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Initiative and Referendum, Government Action, and Public Administration

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Abstract

Initiative and Referendum are two legislative functions which take power from the government

and place it into the hands of ordinary citizens. Though the definition of each is slightly different,

they remain important functions in state legislature. If a state were to adopt Initiative and

Referendum (I&R) measures this would affect the administration of the state. Interest groups, the

people, states, and other outside actors factor into the debate in important ways, and ultimately,

I&R must be thoroughly examined before any action is taken. Past research has led to differing

opinion on the adaptation of I&R. Though the majority of the nation now supports some form of

I&R, politicians rarely wish to cede power, and likely have not enacted any legislation on the

matter to protect their own power. Administration changes hands when citizens can vote on their

own ballot measures.

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Initiative and Referendum, Government Action, and Public Administration

Initiative and Referendum is a pair of legislative actions that would have great impact on

the administration of government. Initiative and Referendum, colloquially referred to as “I&R,”

is a method of legislation in which the people of a state can directly refer any legislation to their

state legislatures through a series of citizen based, grassroots actions that, though not easy to

complete, are very possible. Initiative and Referendum, however, can be abused and twisted by

the well organized and ill-intentioned, often with disastrous, legislature clogging effect. Further,

Initiative and Referendum can end in the presentation and even adaptation of ineffective or

sinister legislation. With such consequences in mind, how might one approach the topic of

Initiative and Referendum? Should these measures be adopted by states or not? More pointedly,

what would the adaptation of Initiative and Referendum into state legislatures do to the

administration of government? How might these measures alter existing government institutions?

Initiative and Referendum can take many forms, but ultimately are good measures to undertake

and adopt if kept in check.

**A. Defining Initiative and Referendum**

Before any debate can take place, however, all terms must be clearly defined so that a fair

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observation may be made. Initiative and Referendum are actually two different acts of

legislation, both containing nuanced definition within themselves. They are very closely tied

(and often voted on in tandem) but both retain their own distinct function and implementation.

The implementation of either or both of these acts would have a large impact on public

administration.

 From the Initiative and Referendum Institute, the definition of the Initiative process is

“…citizens, collecting signatures on a petition, place advisory questions, memorials, statutes, or

constitutional amendments on the ballot for the citizens to adopt or reject (Initiative and

Refereundum Institute, 2013).” Additionally, the Popular Referendum process, as it is more

formally known, is defined as “…the people hav[ing] power to refer, by collecting signatures on

a petition, specific legislation that was enacted by their legislature for the people to either accept

or reject (Initiative and Refereundum Institute, 2013).” Further, both can be split into two

categories; within Initiative: Direct Initiative, in which “constitutional amendments or statutes

proposed by the people are directly placed on the election ballot and then submitted to the people

for their approval or rejection,” and Indirect Initiative, in which proposed amendments or statutes

are first reviewed and subsequently approved by state legislature before being voted on by the

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public. (Initiative and Refereundum Institute, 2013)

 Within Referendum, there are also two divisions: Popular Referendum, wherein the

people vote to allow specific legislation to stand or fall via petition, and Legislative Referendum,

wherein the state legislature, an elected official, or a government agency may submit to the

people legislation to approve or reject. A good example of such an act would be any

constitutional amendment to the state constitution by the legislature of a state.

 **B. The Benefits of I&R**

 In many ways, Initiative and Referendum could be of great benefit to a state and its

administration. Allowing the populace another means of input into the legislative process could

be a great opportunity to reign in a potentially destructive or out of control government while

simultaneously proposing beneficial legislative action to empower, relieve, or inform the

citizenry. Governments are constantly in need of checks, much like any other institution. To

allow citizens to more directly impose limits on government via Referendum or give specific

instructions to its legislature via Initiative could indeed empower the people and further balance

what many would agree is an oversized government.

 According to the Initiative and Referendum institute, many great figures within the

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U.S. government and administrations supported the use of the Initiative and Referendum process.

Thomas Jefferson, Theodore Roosevelt, and Hiram Johnson all vehemently defended the idea

(Initiative and Refereundum Institute, 2013). Each had logical reason for doing so. As

government grew, so did its administration, and Jefferson, whose foresight and intuition were

instrumental in the formation of our government, saw that that administration would grow

overbearing and cumbersome. Empowering the citizenry, he supposed, would aid in cutting

down on such problems.

 Initiative and Referendum could also loosen the grip of special interests on the legislative

process by truly and directly representing the citizenry. Administration would no longer be a

matter of receiving orders from a career lobbyist and carrying them out. The very citizens public

offices serve would be the ones who order the government. As Dennis Polhill noted, “To state

that the legislative process is heavily influenced by special interests may be an understatement

(Polhill 1997).” To break the bonds of this often criticized lobbying process would be to install

true democracy in the nation, and do away with the cluttered and corrupt administrative process

we currently have in place. Special interest groups could no longer establish whatever pet

departments they wanted nor push existing administrative departments around. Administrators

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would be free to act in a way that truly benefitted their public, for that same public established

the policies they wanted enacted.

 Corruption, one of the greatest complaints against our government and its administration

at this time, could be put into check through the Initiative and Referendum process. Polhill

demonstrates in his article that the citizens of a state could effectively repeal a bill passed by the

legislature if they perceived it violated the state constitution or simply saw it as unnecessary,

wasteful, or unwanted (Polhill 2013).

 If nothing else, Initiative and Referendum could effectively be adopted by individual

states in order to give the people a voice in the direct actions of their government, and to have the

administrative efforts of that government be spent where they a needed. As mentioned by Daniel

Smith, “Even indirectly, the threat of an initiative could pressure recalcitrant legislators to act

(Smith 2013).” Initiatives could allow citizens to truly get the attention of their governors.

**C. I&R: A Well-Intentioned Time Bomb**

Initiative and Referendum, however, are not bulletproof. There is no panacea, least of all

in the area of government and its administration. Corruption and abuse do not stop at the local

ballot box. First of all, how shall Initiatives and Referendums affect the nature of representation

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in the country? Barbara Gamble’s article puts it nicely; ballot measures have a tendency to over-

represent the wealthy (Gamble 2013). Ballot measures can cost quite a bit of money. What might

make them so expensive? The collection of signatures, for one thing. Workers must be paid to

collect the needed signatures to engage in this form of American direct democracy, and, because

this process is time-consuming and costly, only the wealthy could engage in this pursuit. This

could seriously skew a great deal of representation in our republic. The intended democratic

ideal could be very easily commandeered by those who could afford it.

These Initiative and Referendum measures undermine a fundamental institution of our

government: the establishment of a republic. Ballot measures reflect a direct democracy, the

exact kind of government our founding fathers abhorred and wished to avoid. Even a monarchy

was better than a pure democracy in their eyes. These measures move the nation towards the

very style of government those who went before us were trying to avoid.

 Further, governments are naturally distortive agents. Many initiatives passed by a well-

meaning populace can be abused by a corrupt politician in power if poorly written. David Patton

remarked that, “any statute passed by the people in this process must be implemented by

governments who will change the law to suit their needs (Patton 2013).”

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 Finally, a system such as this is based on ideals. People create broad administrative

change based entirely on what would happen in an ideal world, not on administrative reality.

Initiative and Referendum can be distorted, even if it is well meaning, and therefore should not

be adopted by states.

**D. Analyzing the Argument Concerning I&R**

Both of these views have valid points to make, but both overstate their cases. When

considering a massive undertaking such as this, any observer must deal in realities. The

arguments made by both those in favor of Initiative and Referendum and those dead set against it

are not wholly without truth, but require nuancing. First of all, while it is true that government

needs as many checks on its power as possible, Initiative and Referendum might not be the best

antidote for that poison. Its opponents are correct in this: ballot measures can be abused.

Take California, for instance. California can be bombarded with amendment after

amendment on which the citizenry votes; this can lead to unnecessary governing and wasted

administrative effort. It can also lead to manipulation. Special interests are present in both

camps, and are almost unavoidable no matter which level of government is considered. Another

fly in the ointment of those who support Initiative and Referendum at any level is the fact that

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corruption is not simply whisked away because Initiative and Referendum have been

implemented in any given state. The special interests all parties involved abhor can still have

their say in the process.

 Initiative and Referendum do not have to be thrown away outright because of this threat,

however. What opponents of Initiative and Referendum often fail to recognize is the distinction

between direct and indirect initiatives. The same applies to popular and legislative referendums.

If the general citizenry can introduce ballot measures without a single legislator having a say in

the matter (as is the case in California), it should come as no surprise that the ballot can be

flooded. But if the state legislature is involved, at the very least someone is bound to take notice.

Even if a measure is shot down, signatures were collected and people brought together under a

common goal to get a piece of legislation passed, an event not ignored by the wise interested in

reelection.

**E. Concluding Observations**

Initiative and Referendum can be a good tool or an abuse laden burden on the

administration of our government. I believe both are worthy of adaptation, but as with any

sweeping change, it is one to be made slowly and with great care. Direct initiative and popular

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referendum are right out. They are too easily manipulated and cannot be efficiently managed.

However, indirect initiative and legislative referendum seem like plausible options. The good of

Initiative and Referendum, a check on the iron triangle, a voice for the people, and a way of

undoing the mistakes of an unruly government, can all be had without having to expose much of

the process to the inherent problems of a fickle ruling body in the people. Administration can

herein be refined without being destroyed.

 Though Gamble would disapprove, Zoltan Hajnal’s research indicates that tyranny of the

majority does not so easily develop under Initiative and Referendum. Those of minority interests

were not as bullied as one might assume (Hajnal 2013).

 With the proper nuancing and a healthy dose of slow, intentional implementation,

Initiative and Referendum can be used as a great check on the government which so often can

get out of control. Take the state of Alabama as a closing example. Citizens in Charge recently

conducted a poll in the state asking a simple question: “would you favor or oppose the Initiative

and Referendum process in your state (Citizens in Charge Foundation, 2010)?” An

overwhelming majority of 71% favored the idea. Each demographic represented, be it race,

income level, and even political orientation, favored Initiative and Referendum. In Alabama at

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least, many are ready for this responsibility.

Initiative and Referendum can be a disaster if not properly understood and dealt with.

Administrators of a government wherein Initiative and Referendum is a reality can rest assured

that their work matters more than ever. Nothing is perfect, and again, the process would have to

be implemented responsibly, but Initiative and Referendum could be a great asset to the

administration of a state.

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