
Allegra Dawes

Best Dissertation Prize Winner

MSc Political Science and Political Economy 2019/20



Department of
Government

gov.msc@lse.ac.uk

Restricting the Citizen's Initiative: An Analysis of Policy Adoption and Proposal in U.S. States

A dissertation submitted by Allegra Dawes to the Department of Government, the London School of Economics and Political Science, in part completion of the requirements for the MSc in Political Science and Political Economy.

August 2020

Word Count: 9,553

Abstract

Since the early 20th century, citizens in 23 U.S. states have been able to directly propose and implement policy through the citizen's initiative. While the initiative serves to circumvent the legislature and reduce its control over policy, little work has studied the ways in which the legislature shapes and controls the initiative through election laws and restrictions. Using a newly compiled dataset of bills passed by legislatures between 2000 and 2019, this study investigates the adoption and proposal in state legislatures of bills that limit and restrict the citizen's initiative. I argue that when inter-party competition is high in a particular state, the majority party will be more likely to restrict the initiative in order to maintain control over policy. I study the effect of inter-party competition on both the adoption of restrictive bills and on the number of restrictions considered in a given year. While our results are inconclusive on the effect of political competition on the majority party's decision to restrict the initiative, this study points to the importance of developing the theory on partisan interaction with the initiative.

Table of Contents

I.	Introduction	1
II.	Theoretical Framework and Literature Review	3
	a. The Citizen’s Initiative and the Legislature	3
	b. Strategic Institutional Design: Restricting the Initiative	5
	c. Developing the Hypotheses	7
III.	Research Design	9
	a. Data and Summary Statistics	9
	b. Methodology	12
IV.	Results	15
	a. Comparison of Means	15
	b. Event History Analysis of Policy Adoption	17
	c. Analysis of Policy Proposal	24
V.	Discussion and Conclusion	28
VI.	References	31
VII.	Appendix	37
	a. Data	37

I. Introduction

In 2016, following successful ballot initiative campaigns for expanded Medicaid and the legalization of marijuana in Maine, Governor Paul LePage condemned the institution of the initiative stating, “[it] is pure democracy and it has not worked for 15,000 years” (Newkirk 2018). The tension between representative institutions and institutions of direct democracy has been present since the introduction of the initiative in the United States at the beginning of the 20th century. Now present in 24 states, the initiative has its origins in the progressive era, as a reform intended to reduce corporate influence and legislative power by placing policy in the hands of citizens (Smith and Tolbert 2004). Since its introduction, there have broadly been two different arguments in support of the initiative. The first contends that the initiative promotes citizen participation, political engagement, and greater policy awareness (Smith 2000; Lacey 2005; Tolbert, Grummel, and Smith 2001; Tolbert and Smith 2005). The second argument holds that the initiative acts as a threat to reduce the legislature’s control over policy and correct non-majoritarian policy outcomes (Burden 2005; Arceneaux 2002; Bowler and Donovan 1998; Matsusaka 1995; Matsusaka and McCarty 2001).

Most of the study of ballot initiatives has focused on the variation between states with some form of the initiative and states with no institution for direct citizen participation. While these studies have typically modeled the initiative using a binary variable, there are significant differences between states in terms of the election laws that govern the proposal, qualification, and passage of initiatives (Bowler and Donovan 2004). This variation opens the door to questions regarding the laws’ effectiveness, the goals lawmakers have in passing them, and why some states restrict the initiative more than others. As with all political institutions, the effectiveness of the ballot initiative, the level of threat it poses to a legislature, and the downstream effects on citizen participation are shaped by the rules and laws that govern it within each state.

There are many studies on the strategic intentions that legislatures have in shaping, reforming, and manipulating election laws and rules. Scholars have examined the effects of electoral laws on voter turnout, representation, and implemented policies (Burden, Canon, and Mayer 2014; Rosenston and Wolfinger 1978; Ansolabehere and Konisky 2006). Laws governing elections and ballots have been shown to be effective tools for policy makers to pursue their strategic electoral and policy interests (Hicks et al. 2015; Hassen 2004). These laws are often connected to the incentives of political parties to advantage their electoral chances over those of

the opposing party. In this vein, gerrymandering, the adoption of voter I.D. laws, and the institution of early voting or registration requirements are linked with strategic party intentions and caused, in part, by interparty competition (Hicks et. al 2015; Burden et al 2014; Brians and Grofman 2001). Despite evidence for the role of partisan competition in the adoption of election laws, there has been little systematic investigation into the variation in the restrictiveness of the laws governing initiatives. Are legislatures more likely to introduce and adopt restrictive rules regarding the initiative process when a strong opposition party is present?

To answer this question, this dissertation examines the proposal and adoption of laws restricting the ballot initiative in 24 states. This investigation will offer insight into the validity of the claim that the ballot initiative is a substantial threat to legislatures, and, in particular, the majority party. Rather than examining the effect of the initiative on policy responsiveness, I will investigate whether legislatures strategically act to restrict the initiative when the political environment is more competitive. If the initiative is a legitimate threat to the majority's control, I argue that the likelihood of legislatures proposing and adopting bills aimed at limiting the efficacy of direct democracy will increase as the electoral threat increases. I first ask why some states are more likely to *adopt* restrictive laws regarding the ballot initiative than other states. Second, I ask why some states are more likely to *introduce* restrictive laws regarding the ballot initiative than other states.

The hypotheses are tested using a newly constructed data set on the policy adoption and consideration of restrictions from 2000 to 2019. The time period is dependent on the availability of state legislation tracking records. Additionally, choices regarding the laws restricting the ballot initiative follow Tolbert, Lowenstein, and Donovan's (1998) overview of the laws governing the process and the rules for it within states. While I am primarily interested in the role of interparty competition, I also test other aspects of the process that potentially determine the level of threat the institution poses to the legislature. This includes the number of initiatives appearing on the ballot, the proportion of initiatives passed, and voter turnout. While we do not find strong evidence in support of the hypotheses on interparty competition, this study offers insight into the interaction between direct democracy and representative institutions.

The remainder of this dissertation is organized as follows. Section II outlines the relevant theoretical background and the derivation of the hypotheses to be tested. I outline the evidence surrounding the initiative as a threat to the legislature, party reaction to that threat, and the role of

political competition in stimulating institutional change and election law reform. Section III introduces the data used, and the models for the empirical analysis of the hypotheses. Section IV presents the results of the analysis and models. Section V discusses the limitations of the study and concludes.

II. Theoretical Framework and Literature Review

a. The Citizen's Initiative and the Legislature

The initiative was introduced during the Progressive era as a reform intended to reduce the power of the legislature and monied interests with influence in the halls of power. Reformers argued that by giving citizens direct control over policy proposals and passage, they would have greater influence over their representatives and achieve policy that reflected the preferences of the majority (Cronin 1989; Smith and Tolbert 2007). In its century of existence, the initiative has never been used to the extent that it usurps or overshadows the role of state legislative bodies as the primary policy makers. Even states with the most initiative usage pass, on average, only two initiatives per year (Boehmke 2005). Despite the limited usage, the initiative has garnered attention from a number of scholars seeking to determine the role it plays in representative democracies. These theories have principally revolved around identifying what, if any, power the initiative has in shaping policy or constraining representatives' actions. How can a relatively underused device correct representative behavior?

Scholars have pointed to two main ways initiatives are understood to influence representatives. The first is directly, by removing the discretion of representatives to act according to their own wishes and instead binding them to policies voted on by citizens at large (Malegby 1984; Waters 2001; Tolbert 2003). The second is indirectly; the initiative acts as a corrective threat that induces representatives to pass majoritarian policy (Gerber 1996; Besley and Coate 2000). While studies have found some evidence for the direct effects of ballot initiatives such as policy differences in government spending, term limits, and campaign finance restrictions (Matsusaka 1995, 2004; Bowler and Donovan 1995; Karp 1995), this dissertation is primarily concerned with the indirect effects of the initiative on elected officials and the ways in which legislatures, and, in particular, the majority party, perceive and react to the initiative.

Most formal theories have explored the role of the initiative in combating non-majoritarian policies and stimulating greater policy responsiveness by representatives to the preferences of the

electorate. Elisabeth Gerber (1996) develops a model in which the initiative serves to counteract non-majoritarian policies when representatives have preferences that do not align with the electorate. Gerber uses a spatial model of the policy process to show how representatives' anticipation of a popular initiative can constrain the legislature's behavior. The initiative works to constrain legislative behavior indirectly by acting as a threat of future action; with the initiative, the legislature no longer has a monopoly on the agenda or policy. Denzau, Mackay, and Weaver (1981) similarly examine how initiatives constrain representatives with non-majoritarian preferences and produce policy that aligns with the preferences of the median voter.

Notably, these theories depend on the assumption that representatives have policy preferences that differ from those of the median voter. They do not offer an explanation for why the initiative is needed in addition to elections or why elections may fail to produce policy congruence. Besley and Coate (2000) address this oversight, arguing that in representative democracy, issues are bundled together. Issue bundling combined with the fact that citizens have only one vote means that policy outcomes on particular issues may diverge significantly from the preferences of the majority of citizens. The initiative unbundles particular issues and produces closer alignment of implemented policy and majority preference. Besley and Coate (2000) model this with two parties. They identify three cases in which electoral competition may fail to produce a majoritarian outcome: when regulation is not politically salient and the majority party is anti-regulation; when the regulation is salient to a minority of citizens; and when the regulation is not salient and there is an anti-regulation interest group. They conclude, like Gerber (1996), that "initiatives do not need to be proposed for their impact to be felt—the threat of an initiative can change parties' incentives" (21).

In a similar case, Besley and Coate (2000) develop a theory surrounding the effect of elected versus appointed regulators on regulation policy. They argue that when regulators are appointed, it is unlikely that regulation is politically salient to the degree that citizens cast their vote based on the regulatory policy. However, "Directly electing regulators, strengthens this link [between regulatory policy and voter's preferences] and hence can produce regulators who are more pro-consumer (2)." This model situates itself in the Chicago tradition which places regulation inside the larger political context and explains "the type of regulations that the political process produces...[they] are assumed to be chosen by politicians seeking to maximize political support (3)." There are two main takeaways of interest for the study of initiatives. The first is the fact that

unbundling issues enables voters to express more dimensions of their vote. Representatives are less able to bundle regulatory policies that lack salience. In the context of ballot initiatives, the discretion of representatives to control policy is limited by the initiative because voters have tools that enable a finer grained expression of preferences. The second takeaway is the interaction between the two parties in government. When voters are able to vote on unbundled issues, the implemented policies align with their preferences more closely. In the context of ballot initiatives, this unbundling constrains the majority party's ability to determine policy when preferences diverge. We can see this at play in many recent ballot initiatives in the U.S. For instance, in Nebraska, Idaho, and Utah, voters successfully passed Medicaid expansion bills despite resistance in the Republican legislatures over this matter. In these cases, the initiative worked to limit the majority party's control over policy.

The formal theories surrounding initiatives emphasize the conditions under which the initiative acts as a constraint on legislative behavior and the response of representatives to the perceived threat of a future initiative. Little has been done to address the control representatives have over the institution and the rules that govern how the initiative functions. To address the central question of this dissertation, we will connect the theory of threat from the initiative with the literature on strategic institutional choice.

b. Strategic Institutional Design: Restricting the Initiative

To develop the theories to test in this study, we turn to theory on institutional choice. When examining restrictions on the initiative, it is important to understand what entity is moving to restrict. Cox and McCubbins (1993) argue that legislative organization is attributable to decisions made by the majority party. They frame the party as a "legislative cartel" that selects and designs institutions to solve collective action problems between members and to prevent member defection. Power within the legislature is not evenly distributed between members, but rather is concentrated among those in the majority. In this vein, we can understand the restriction of the initiative as a decision made by the majority party to further its policy and electoral goals.

Similarly, Hanssen (2004) develops a model on incumbent policy maker's decision of how much independence is optimal in the judicial system. Hanssen shows that the most independence enhancing judicial systems are selected when competition between parties is high and when the party policy platforms are far from one another. An incumbent policy maker must balance the

benefit of an independent court increasing the difficulty for a future majority party to alter policy with the cost that an independent judiciary can create policy without the control of the incumbent. In this particular case, when competition is high, the majority party will relinquish some control over policy as they anticipate being replaced by the opposing party. In terms of the initiative, this model provides insight into the calculations the majority party makes while considering institutions that, to some extent, share control over what policy is proposed and implemented. Moving forward, we can understand the adoption and proposal of restrictions on the initiative as decisions made by the majority party.

Some empirical studies of the initiative have investigated it in terms of partisan competition and interaction (Smith and Tolbert 2001; Dyck, Johnson, and Wasson 2012; Hasen 2000). Smith and Tolbert (2001) argue that party organizations use the initiative process to bolster turnout of their base, divide the opposition on “wedge issues” like abortion or gay marriage, and promote their party platform. Critics of the initiative argue that it is susceptible to influence by monied interests and that voters are unable to form well-informed opinions on policy matters and accordingly vote based on partisan cues (Karp 1998; Smith and Tolbert 2001; Branton 2003). The involvement of parties in the initiative process means that the threat the majority party perceives from this institution is directly linked to its evaluation of electoral threat from the minority party. While not all policy passed through the initiative is partisan and some doubtlessly aligns with the majority party’s interests, the initiative is a tool to circumvent legislative control—a tool the minority party, and its supporters, can use to pass policy opposed by the majority.

Finally, studying the reaction of the majority party to the initiative and the variation in laws governing the initiative builds on work investigating election law. Traditionally, most studies have treated the initiative using a binary indicator of its presence or absence. Some have argued that this approach ignores the significant variation between states in the number of initiatives proposed, voted on, and implemented. Additionally, there are varying levels of difficulty in the proposal process itself including different petition signature thresholds to place an initiative on the ballot, subject restrictions, time restrictions, and campaigning restrictions. Bowler and Donovan (2004) suggest an alternative measure of initiatives that incorporates the varying rules that govern the process. They argue that initiatives vary greatly in how difficult they are to use and how easily legislatures can ignore the results. They replicate a number of studies with these new measures and demonstrate that the significance of the tests depend on the measurements of the institution.

Militia (2015) finds that laws passed by legislatures that increase the hurdles for an initiative to make it to the ballot reduce the number of initiatives on the ballot but simultaneously reduce the complexity of initiatives leading to a larger proportion being passed by voters.

Smith (2001) argues that theories on macro-level legislative response fail to identify conditions when representatives may have incentive to oppose initiatives. Smith analyzes micro-level legislative responses in Colorado by analyzing legislators' votes on counter-majoritarian legislation that explicitly or effectively overturn outcomes of ballot initiatives. Smith finds that individual legislators' votes on these counter-majoritarian bills were related to the votes on the initiative within their district; rather than responding to the statewide electorate, they responded to their own constituents. The increased focus on the institution of the initiative and the designers of that institution naturally lead to question of the strategic incentives in the design and the adoption of rules that govern or restrict the process.

This section has established that the initiative is a threat to the majority party as it weakens their control over the policy agenda and creates opportunity for the minority to attain desired policy. The move to restrict the initiative can then be understood as an action taken by the majority party as it requires a majority to adopt a restrictive bill limiting the initiative and opposing its results.

c. Developing the Hypotheses

This section builds on existing empirical work to develop the main hypotheses to be tested. The first point is the manner in which the initiative acts as a threat in a party context. Theories point to the fact that the initiative unbundles issues and causes policy outcomes to align with the majoritarian preference even when the dominant party has non-majoritarian positions on specific policies (Besley and Coate 2000). The initiative can then be thought of as a threat to the majority party's control over policy. Additionally, a number of studies have found evidence that parties can use the initiative to their advantage by stimulating turnout, driving wedge issues to the forefront of policy debates, and promoting party platforms (Smith and Tolbert 2001). Combining these two insights indicates that the minority party can utilize the initiative as a means to pass policy that the majority party opposes and to advantage its own electoral chances. The strength of the minority party and the level of partisan competition in a given state then contributes to the majority party's evaluation of threat from the initiative.

Empirical tests of these theories have led scholars to examine the interplay between direct democracy with the legislature. Hicks (2015) and McGrath (2011) find that groups are more likely to use the initiative when citizens and legislators' ideal policy points diverge; and groups are more likely to use the initiative when legislatures become ineffective—in particular, when parties are evenly matched in the legislature and polarized ideologically. The initiative becomes a more salient instrument for citizens when competition and partisan parity is high; it follows that the majority views the initiative as a greater threat during such times (Boehmke, Osborn, and Schilling 2015). We claim that as partisan parity and party competition increases, the majority party's perceived threat from the initiative increases. This leads to the main hypotheses for this study:

Hypothesis 1(a): The higher the level of partisan competition in a state, the more likely the majority party is to adopt a bill restricting the ballot initiative.

Hypothesis 1(b): The higher the level of partisan competition in a state, the more likely it is for bills restricting the initiative to be proposed.

As secondary hypotheses, I explore the threat the initiative poses in terms of its effectiveness and its ability to stimulate voter turnout. Several scholars have found that the initiative can stimulate voter turnout in elections (Tolbert, Grummel, Smith 2001; Childers and Binder 2012; Tolbert, Bowen and Donovan 2007). Increased turnout could threaten the majority party's security as more voters are mobilized. Additionally, as the initiative reduces the majority's control over policy, the effectiveness and usage of the institution impacts the level of threat the majority perceives. Thus, we have two hypotheses:

Hypothesis 2(a): When voter turnout and the number of initiatives passed into law increases, the majority party is more likely to adopt a bill restricting the ballot initiative.

Hypothesis 2(b): When voter turnout and the number of initiatives passed into law increases, the majority party will propose and consider more bills restricting the initiative.

III. Research Design

a. Data and summary Statistics

To test the above hypotheses, this study draws on information compiled by the National Conference of State Legislatures (NCSL) and the election tracking organization, Ballotpedia. Both sources compile a year-by-year database of proposed and adopted legislation surrounding the ballot initiative between the years 2000 and 2019. I sorted these to find only the bills that place some restriction on the ability of citizens to petition for initiatives, to pass initiatives, or to fund initiative campaigns. I follow Tolbert, Lowenstein, and Donovan's (1998) categories of bills that restrict the institution. The first group restrict the petitioning process for proposed initiatives to make it on to the ballot. Legislatures are able to increase the signature requirements, institute distributional requirements that mandate signatures to be gathered from each congressional district, and limit the time afforded to campaigns' signature gathering efforts. Distribution requirements for the initiative process are of particular interest as many states have only recently adopted this policy. Proponents argue that they increase representation of the entire state rather than small interest groups. Opponents argue that distribution requirements aim to reduce the number of initiatives on the ballot and dilute the power of urban regions. The second category of bills aim to limit the ability of citizens to pass initiatives. Specifically, this includes raising the percentage of votes needed to pass an initiative, adding a fiscal impact statement to the ballot, limiting campaign spending, and listing donors on the ballot.

To assess the above hypotheses, I use two different dependent variables for the analysis of the legislature's efforts to restrict the initiative from 2000 to 2019. The first follows the convention in event history analysis with discrete time and is a binary indicator denoting whether or not a state has adopted a restrictive bill in the given year or a past year (Box-Steffensmeier and Jones 1997). The outcome is then "0" when no adoption has occurred in time t or in any previous time, and is "1" if a state has adopted a restriction in time t or in any previous time. The second is a count measure of the number of restrictive bills introduced in legislature i during time t . Analyzing only adopted bills provides a static view of policy, as units are dropped from consideration once they have adopted a restriction (see next section). Analyzing the count of bills proposed provides a dynamic picture of the policy environment. The year of adoption and the number of bill proposals are shown in table 1.

I also include a narrower specification and look at the adoption of distribution requirements only in states. This is because distribution requirements have been one of the more recent policies that limit the ability of citizens to place initiatives on the ballot. They typically require that signatures for petitioning must be gathered across the state’s congressional districts. This outcome allows for a closer comparison between states.

Year	Bill Introductions	Adopted (Any)	Adopted (Distribution)
2001	-	0	0
2002	-	0	0
2003	-	0	0
2004	-	0	1
2005	-	0	0
2006	-	0	0
2007	8	1	1
2008	14	3	1
2009	25	2	0
2010	38	2	0
2011	46	5	0
2012	15	2	0
2013	30	3	1
2014	20	0	1
2015	41	1	0
2016	12	0	1
2017	53	0	0
2018	45	0	4
2019	76	0	2
Total	423	19	10

The primary explanatory variables concern inter-party competition in the states. These variables measure the level of partisan competition by year in each state as well as the composition of the legislatures in terms of partisan parity. I follow the approach outlined by Hanssen (2004). To assess the strength of the incumbent party in the legislature, Hanssen uses three proxy variables: (1) the percentage of seats held by the majority party, (2) whether a house changed party hands in the previous election, and (3) whether the same party has control of both houses or not. While these measures give a sense of party strength in a given state and year, they also touch on the

difficulty or ease a majority party has in passing legislation. This approach diverges from the most prevalent measure of partisan competition in the U.S. states which is the Ranney index (Ranney 1965, 1976). This measure uses the proportion of seats controlled by the Democratic party, the vote share of the Democratic candidate in gubernatorial elections, and the percentage of time the Democratic party controls the governor seat and the legislature to construct an index ranging from 0 to 1 of partisan competition. Hanssen also tests his hypotheses using the Ranney difference, but focuses on the three proxy measures. Due to the time frame I am studying, I do not test whether the Ranney index would provide similar or different results, however, this could be an interesting extension. The explanatory variables of interest for this study are

- The percentage of seats held by the majority party, averaged across both houses
- Whether a house changed party hands in the past election (0 if no house changed, 1 if one house changed, 2 if two houses changed)
- Whether the same party has control of both houses or not (0 if houses are controlled by different party, 1 if houses are controlled by same party)

For the secondary explanatory variables to examine hypotheses 2(a) and (b), I use voter turnout in the most recent election year and the proportion of initiatives that are passed into law.

- Voter turnout in the most recent election (percentage)
- Proportion of initiatives passed in a given year

For control variables, I look at other factors that impact the effectiveness of the initiative. The first group concerns the usage and effectiveness of the initiative in the state. To differentiate between states where the initiative is used frequently and states with little usage, I include the number of initiatives appearing on the ballot and the rate at which initiatives are approved and passed into law by voters. To account for the role of money in ballot initiative campaigns, I also include a measure of the money spent per initiative for each year in a state. The control variables are

- Number of initiatives appearing on ballot

- Rate at which initiatives are passed by citizens
- Money spent in support of initiatives in campaigns
- Money spent in opposition during initiative campaigns

Ideally, this study would include a measure on the policy divergence present in the states both between the two parties and between the incumbent party and the median voter in the state. This would allow us to test whether policy divergence and convergence affect the level at which the majority party perceives a threat from the initiative. Unfortunately, I was unable to find data on the state level for the years under study to accomplish this. The summary statistics for the explanatory and control variables are in table 2 below, including the minimum and maximum values, the mean value, and the standard deviation.

Table 2: Descriptive Statistics

Variable	Obs.	Mean	Std. Dev.	Min	Max
Majority Size	299	0.651	0.1	0.495	0.89
Single Party Control	299	0.893	0.31	0	1
Change in Party Control	299	0.201	0.505	0	2
Number on Ballot	312	2.667	3.654	0	21
Proportion Passed	312	0.325	0.38	0	1
Voter Turnout	312	53.727	10.382	29	74.9
Total Spent	312	3.54E+07	8.87E+07	0	6.74E+08

b. Methodology

This study uses two different models to study policy adoption and policy consideration. To test hypotheses 1(a) and 2(a), I follow the literature on policy adoption that utilizes an event history analysis approach (Berry and Berry 1990). Hicks et al. (2015) similarly employ a discrete time event history model to study why some states are more likely to adopt voter I.D. laws. Fridkin and Smith (2008) also employ this approach to examine whether partisan competition and third party strength contributed to a state legislature's decision to adopt the ballot initiative or not.

This approach answers the question of why some states adopt certain policies while others do not. The unit of analysis in this model is a state i in a year t . We model the survival of a unit before the unit adopts a bill restricting the initiative. The duration of time a unit spends in one particular state impacts the probability that that unit will make a transition to a new state. Event history typically utilizes continuous time, however, for policy adoption the available data and the relevant information of interest is not the exact moment in a legislative session that policy is adopted, but rather the year in which said policy is adopted. Policy adoption uses a discrete time formulation of event history (Box-Steffensmeier and Jones 2004).

For discrete time formulations, we have a hazard rate λ_{it} which is the probability that unit i adopts a restrictive ballot initiative during time t given that it has not done so in a previous time period. Cox (1972) demonstrated that this hazard probability can be parameterized to have a logistic dependence on the covariates. Hence, we can use a logit model for policy adoption. One important note is that following adoption when the outcome is “1” for a particular state in year t , the subsequent years of observation for that state are dropped from the data set as the unit is no longer considered to be at risk for adoption (Box-Steffensmeier and Jones 2004). Additionally, states that have not adopted any restrictive bill by 2019 are included but are considered to be right-censored and units who have adopted before 2000 are considered to be left censored. The model used to test hypothesis 1(a) takes the following form:

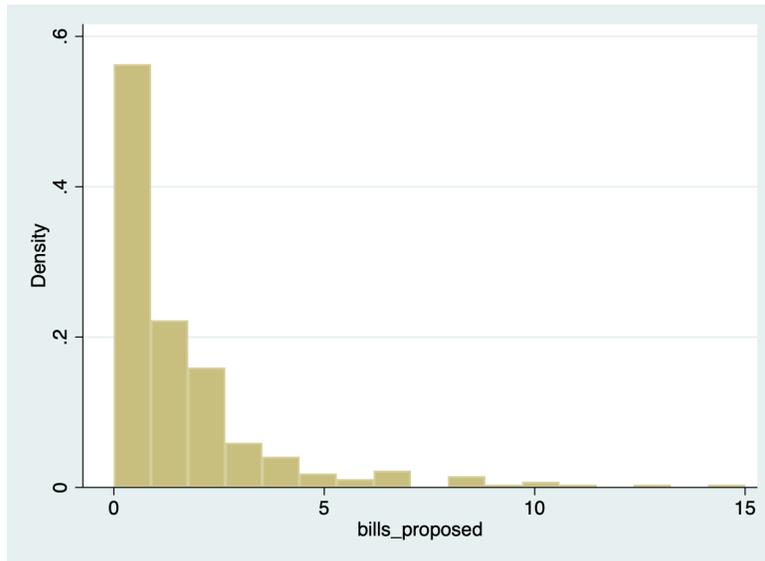
$$\text{logit} \left[\frac{\lambda_{it}}{1 - \lambda_{it}} \right] = \alpha + \beta_1 \text{MajoritySize}_{it} + \beta_2 \text{SameParty}_{it} + \beta_3 \text{PartyChange}_{it} + \beta_4 \text{NumBallots}_{it} \\ + \beta_5 \text{PropPassed}_{it} + \beta_6 \text{Turnout}_{it} + \gamma_1 f(T_{it})$$

We include the last term to account for duration dependency or the effect of time. This means that a unit will become more likely to adopt a bill as time progresses. To account for duration dependency we include a lowess smoothing function to characterize time, denoted $f(T_{it})$. This follows Box-Steffensmeier and Jones’ (2004) suggestion. We also tested the model with alternative time characterizations including dummy variables and spline smoothing functions (Beck, Katz, and Tucker 1998). The results were robust to these specifications and model fit statistics suggest that the lowess specification provides the best fit.

This model will be used to test hypotheses 1(a) and 2(a) for the adoption of any restrictive bill and for the adoption of distribution requirements. Following hypothesis 1(a), we expect that

β_1 will be negative, meaning that as the majority size increases, the likelihood that a legislature adopts a restriction, or a distribution requirement, decreases. Similarly, we expect β_2 to be negative, meaning when the same party controls both houses, the legislature will be less likely to adopt a restriction. Finally, we expect β_3 to be positive, meaning when a house has changed party hands, the legislature will be more likely to adopt a restriction. Following hypothesis 2(b), we expect β_5 and β_6 to be positive, meaning when the proportion of initiatives passed increases and voter turnout increases, the legislature will be more likely to adopt a restriction.

To test hypotheses 1(b) and 2(b), the outcome is the number of restrictive bills proposed and considered. To estimate the expected number of restrictive bills proposed in state i during time t , conditional on covariates, I use a count model. Specifically, I use a multilevel, over-dispersed Poisson model that includes variance components to account for state level heterogeneity and unit level heterogeneity (Cameron and Trivedi 2005; Gelman and Hill 2007; Rabe-Hesketh and Skrondel 2008; Hicks et al. 2015). Figure 1 shows the right skew of the data as a count of 0 is the most frequent outcome.



This multilevel model accounts for the fact that the data is grouped by state and repeated measurements are made on the same state legislatures at different times. The level-2 variance component, ζ_2 , accounts for state level heterogeneity while the level-1 variance component, ζ_1 , accounts for variance at the level of the unit (a given state i in a given year t). The model takes the following functional form

$$\log(Bills_{it}) = \alpha + \beta_1 MajoritySize_{it} + \beta_2 SameParty_{it} + \beta_3 PartyChange_{it} + \beta_4 NumBallots_{it} + \beta_5 PropPassed_{it} + \beta_6 Turnout_{it} + \beta_7 TotalSpent_{it} + \zeta_{it(1)} + \zeta_{it(2)}$$

Hicks et al. (2015) employ a similar approach in their analysis of voter identification laws in the U.S. states. The Poisson model typically requires the mean to be equal to the variance; when the variance exceeds the mean, the data is over-dispersed and the model assumptions are violated. Hicks et al. (2015) hold that excess variance in their model should be mainly attributable to state-level heterogeneity and is thus reduced by including a variance component for the state level. Remaining variance is then captured in the level-1 variance component of a state in a given year.

Following hypothesis 1(b) we expect β_1 to be negative, meaning that an increase in the majority size is associated with a decrease in the expected number of bills proposed that year. We expect β_2 to be negative, meaning that when one party controls both houses, fewer restrictive bills will be considered. Finally, we expect β_3 to be positive, meaning that when a house has changed party hands in the previous election, the expected number of proposed bills should be higher. Following hypothesis 2(b), we expect β_6 to be positive, meaning that as voter turnout in the previous election increases, the legislature will propose more bills. Additionally, we expect β_5 to be positive, meaning that as the proportion of initiatives on the ballot that are passed increases, the legislature will consider more bills restricting the initiative.

IV. Results

a. Comparison of Means

I will start with a simple comparison of means, shown in tables 3 and 4. This enables us to have a clearer picture of the data before we begin to model policy adoption and consideration using the methodology specified above. First, I consider policy adoption using the amount of time before a state adopts a restrictive law as a categorical variable with 4 groups. Group 1 corresponds to states that adopted restrictive laws between 2000 and 2004; group 2 states adopted restrictive laws between 2005 and 2009; group 3 states adopted restrictive laws between 2010 and 2014; and group 4 states adopted restrictive laws between 2015 and 2019. From hypothesis 1(a), we expect that states with shorter duration times will have higher levels of partisan competition. Thus, lower duration groups should have a lower average majority percentage, more instances in which a house changed party hands, and fewer instances when both houses were held by a single party. Table 3

shows the means and standard deviations of the three measures for partisan competition in each duration group.

Table 3: Means and Std. Errors

Duration Group	Number of Observations	Majority Size	Single Party Control	Change in Party Control
1	92	0.634 (0.097)	0.783 (0.415)	0.217 (0.415)
2	110	0.627 (0.098)	0.853 (0.356)	0.236 (0.506)
3	100	0.650 (0.098)	0.900 (0.302)	0.280 (0.570)
4	107	0.673 (0.112)	0.925 (0.264)	0.103 (0.362)

As expected, we see that states with a longer duration before adopting a restrictive bill have more instances of single party control in which one party controls both houses. States with the lowest duration time (group 1) had single party control 78.3% of the time while states that adopted latest had single party control 92.5% of the time. We can also observe that the size of the majority party tends to be smaller in states that adopted restrictive bills early and larger in states that adopted bills later. While the differences are not large, this again supports the hypothesis that greater partisan competition and parity between parties prompts the majority party to restrict the initiative. Finally, we see that a change in party control is least likely in group 4. Within the first three groups, there is little difference present. These means suggest that partisan competition is worthwhile to study in connection with a legislature’s decision restrict to the citizen initiative.

Next, I turn to the count measure of restrictive bills that are proposed and considered in a legislature. I approach this in a slightly different way than bill adoptions and the duration of time before a bill is adopted. In this case, I group states into four bins based on the mean number of bills proposed. The mean within a state of bills proposed is 1.401 bills with a maximum value of 4.077 bills. Group 1 consists of states with a mean between 0 and 1; group 2 are states with a mean between 1 and 2; group 3 are states with a mean between 2 and 3; and group 4 are states with a mean between 3 and the maximum. Following hypothesis 2(a), I expect states with a lower mean of bill introductions to have lower levels of partisan competition. States in lower groups should have larger majority party sizes, more instances of single party controls, and fewer instances of a change in party control. The table below shows the means for each group.

Table 4: Means and Standard Errors

Bills Proposed Group	Number of Observations	Majority Size	Single Party Control	Change in Party Control
1	156	0.643 (0.099)	0.872 (0.335)	0.250 (0.540)
2	78	0.705 (0.105)	0.923 (0.268)	0.128 (0.406)
3	13	0.558 (0.042)	0.692 (0.480)	0.846 (0.899)
4	52	0.618 (0.063)	0.962 (0.194)	0.000 (0.000)

The results of this comparison are less clear than those for policy adoption duration times. For majority size there is no clear pattern between the three groups. We see that there is a large difference between the number of observations in each group with most clustered in the lowest section. This could potentially interfere with the usefulness of the comparisons as the groups are quite different from one another. As will be discussed following the results of the count model, there are some potential flaws in assuming that partisan competition is related to the number proposed.

The preceding comparison between the different groups provides us with a general understanding of the relationship between restricting the initiative and the three measures of partisan competition and party strength used in this study. However, this is a very simple comparison and does not include other factors. The following subsections introduce the results of the two main models in this paper. First, I present the results of the event history analysis for bill adoption. Then, I look at the count model for the number of restrictive bills considered in a legislature during a given year.

b. Event History Analysis of Policy Adoption

I now present the results for the analyses of (1) the adoption of any policy that restricts the initiative, and (2) the adoption of a distribution requirement. These outcomes have different benefits and drawbacks. By considering any restrictive policy adopted by a legislature, we capture the first move of the legislature restricting the initiative. When we consider only a distribution

requirement, we achieve a closer comparison between state legislatures which is better for comparing adoption decisions between different states. We do not find significant results for partisan competition when state fixed effects are not included. However, the state fixed effect model yields significant estimates for the majority size and the change of party control.

Table 5(a) shows the results for the adoption of any restrictive ballot initiative without incorporating state fixed effects. Table 5(b) shows the results for the adoption of a distribution requirement without incorporating state fixed effects. In both models, the estimates for the coefficients on the three measures of partisan competition fail to be significant and we are unable to reject the null hypothesis of no association. Despite the fact that these results are insignificant, I will briefly interpret the coefficients to develop a sense for the models. I focus on the adoption of distribution requirements (table 5(b)) due to the benefit in comparing across states. As expected from hypothesis 1(a), we find a negative effect for majority size meaning that as majority size increases, the probability that a state adopts a distribution requirement decreases. Specifically, on average, the likelihood of a state adopting a distribution requirement for a one unit increase in majority size decreases by 2.08%, while controlling for all other explanatory variables. Similarly, we see that single party control is associated with a decrease in the likelihood that a legislature adopts a distribution requirement. Specifically, when the legislature is controlled by a single party, the odds that a distribution requirement is adopted are decreased by 73.37%. Again, while this result is not significant, the sign and direction of the change agree with the prediction of hypothesis 1(a). Finally, we see that when a house changed party hands in a previous election, the legislature is less likely to adopt a distribution requirement. However, we see in table 5(a) that a legislature is more likely to adopt any restriction when a house changes party hands. We do not find any support for hypothesis 2(a) as the results for proportion of initiatives passed and voter turnout are both insignificant.

Table 5(a): Results for the adoption of any restrictive bill

<i>Restriction</i>	Coefficient	Robust Standard Error	z	P > z	[95% Conf. Interval]
Majority Size	-0.045	0.036	-1.23	0.220	[-0.116 , 0.027]
Single Party Control	-0.594	1.188	-0.5	0.617	[-2.921 , 1.734]
Change in Party Control	0.072	0.725	0.1	0.921	[1.350 , 1.493]
Number on Ballot	-0.080	0.091	-0.89	0.376	[-0.258 , 0.098]
Proportion Passed	-0.534	0.834	-0.64	0.522	[-2.169 , 1.101]
Voter Turnout	-0.094	0.152	-0.61	0.539	[-0.392 , 0.205]
Lowess	28.650***	6.040	4.74	0.000	[16.804 , 40.514]

Notes: Time-Series Logistic regression; dependent variable binary indicator of adoption of any restriction in given state and year. Clustered standard errors by State.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Table 5(b): Results for adoption of distribution requirement

<i>Distribution</i>	Coefficient	Robust Standard Error	z	P > z	[95% Conf. Interval]
Majority Size	-0.021	0.039	-0.53	0.595	[-0.096 , 0.055]
Single Party Control	-1.323	1.010	-1.310	0.191	[-3.303 , 0.658]
Change Party Control	-0.838	0.969	-0.87	0.387	[-2.736 , 1.060]
Number on Ballot	-0.304*	0.162	-1.87	0.061	[-0.623 , 0.014]
Proportion Passed	-0.997	1.471	-0.68	0.498	[-3.880 , 1.886]
Number*Proportion	0.637**	0.271	2.35	0.019	[-0.082 , 0.025]
Voter Turnout	-0.029	0.027	-1.04	0.297	[0.105 , 1.169]
Lowess	33.212**	11.632	2.86	0.004	[10.414 , 56.010]
_cons	-2.344	2.308	-1.02	0.310	[-6.867 , 2.179]

Notes: Time-Series Logistic regression); dependent variable binary indicator of adoption of distribution requirement in given year and state. Clustered standard errors by State.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

We now turn to the significant results in table 5(b) for the number of initiatives on the ballot and the interaction between the number on the ballot and the proportion of those ballots passed. To explore the predicted probabilities of adoption associated with these two covariates, the marginal effects are plotted below with all other covariates held at their means. Figure 2(a) shows the marginal effect of the number of initiatives on the ballot and figure 2(b) shows the marginal effect of the interaction term.

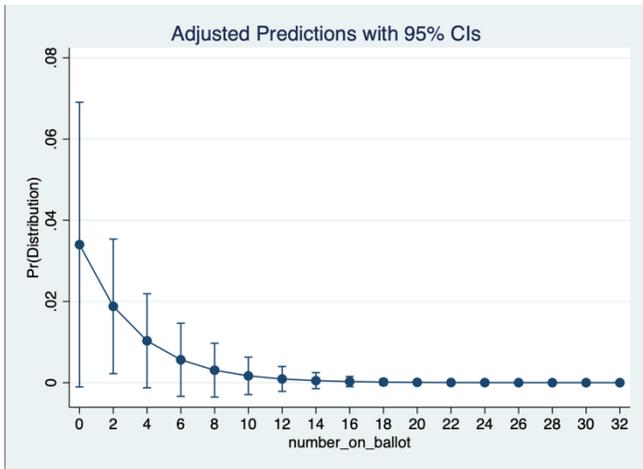


Figure 2(a): Marginal Effect of number of initiatives on the ballot

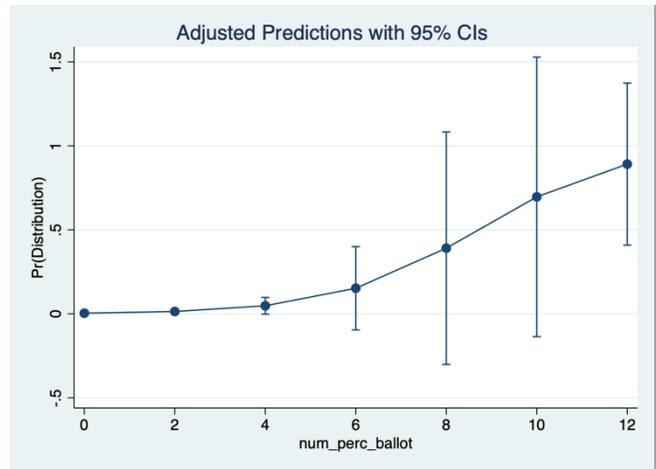


Figure 2(b): Marginal Effect of number of initiatives on the ballot

As the number of initiatives on the ballot increases, the predicted probability of a legislature adopting a distribution requirement decreases. On the other hand, when the interaction between the number of initiatives on the ballot and the proportion of those ballots being passed increases, the probability that a legislature passes a distribution requirement increases.

According to hypothesis 2(a), we would expect the probability that a legislature restricts the initiative to increase as the proportion enacted into law increases. This is due to the fact that the initiative is a tool used to circumvent the control of the legislature. Thus, a more effective initiative is a greater threat to the majority party’s control. The negative effect of the number of initiatives on the ballot may point to the differences in state political culture. For instance, California ballots consistently feature multiple initiatives; policies and campaigns are high profile and garner significant attention. The prevalence and popularity of the initiative may limit the ability of the majority party to restrict the institution without political consequence. The negative effect may be

a consequence of the strength of the initiative in states and political calculations of the majority party. However, the interaction term between the number on the ballot and the proportion passed shows a positive effect. This change may point to the fact that the number of initiatives on the ballot does not directly influence the decision of the majority party to restrict the initiative. When we interact the number of initiatives on the ballot with the proportion of those initiatives that are passed by the citizens, we are testing the effectiveness of the initiative process in proposing and passing legislation outside of the legislature and outside of the majority party's control. This interaction may be a better indicator for the level of threat the majority party perceives and could support elements of hypothesis 2(a).

Table 6 shows the results for the adoption of any restrictive bill with state fixed effects included. First note that including the fixed effects has changed the sign and magnitude of some of the model estimates. For example, in table 6 the estimate for majority size is significant, positive, and larger than the estimate in table 5(a). While these models consider the same outcomes, they are different comparisons as the fixed effect model holds variation between the states constant and instead looks within a state. The effect of the majority's size may be more pronounced within a state as small variations are more significant in the eyes of the legislature. When comparing across states, there may be different standards by which to judge party strength. A majority in a safe state that has a long history of legislative control may be less concerned by small variations in the majority size than a majority in a highly competitive state. It is unsurprising to see the change in results between the two models.

Table 6: Results for the adoption of any restrictive bill with State Fixed Effects

<i>Restriction</i>	Coefficient	Robust Standard Error	z	P > z	[95% Conf. Interval]
Majority Size	0.688***	0.175	3.93	0.000	[0.344 , 1.031]
Single Party Control	3.672	2.852	1.29	0.198	[-1.918 , 9.262]
Change in Party Control	7.094***	2.209	3.21	0.001	[2.764 , 11.424]
Number on Ballot	-0.406	0.396	-1.02	0.306	[-1.182 , 0.371]
Proportion Passed	-0.142	2.469	-0.06	0.954	[-4.980 , 4.697]
Number*Proportion	0.321	0.815	0.39	0.694	[-1.277 , 1.919]
Voter Turnout	3.439	7.79	0.44	0.659	[-11.829 , 18.707]
Lowess	138.111**	59.291	2.33	0.020	[21.902 , 254.319]
_cons	-64.766***	59.291	-3.27	0.001	[-103.583 , -25.948]

Notes: Time-Series Logistic regression with state fixed effects (not reported); dependent variable binary indicator of adoption of any restriction in given year or previous year. Clustered standard errors by State.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

for the size of the majority does not align with hypothesis 1(a)'s expectation that greater partisan competition should increase the probability of adopting a restriction. We find that as the majority size increases, the likelihood of adoption increases. This conflicts with our expectations as it indicates that a stronger, more secure majority is more likely to restrict the initiative. We also find a significant estimate for the relationship between the change in party control and the adoption of a restrictive policy. We estimate that one house changing party hands in the previous election increases the odds that a restrictive bill will be adopted. While this offers some support for hypothesis 1(a), overall we do not have clear evidence that partisan competition contributes to the decision of a legislature to restrict the initiative. Similarly, we do not find any evidence in support of hypothesis 2(a) as the results for voter turnout and the proportion of passed initiatives are both insignificant.

To explore the results for partisan competition, we look at the marginal effects of the two significant explanatory variables on the probability of adoption. Figures 3(a) and 3(b) show the marginal effects of both the majority size and the change in party control on the probability that a state adopts a restrictive policy, while holding all other explanatory variables at their means.

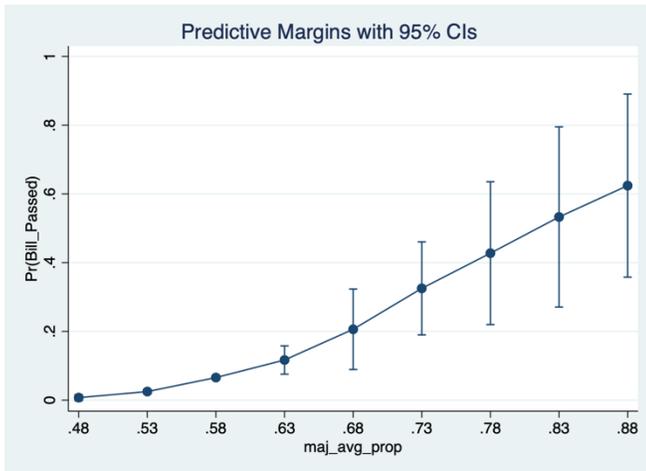


Figure 3(a): Marginal Effect of Majority Size on adoption of restriction

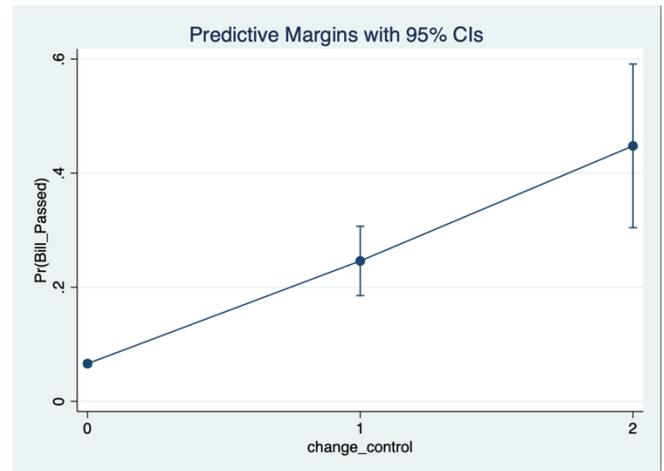


Figure 3(b): Marginal Effect of Change in party control on policy adoption

We see that as the majority size increases in a given state, the probability that a restrictive bill is adopted by the legislature in that state increases. Clearly, this finding does not align with the prediction of hypothesis 1(a). On the other hand, the probability that a legislature restricts the initiative increases as the number of houses that changed party hands increases. This lends some support to the hypothesis that greater partisan competition prompts the majority party to restrict the initiative.

How should we understand these two conflicting results in conjunction with one another? It is possible that the size of the majority indicates the strength of the majority party not only in terms of partisan competition, but also in relation to the ability of the majority to pass legislation easily. While a larger majority perceives less threat from the opposing party, it is also able to pass bills more effectively. To some degree, the majority could then be acting preemptively to limit an institution that poses a threat to its control over the policy agenda regardless of how strong the minority party is in the state. Adoption may be more likely simply because it is less difficult to pass legislation. The change in party control may offer a better measure of the majority party's assessment of risk from partisan competition as it indicates close elections and shifts in the control of the agenda. This result indicates that there may be some support for hypothesis 1(a), however, it requires further exploration with different measures of interparty competition on the subnational

level. Additionally, including a measure of policy distance between the parties and between the legislature and voters may yield important insights into the decision to restrict the initiative.

c. Analysis of Policy Proposal

Table 7 shows the results of the over-dispersed, multilevel Poisson regression with the outcome variable as a count of restrictive bills proposed and considered by a legislature in a given year. While event history analysis drops units from consideration once a restriction is adopted, the count outcome enables us to view adjustments and updates to policy. A major drawback in studying policy adoption through event history analysis is the treatment of policy as static rather than dynamic. Callander and Martin (2017) model a dynamic policy environment in which time influences the effectiveness of policy, breaks gridlock, and impacts the power of agenda control. As limiting the initiative revolves around the majority’s ability to control policy and the agenda, it may be more appropriate to address restrictions as a dynamic action. To incorporate this, I include a count measure of bills proposed in each year to provide a better view of the activity of a legislature and study the dynamic decision to restrict the initiative.

Table 7: Results for count measure of bills proposed

<i>Bills Proposed</i>	Coefficient	Std. Error	z	p> z	[95% Confidence Interval]
Majority Size	0.785	1.497	0.52	0.6	[-2.149 , 3.719]
Single Party Control	0.044	0.196	0.22	0.823	[-0.341 , 0.428]
Change in Party Control	-0.251	0.299	-0.84	0.402	[-0.837 , 0.335]
Number on Ballot	-0.035	0.028	-1.26	0.207	[-0.089 , 0.019]
Proportion Passed	-0.565**	0.285	-1.99	0.047	[-1.123 , -0.008]
Voter Turnout	0.009***	0.003	3.06	0.002	[0.003 , 0.015]
Total Spent	8.36E-10	1.45E-10	0.57	0.565	[-2.02e-9 , 3.69e-9]
constant	-0.55	0.964	-0.57	0.568	[-2.439 , 1.338]
variance-1	0.92				
variance-2	0.831				

Notes: Multilevel, over-dispersed Poisson Regression; dependent variable count measure of restrictive bills in a given year and state .

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

While the results are not significant, we estimate that for a one unit increase in majority size, the expected number of proposed bills increases by a factor of 2.192. When a legislature is controlled by a single party, we expect the number of proposed restrictive bills to increase by a factor of 1.045. Finally, when one house changes party hands, we expect the number of proposed bills to decrease by a factor of 0.778. While these results do not reach any traditional levels of significance, it is worthwhile to note that they do not align with the predictions of hypothesis 1(b). While we expected higher levels of competition to prompt the majority party to consider more restrictive bills, we instead find that more bills are considered when the majority party has a larger majority, complete control of the legislature, and has not recently lost control of a house.

These results are not entirely surprising when we consider the outcome measured. In terms of the insignificance we are, in a sense, pooling the actions of both the majority and minority party in this model. Policy adoption indicates that a majority supported the bill and thus separates bills that garner majority party support from those that do not; policy proposal does not separate between the actions of the majority and the minority. Thus, we do not measure the majority party's reaction to the initiative or the level of threat it perceives from the initiative. Additionally, the activity of a legislature may be linked to the strength of the majority party. A legislature with high partisan parity may be gridlocked and therefore less able to consider or pass legislation. The fact that the number of bills proposed increases with the majority size may indicate that the majority party has a greater ability to introduce legislation and move legislation from committees to the floor. This model does not support the expectations of hypothesis 1(b).

Turning to hypothesis 2(b), we do find significant results for the proportion of initiatives passed and for voter turnout in the previous election. For the proportion of initiatives passed, we estimate that for a one unit increase in the proportion passed, the expected number of bills proposed by the legislature decreases by a factor of 0.568. This contradicts the prediction of hypothesis 2(b), in which we theorized that a more used and effective initiative process would pose a greater threat to the majority party's control over policy and prompt them to propose more restrictions. Instead, we find that fewer restrictions are implemented when a higher proportion of the initiatives on the ballot are passed into law. Some of this effect may be attributable to the different subject matter covered by initiatives. While some are charged topics that the majority party has failed to pass majoritarian preferred legislation on, many are routine, administrative matters. The number passed

does not consider the salience or subject matter of the initiatives which may limit the ability of the model to identify the legislatures' reaction.

For voter turnout, we do find evidence in support of hypothesis 2(b). We estimate that a one unit increase in turnout increases the number of restrictive bills considered by a factor of 1.009. The association is a small one, but the result holds some interest as it connects to a well-established literature on initiatives and turnout. Scholars have often tied the presence of initiatives, and, in particular, salient initiatives, with increases in turnout during both midterm and presidential year elections. While the results are mixed, many studies have found evidence that initiatives increase voter turnout and awareness (Tolbert, Grummel, Smith 2001; Childers and Binder 2012; Tolbert, Bowen and Donovan 2007). This result ties turnout to increased activity surrounding restrictions on the initiative process. The majority may be acting to restrict the initiative and thereby limit increases in turnout that threaten their hold on the legislature.

To further explore this result, I turn to the well-established fact that turnout is differential and affects the parties differently. Democrats use a strategy of mobilization to increase turnout among their supporters who have higher participation costs. On the other hand, the Republican party follows a strategy of coalition maintenance and has passed laws aimed at lowering turnout among democratic supporters, in particular minorities and young people (Hicks et al. 2015; Karol 2009). We expect that republican control of the legislature along with increased turnout should result in more restrictive bills. To test this, I first include a dummy variable for republican control and interact it with voter turnout (table 8a). I also include a model with the effect of the proportion of seats held by the Republican party (table 8b).

Table 8(a): Dummy Variable for Republican Control

<i>Bills Proposed</i>	Coefficient	Std. Error
Majority Size	0.297	1.528
Single Party Control	-0.323	0.31
Change in Party Control	0.036	0.198
Number on Ballot	-0.035	0.027
Proportion Passed	-0.579**	0.284
Voter Turnout	0.004	0.005
Total Spent	1.13E-09	1.46E-09
Republican Control	0.044	0.349
Republican Control#Turnout	0.009	0.006
constant	-0.206	1.006
variance-1	0.938	
variance-2	0.816	

Notes: Multilevel, over-dispersed Poisson Regression; dependent variable count measure of restrictive bills in a given year and state . * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Table 8(b): Proportion of Seats held by Republican Party

<i>Bills Proposed</i>	Coefficient	Std. Error
Republican Size	1.861*	1.107
Single Party Control	-0.238	0.28
Change in Party Control	0.003	0.188
Number on Ballot	-0.039	0.027
Proportion Passed	-0.539*	0.281
Voter Turnout	0.008*	0.003
Total Spent	1.13E-09	1.48E-09
constant	-1.066	0.698
variance-1	1.037	
variance-2	0.803	

Notes: Multilevel, over-dispersed Poisson Regression; dependent variable count measure of restrictive bills in a given year and state . * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

We do not find a significant result for the interaction between republican control and voter turnout in the most recent election. However, in table 8(b) we find that the size of the republican contingent in the legislature is positively associated with the number of restrictions proposed in a given year. When more seats are held by republicans, there is an associated increase in the number of restrictions considered. This seems to lend some support to the claim that Republican control and higher turnout prompt the legislature to restrict the initiative. While this is only a cursory investigation, the results indicate that turnout and republican control are associated with more activity on restricting the initiative. Further study into the reaction of the Republican and Democratic parties to the initiative may yield interesting results.

V. Discussion and Conclusion

In 2018, an initiative that would restore felons' right to vote following their sentence was passed in Florida by 64% of voters. However, in a move critics say undermines the initiative, the legislature introduced bills requiring felons to pay all fines and fees to the court before being allowed to vote. While this is just one case, it points to the lingering tension that exists between the initiative and representative institutions. The initiative's ambiguous role as a corrective tool and a threat to representatives' control brings up many institutional design questions. The goal of this study was to examine the strategic decision of state legislatures, and in particular the majority party, to restrict the citizen's initiative. Following the literature on state policy adoption, I first used an event history methodology to analyze the adoption of restrictions between the years 2000 and 2019. In order to account for the dynamic nature of policy implementation and consideration I also employed a count model to analyze the number of restrictive bills considered by a legislature between the years 2005 and 2019. I did not find strong evidence in support of hypotheses 1(a) and 1(b) in which I claimed that states with greater inter-party competition would be more likely to restrict the initiative. In table 4, we do find significant results for two of the measures of political competition, however, the results for majority size contradict our predictions from hypothesis 1(a). We also find conflicting results for our predictions in hypotheses 2(a) and 2(b) in which I claimed that states with more competition would propose more restrictions. Due to data limitations, we are

unable to further test these findings and the hypotheses and include a measure of the policy divergence between parties. I offer the following explanations and limitations for the results.

One failing of this study is the fact that the actions of the majority and minority parties are pooled in some cases. While policy adoption is better in terms of isolating the actions of only the majority party, policy consideration and proposal has no mechanism to separate between these cases. While our hypotheses are developed with the majority's actions in mind, the outcome in the count model does not isolate majority actions. This could limit the effectiveness of the model in determining the reaction to interparty competition and the threat of the initiative. This points to the need for further theoretical work in determining the link between political parties and the initiative in order to separate out the partisan implications.

Another limiting factor of this study is the failure to account for the policy divergence of the parties in each state and between the citizens and the legislatures. From the theoretical background (Besley and Coate 2000; Gerber 1996) it is clear that the level of threat the ballot initiative poses is linked to the policy that results from it. Accounting for the policy divergence between the two parties and between the legislature and citizens could be an important consideration in the decision to restrict the initiative. This requires a finer grained analysis of policy points at the subnational level. Tausanovitch and Warshaw (2013) use a compiled dataset on the preferences of 270,000 Americans to estimate the policy preferences of every state, congressional district, and large city. While their measures do not cover the years studied here, including a similar measure for policy preferences and divergence could be a fruitful extension of this paper. Additionally, because initiatives often reflect the activity of interest groups (Boehmke 2005; Adams 2012), including some measure of interest group populations and activity in each state during the years under study may provide an important view into the threat the majority party perceives from the initiative.

Finally, the time frame under study may not be the ideal one for restricting the initiative. The beginning years were chosen due to data availability rather than any theoretical claim. In terms of the event history analysis, we undoubtedly incorrectly include some states as at risk that in fact are left-censored (adopted a restriction prior to 2000). Including more years or exploring different time spans may give different results.

While the results for the impact of interparty-competition on the decision to restrict the initiative are inconclusive, this study has contributed to the literature surrounding the interaction of representatives with direct democracy. Limitations in data and some drawbacks in methodology

hinder our ability to confirm or reject the studied hypotheses, however, there are some intriguing results surrounding voter turnout and the passage rate of initiatives. If we accept that initiatives act as a threat to legislatures and the majority party's interests, then the study of their strategic reaction to the initiative is a worthwhile endeavor. While some theories have begun to investigate the interaction of parties in the legislature with citizen initiatives, there is still significant work to be done in determining the relationship between these entities and the level of threat the initiative poses to policy and agenda control. Finally, this study has contributed to the growing body of work that investigates the decisions to reform election laws and the downstream effects of those laws on representation, policy, and political competition. Continuing to explore the initiative in terms of the laws that govern it may provide scholars a new and impactful way to approach the institution.

VI. References

- Adams, Brian E. "Citizens, interest groups, and local ballot initiatives." *Politics & Policy* 40, no. 1 (2012): 43-68.
- Ansolabehere, Stephen, and David M. Konisky. "The introduction of voter registration and its effect on turnout." *Political Analysis* (2006): 83-100.
- Arceneaux, Kevin. "Direct democracy and the link between public opinion and state abortion policy." *State Politics & Policy Quarterly* 2, no. 4 (2002): 372-387.
- Beck, Nathaniel, Jonathan N. Katz, and Richard Tucker. "Taking time seriously: Time-series-cross-section analysis with a binary dependent variable." *American Journal of Political Science* 42, no. 4 (1998): 1260-1288.
- Berry, Frances Stokes, and William D. Berry. "State lottery adoptions as policy innovations: An event history analysis." *The American Political Science Review* (1990): 395-415.
- Besley, Timothy, and Stephen Coate. *Issue unbundling via citizens' initiatives*. No. w8036. National Bureau of Economic Research, 2000.
- Besley, Timothy, and Stephen Coate. "Non-majoritarian policy outcomes and the role of citizens' initiatives." *London School of Economics Mimeograph* (2000).
- Besley, Timothy, and Stephen Coate. "Elected versus appointed regulators: Theory and evidence." *Journal of the European Economic Association* 1, no. 5 (2003): 1176-1206.
- Boehmke, Frederick J. "Sources of variation in the frequency of statewide initiatives: The role of interest group populations." *Political Research Quarterly* 58, no. 4 (2005): 565-575.
- Boehmke, Frederick J., Tracy L. Osborn, and Emily U. Schilling. "Pivotal politics and initiative use in the American states." *Political Research Quarterly* 68, no. 4 (2015): 665-677.

Boehmke, Frederick J. "Sources of variation in the frequency of statewide initiatives: The role of interest group populations." *Political Research Quarterly* 58, no. 4 (2005): 565-575.

Bowler, Shaun, and Todd Donovan. "Measuring the effect of direct democracy on state policy: Not all initiatives are created equal." *State Politics & Policy Quarterly* 4, no. 3 (2004): 345-363.

Box-Steffensmeier, Janet M., and Bradford S. Jones. "Time is of the essence: Event history models in political science." *American Journal of Political Science* (1997): 1414-1461.

Box-Steffensmeier, Janet M., Janet M. Box-Steffensmeier, and Bradford S. Jones. *Event history modeling: A guide for social scientists*. Cambridge University Press, 2004.

Branton, Regina P. "Examining individual-level voting behavior on state ballot propositions." *Political Research Quarterly* 56, no. 3 (2003): 367-377.

Brians, Craig Leonard, and Bernard Grofman. "Election day registration's effect on US voter turnout." *Social Science Quarterly* 82, no. 1 (2001): 170-183.

Burden, Barry C. "Institutions and policy representation in the states." *State Politics & Policy Quarterly* 5, no. 4 (2005): 373-393.

Burden, Barry C., David T. Canon, Kenneth R. Mayer, and Donald P. Moynihan. "Election laws, mobilization, and turnout: The unanticipated consequences of election reform." *American Journal of Political Science* 58, no. 1 (2014): 95-109.

Callander, Steven, and Gregory J. Martin. "Dynamic policymaking with decay." *American Journal of Political Science* 61, no. 1 (2017): 50-67.

Cameron, A. Colin, and Pravin K. Trivedi. *Microeconometrics: methods and applications*. Cambridge university press, 2005.

Childers, Matt, and Mike Binder. "Engaged by the initiative? How the use of citizen initiatives increases voter turnout." *Political Research Quarterly* 65, no. 1 (2012): 93-103.

Cox, David R. "Regression models and life-tables." *Journal of the Royal Statistical Society: Series B (Methodological)* 34, no. 2 (1972): 187-202.

Cox, Gary W., and Mathew McCubbins. "Legislative Leviathan: Parties and committees in the US House of Representatives." (1993).

Dyck, Joshua J., Gregg B. Johnson, and Jesse T. Wasson. "A blue tide in the golden state: Ballot propositions, population change, and party identification in California." *American Politics Research* 40, no. 3 (2012): 450-475.

Gelman, Andrew, and Jennifer Hill. *Data analysis using regression and multilevel hierarchical models*. Vol. 1. New York, NY, USA: Cambridge University Press, 2007.

Gerber Elisabeth, R. "Legislative Response to the Threat of the Poplar Initiative." *American Journal of Political Science* 40, no. 1 (1996): 99-128.

Gerber, Elisabeth R. *Interest group influence in the California initiative process*. Public Policy Instit. of CA, 1998.

Hasen, Richard L. "Parties take the initiative (and vice versa)." *Colum. L. Rev.* 100 (2000): 731.

Hanssen, F. Andrew. "Is there a politically optimal level of judicial independence?." *American Economic Review* 94, no. 3 (2004): 712-729.

Hicks, William D., Seth C. McKee, Mitchell D. Sellers, and Daniel A. Smith. "A principle or a strategy? Voter identification laws and partisan competition in the American States." *Political Research Quarterly* 68, no. 1 (2015): 18-33.

Karp, Jeffrey A. "The influence of elite endorsements in initiative campaigns." *Citizens as legislators* 3 (1998): 149-165.

Lacey, Robert J. "The electoral allure of direct democracy: The effect of initiative salience on voting, 1990-96." *State Politics & Policy Quarterly* 5, no. 2 (2005): 168-181.

Matusaka, John G. "Fiscal effects of the voter initiative: Evidence from the last 30 years." *Journal of political Economy* 103, no. 3 (1995): 587-623.

Matusaka, John G., and Nolan M. McCarty. "Political resource allocation: Benefits and costs of voter initiatives." *Journal of Law, Economics, and Organization* 17, no. 2 (2001): 413-448.

McGrath, Robert J. "Electoral competition and the frequency of initiative use in the US States." *American Politics Research* 39, no. 3 (2011): 611-638.

Milita, Kerri. "Election laws and agenda setting: How election law restrictiveness shapes the complexity of state ballot measures." *State Politics & Policy Quarterly* 15, no. 2 (2015): 119-146.

Rabe-Hesketh, Sophia, and Anders Skrondal. *Multilevel and longitudinal modeling using Stata*. STATA press, 2008.

Rosenstone, Steven J., and Raymond E. Wolfinger. "The effect of registration laws on voter turnout." *The American Political Science Review* (1978): 22-45.

Smith, Daniel A. "Homeward bound?: Micro-level legislative responsiveness to ballot initiatives." *State Politics & Policy Quarterly* 1, no. 1 (2001): 50-61.

Smith, Daniel A., and Caroline J. Tolbert. "The initiative to party: Partisanship and ballot initiatives in California." *Party Politics* 7, no. 6 (2001): 739-757.

Smith, Daniel A., and Dustin Fridkin. "Delegating direct democracy: Interparty legislative competition and the adoption of the initiative in the American states." *American Political Science Review* (2008): 333-350.

Tausanovitch, Chris, and Christopher Warshaw. "Measuring constituent policy preferences in congress, state legislatures, and cities." *The Journal of Politics* 75, no. 2 (2013): 330-342.

Tolbert, Caroline J., Daniel H. Lowenstein, and Todd Donovan. "Election law and rules for using initiatives." *Citizens as legislators* (1998): 27.

Tolbert, Caroline J., John A. Grummel, and Daniel A. Smith. "The effects of ballot initiatives on voter turnout in the American states." *American Politics Research* 29, no. 6 (2001): 625-648.

Tolbert, Caroline J., and Daniel A. Smith. "The educative effects of ballot initiatives on voter turnout." *American Politics Research* 33, no. 2 (2005): 283-309.

Tolbert, Caroline J., Daniel C. Bowen, and Todd Donovan. "Initiative campaigns: Direct democracy and voter mobilization." *American Politics Research* 37, no. 1 (2009): 155-192.

VII. Appendix

a. Data

- Table with outcome variable definitions and sources

Outcome Variable	Definition	Source
Restriction Adopted	Binary indicator whether or not a legislature adopted any restriction on the initiative in the given year or previously: 0 if legislature has not adopted, 1 if legislature has adopted in given year or previous year	1. National Conference of State Legislatures (https://www.ncsl.org/research/elections-and-campaigns/ballot-measures-database.aspx) and 2. Ballotpedia (https://ballotpedia.org/Changes_to_laws_governing_ballot_measures)
Distribution Adopted	Binary indicator whether or not a legislature adopted a distribution requirement in the given year or previously: 0 if legislature has not adopted, 1 if legislature has adopted in given year or previous year	As above
Bills Proposed	Count of proposed and passed bills that restrict the initiative in each year under study	As above

- Table with explanatory variable definitions and sources

Explanatory Variable	Definition	Source
Majority Size	The percentage of seats held by the majority party, averaged across upper and lower houses	National Conference of State Legislatures (https://www.ncsl.org/research/about-state-legislatures/partisan-composition.aspx)
Single Party Control	Binary indicator taking the value of "1" when the same party controls both houses and "0" otherwise	As above
Change in Party Control	Whether a house changed party hands in the previous election. Takes the value of "0" if no house changed hands, "1" if one house changed hands, and "2" if two houses changed hands	As above

- Table with control variable definitions and sources

Control Variable	Definition	Source
Number on Ballot	Number of initiatives appearing on state's ballot in each election year. Non-election year uses number on most recent ballot.	Ballotpedia (https://ballotpedia.org/Ballot_measure)
Proportion Passed	Proportion of initiatives passed into law. Ranges from 0 to 1.	As above
Voter Turnout	Percent turnout among voting eligible population in most recent election	United States Election Project (http://www.electproject.org/home/voter-turnout/voter-turnout-data)
Campaign Spending	Spending in dollars in support of initiatives and opposing initiatives in each year	Follow the Money (https://www.followthemoney.org/tools/ballot-measures)