the mainstream policy community – it is not supported by the major parties or donors. Successful initiatives, therefore, should be supported by actors who lie outside this mainstream network.

On the other hand, unproposed popular initiatives are those policies that were already incorporated into mainstream policy networks. This intuitively makes sense – legislators are happy to act on policies that are commensurate with, and accepted by, those actors that operate within regular policy networks. The corresponding empirical expectation, that we cannot observe, unproposed initiatives lie closer to the mainstream policy community than do unproposed popular initiatives.

**Summary.** Table 1 summarises the expectations of each of the five theories, and briefly describes the empirical tests I use to test the expectations of each. Given the range of different explanations,

I use three different sources of data – actual voter returns at the district or, in some cases, precinct level; donations data and corresponding ideological estimates of these donors; and direct survey evidence from state legislators themselves.

Using different sources of data also enable me to test the same explanations at different levels. For example, under the conservative bias theory – supportive evidence can be observed in terms of the correlation of support between partisan and initiative voting, and separately in the ideological position of financial donors. Collectively, the evidence from each test helps inform our broader understanding about the conditions under which popular policies pass by initiative.

Table 1: Summary of plausible explanations and corresponding expectations.

Explanations	Tests			
	Aggregation	Partisan Correlations	Donor Support	Legislator Survey
<i>1: Electoral disproportionality</i>	Proportion of legislative districts in favour of an initiative is less than 0.5	–	–	–
<i>2: Orthogonal issue dimensions</i>	–	Low correlations between partisan and initiative voting behaviour	Uniform support of donors across ideological dimension	–
<i>3: Conservative bias</i>	–	Democrat-leaning support for initiatives	Liberal-leaning support coalitions for successful initiatives	–
<i>4: Partisan legislatures</i>	–	–	Ideological support closer to minority party position	–
<i>5: Active aversion to policies outside the political mainstream</i>	–	Correlations between partisan and initiative voting that are less than perfect (i.e. $\rho < 1$ )	Support coalitions lie away from partisan positions	Awareness of incongruence, role of interest groups and political sensitivity of issues

### 3 Empirical evidence: district level voting behaviour

In this section, I use district level voting data to assess whether our expectations hold for the first three explanations. Data were collected from the Secretary of State websites for each of six states – Alaska, California, Colorado, Massachusetts, Ohio, and Washington – for initiatives held between 2000 and 2016. These states vary in terms of legislative control (Republican, Democratic and split control) and are geographically diverse. Where district level data were not directly

available (Alaska, Colorado, Ohio and Massachusetts), I computed district-level aggregations from the precinct-level returns.<sup>11</sup>

### 3.1 Explanation 1: Disproportionality of preferences across legislative districts

The first theory argues legislators fail to pass the policy because a majority of legislative districts have median voters who do not favour the policy in question. To test this explanation, I calculate each district's level of support for an initiative. If a district's level of support is greater than 50 percent, the ideal response of that legislator is to vote in favour of the initiative (coded as "1", otherwise "0"). The mean ideal response is the proportion of legislators who should have voted in favour of the initiative had the initiative been posed as a bill within the legislature. Proportions less than 0.5 are evidence in favour of the disproportionality explanation. I calculate the ideal response of individual state legislators for every ballot initiative proposal where adequate data was available (194 initiatives in total).<sup>12</sup>

Figure 5 plots the results graphically against the statewide vote share each initiative received. If the theory holds, for the observed data, we should observe successful initiatives occupying the lower-right quadrant of the voting space. In other words, while a majority of voters within the state favoured the initiative over the status quo, a majority of district median voters did not. In which case, a majority of legislators (acting on behalf of their constituencies) should have voted against the hypothetical bill (had it been posed on the floor).

The results across all six states overwhelmingly, however, reject the electoral disproportionality argument. Every *successful* initiative bar one ( $N = 90$ ) across the six states should have had more than 50 percent support in the legislature, had the bills been posed in the legislature. In fact, given the steepness of the trend line it is clear that the aggregation of electoral preferences works near perfectly. As electoral popularity increases, ideal legislative support rises at a 'faster' rate. By about 65 percent electoral popularity, we should expect the legislature to be near unanimous in its

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<sup>11</sup> Acquiring precinct-level data for a large number of states was very difficult. Electoral returns for statewide races like initiatives are typically reported by state counties, not all of which report precinct or state district level results. Moreover, one cannot simply infer district vote breakdowns from county data alone since a single legislative district may overlap portions of two (or more) counties.

<sup>12</sup>I present results for the ideal behaviour of the lower chamber alone. For the states in question, with the exception of Massachusetts, the upper chamber districts are made up of two or more lower chamber legislative districts. The difference between the chambers is typically, but not always, the length of legislative term. Given the strength of findings for the lower chamber, and for the sake of brevity, I do not address bicameral issues in this paper.

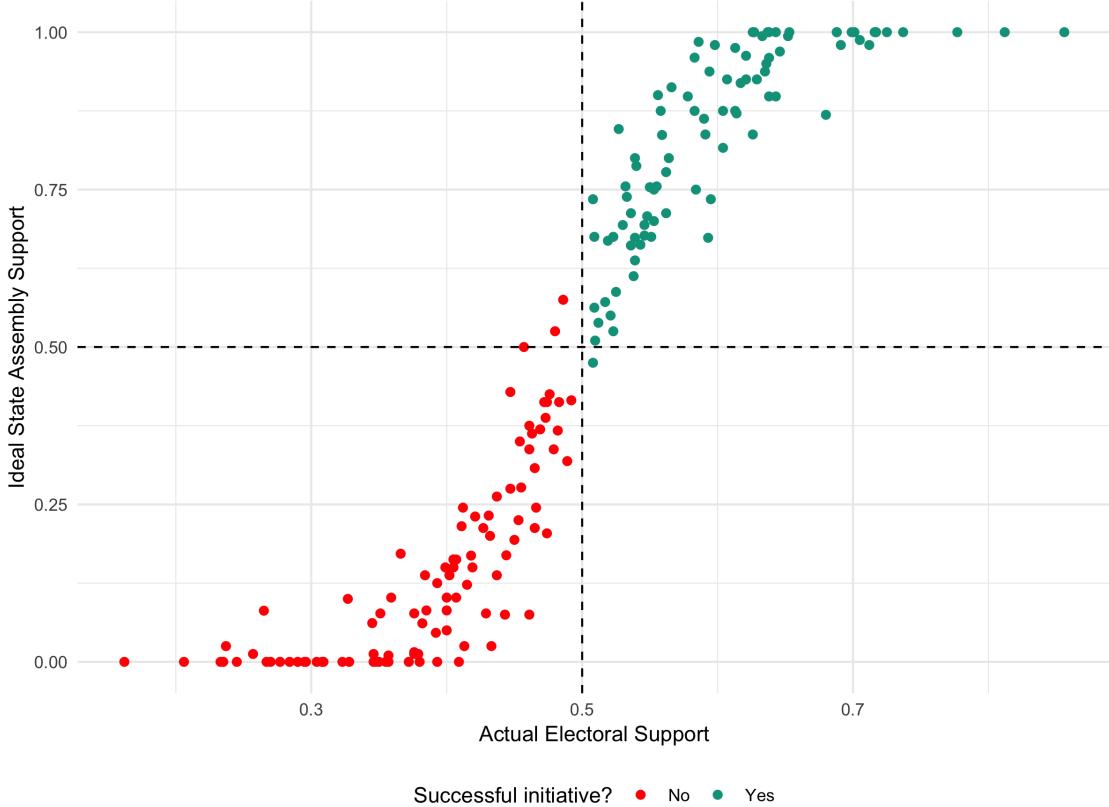


Figure 5: Comparison of the ideal support within the legislature to actual support in the electorate for initiatives. Ideal support is calculated as the proportion of legislative districts that voted in favour of the initiative proposal. Green (red) points indicate initiative proposals that received more (less) than 50 percent of the statewide vote.

approval of the policy proposal.

Consistent with the pattern for successful initiatives, those issues that lack majority support in the electorate also lack a majority of ideal support in the legislature, for all but two initiatives (both in California) while one further Californian initiative would command exactly half of the legislature's support. Despite the apparent majority of ideal support in the legislature, representatives evidently did not pass these bills, since each ended up on the state ballot.

These findings are robust to more risk-averse assumptions about legislative behaviour. Suppose that legislators abstain if their district's support for an issue is marginal (operationalised as a vote share less than 52.5 percent). Excluding these legislators, the results are unchanged and we observe no cases where an initiative is electorally popular but legislatively unpopular<sup>13</sup> If legislators

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<sup>13</sup>All robustness tests are reported in the Appendix.

vote against rather than abstaining on any marginally popular policies, six successful initiatives are pushed into bottom-right quadrant that reflects electorally popular but legislatively unpopular policy. Hence, there are a small handful of cases where the electoral disproportionality may impact vote choice, but this only occurs when we impose conservative criteria about legislative behaviour. The vast majority of initiatives, nevertheless, remain in the universally popular quadrant of support.

The correlation between ideal legislative support and popular vote shares is so strong that despite the absence of counterfactual cases the likelihood of the full hypothesis is very low. In fact, since all bar one successful initiative had a majority of support from legislative districts, the full hypothesis would only hold if every unproposed initiative had both majority statewide and district support. Only in that case would it be true that successful initiatives had more concentrated support. Even then, however, the difference would be negligible and insubstantial.

These findings therefore suggest that popular policies do not end up on the ballot because preferences for change are unequally distributed across legislative districts. The almost perfect clustering of successful initiative cases within the upper-right quadrant of Figure 5, in fact, only reifies the puzzle at hand. Why are legislators not acting on clear majority preferences within the state electorate when their local constituents desire change?

### **3.2 Explanation 2: Orthogonal political conflict**

To assess the orthogonality of initiative policy I compare voters' behaviour on an overtly partisan electoral decision to their behaviour on initiatives. Specifically, I regress precinct/district level vote shares for initiatives on presidential vote shares in the same election. Presidential elections are highly salient and partisan contests that activate first-dimension, liberal-conservative political values. If policies that end up on the ballot are those pertaining to orthogonal issue areas, we would not expect to observe significant or substantive correlations between presidential vote choice and ballot initiative support (or opposition).

As above, I look at all initiative elections held in the same six states, except I only take the subset that occurred in presidential election years ( $N=110$ ). For each initiative, I regress the precinct/district presidential vote share (the smallest unit available) on the initiative vote share:

$$V_{ij} = \alpha + \beta \times \text{Dem}_j + \epsilon,$$

where  $V_{iJ}$  is the vote share in favour of initiative  $i$  in precinct/district  $j$ , and  $Dem_j$  is the two-way Democratic vote share (versus Republicans) in the presidential election in the same area.<sup>14</sup> I include unsuccessful initiatives for the sake of comparison.

Overall, 101 of the 110 initiatives have a statistically significant relationship between Democratic presidential vote share and the initiative vote share. Moreover, looking only at those successful initiatives, 57 out of 59 return a significant coefficient. Figure 6 shows the interquartile ranges and median value for both successful and unsuccessful initiatives' absolute beta coefficients (excluding non-significant results).

The median absolute value of the beta coefficient across these successful initiatives is 0.41, which is sizeable though clearly not perfectly correlated. Voter's decisions on initiatives appear to partially covary with Democratic presidential candidate vote shares. Most successful ballot initiatives have a correlation between 0.25 and 0.6, which is suggestive that, while voting across initiative and presidential elections are not like-for-like, at least a substantial part of voters' behaviour corresponds to the partisan dimension of conflict. The strict claim that successful initiative policies are entirely orthogonal from the partisan dimension of conflict does not seem to hold. The median absolute size of the beta coefficient for unsuccessful initiatives is very similar at 0.43, with a narrower interquartile range.

The *observed* data is not consistent with the theoretical expectations of the orthogonality explanation. Therefore, it is less essential to examine the potential partisan correlations for unproposed initiatives. We may still, however, want to gauge how significant the correlations are compared to other types of political races. It may be that no race correlates very highly and therefore the observed coefficients are near the top of the plausible range. In other words, do other overtly partisan races exhibit much higher correlations with presidential voting? Finding a consistent comparison race across states and electoral cycles is beyond the scope of this paper. There is, however, some suggestive evidence from individual races.<sup>15</sup> In Washington state, for instance, voting for the Lieutenant Governor had a regression coefficient of 0.89 – higher than any initiative correlation and almost double the average. While a single datapoint is not generalisable, it is at least fur-

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<sup>14</sup>I note that there is some potential for an ecological inference fallacy here. There is no guarantee that as the absolute number of voters correlate, that it is the same voters across the two contests. The evidence presented here is purely descriptive, and inferences from these relationships should be treated with caution.

<sup>15</sup>Not all state legislative seats are contested, senate and gubernatorial races are staggered across cycles in different states, limiting the ability to generate comparable data.

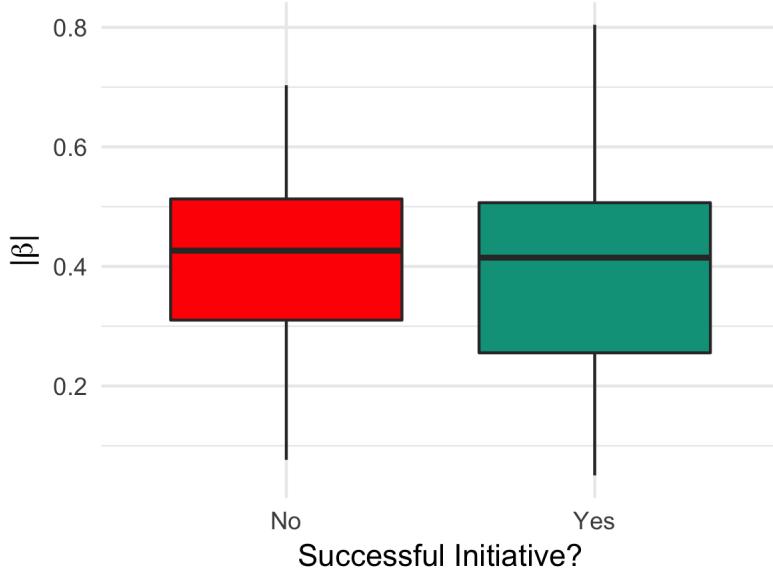


Figure 6: Boxplot of initiative-specific bivariate regression on Democratic presidential vote share.

ther suggestive evidence that initiatives are not decided on fully partisan grounds alone – partisan correlations nearing 1 are feasible and observed.

### 3.3 Explanation 3: Conservative Bias

Next I test whether the evidence supports the conservative bias explanation: that legislators overestimate voters’ conservatism on the liberal-conservative dimension (Broockman and Skovron, 2018). If this explanation holds, the legislature should set policy positions too far to the right. Initiative proponents can therefore propose policy more *liberal* than this legislative point, and garner majority electoral support.

To do so I analyse the direction of the coefficients generated in the previous section. Where initiative vote shares at the district level are positively (negatively) correlated with democratic vote shares, I take these to be indicative of liberal-leaning (conservative-leaning) measures.

In total, 40 of those 57 significant correlations exhibit positive correlations with Democratic presidential vote share. That is, around 70 percent of initiatives are liberal-leaning. There is at least *prima facie* evidence to suggest the conservative bias explanation has some leverage.

As a robustness check, I disaggregate this distribution by state legislative control: if the conservative bias holds, we would expect there to be a strong liberal-lean across all three types of control

(Democratic, Republican, and split control).

Table 2 displays these results. Clearly, there is an imbalance in the sample towards initiatives passed in Democratic-controlled states. This feature is unsurprising; California has a disproportionate number of successful initiatives and it also has persistent Democratic control of the legislature over the time period in question. Under split control, the vast majority of these (76 percent) have a positive correlation with Democratic vote share. The number of initiatives passing under Republican-controlled states in the sample is too small to make valid inferences from.

Table 2: Distribution of correlation coefficients by legislative control.

Legislative Control	$\beta > 0$	$\beta < 0$
Democrat	23	12
Republican	4	1
Split	13	4

In summary, therefore, the evidence is mixed. Initiatives do tend to correlate with Democrat rather than Republican presidential voting, even in states not controlled by the Democratic Party. However, a considerable number of conservative-correlated initiatives still pass in Democratically-controlled states, which is inconsistent with the conservative bias explanation of initiative success. This explanation requires more evidence, therefore, and in the next section I use individual-level donor estimates to further examine the relative support of initiatives vis-a-vis parties.

## 4 Empirical evidence: campaign donors’ ideology

In this section, I compare the ideology of donors to successful initiative campaigns to that of the financial backers of seated legislators. This data helps us assess the active aversion theory. And when merged with contextual data on legislative control, I can assess whether this divergence is correlated with majority status (partisan legislatures explanation), or whether support leans towards the liberal pole (conservative bias explanation).

I first show how support bases for successful initiatives differ from those of successful candidates. I demonstrate that the large majority of successful initiatives have mean ideological support more “extreme” than that of either legislative party. Moreover, I show that there is some evidence for the partisan legislatures explanation, but that this evidence does not support the conservative bias theory.

## 4.1 Data and case selection

Between 2000 and 2012 (for which the relevant data is available), 148 *successful* initiatives were passed across all states that have the initiative provision.<sup>16</sup> For each campaign I used the respective Secretary of State website and PAC listings in NIMSP to generate a list of supportive political action committees for each successful ballot initiative. I merge this data with ideal point estimates of campaign finance donors (Bonica, 2014) to assess the relative distribution of ideological support for successful initiatives and legislative candidates within the same electoral cycle. For each supportive PAC, I generate a distribution of donors' ideological positions. In total, this data captures 94,289 initiative donors who gave a cumulative 152,241 times.

I compare these initiatives to the relevant state-cycle subsets of the 13,506 successful legislative candidates who ran for state legislative office in the same time period and states – including both lower and upper chambers. For each legislator I include all donations made by individuals to their respective candidate PAC. In total, this legislative set of ideology estimates captures 2.9 million contributors who made 3.8 million donations collectively to successful legislative candidates.

All ideological estimates – common-space campaign finance scores (CFscores) – are taken from the Database on Ideology, Money in Politics, and Elections (DIME), which contains contribution-level data for state and federal level campaigns between 1979 and 2014.<sup>17</sup> The CFscore assesses ideological similarity based solely on donation activity. Donors who donate to the same political entities (candidates or PACs) are assumed to be ideologically similar. The CFscore is highly correlated with existing ideal point estimation techniques for legislators yet the universe of estimated positions is much larger (Bonica, 2014).<sup>18</sup>

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<sup>16</sup>This section focusses solely on successful political campaigns - that is, candidates who are elected to state legislative office and initiatives that pass the ballot. Failed initiatives represent cases where legislators were right not to act since initiative proponents misjudged the majority preference of the electorate.

<sup>17</sup>In particular, I leverage the state-level subset of this database which draws data from the National Institute for Money in Politics (NIMSP) (National Institute on Money in State Politics, 2017).

<sup>18</sup>The CFscore has come under criticism for deriving candidate point estimates from donors who are a potentially biased subset of the voting population (Hill and Huber, 2017). This criticism focusses on the subject of the measurement itself, rather than the methodology of inferring ideological positions from the actions of candidate's supporters. If donors are atypical in terms of their political support, then measuring ideology based on donation data may produce biased estimations of ideology. Essentially, under this view, the CFscore mistakes donors for random draws from the larger distribution of voters' ideological positions.

There are, however, *prima facie* reasons to think that ideal point estimates *should* focus on donors (Barber, 2016a,b). Donors to political campaigns are predominantly individuals and not corporations (Barber, Canes-Wrone and Thrower, 2017). This subset of the electorate are active participants in political contests (Anscombe et al., 2003), who use financial contributions to support candidates and campaigns within electoral races. Crucially for the purposes of this paper, moreover, the measure is consistent across electoral races. Even if the point estimates are not

Out of the 148 initiatives that passed in this time-period, I was able to isolate the key support groups for 124 campaigns. The missing 24 cases lacked donor or PAC information on both the respective state repository and NIMSP. This missing data can largely be attributed to initiatives held earlier in the time period, where records have not been digitised. The DIME database also lacks donor data for some initiatives held earlier in the time period: for instance the database does not include any records for Washington ballot initiative PACs in the 2000 and 2002 general elections, for instance.<sup>19</sup> Finally, the number of unique contributors to each initiative campaign varies substantially.<sup>20</sup> To ensure my results are meaningful, I exclude those initiatives with less than 40 unique contributors, leaving 77 initiative campaigns in the dataset.

## 4.2 Explanation 5: Active legislative aversion

**Distributions of support.** As a first check of the distribution of support for initiatives, I generate non-cumulative kernel density plots for each initiative and the two corresponding state legislative parties. For instance, Figure 7 demonstrates the relative densities of support along the ideological axis for initiatives held in Florida. In both Figure 7, and across the entire set of initiatives considered in this paper, the vast majority of initiatives exhibit support clustered around a distinct region of the ideological axis, with limited diffusion of ideological positions.<sup>21</sup>

I classify the position of initiatives dependent on relative position of the initiative’s mean ideological support *vis-a-vis* the mean support for both parties. “Left” (“right”) positions indicate those initiatives whose mean ideological support is more liberal (conservative) than both party means. Since both positions lie outside the interval between the two parties, “left” and “right” initiatives are also “extreme”. Initiatives with mean ideological support between the parties are

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accurate, that should not impact the relative position of CFScores *vis-a-vis* initiative and candidate campaigns.

<sup>19</sup>Ballot initiative PACs often do not need to be registered specifically to a single campaign, since initiatives are submitted by a chief petitioner. Thus, multiple committees may register in favour of (or in opposition to) an initiative proposal. I include all committees registered in support of an initiative. Moreover, committees may register in support and opposition to multiple campaigns. In these cases, donors to these PACs are not explicitly supporting a single issue. I include these PACs since I assume that donors would not donate if they were opposed to the passage of a specific initiative, and that said PACs act based on the interests of their donors. Similarly, this analysis does not take into account the amount of money donated (for which multiple-issue PACs would be more problematic), but with the ideological support base of donors.

<sup>20</sup>Those with very low numbers of contributors represent cases either where financial disclosure was poor, where campaigns were funded solely by single individuals/groups, or where campaigns were financed other than through PACs (such as independent expenditures). These “reporting leakages” are a potential limitation of this analysis, but are broadly unavoidable given American campaign finance regulation.

<sup>21</sup>A full set of kernel density plots for each state are located in the Appendix.

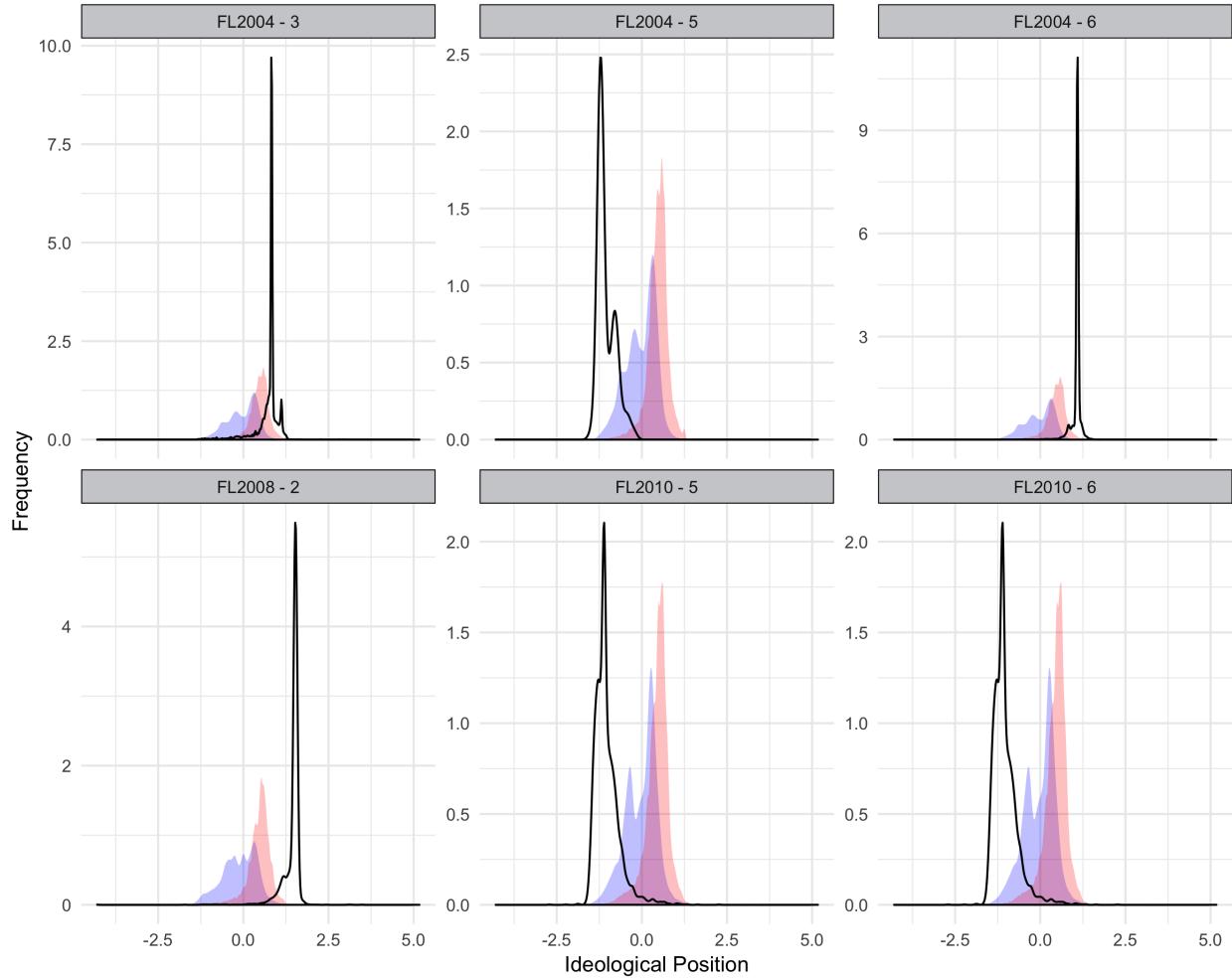


Figure 7: Kernel density plots of the ideological distribution of financial donors to initiatives held in Florida, compared against the respective support for both parties for the corresponding electoral cycle.

labelled ‘centrist’. Table 3 reports the calculated mean ideological position of support for each ballot initiative, as well as a brief description of the bill’s content.<sup>22</sup> The position column refers to whether the mean ideological support of the initiative is to the ‘Left’ of the Democratic Party, ‘Right’ of the Republican Party, or in the ‘Centre’ between the two party distributions.

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<sup>22</sup>Descriptions adapted from information provided by the National Conference of State Legislatures’ ballot measures database (National Conference of State Legislatures, 2018).

Table 3: Descriptions of successful initiatives and the calculated ideological positions

State	Year	Ballot No.	Description	Mean Ideology	Position
Arizona	2004	200	Implement voter ID law	1.82	Right
Arizona	2006	201	Public smoking ban	-0.66	Left
Arizona	2006	203	Funding for early childhood development and health programs	0.24	Centre
Arizona	2006	204	Prevent cruel and inhumane confinement of animals	-1.05	Left
Arizona	2006	207	Reimburse lost property value when imposing land usage restrictions	1.27	Right
Arizona	2010	203	Legalise medical marijuana	-0.44	Centre
Arkansas	2004	3	Same-sex marriage ban	1.22	Right
Arkansas	2008	1	Prevent fostering or adoption by non-married cohabiters	1.28	Right
California	2000	35	Use of private contractors in public works projects	0.22	Right
California	2000	39	Bond for school facilities	-0.41	Centre
California	2002	49	State grant for after school activities	0.37	Right
California	2002	50	Bonds to improve water quality	-0.43	Centre
California	2004	64	Limit enforcement of business competition laws	0.21	Centre
California	2004	63	Mental health services expansion and funding via millionaire's tax	-1.16	Left
California	2004	71	Stem cell research funding	-0.57	Centre
California	2006	83	Punishment, residence restrictions and monitoring of sexual offenders	0.65	Right
California	2006	84	Bond to improve water quality	-0.50	Centre
California	2008	8	Same-sex marriage ban	1.87	Right
California	2008	11	Redistricting to be decided by citizens commission	0.09	Centre
California	2008	2	Confined farm animal standards	-1.39	Left
California	2010	25	Change legislative budget passage vote to 50% threshold	-0.86	Left
California	2010	22	Prevent appropriation of funds from transportation or local government projects	-0.33	Centre
California	2010	20	Redistricting of congressional districts	0.30	Right
California	2010	26	Require two-thirds approval to increase state and local fees	0.23	Centre
California	2012	30	Temporary tax to fund education spending	-1.18	Left
California	2012	35	Penalties for human trafficking and offender registration	-1.16	Left
California	2012	36	Three strikes law	-1.13	Left
California	2012	39	Clean energy funding	-1.86	Left
Colorado	2002	27	Implement campaign finance limits	-1.36	Right
Colorado	2004	37	Renewable energy requirement	-1.32	Left
Colorado	2004	35	Increase tobacco tax	-0.88	Centre
Colorado	2006	43	Same-sex marriage ban	1.50	Right
Colorado	2008	54	Campaign finance regulations for government contractors	1.21	Right
Colorado	2012	64	Legalis use and regulation of marijuana	-0.91	Centre
Colorado	2012	65	Charge congressional delegation with supporting campaign finance limits	-1.40	Left
Florida	2004	3	Limit fees paid to attorneys in medical malpractice suits	0.74	Right
Florida	2004	6	High speed rail amendment repeal	1.06	Right
Florida	2004	5	Increase minimum wage	-1.05	Left
Florida	2008	2	Same-sex marriage ban	1.44	Right

Table 3: Descriptions of successful initiatives and the calculated ideological positions

State	Year	Ballot No.	Description	Mean Ideology	Position
Florida	2010	5	Legislative redistricting to be ‘fair’ and use geographical boundaries when possible	-1.03	Left
Florida	2010	6	Congressional redistricting as in Measure 5	-1.03	Left
Maine	2012	1	Same-sex marriage legalisation	-1.44	Left
Massachusetts	2008	3	Prohibit dog racing	-1.17	Left
Massachusetts	2008	2	Decriminalize marijuana	-0.92	Left
Massachusetts	2010	1	Salex tax on alcoholic beverages	-0.17	Centre
Massachusetts	2012	3	Legalise medical use of marijuana	-0.92	Left
Michigan	2004	2	Same-sex marriage ban	1.45	Right
Michigan	2006	2	Ban affirmative action	1.17	Right
Michigan	2008	2	Allow human embryo and human embryonic stem cell research	-0.65	Centre
Michigan	2008	1	Permitte the use and cultivation of marijuana for medical conditions	-0.88	Left
Missouri	2004	3	Transportation funds	-0.07	Centre
Missouri	2006	2	Stem cell research	-0.28	Centre
Missouri	2006	B	Increase minimum wage	-0.79	Left
Missouri	2008	C	Create a renewable energy standard	-1.01	Left
Missouri	2010	B	Improve dog breeding welfare standards	-0.80	Left
Missouri	2010	3	Prevent new real estate taxes	1.69	Right
Missouri	2004	149	Increase tobacco tax	-2.78	Left
Montana	2006	151	Increase minimum wage	-1.10	Left
Montana	2012	166	Prevent corporations from being considered ‘human beings’	-1.36	Left
Nevada	2004	1	Fund education before any other budget item at state-level	0.30	Right
Nevada	2004	3	Limit fees paid to attorneys in medical malpractice suits	0.47	Right
Ohio	2004	1	Same-sex marriage ban	1.44	Right
Ohio	2006	2	Increase minimum wage	-0.89	Left
Ohio	2006	5	Ban smoking in public places	-0.35	Centre
Oregon	2002	25	Increase minimum wage	-1.02	Left
Oregon	2004	36	Same-sex marriage ban	1.24	Right
Oregon	2004	37	Reimburse lost property value when imposing land usage restrictions	0.78	Right
Oregon	2006	44	Expand state drug prescription program	-3.21	Left
Oregon	2012	79	Prevent new real estate taxes	0.88	Right
Washington	2004	297	Added regulations about (mixed-) radioactive waste	-1.41	Left
Washington	2004	872	Reform electoral system to use “top-two” primary	0.40	Right
Washington	2006	937	Energy resource use by utilities companies	-1.33	Left
Washington	2008	1000	Establish right to die	-1.13	Left
Washington	2010	1053	Require two-third vote to increase state taxes and fees	1.10	Right
Washington	2012	502	Decriminalize marijuana	-1.25	Left
Washington	2012	1240	Create a public charter school system	0.11	Centre
Washington	2012	1185	Two-thirds vote for tax increases	1.34	Right

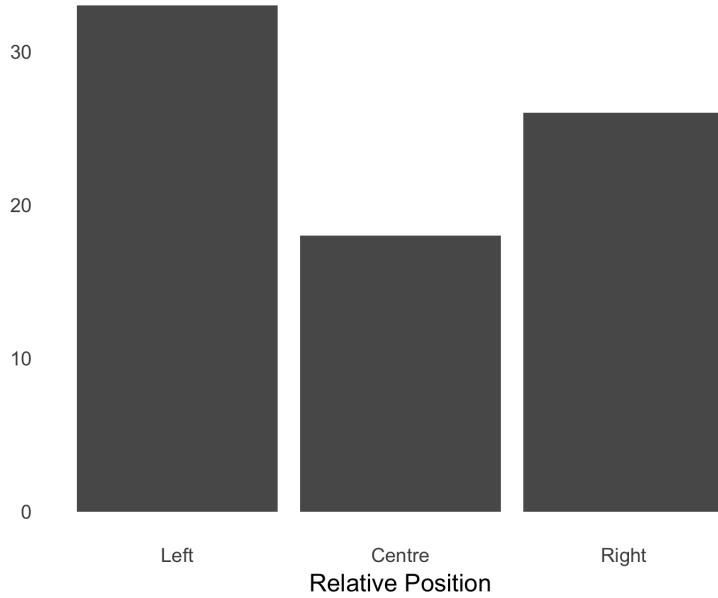


Figure 8: Histogram of the relative position of initiatives compared to the legislative parties.

Figure 8 summarises the distribution of the relative positions of initiatives. Initiatives succeed at all three relative positions, but a clear majority of initiatives are “extreme”. Collectively, 77 percent of initiatives have a mean ideological score that is greater (in absolute terms) than the closest party mean. These “extreme” initiatives (in relative terms) are like those displayed in Figure 7 where the ideological support for each initiatives lies predominantly outside the respective distributions for both major parties. Indeed, this imbalance of extreme initiatives is found within each state, and for all but the 2000 electoral cycle where data is more sparse (see Table A2 in the Appendix.) In Appendix Table A3 I also show that this pattern occurs within social, economic, and governmental issue areas. For social and economic issues, most initiatives are further left than the Democratic Party but governmental issues (policies that determine how politics is conducted) tend to be right-leaning.

Initiatives labelled “extreme” are substantively further to the left or right than either party. On average, extreme initiatives are 1.2 standard deviations (in terms of the party distribution) away from the legislative support of the closest party. These measures are therefore much closer to the extremes of the ideological dimension than are the two respective parties. This is a non-trivial finding: successful initiatives that command majority support in the electorate often have a support base that is substantively more extreme along the ideological dimension than that for either party.

To compare the distributions of donors' ideology between initiative and successful party candidates further, I run Mann-Whitney two-sample U-tests to determine whether these ideological values are drawn from the same population distribution (Lewis-Beck, Bryman and Futing Liao, 2004). This nonparametric test assesses the likelihood that a randomly-selected CFscore from one distribution is higher than a randomly selected CFscore from the other. The resultant p-value corresponds to the null hypothesis that the two distributions of ideological support are identical. Full results can be found in Appendix Table A1.<sup>23</sup>

Overwhelmingly, these tests show that initiative and legislative party support are drawn from separate distributions. We can reject the null hypothesis that the ideological support for initiatives is distinct from both parties in 71 out of 77 cases. Overall, not only are the vast majority of initiatives statistically distinguishable from support for the two parties respectively, but the statistical confidence in these results is high too. Even after Bonferroni-adjustments,  $p < 0.001$  for 144/154 tests. In general, therefore, support for initiatives are drawn from distinct bases of ideological support relative to those of the two legislative parties.

#### 4.2.1 Robustness tests

**Projected donors and CFscore confidence.** The CFscore metric relies on the shared donation history between donors. Individual point estimates in turn rely on the number of donations that each separate donor makes across the pooled universe. As a consequence, the greater the number of distinct donations to different campaigns made by an individual, the greater our confidence in the ideological point estimate of that actor. Individuals who make a single distinct donation – that is, to one candidate only across the entire donor universe – are excluded from the scaling, and only reintroduced through projection. These donors are assigned the ideological score of the candidate or group to which they donate.

This projection is potentially problematic. While a donation to a liberal Democrat might indicate that that donor is also a left liberal, projection assumes their ideologies are exactly the same when in reality there might be substantial divergence. Projected donors pose a robustness

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<sup>23</sup>Since the number of pairings between the two groups is large, the reported p-values are calculated using a normal approximation. Moreover, running 154 separate Mann-Whitney U-tests (77 initiatives compared against the two parties separately) increases the likelihood of Type-I errors through multiple comparisons. I therefore report corrected p-values using the Bonferroni adjustment (Sedgwick, 2014).

problem if they substantively impact the categorisation and distance measurement of support for legislative and initiative campaigns alike. Conventional confidence intervals of the individual ideological positions are not possible since the scaling algorithm used to determine the score relies on the *non-independence* of observations. To test the robustness of my findings, therefore, I rerun my analysis imposing increasingly stringent restrictions on the number of distinct donations required to be included within the analysis - a minimum of two, four, and eight distinct donations respectively (similar to tests in (Hill and Huber, 2017)).

Table 4 summarises the results of these robustness checks. As in the main analysis, I do not consider any initiative where the total number of donors is below 40. Therefore, there are fewer initiatives considered as the stringency increases. The average extremeness of measures is stable as the stringency of the exclusion criteria is increased - increasingly slightly from 77 to 82 percent over the four specifications. There is a slight decrease in the average distance (in standard deviations) as the stringency of inclusion increases, but the average extremity remains around 1 standard deviation away from the closest party. Overall, this test suggests that projected donors are not unevenly distributed between centrist and extreme positions, which would result in larger shifts in the number of extreme initiatives relative to centrist ones. If anything, including projected donors is a more conservative estimate of this ratio. Full initiative-level results are available in Table A4 in the Appendix.

Table 4: Robustness test: comparison of SD distances for extreme measures.

Minimum donations	Distance ( $\sigma$ )			No. of extreme initiatives	Extreme %
	Min.	Max.	Mean		
$n \geq 1$	0.019	5.355	1.269	59	0.766
$n \geq 2$	0.006	4.525	1.058	59	0.787
$n \geq 4$	0.075	2.32	0.975	54	0.783
$n \geq 8$	0	2.524	0.96	53	0.815

**Bootstrapped means.** The distribution-test results are also robust to a direct comparison of means, as opposed to Mann-Whitney U-tests. In the Appendix I compute a difference-in-means estimate between the initiative and legislative positions using bootstrapping. The results are substantively unchanged. Full details of these calculations and discussion of the results are provided in the Appendix alongside the full table of results (Table A5).

### 4.3 Explanations 3 and 4: conservative bias and partisan legislatures

The donations data can also be used to inspect the conservative bias and partisan legislatures explanations further. If there is conservative bias to legislators' beliefs, we would expect to observe initiative support clustered to the left of the majority party's position. If the partisan legislatures explanation holds, then support for successful initiatives should cluster in the opposite ideological direction to the party that controls the legislative agenda. To assess these hypotheses, I merge the initiative-level data with information on state-level party control taken from Caughey, Warshaw and Xu (2016).

Table 5 reports the relative position of successful initiatives by party control of the state legislature in the same year (the legislative session prior to the November election). A chi-squared test of the two categorical variables fails to reject the null ( $\chi^2 = 1.91$ , df = 4, p-value = 0.75).<sup>24</sup> This association is similarly weak if you aggregate initiative positions into a binary measure of extreme or centrist ( $\chi^2 = 1.45$ , df = 2, p-value = 0.48). Null results are also found for gubernatorial control and state divided government.

Table 5: Legislative control and initiative position.

<b>Initiative</b>	<b>Legislative Control</b>		
Position	Democrat	Republican	Split
Left	13	14	6
Centre	10	6	2
Right	11	9	6

Initiative proponents appear able to build majority coalitions at the relative fringes of the ideological spectrum regardless of party control within the state legislature. But since both the conservative bias and partisan legislatures arguments centre around ideological divergence relative to the majority party's position, I assess these mechanisms further by comparing the relative position of support for initiatives to the *majority* party's position.

With respect to conservative bias, successful initiatives do not garner more liberal support than the majority party. Ignoring cases of split legislative control, 33 of 63 cases exhibit more liberal-leaning supporters ( $p > 0.8$ ). Contrary to expectations, the likelihood of being liberal leaning is

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<sup>24</sup>As a directional test of association, I also run a Goodman-Kruskal tau test to check for the presence of an asymmetric relationship between the two variables (Pearson, 2016). In both directions, there is no substantive correlation between state legislative control and the relative position of initiatives ( $\tau_{xy} = 0.012$ ,  $\tau_{yx} = 0.011$ ).

essentially indistinguishable from chance.

On the other hand, 41 cases exhibit moderation towards the minority party (as expected by the partisan legislatures explanation). That is, in 65 percent of cases ( $p < 0.05$ ), successful initiatives' mean ideological support is to the right of the Democratic party in Democrat-controlled legislatures, and *vice versa*. This finding is supportive of the partisan legislatures explanation. The majority party's control of agenda-setting procedures precludes convergence on median electoral preferences that are moderated towards the other side of the ideological spectrum. This moderation is not necessarily small; moderated positions include those Right extreme measures (initiatives with ideological support more conservative than the Republican party) in Democratic-controlled legislatures.

Still 35 percent of initiatives do not exhibit support away from the majority party and towards the minority party – and this is clear from Table 5, where there are a considerable number of Right extreme initiatives in Republican legislatures and Left extreme measure in Democratically-controlled legislatures. This explanation therefore finds some supportive evidence, but it is far from conclusive.

**Summary.** The financial support bases for successful initiatives and candidates are, in almost all cases, ideologically distinct. Moreover, robust to specification changes, a large majority of successful initiatives have, on average, more ideologically extreme donors than do the respective state legislators of each party. The observed differences in mean ideological position are substantial and suggestive of differences in the underlying support coalitions for issues that have to be passed by initiative. This feature could be interpreted in various ways. Broadly, it suggests that these popular policies have not taken root in the mainstream policy community. This could be because they are untested, possibly unwise (at least to conventional policymakers), or because they are opposed by powerful financial interests. Moreover, there is some suggestive evidence that successful initiatives have support coalitions that mediate towards the direction of the minority.

How do we make sense of these findings in terms of the broader theory that includes those unproposed initiatives? In one sense, comparisons against party distributions of support are an inherent check of whether successful initiatives lay outside the political mainstream (although the party distributions act to define this extremity too). The outstanding concern is whether other

issues that legislators are willing to pass could also be as outlying – thus the extremity itself would not be an intrinsic reason for legislators’ aversion. This unobserved portion of the joint distribution is critical for valid inference. The sheer magnitude of the differences in support suggests the unproposed initiatives would also have to be very outlying for the hypothesis to be falsified. And if that were the case, who are these party donors who differ so much from the supporters for *all* popular policies? These questions cannot be fully resolved here, and merit much more research. In the final empirical section, however, I present the results from a bespoke small-n survey to assemble further data in support of this active aversion theory.

## 5 Empirical evidence: Surveying state legislators directly

We cannot observe the motivations behind legislators’ apparent intransigence directly using either the voting data or contributions information. We can, however, solicit legislators’ attitudes towards the policies and processes that structure and define both conventional and ballot initiative policy-making. To this end, I conducted a small survey on state legislators to test their attitudes on the initiative process and its role vis-a-vis the legislature. All state legislators in Arizona, California, Massachusetts, Oregon, and Washington were contacted at their official legislative email address and asked to complete a short structured survey. Given the likely policy knowledge of staffers close to state legislators (Hertel-Fernandez, Mildnerger and Stokes, 2018), I indicated that senior legislative staffers could respond on behalf of their representative. In total, 27 legislators responded to these invitations.<sup>25</sup> Limits to the generalisability of this evidence go without saying. I use these structured responses as a qualitative complement to the analysis in the rest of this paper.

Legislators were asked to indicate their level of agreement with respect to five statements about the initiative process and when it is best used. Over 60 percent of respondents agreed that ‘there are times when legislators have to be more cautious than voters would be’, and a majority indicated that the initiative process itself ‘takes the pressure off legislators to act on certain issues.’ High levels of support for both statements indicate that legislators acknowledge both policy incongruence, and that the initiative process can act as a pressure valve in these instances. No respondent, however,

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<sup>25</sup>The response rate was 5.4 percent, which is in line with similar studies at the national and state level (Hertel-Fernandez, Mildnerger and Stokes, 2018; Stokes, Mildnerger and Hertel-Fernandez, N.d.), but the size of the population smaller is in this case.

agreed that the initiative process was best used when the legislative session was busy.

Over half of all respondents also indicated that the initiative process was *not* a good way to make ‘important political decisions’. And only a minority of respondents (38.5 percent) agreed that the initiative process was best used for ‘politically sensitive’ issues. The surveyed legislators do not simply defer to the initiative process because they perceive normative benefits to direct democratic action. Instead, legislators appear to prefer, hypothetically, to handle all policy issues themselves. Their ability to do so, however, is mediated by other factors.<sup>26</sup>

To understand these factors better, I asked legislators to rate the importance of seven different factors that “deter the legislature from passing legislation” (on a scale from 0 = “not at all important”, to 7 = “very important”). This question was asked abstractly without reference to any particular policy or legislation, and to avoid possible social desirability bias the question was framed in terms of the legislature as a whole.

Table 6: Factors contributing to legislative inaction.

Factor	Mean Importance	$\sigma$	N
Political sensitivity of the policy	5.72	1.17	25
Pressure from interest groups	5.48	1.61	25
Policy stalemate within the legislature	5.17	1.75	23
The relative importance of the policy	5.00	2.20	25
Economic costs of the policy	4.96	1.81	25
Unstable public opinion on the policy	4.71	2.12	24
How well the policy is written	4.29	1.88	24

Table 6 ranks these factors by their average importance to legislators. Each factor was ranked above the scale’s midpoint, suggestive of the complexity behind why legislatures act on some issues but not others. That said, political sensitivity was ranked the most important reason for inaction (with the smallest variance in ranking across respondents). Legislators appear risk-averse to some issue areas, dampening legislative enthusiasm towards pass new policy even if its popular. While this factor was consistently rated as important for deterring legislative action objectively, legislators did not believe that the initiative process was better able to handle these types of sensitive issues.

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<sup>26</sup>When asked if there were any particular issue areas that are better resolved by ballot initiative, half of all respondents answered in the affirmative. These respondents then had the opportunity to select from a list of 26 areas derived from the National Conference of State Legislature’s policy categorisations. 15 of the areas were chosen at least once suggesting inaction is not clustered in a small number of policy areas. The most frequently chosen topics were “lobbying and campaign finance” and “ethics” (six times); “drug policy” and “alcohol and tobacco policy” (five times); “criminal justice” and “tax and revenue” policy (four times). As a note of caution, there may be some confirmation bias to this question given the recent initiative history of the states in question.

Interest group pressure was the second most important reason for inaction, on average. Given the sensitivity of this subject, it is notable that legislators were willing to rate the effect of interest group influence so highly.<sup>27</sup> These responses accord with the findings of the previous section: disjunctions in financial support bases appear to influence the ability of legislators to act on certain, popular policy proposals. Legislators feel the pressure of interested groups who may not necessarily be aligned with popular opinion, providing further evidence that sectional interests may diminish policy responsiveness.

Less influential (in relative terms) were the quality of the written policy and unstable public opinion on a given issue. At least relative to the other factors, legislators did not see inactivity as a result of uncertainty about the position of the median voter. Given the ideal legislative responses computed earlier in the paper, it is not surprising that legislators do not rank this factor as highly as the others.<sup>28</sup>

These findings complement the analysis of the previous section. Issues are less likely to be acted on if they alienate key interest groups or are politically sensitive, features we would expect of issues not incorporated into mainstream political networks. Legislators, while sceptical of the initiative process, recognise moreover that the initiative process alleviates the pressure to act on issues. Again, the evidence suggests that the initiative process allows legislators to defer judgement on policy that may be novel, untested or have negative policy consequences despite its electoral popularity – shifting responsibility for its passage directly to voters.

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<sup>27</sup>As Stokes, Mildenberger and Hertel-Fernandez (N.d.) suggest, the importance of this factor may be more important than this direct question suggests. They compare the response rate of overt questions about interest group influence to inferred ratings via a list experiment. The list experiment, in which respondents do not need to actively indicate the importance of interest groups, leads to higher levels of perceived importance of these actors' role. In the survey conducted for this paper, while it is clear legislators are not entirely averse to admitting the role of interest groups, they may nevertheless downplay their importance though this is of course speculative.

<sup>28</sup>Respondents were also asked about specific initiative policies passed in the last two electoral cycles (2016 and 2018) in their state. Respondents were asked to rank their relative importance of the same factors as in Table 6. In the Appendix, I group these issues into six policy areas - drug, election, environmental, gun, tax, and wage policies – and compare rankings across issue areas. Notably when respondents were asked about specific issues, interest group pressure is the most consistently important factor. Respondents rate political sensitivity as the most important factor for drugs and gun policy, but this factor is less important for elections and wage policy respectively. Legislative time and uncertain public opinion are consistently ranked the least important across issue areas. Table A6 in the Appendix gives a more detailed breakdown.

## 6 Discussion

In this paper, I explore five different reasons why initiatives might be expected to succeed, given our intuitions about legislative convergence in representative democratic systems. These explanations cover a range of different explanatory factors that would distort or limit the responsiveness of legislators. I leverage new data sources to challenge existing explanations for initiative success at both the individual and institutional level.

In doing so, I develop and incorporate hypothesis testing strategies that are sensitive to the systematic incompleteness of data, and illustrate its implications for valid inference beyond the scope of this paper. Researchers should not shy away from substantively important topics where selection issues are prevalent, but instead construct empirical tests that assess the likelihood of hypotheses taking into account plausible distributions for the missing cases. This paper demonstrates how such strategies can be applied in a context where one portion of the joint distribution of data is systematically unobserved.

In substantive terms, this paper presents evidence to suggest that the initiative process is used predominantly when issues lie outside the political mainstream. While there are substantial correlations between initiative and presidential voting, it does not appear that initiative issue dimensions are fully captured by this partisan dimension of conflict. Moreover, supporters of initiatives are, typically, much more extreme than supporters of the two major parties. This evidence suggests that legislators deliberately avoid passing popular legislation on some policy areas, particularly when that policy lies outside mainstream policy networks. Qualitative survey evidence suggests that both the financial interests and political sensitivity of the issues condition legislators' hesitance to act.

This paper also demonstrates important null results. Popular policy does not appear to end up on the ballot due to electoral disproportionality. In a counterfactual sense, legislators should have supported legislation that went on to be passed at the ballot. The significance of this result is noteworthy. Not only do legislators appear to, at times, ignore majority demands of the statewide electorate, but more particularly representatives appear to ignore the majority demands of the very voters upon whom their legislative careers depend.

Future work should seek to verify further the underlying mechanisms that drive legislative aver-

sion. What types of popular issues, in particular, are legislators keen to avoid? And can selection problems be overcome by comparing successful legislative policymaking efforts to initiatives?

More generally, this paper helps to develop our understanding of representation in modern democratic systems. It is clear from the evidence presented in this paper that legislators do not always act on popular policies. Our focus on political representation to date has focussed on identifying when, and for how long, incongruences exist between voters and their elected representatives (Caughey, Warshaw and Xu, 2017; Simonovits, Guess and Nagler, 2019). New theories of representation have highlighted impediments, both strategic and psychological, that limit this convergence (Broockman and Skovron, 2018; Hertel-Fernandez, Mildenberger and Stokes, 2018). The findings of this paper suggest we should also look at normative components of representation too – what legislators think they *should* do, and how the composition of the wider policy community conditions their willingness to act on majority policy demands.

Ballot initiatives serve to resolve incongruence, and this paper provides novel evidence about the conditions under which this occurs. Initiatives succeed when legislators are averse to owning certain issues, and this appears to be driven both by party dynamics and the location of policy support vis-a-vis the political mainstream. The implications of this research are important, particularly when disillusionment with politics today is often attributed to failures in democratic representation and responsiveness. At a time when politics has become distinctly ‘populist’, understanding the relationships between these fundamental types of democratic policymaking is crucial to the public’s trust in democracy.

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## A Appendix

### Estimating legislator's ideal responses: robustness tests

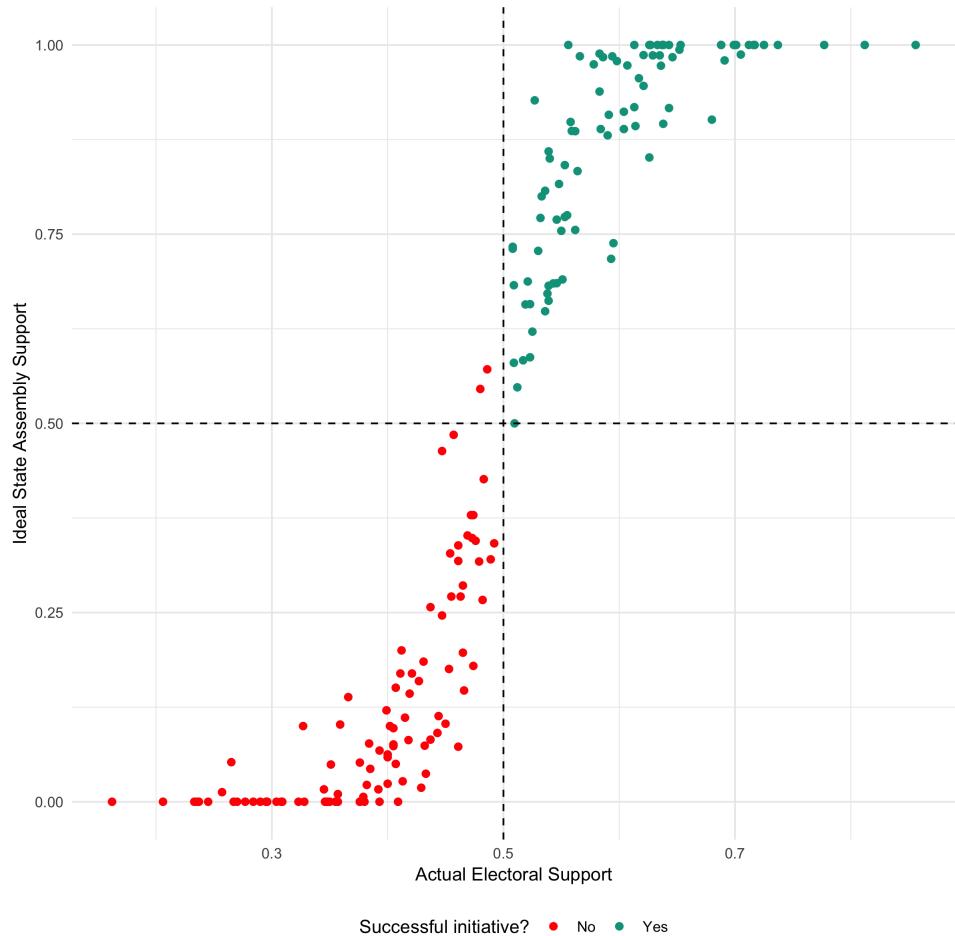


Figure A1: Estimating the ideal legislative support where legislators *abstain* if  $0.475 < \text{constituency proportion in favour} < 0.525$

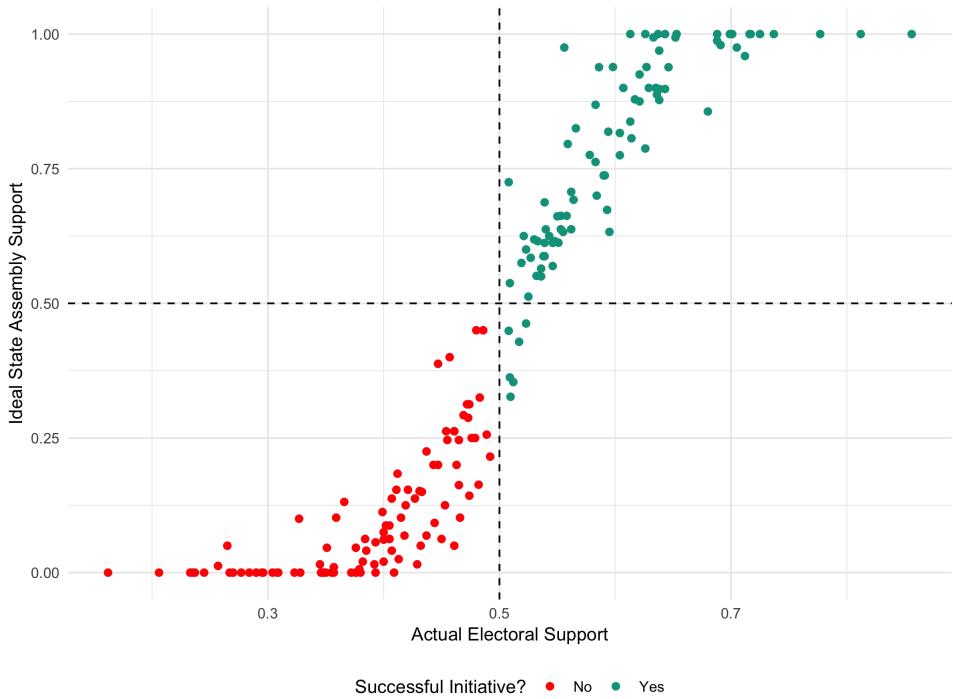


Figure A2: Estimating the ideal legislative support where legislators *vote against* constituency proportion in favour is  $< 0.525$

## Ideological distribution of support: further analyses

### Proportion of extreme initiatives by year

Table A2 displays the count of centrist and extreme initiatives by year. Except for 2000 (where there are only 2 initiatives within the sample), there are always a greater proportion of “extreme” initiatives. In all years except 2010, this proportion is above 70 percent.

### Proportion of extreme initiatives by issue area

Another way to disaggregate initiatives is by the issue area. This is particularly useful if we believe that legislators may respond to different types of issue in different ways (holding constant levels of public support). Unfortunately, the size of the sample of initiatives makes a conclusive analysis of differences across a multiplicity of issue areas difficult. Descriptively, however, it is worth noting the policy issues touched upon by ballot initiatives. To do so, I use the National Conference of State Legislature’s (NCSL; 2018) coding of initiative policy across 40 different topics. Note that the same initiative can be coded as including multiple topics. For example, an initiative raising tax levels on tobacco will be coded under both ‘tax and revenue’ and ‘health’ topics.

Table A1: Mann-Whitney U-tests for initiative campaigns and state legislative parties.

Cycle	Initiative	Donor N	p-value	
			Democratic Party	Republican Party
AZ2004	200	550	0.000***	0.000***
AZ2006	201	302	0.000***	0.000***
AZ2006	203	304	0.000***	0.000***
AZ2006	204	1737	0.000***	0.000***
AZ2006	207	101	0.000***	0.000***
AZ2010	203	130	1.000	0.000***
CA2000	35	4657	0.000***	0.000***
CA2000	39	658	0.000***	0.000***
CA2002	49	636	0.000***	0.000***
CA2002	50	266	0.000***	0.000***
CA2004	64	551	0.000***	0.001***
CA2004	63	259	0.000***	0.000***
CA2004	71	252	0.234	0.000***
CA2006	83	158	0.000***	0.000***
CA2006	84	157	0.001***	0.000***
CA2008	8	6944	0.000***	0.000***
CA2008	11	661	0.000***	0.007**
CA2008	2	6183	0.000***	0.000***
CA2010	25	75	0.000***	0.000***
CA2010	22	1050	0.000***	0.000***
CA2010	20	41	0.000***	0.482
CA2010	26	107	0.000***	0.038*
CA2012	30	2157	0.000***	0.000***
CA2012	35	364	0.000***	0.000***
CA2012	36	47	0.000***	0.000***
CA2012	39	350	0.000***	0.000***
MA2008	3	2729	0.000***	0.000***
MA2008	2	372	0.000***	0.000***
MA2010	1	266	0.000***	0.000***
MA2012	3	100	0.000***	0.000***
OR2002	25	52	0.000***	0.000***
OR2004	36	2614	0.000***	0.000***
OR2004	37	184	0.000***	0.000***
OR2006	44	846	0.000***	0.000***
OR2012	79	81	0.000***	0.000***
WA2004	297	118	0.000***	0.000***
WA2004	872	213	0.000***	0.165
WA2006	937	1404	0.000***	0.000***
WA2008	1000	8865	0.000***	0.000***
WA2010	1053	816	0.000***	0.000***
WA2012	502	620	0.000***	0.000***
WA2012	1240	194	0.000***	0.000***
WA2012	1185	667	0.000***	0.000***

\*\*\*= $p < 0.001$ , \*\*= $p < 0.01$ , \*= $p < 0.05$

Table A2: Cross-tabulation of relative initiative positions by year.

Year	Centrist	Extreme	N
2000	0.50	0.50	2
2002	0.25	0.75	4
2004	0.20	0.80	20
2006	0.27	0.73	15
2008	0.17	0.83	12
2010	0.36	0.64	11
2012	0.15	0.85	13

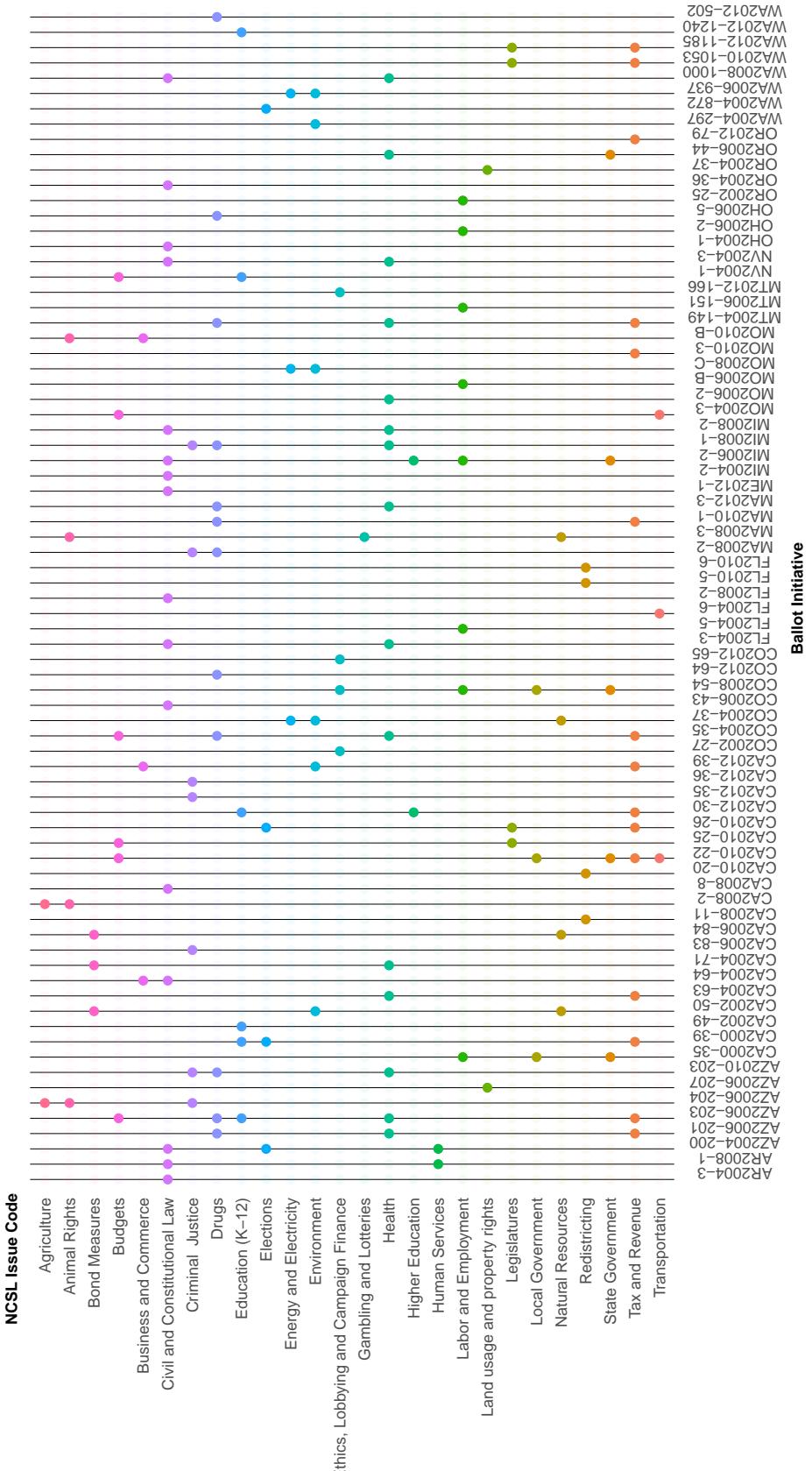


Figure A3: The (multiple) policy topics covered by ballot initiatives in the donor data analysis

Figure A3 plots which topics each initiative is coded under in the NCSL database. Note that most topics are coded as including both economic and social topics. Clearly, initiative policymaking is multi-dimensional despite the singular focus of initiative legislation.

I further aggregate the individual NCSL topics into social, economic, and governmental<sup>29</sup> categories. Figure A4 plots the total counts of each category over the 77 initiatives in the donor data sample. I also include those topics not covered by any initiative to show which issues were not legislated using direct democratic policymaking tools.

The modal topic across the entire list is ‘civil and constitutional law’ – a very broad category. Other notably frequent topics of initiatives include taxation, as well as health, drugs policy, and labor and employment law. More generally, while there are fewer ‘governmental’ topics covered, it is not the case that successful initiatives predominantly focus on either social or economic issues. Of the 77 initiatives considered, 53 percent cover social topics, 52 percent cover economic topics, and 43 percent cover governmental topics.

Table A3: Cross-tabulation of relative initiative positions by issue category.

	Relative position		
	Left	Centre	Right
Social initiatives	0.512	0.293	0.195
Economic initiatives	0.45	0.275	0.275
Governmental initiatives	0.273	0.182	0.545

Do the distribution of ideological positions differ between these three aggregate categories? Table A3 reports the proportion of left, centre, and right positioned initiatives (relative to parties) by category, using the estimated positions in the main text of this paper.<sup>30</sup> Across all three categories there is a clear tendency for initiatives to be extreme. A majority of initiatives covering social issues are left-extreme, and only about 20 percent have support that is on average more conservative than the Republican party. Similarly, for economic initiatives, a clear plurality of initiatives are left-extreme. Interestingly, a majority of governmental issues are right-extreme. The distribution of positions for these initiatives is almost the complete opposite of that for social and economic initiatives. This difference merits further study.

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<sup>29</sup>Governmental pertains to policies that regulate how state politics is conducted.

<sup>30</sup>Note that individual initiatives may be included in multiple counts where they cover more than one topic.

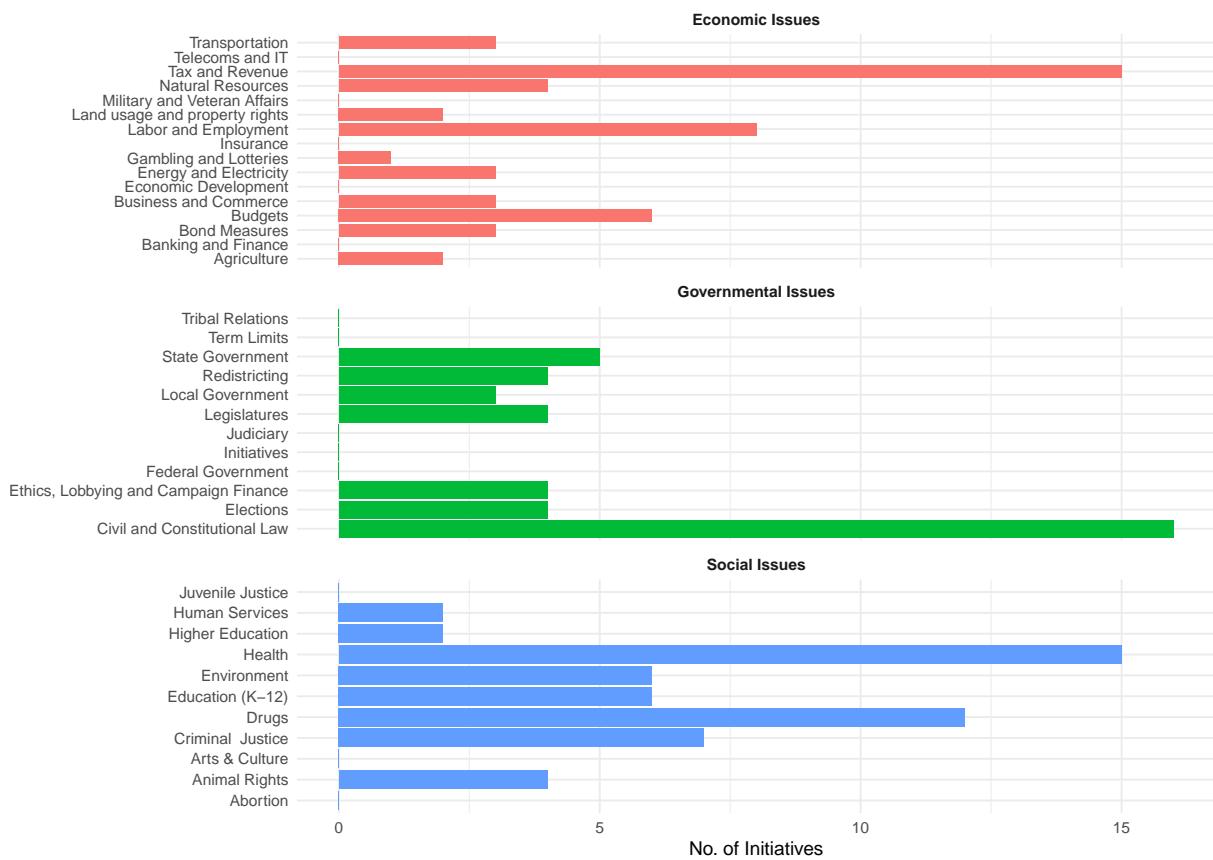


Figure A4: Total count of each policy topic across all initiatives considered in the donor data analysis

### **Robustness tests: stringency of exclusion criteria**

Table A4 demonstrates the robustness of the main paper's findings on ideological distributions, by excluding infrequent donors from the analysis. Overall, the results are substantively unchanged across the increasingly strict exclusion criteria. Only four initiative's support base change positions as the stringency of exclusion criteria increases (highlighted in bold). Proposition 35 (2000) moves from a Centre to Right position and then back again; Propositions 11 (2008) and 26 (2010) in California move from Centre to Right positions; and Ohio Issue 5 (2006) switches from Centre to Left position. These are all cases where the support distribution was already very close to the party mean, and do not alter the substantive findings of this analysis.

Table A4: Relative position of initiatives when controlling for number of unique donations per contributor

Cycle	Initiative	$n \geq 2$			$n \geq 4$			$n \geq 8$		
		$N_I$	Position	Distance ( $\sigma$ )	$N_I$	Position	Distance ( $\sigma$ )	$N_I$	Position	Distance ( $\sigma$ )
AR2004	3	147	Right	1.82	80	Right	1.81	56	Right	2.01
AR2008	1	147	Right	1.40	69	Right	1.43	69	Right	1.43
AZ2004	200	243	Right	1.84	119	Right	1.48	60	Left	0.57
AZ2006	201	159	Left	0.34	95	Left	0.26	106	Centre	0.14
AZ2006	203	175	Centre	0.38	145	Centre	0.27	85	Left	0.88
AZ2006	204	425	Left	0.72	181	Left	0.64	45	Right	1.19
AZ2006	207	75	Right	1.24	60	Right	1.22			
AZ2010	203	68	Left	0.09	48	Left	0.17			
CA2000	35	1405	Right	0.01	652	Centre	0.01	338	Right	0.04
CA2000	39	380	Centre	0.48	307	Centre	0.43	245	Centre	0.43
CA2002	49	423	Right	0.09	333	Right	0.08	278	Right	0.17
CA2002	50	195	Centre	0.35	144	Centre	0.36	99	Centre	0.32
CA2004	63	190	Left	0.99	95	Left	0.80	59	Left	0.69
CA2004	64	260	Centre	0.09	187	Centre	0.07	146	Centre	0.07
CA2004	71	198	Centre	0.11	160	Centre	0.10	135	Centre	0.08
CA2006	83	109	Right	0.76	87	Right	0.76	63	Right	0.83
CA2006	84	122	Centre	0.18	96	Centre	0.19	78	Centre	0.25
CA2008	11	572	Centre	0.19	500	Centre	0.15	421	Right	0.00
CA2008	2	5229	Left	1.37	1682	Left	1.02	831	Left	1.01
CA2008	8	3811	Right	2.61	1301	Right	2.13	603	Right	1.97
CA2010	22	548	Centre	0.44	345	Centre	0.36	221	Centre	0.26
CA2010	25	70	Left	0.58	59	Left	0.68	47	Left	0.81
CA2010	26	94	Centre	0.06	80	Centre	0.03	69	Right	0.01
CA2012	30	1503	Left	0.87	889	Left	0.62	641	Left	0.60
CA2012	35	293	Left	0.99	100	Left	0.54	73	Left	0.58
CA2012	36	43	Left	0.96						
CA2012	39	300	Left	2.33	142	Left	1.90	74	Left	1.75
CO2002	27	189	Left	0.74	148	Left	0.76	115	Left	0.80
CO2004	35	307	Centre	0.23	231	Centre	0.16	162	Centre	0.10
CO2004	37	469	Left	0.51	333	Left	0.51	228	Left	0.56
CO2006	43	237	Right	1.19	127	Right	1.23	82	Right	1.39
CO2008	54	49	Right	0.78						
CO2012	64	692	Centre	0.45	429	Centre	0.33	276	Centre	0.17
CO2012	65	264	Left	0.54	229	Left	0.57	191	Left	0.61
FL2004	3	1734	Right	0.67	1057	Right	0.57	600	Right	0.63
FL2004	5	58	Left	2.19	51	Left	2.32	47	Left	2.52

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Table A4 – Continued from previous page

Cycle	Initiative	$n \geq 2$			$n \geq 4$			$n \geq 8$		
		$N_I$	Position	Distance ( $\sigma$ )	$N_I$	Position	Distance ( $\sigma$ )	$N_I$	Position	Distance ( $\sigma$ )
FL2004	6	2272	Right	1.62	1057	Right	1.70	461	Right	1.80
FL2008	2	764	Right	2.25	341	Right	2.16	168	Right	2.43
FL2010	5	3512	Left	2.17	2987	Left	2.27	2288	Left	2.48
FL2010	6	3512	Left	2.17	2987	Left	2.27	2288	Left	2.48
MA2008	2	265	Left	0.37	206	Left	0.31	146	Left	0.38
MA2008	3	649	Left	0.52	270	Left	0.67	111	Left	0.66
MA2010	1	154	Centre	0.68						
MA2012	3	44	Left	0.49						
ME2012	1	5866	Left	0.59	3969	Left	0.52	2330	Left	0.49
MI2004	2	454	Right	1.20	210	Right	1.18	104	Right	1.25
MI2006	2	921	Right	0.90	670	Right	0.92	430	Right	1.04
MI2008	1	364	Left	0.36	238	Left	0.50	150	Left	0.67
MI2008	2	255	Left	0.18	216	Left	0.25	176	Left	0.32
MO2004	3	180	Centre	0.70	142	Centre	0.64	109	Centre	0.56
MO2006	2	359	Left	0.08	221	Left	0.09	142	Left	0.00
MO2006	B	80	Left	0.53	76	Left	0.56	74	Left	0.60
MO2008	C	94	Left	0.94	76	Left	0.98	56	Left	1.11
MO2010	B	318	Left	0.43	218	Left	0.41	145	Left	0.36
MT2004	149	64	Left	1.76	48	Left	0.76	40	Left	0.21
MT2006	151	72	Left	0.28	69	Left	0.29	66	Left	0.32
MT2012	166	63	Left	0.49	50	Left	0.55	40	Left	0.58
NV2004	1	67	Right	0.42	58	Right	0.47	46	Right	0.58
NV2004	3	721	Right	0.77	468	Right	0.88	269	Right	0.96
OH2004	1	121	Right	1.48	65	Right	1.43			
OH2006	2	65	Left	0.70	61	Left	0.71	58	Left	0.76
OH2006	5	334	Centre	0.03	183	Left	0.14	97	Left	0.42
OR2002	25	47	Left	0.70						
OR2004	36	579	Right	2.11	228	Right	2.15	96	Right	2.15
OR2004	37	102	Right	1.34	72	Right	1.42	52	Right	1.64
OR2006	44	273	Left	4.53	52	Left	1.73			
OR2012	79	40	Right	1.72						
WA2004	297	94	Left	1.07	86	Left	1.10	65	Left	1.14
WA2004	872	113	Centre	0.09	81	Centre	0.12	58	Centre	0.02
WA2006	937	1071	Left	0.94	839	Left	0.96	606	Left	1.01
WA2008	1000	5905	Left	0.70	4087	Left	0.73	2520	Left	0.80
WA2010	1053	725	Right	0.99	581	Right	1.03	411	Right	1.07
WA2012	1185	593	Right	1.38	445	Right	1.39	298	Right	1.51
WA2012	1240	147	Centre	0.21	112	Centre	0.14	81	Centre	0.08
WA2012	502	455	Left	0.57	341	Left	0.57	232	Left	0.60

## Robustness tests: Bootstrapped difference-in-means estimates

To compute the bootstrapped difference-in-means for an initiative's distribution of support (of size  $n$ ) and a party's distribution of support (of size  $m$ ), I merge the two groups of support into a single cumulative distribution. From this combined distribution, I take two random samples *with replacement* of sizes  $n$  and  $m$  and calculate the means of both sampled groups. I then subtract one from the other to produce a hypothetical difference-in-means estimate ( $\hat{x}$ ). By repeating this process 10,000 times per pairing, I generate a distribution of hypothetical difference-in-means. I then rank these calculated differences and assess the position of the *actual* difference-in-means ( $\hat{x}^*$ ) with respect to this distribution. Doing so enables me to test how outlying the actual, observed difference is from the distribution of *potential* differences. Hence, this bootstrap procedure allows me to estimate a p-value for the difference-in-means, calculated as:

$$p = \frac{\sum_i^{10000} (|\hat{x}^*| > \hat{x}_i)}{10000} \quad (1)$$

Table A5 displays the results of this procedure. The results are substantively unchanged compared to the results in the main text. The four initiatives that fail to reach statistical significance in the Mann-Whitney tests also have statistically insignificant differences between their mean support and that of the closest party. All other initiatives (when projected donors are included) exhibit statistically significant difference-in-means to both parties, even when the absolute distance between the two groups is relatively small.

As the stringency of donor exclusion criteria increases, fewer initiatives reach statistical significance. For instance, when the number of distinct donations required is  $n \geq 2$ , we cannot reject the null hypothesis that mean support for Proposition 64 (California 2004) is different from the mean of successful Republican legislators. In general, those initiatives which become insignificant are those closest to the party means. Even when the number of distinct donations required is  $\geq 8$ , however, the vast majority of initiatives are statistically distinguishable from their legislative counterparts.

Table A5: Non-parametric bootstrapped difference in means test, by number of distinct donations.

Min. donations Cycle No.	$n \geq 1$		$n \geq 2$		$n \geq 4$		$n \geq 8$	
	Dem.	Diff.	Rep.	Diff.	Dem.	Diff.	Rep.	Diff.
AZ2004 200	2.047***	1.289***	1.585***	0.919***	1.354***	0.74***	1.262***	0.705***
AZ2006 201	-0.335***	-1.185***	-0.247***	-1.009***	-0.192*	-0.902***	-0.411***	-1.057***
AZ2006 203	0.557***	-0.293***	0.277***	-0.486***	0.2**	-0.51***	0.1	-0.547***
AZ2006 204	-0.728***	-1.578***	-0.528***	-1.29***	-0.465***	-1.175***	-0.636***	-1.283***
AZ2006 207	1.587***	0.737***	1.394***	0.632***	1.325***	0.615***	1.231***	0.585***
AZ2010 203	0.01	-1.168***	-0.068	-1.127***	-0.127	-1.082***		
CA2000 35	0.838***	0.04***	0.726***	0.004	0.656***	-0.007	0.623***	0.023
CA2000 39	0.213***	-0.585***	0.24***	-0.482***	0.218***	-0.446***	0.215***	-0.385***
CA2002 49	0.952***	0.054**	0.894***	0.05	0.835***	0.041	0.806***	0.09***
CA2002 50	0.159***	-0.738***	0.185***	-0.659***	0.189	-0.605***	0.168***	-0.548***
CA2004 63	-0.538***	-1.435***	-0.519***	-1.355***	-0.419***	-1.208***	-0.361***	-1.076***
CA2004 64	0.836***	-0.061*	0.79***	-0.047	0.75***	-0.038	0.678***	-0.037
CA2004 71	0.05	-0.847***	0.056	-0.78***	0.055	-0.734***	0.039	-0.676***
CA2006 83	1.245***	0.424***	1.167***	0.393***	1.114***	0.389***	1.073***	0.416***
CA2006 84	0.097*	-0.724***	0.096*	-0.678***	0.103	-0.621***	0.133*	-0.523***
CA2008 11	0.742***	-0.13***	0.702***	-0.115***	0.675***	-0.089**	0.691***	0.001
CA2008 2	-0.734***	-1.606***	-0.737***	-1.554***	-0.553***	-1.317***	-0.536***	-1.226***
CA2008 8	2.524***	1.652***	2.377***	1.56***	2.025***	1.261***	1.813***	1.123***
CA2010 20	0.884***	0.012	-0.613***	0.236***	-0.578***	0.193***	-0.557***	0.135
CA2010 22	0.259***	-1.151***	-0.309***	-1.123***	-0.361***	-1.111***	-0.423***	-1.082***
CA2010 25	-0.279***	-0.058	0.779***	-0.035	0.734***	-0.015	0.665***	0.005
CA2010 26	0.814***	-1.322***	-0.456***	-1.196***	-0.324***	-1.005***	-0.309***	-0.918***
CA2012 30	0.53***	-1.304***	-0.521***	-1.26***	-0.284***	-0.965***	-0.298***	-0.907***
CA2012 35	-0.512***	-0.478***	-1.27***	-0.504***	-1.244***			
CA2012 36	-1.208***	-1.999***	-1.22***	-1.22***	-1.959***	-0.999***	-1.681***	-1.512***
CA2012 39	-1.101***	-0.139***	-1.014***	-1.014***	-0.118***	-0.931***	-0.903***	-0.872***
MA2008 2	-0.129***	-1.351***	-0.195***	-1.07***	-0.25***	-1.064***	-0.238***	-0.971***
MA2008 3	-0.379***	-0.633***	-0.469***	0.578***	-0.417***			
MA2010 1	-0.101***	-1.206***	-0.182***	-1.172***	-1.172***			
MA2012 3	-0.321***	-1.152***	-0.353***	-1.117***	-1.117***			
OR2002 25	1.939***	1.15***	1.653***	0.925***	1.588***	0.917***	1.482***	0.884***
OR2004 36	1.473***	0.685***	1.317***	0.589***	1.278***	0.608***	1.269***	0.672***
OR2004 37	-2.612***	-3.241***	-2.25***	-2.83***	-0.857***	-1.402***		
OR2006 44	1.57***	0.85***	1.362***	0.688***				
OR2012 79	-0.651***	-1.797***	-0.593***	-1.688***	-0.621***	-1.651***	-0.643***	-1.563***
WA2004 297	-0.429***	-1.568***	-0.407***	-1.505***	0.959***	-0.07	0.91***	-0.01
WA2004 872	1.157***	0.011	1.041***	-0.053	-1.554***	-0.561***	-1.497***	-1.414***
WA2006 937	-0.551***	-1.632***	-0.548***	-1.554***	-0.425***	-1.455***	-0.585***	-1.368***
WA2008 1000	-0.429***	-1.568***	-0.407***	-1.505***	1.808***	0.612***	1.685***	0.621***
WA2010 1053	1.92***	0.544***	1.879***	0.597***	0.871***	2.102***	0.864***	0.9***
WA2012 1185	2.285***	0.859***	2.204***	-0.13*	1.15***	-0.088	1.035***	-0.05
WA2012 1240	1.056***	-0.371***	1.204***	-1.642***	-0.317***	-1.556***	-0.341***	-1.426***
WA2012 502	-0.303***	-1.73***	-0.308***	-1.642***				

\* \* \* =  $p < 0.001$ , \*\* =  $p < 0.01$ , \* =  $p < 0.05$ . All initiatives have  $n \geq 40$ ; blank entries indicate initiatives that drop below this threshold.

## Kernel density plots

This section includes the complete set of kernel density plots for each ballot initiative per state-legislative cycle. Blue-shaded distributions depict the ideological distribution of donors to the Democratic Party. Red-shaded distributions depict the same but for the Republican party. The black line draws the distribution of ideological support for the specific initiative in question.

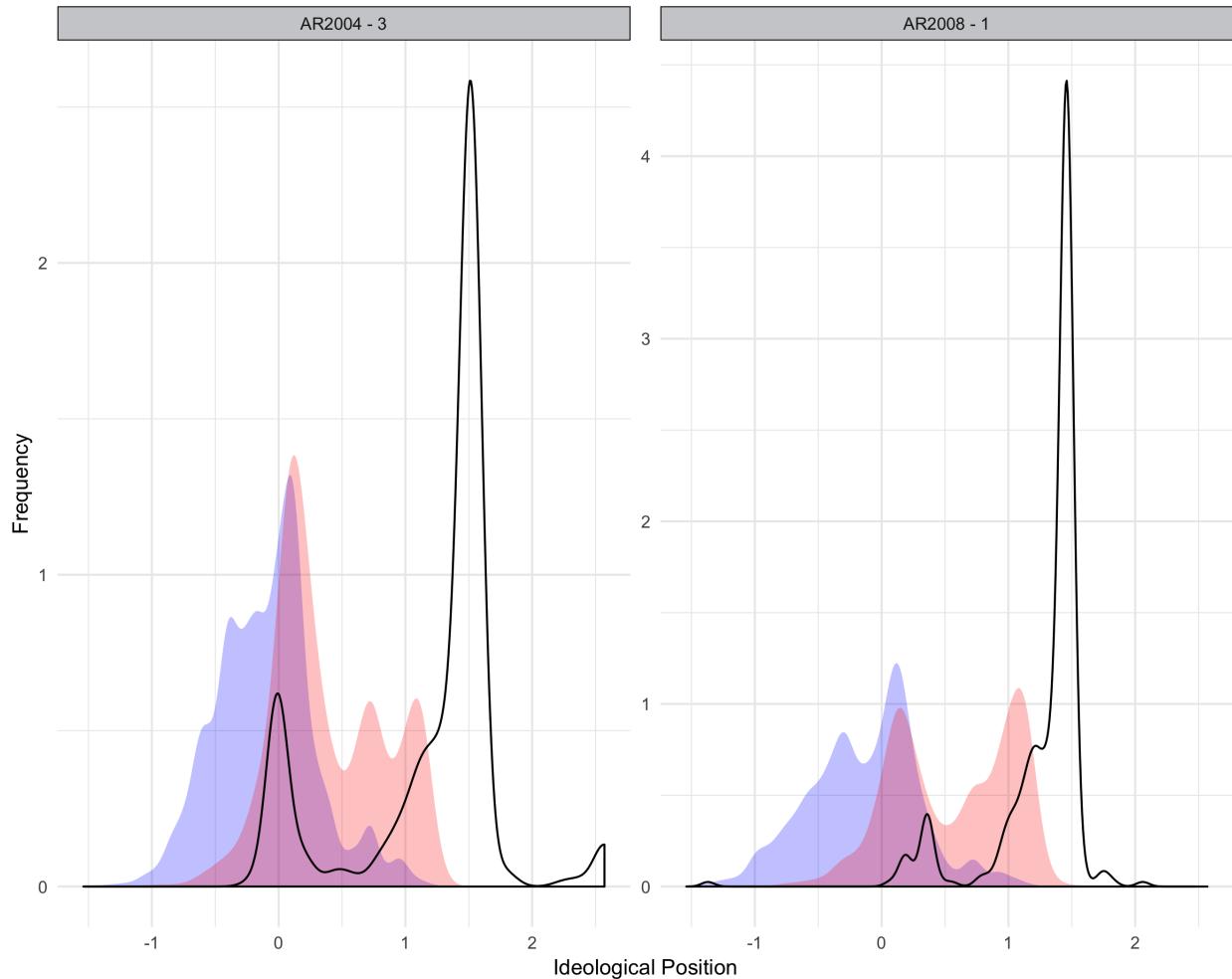


Figure A5: Arkansas kernel density plots of initiative and legislative party donors' ideology

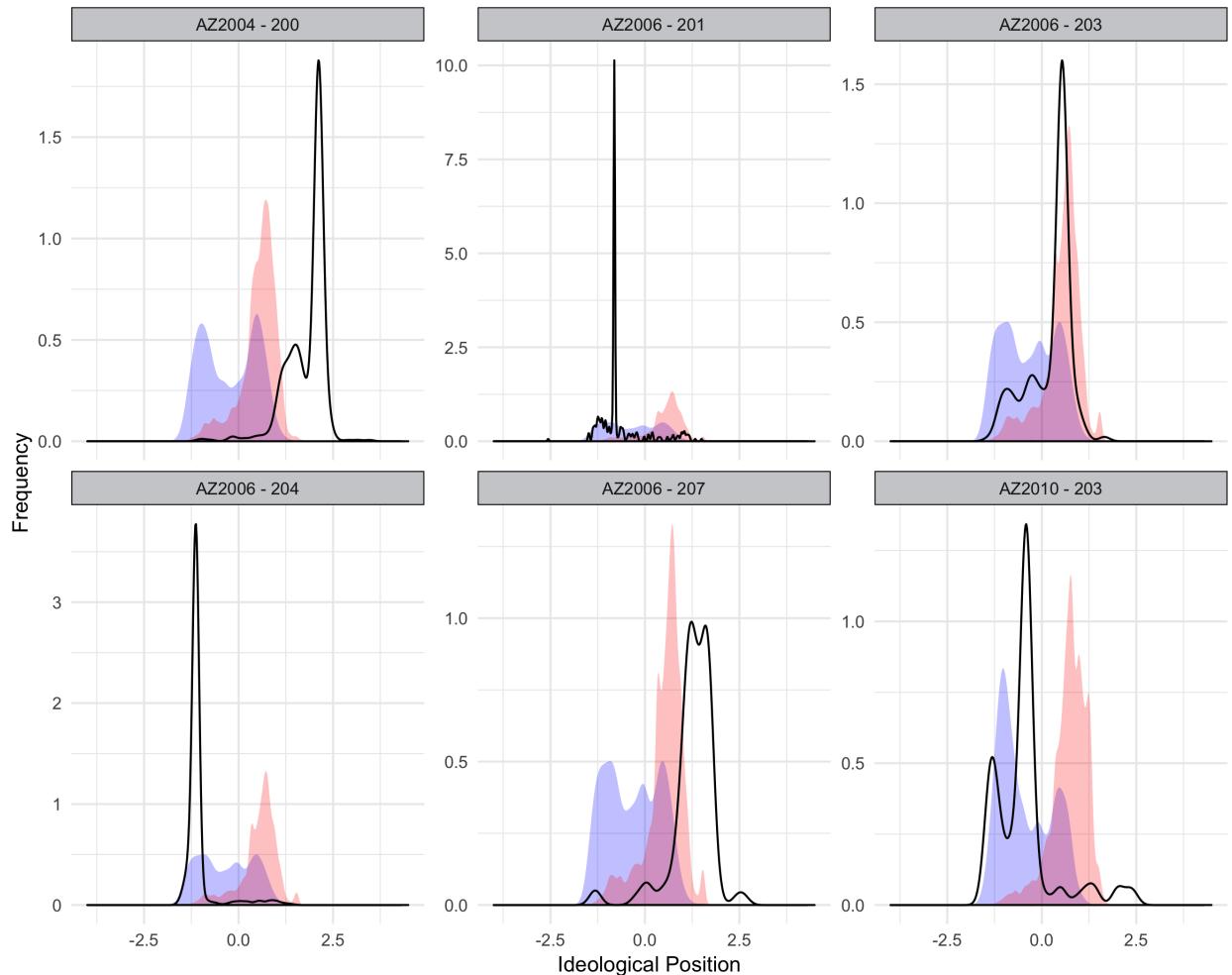


Figure A6: Arizona kernel density plots of initiative and legislative party donors' ideology

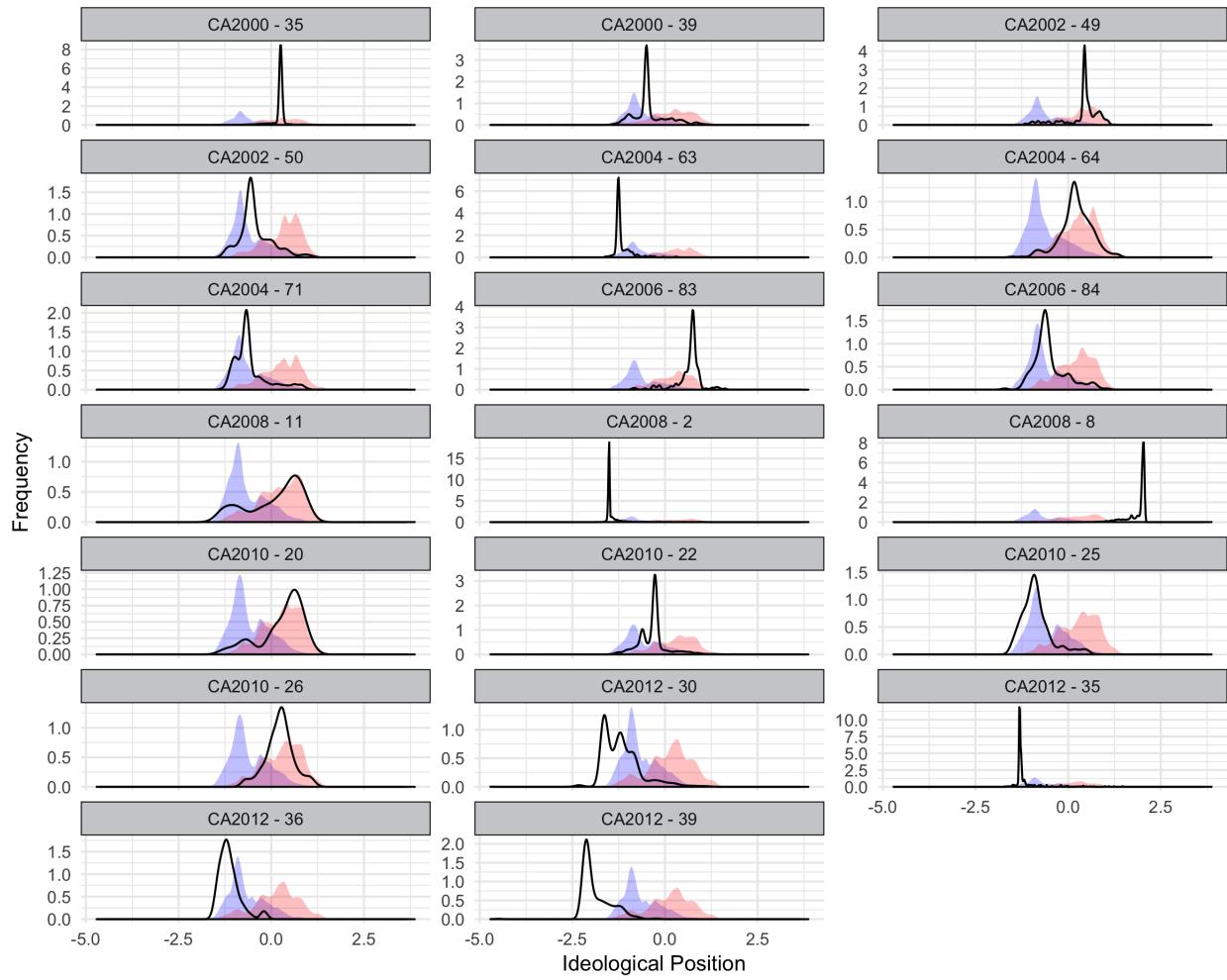


Figure A7: California kernel density plots of initiative and legislative party donors' ideology

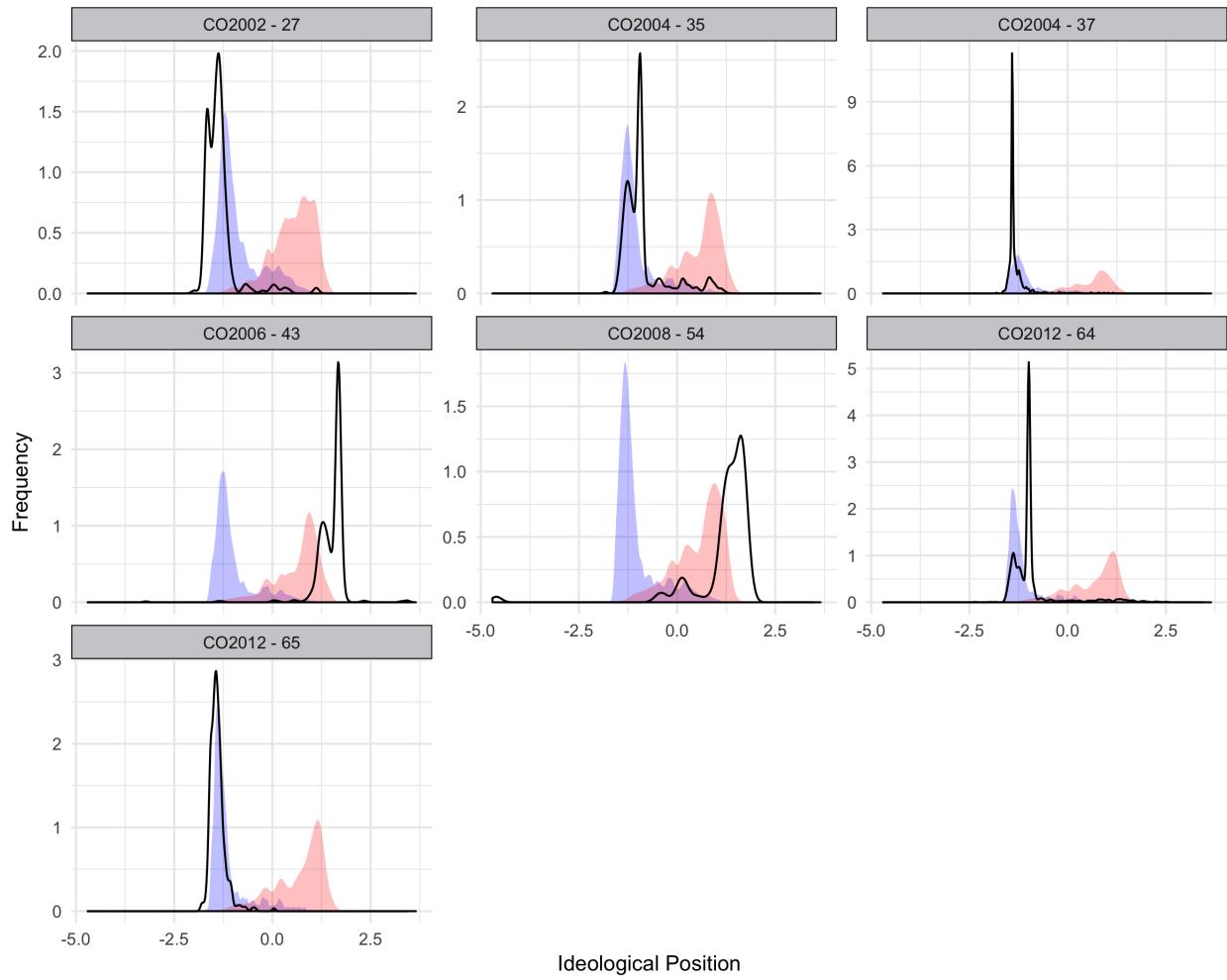


Figure A8: Colorado kernel density plots of initiative and legislative party donors' ideology

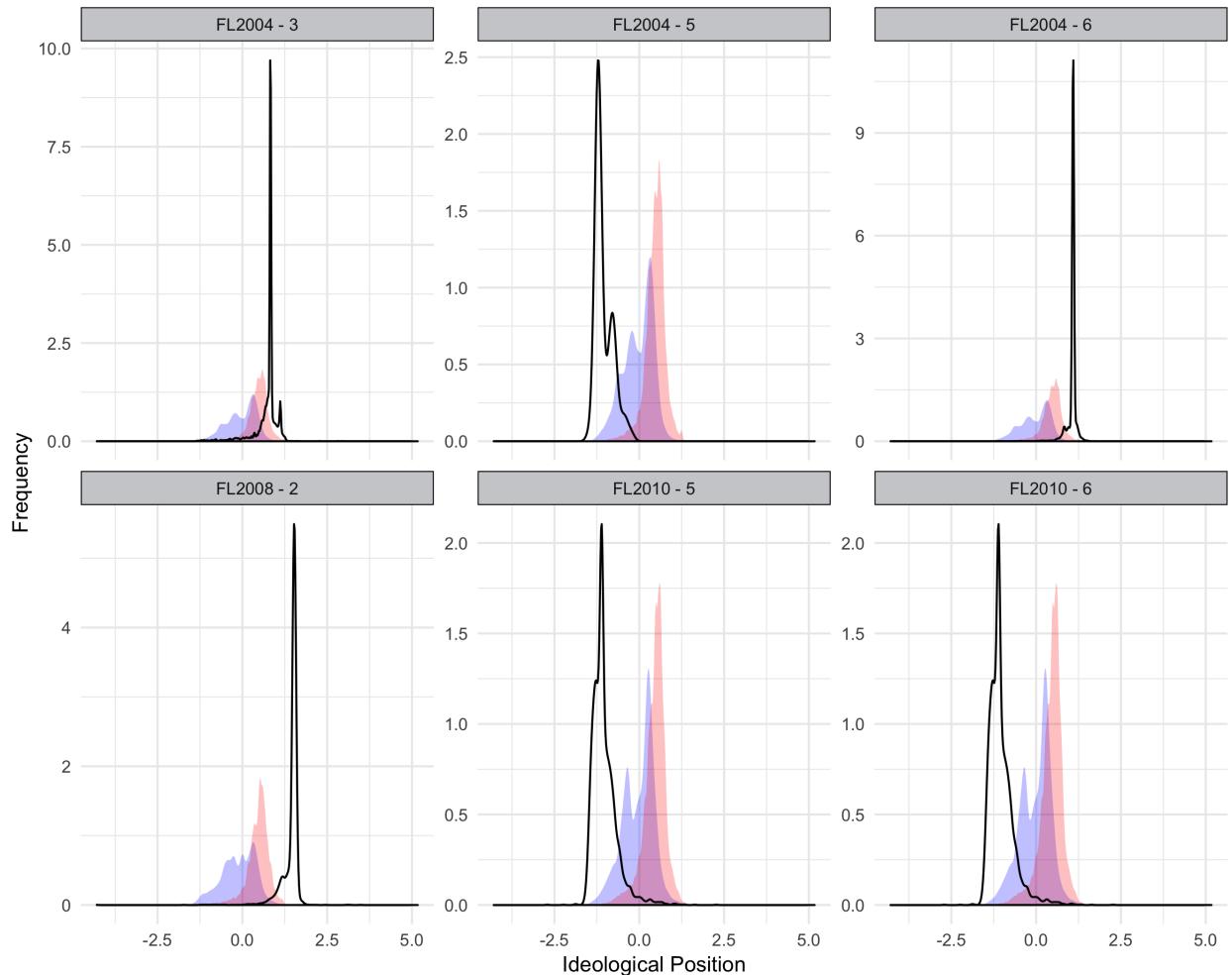


Figure A9: Florida kernel density plots of initiative and legislative party donors' ideology

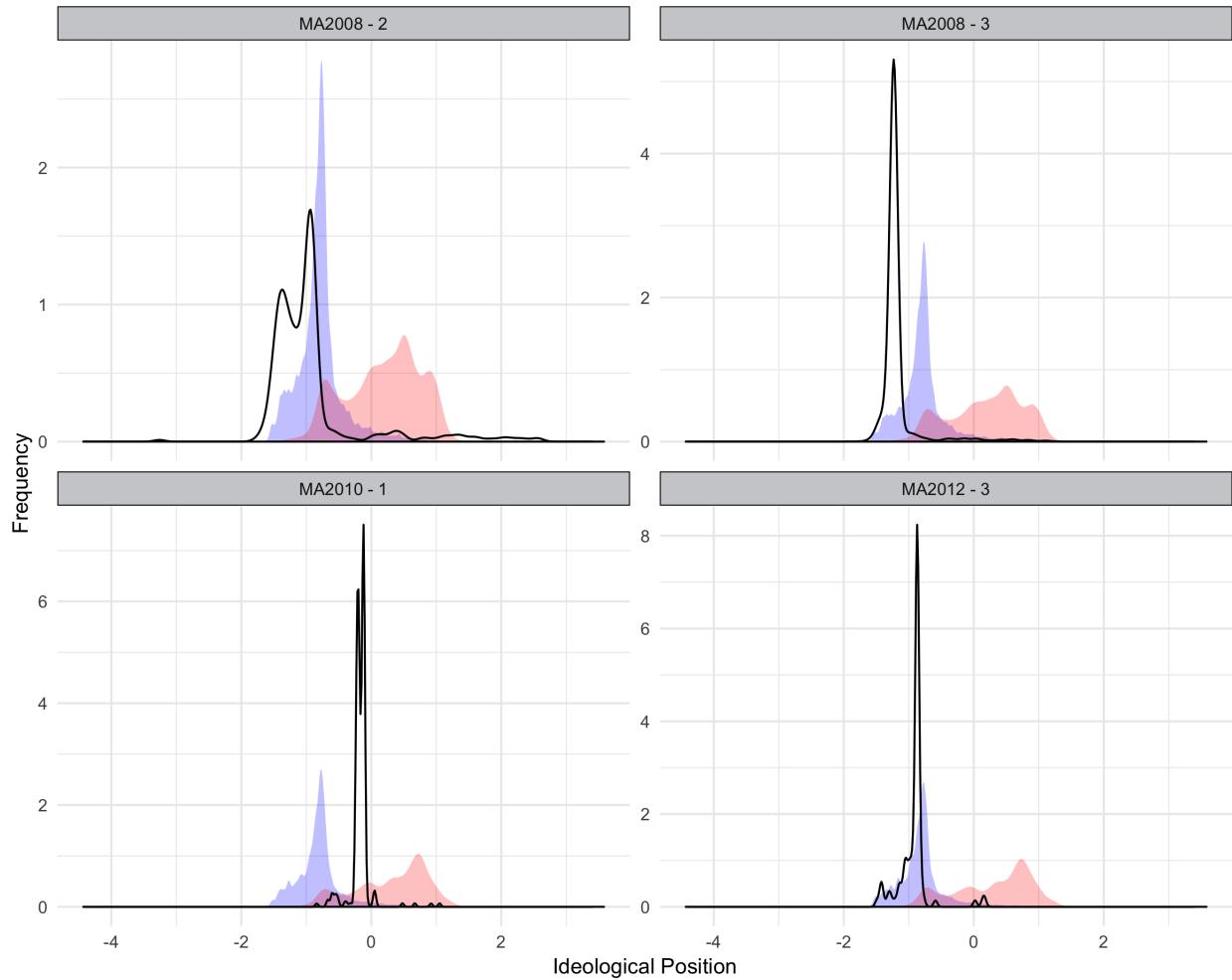


Figure A10: Massachusetts kernel density plots of initiative and legislative party donors' ideology

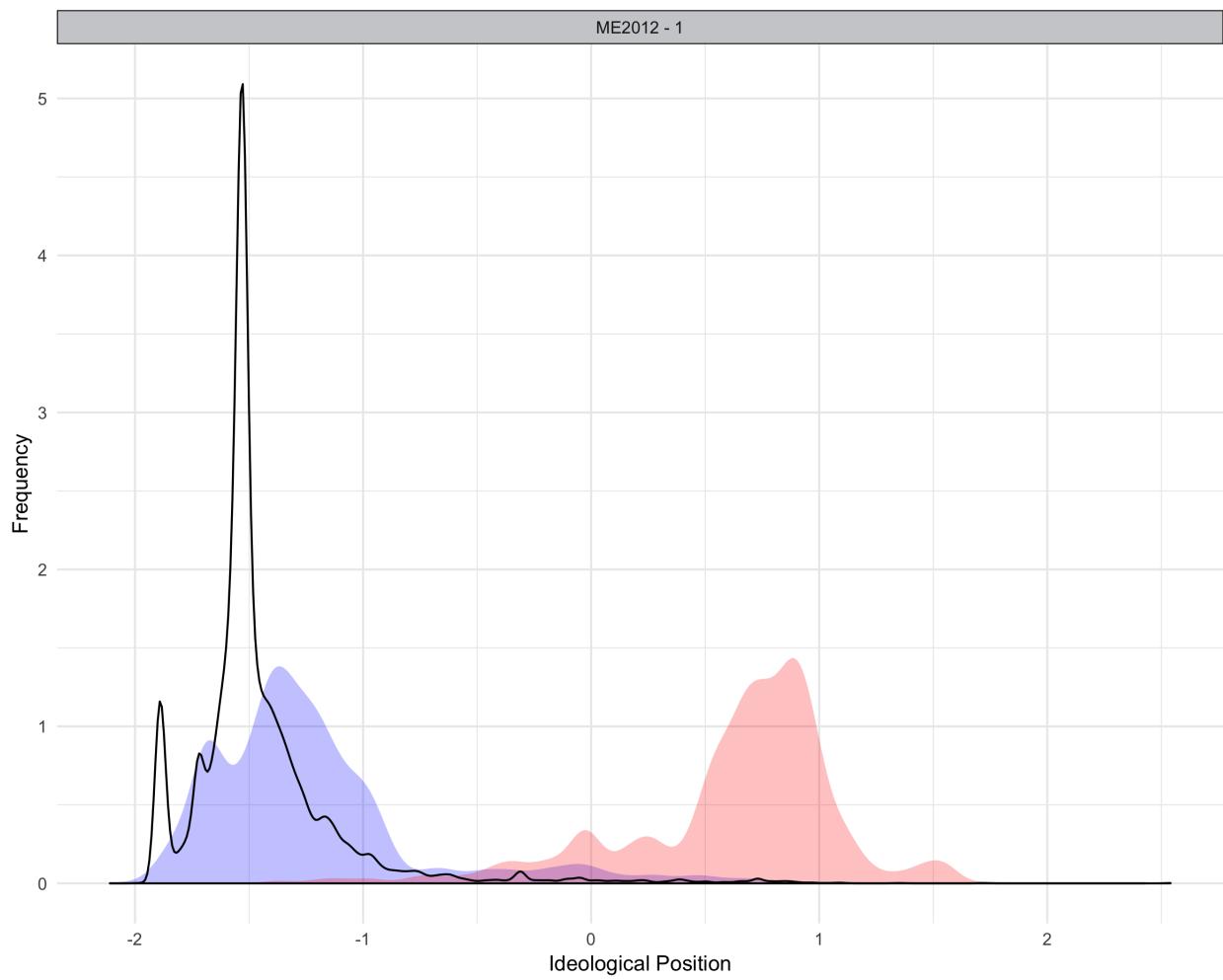


Figure A11: Maine kernel density plots of initiative and legislative party donors' ideology

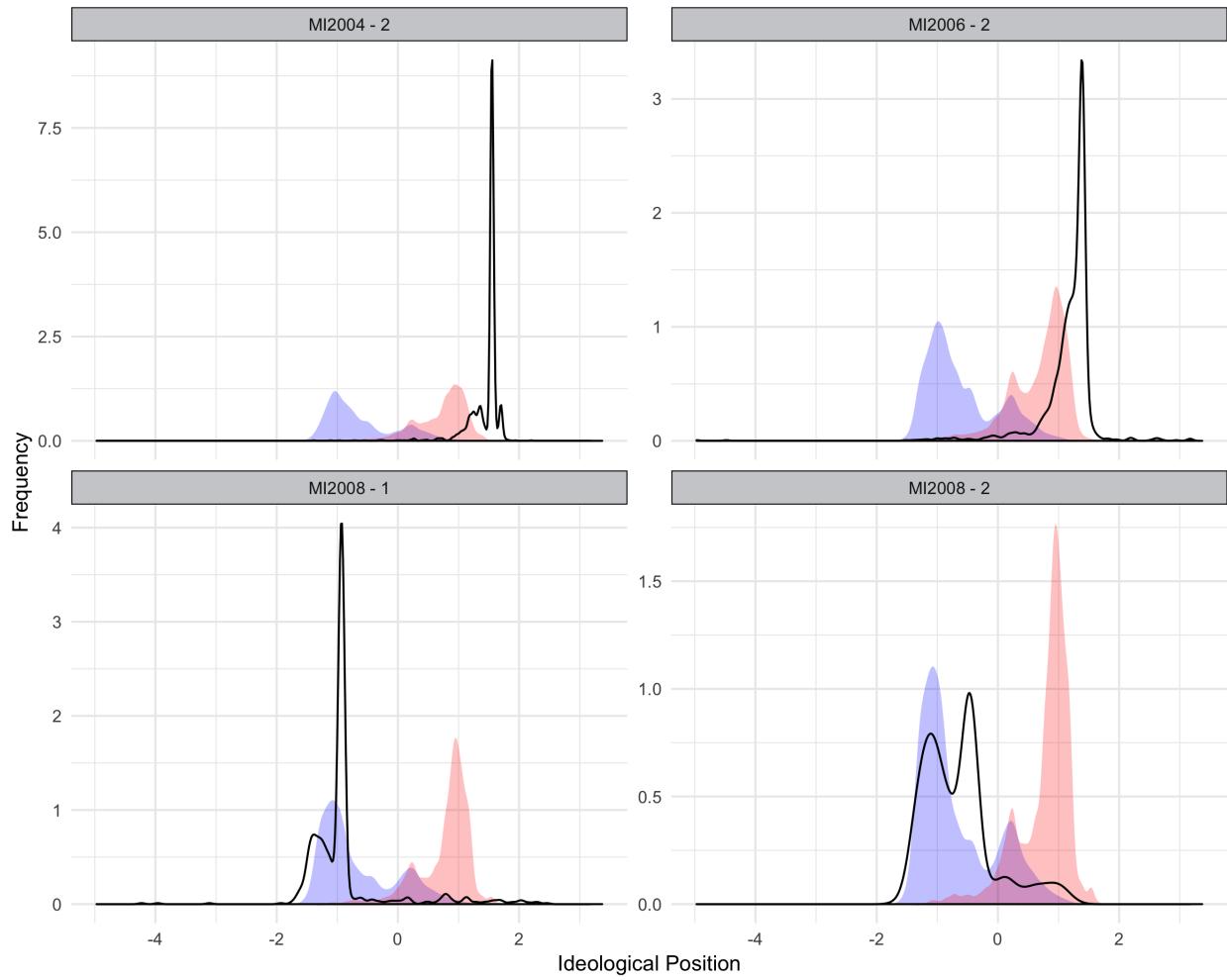


Figure A12: Michigan kernel density plots of initiative and legislative party donors' ideology

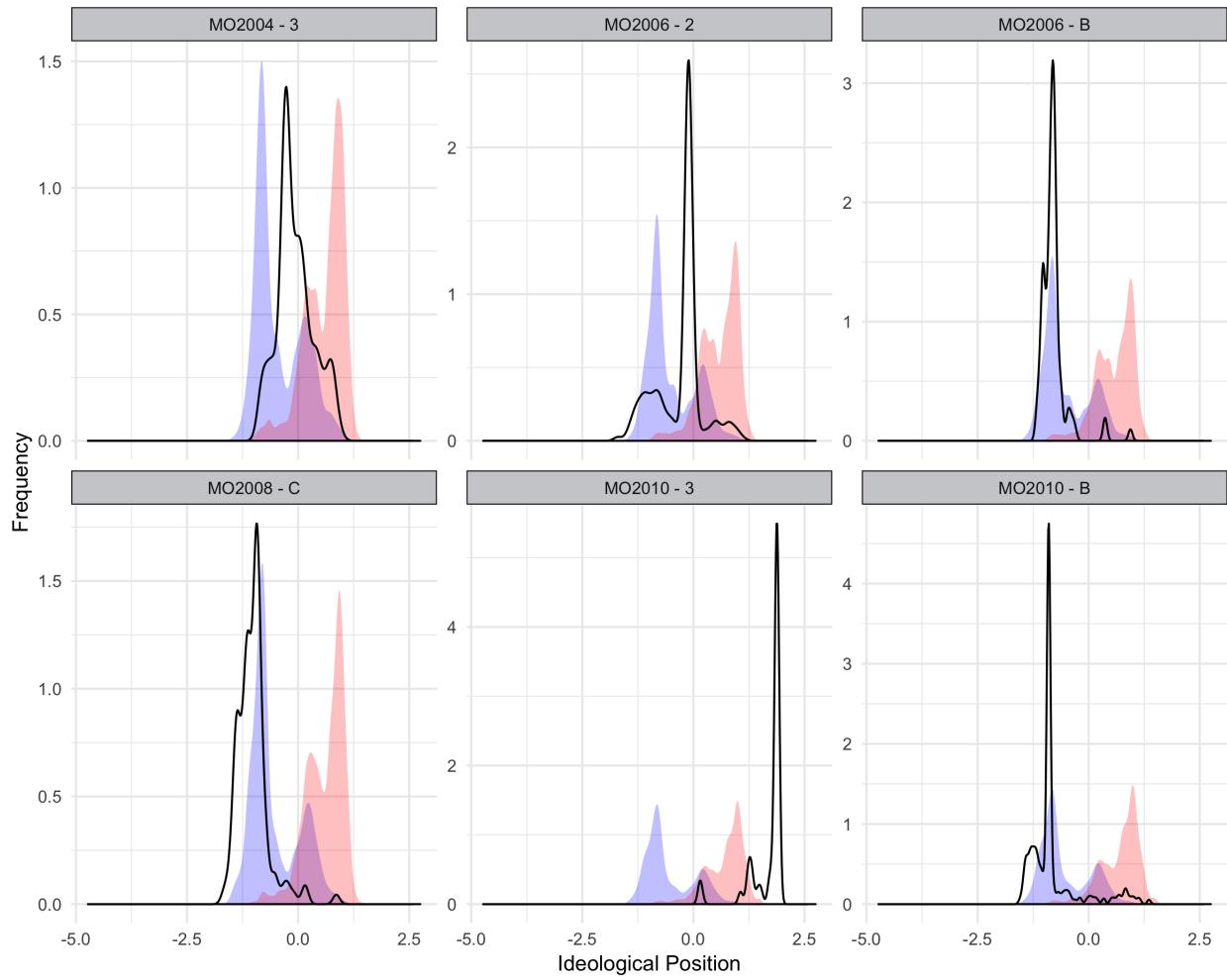


Figure A13: Montana kernel density plots of initiative and legislative party donors' ideology

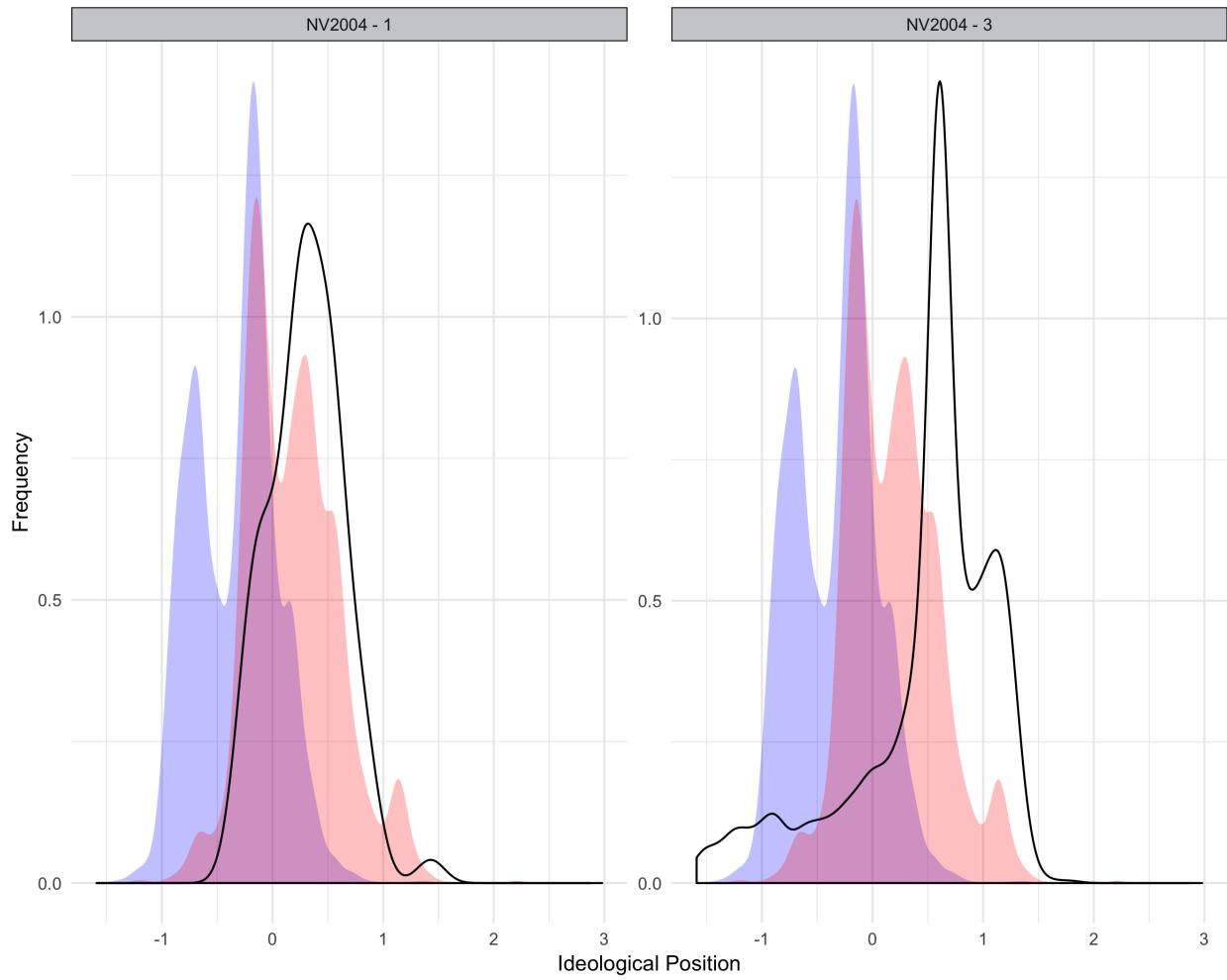


Figure A14: Nevada kernel density plots of initiative and legislative party donors' ideology

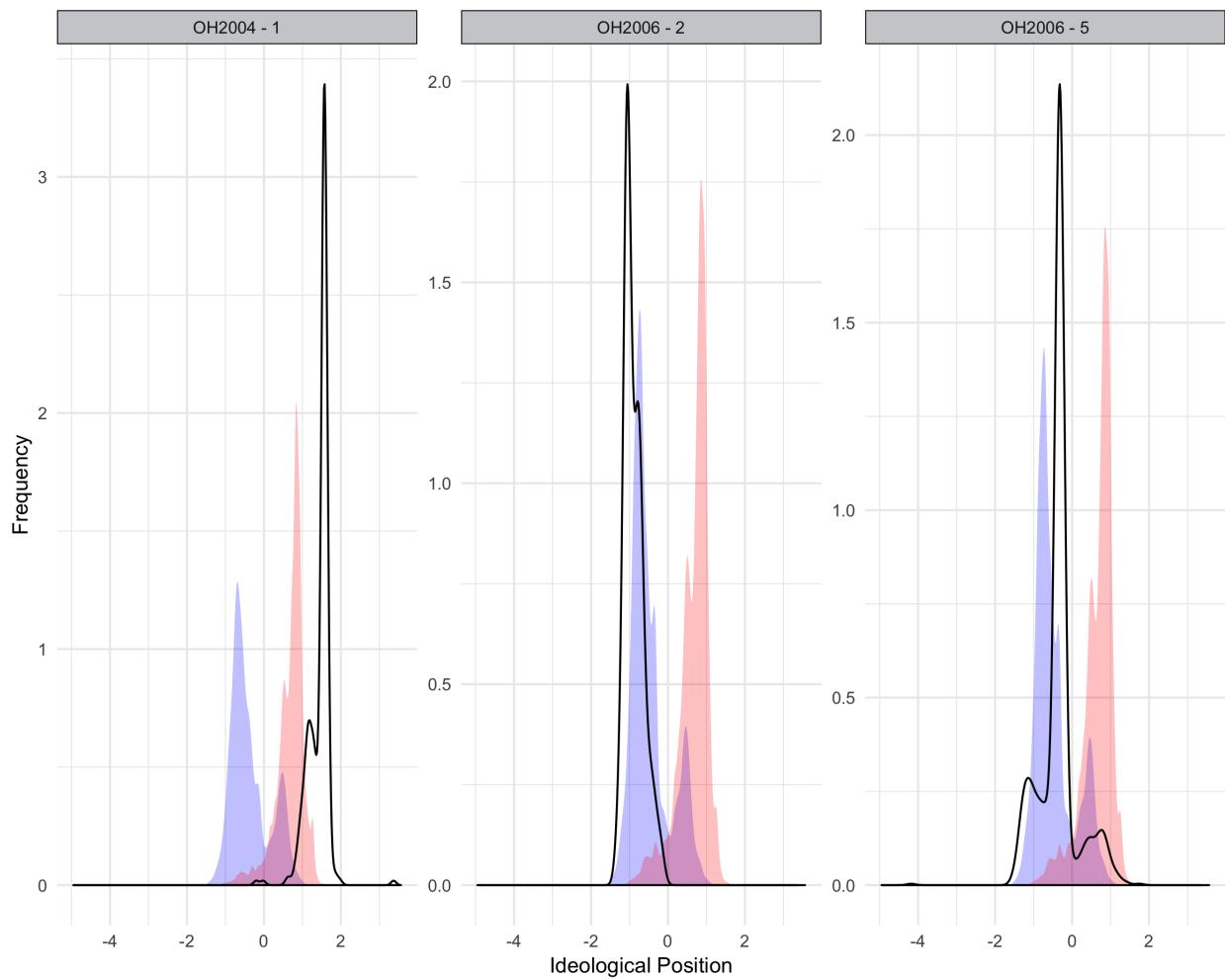


Figure A15: Ohio kernel density plots of initiative and legislative party donors' ideology

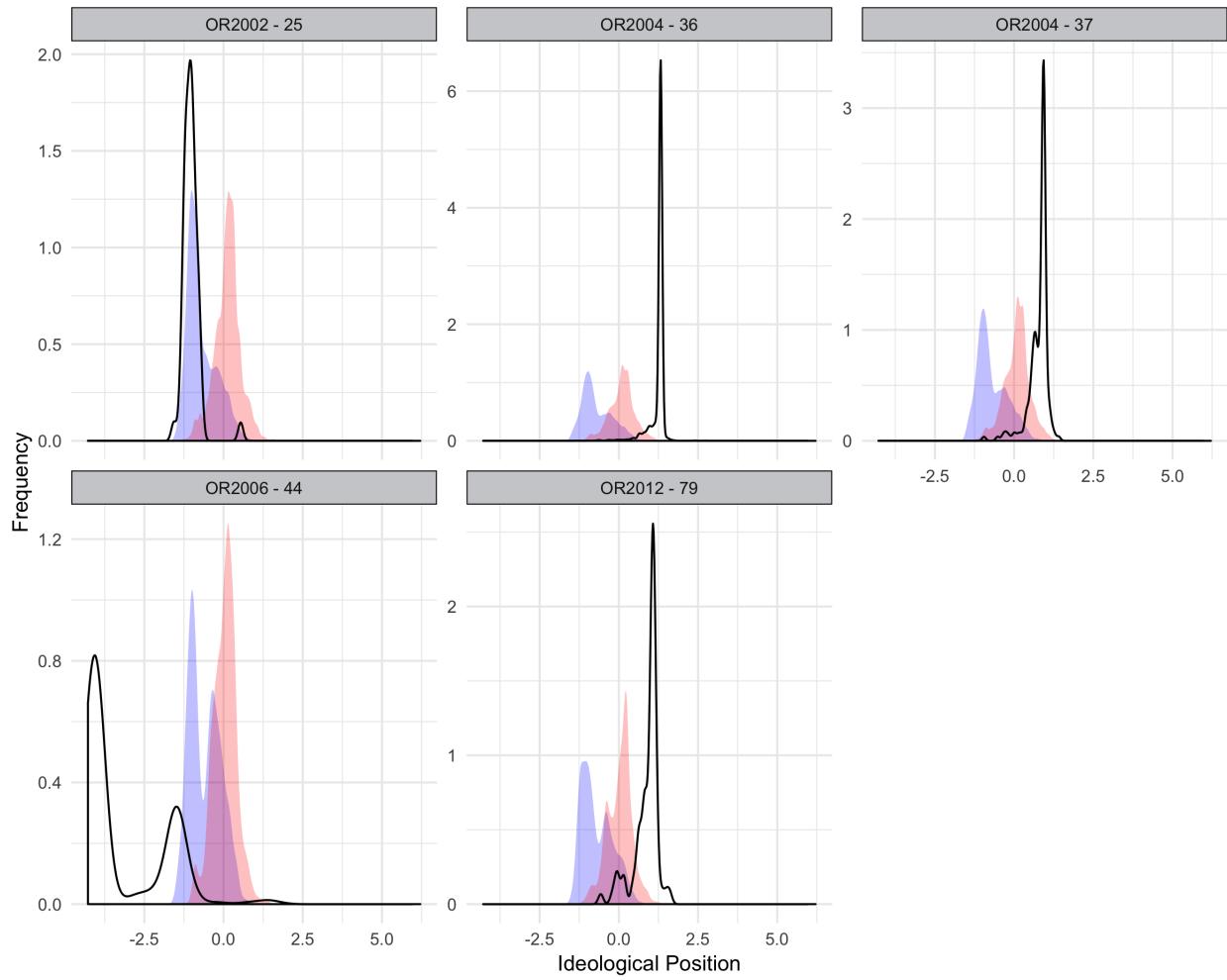


Figure A16: Oregon kernel density plots of initiative and legislative party donors' ideology

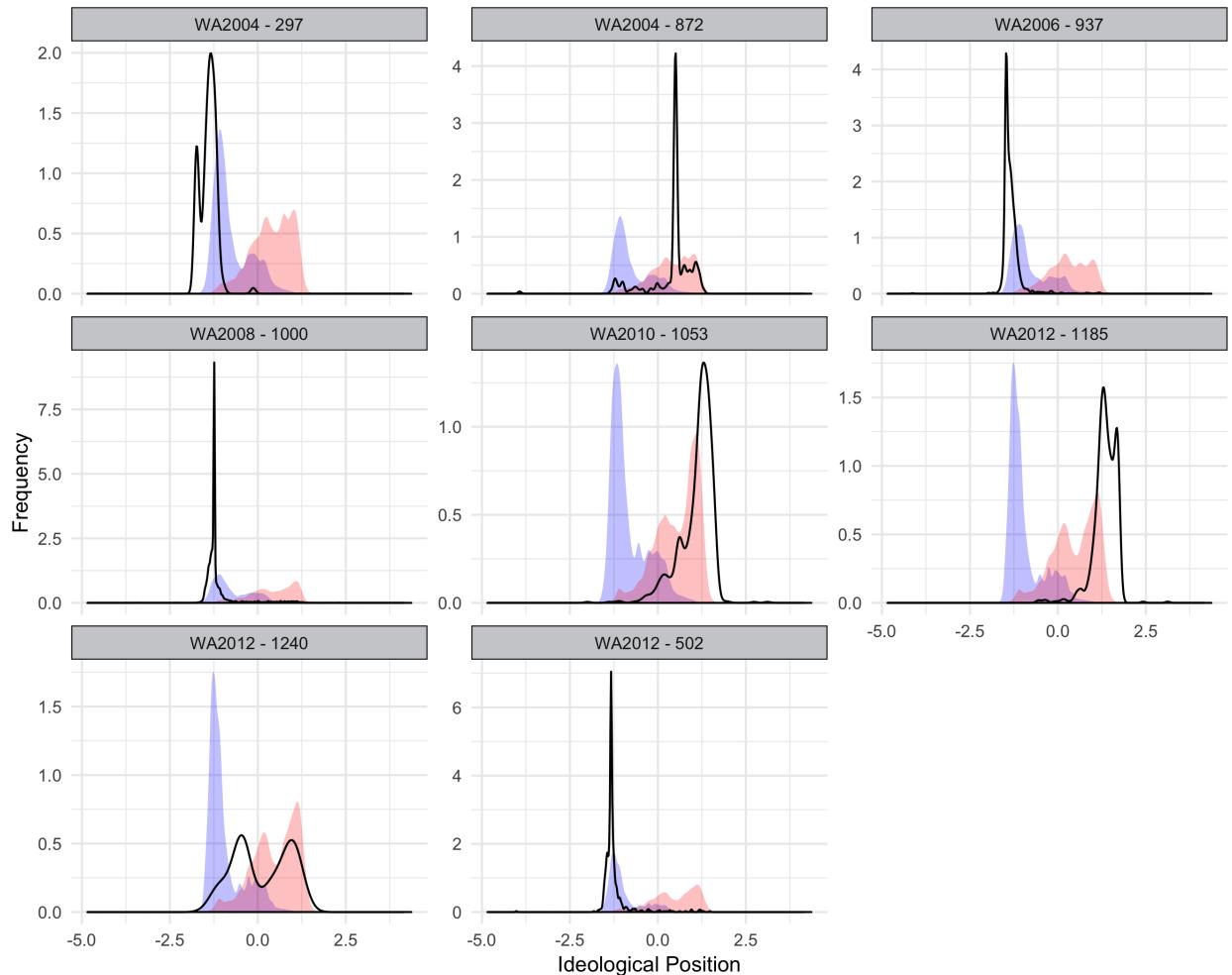


Figure A17: Washington kernel density plots of initiative and legislative party donors' ideology

Table A6: Legislator survey: mean importance of factors for deterring legislative action, by issue area

	Bad Policy	Econ. Costs	Interest Groups	Policy Sensitivity	Stalemate	Time	Uncertainty
Drugs	2.67	3.67	5.22	6.00	4.90	1.56	3.30
Elections	2.75	2.29	5.00	3.88	4.11	2.29	4.00
Environment	3.00	3.60	5.60	3.20	4.00	2.60	2.25
Guns	3.25	0.25	5.00	6.33	6.00	2.40	2.75
Tax	4.56	4.88	5.33	5.00	3.25	0.88	2.38
Wage	2.13	2.80	5.07	3.47	4.13	2.33	1.93