

# CITIZENS LEAGUE REPORT

## Initiative and Referendum . . . “NO” for Minnesota

### The Minnesota Senate Week at a Glance

#### Monday, March 5, 1979

##### **Employment**, Chrmn. Roger Laufenburger

8:00 AM Room 118 Capitol

**Agenda:** Review the Minnesota Workers' Compensation Study Commission's Report to the Minnesota Legislature and the Governor (issued Feb. 1979).

##### **Judiciary Subcommittee on Criminal Law**, Chrmn. Jack Davies

8:30 AM Room 112 Capitol

**Agenda:** S.F. 324-Laufenburger: Escape from custody; S.F. 607-Merriam: Controlled substance; and S.F. 387-Lewis: and delinquent dependent children.

##### **Local Government**, Chrmn. Myrton Wegener

8:30 AM Room 15 Capitol

**Agenda:** S.F. 549-Wegener: Consolidation bill.

##### **Session**

11:00 AM

##### **Joint Subcommittee (Transportation and Natural Resources)**, Chrmn. A.O.H. Setzepfandt

1:00 PM Room 112 Capitol

**Agenda:** S.F. 332-Setzepfandt: Relating to pipe

##### **Education Subcommittee on Education Aids**, Chrmn. Merriam

1:30 PM Room 118 Capitol

**Agenda:** Bus reconditioning program; S.F. 315-Merriam: retirement incentive; S.F. 581-Merriam: Tuition schools for deaf and blind; S.F. 649-Merriam: the pupil unit weighting for certain handicapped

##### **Finance Subcommittee on Education**, Chrmn. Roger Moe

3:00 PM Room 118 Capitol

**Agenda:** University of Minnesota budget.

##### **Finance Subcommittee on State Departments**, Chrmn. Hubert Humphrey, III

3:00 PM Room 120 Capitol

**Agenda:** Alternative public defender program.

##### **Taxes and Tax Laws**, Chrmn. William McCutcheon

3:00 PM Room 15 Capitol

**Agenda:** Informational meeting regarding school aids.

#### Tuesday, March 6, 1979

##### **Transportation**, Chrmn. Clarence Purfeerst

8:00 AM Room 112 Capitol

**Agenda:** S.F. 213-Keefe, S: Providing parking privileges for handicapped; S.F. 415-Keefe, S: Providing bus shelters; S.F. 470-Ulland, J: Uniform specifications for senior citizen

##### **Commerce Subcommittee on Banking**, Chrmn. Sam Solon

10:00 AM Room 112 Capitol

**Agenda:** S.F. 285-Laufenburger: Usury, open end accounts; 120- Davies: Finance charge calculation, on accounts; and S.F. 436-Benedict: Variable mortgage.

##### **Energy and Housing**, Chrmn.

10:00 AM Room 118 Capitol

**Agenda:** Discussion of proposed

### Advanced Committee Schedule

Dial House-Call (612) 296-9283 for upcoming schedule of committee meetings (24 hour service).

ALL ROOMS ARE IN THE STATE OFFICE BUILDING UNLESS OTHERWISE INDICATED.

FOR WEEK OF MARCH 5 - MARCH 9, 1979

Please Check Daily Schedules and Public Notice Boards for Changes and Additions or call House Information (612) 296-2146.

Monday, March 5, 1979

8:00 a.m.

**EDUCATION**, Rm. 81. Chr. Rep. Carl M. Johnson. Presentations: Report on Cost Effective and Innovative Programs by Council on Quality Education. HF180 (Pehler) Secondary Follow-up Study by Division of Vocational Education. Erickson. University of Minnesota.

**HEALTH, WELFARE AND CORRECTIONS DIVISION/Appropriations**, Rm. 57. Chr. Rep. Wendell O. Erickson. University of Minnesota.

**STATE DEPARTMENT DIVISION/Appropriations**, Rm. 14. Chr. Delbert F. Anderson. Revenue Department.

10:00 a.m.

**CRIMINAL JUSTICE**, Rm. 81. Chr. Rep. Robert L. Pavlak. HF229 (Kelly) Immunity from liability for peace officers in domestic arrests. HF229 (Kelly) Establishing a program for undercover of criminal activity. HF122 (Nelson) Detrimental relation involving children.

**LOCAL AND URBAN AFFAIRS**, Rm. 83. Chr. Rep. Ray. Presentation on air pollution prevention policies and the nomic impact upon local units of government. Brad Bern Director for Air Quality Minnesota Pollution Control Agency.

**ADMINISTRATION SUBCOMMITTEE/Judicial**, Rm. 81. Chr. Rep. Michael B. Sieben. HF43 (McDonald) Memorandum to require a balanced budget to labeling SF130 (Davies) Conforming sta

**CITIZENS LEAGUE REPORT**

**INITIATIVE AND REFERENDUM . . .  
"NO" FOR MINNESOTA**

**Prepared by  
Petitioning on Legislation Committee  
B. Kristine Johnson, Chairman**

**Approved by  
Citizens League Board of Directors  
February 28, 1979**

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## TABLE OF CONTENTS

	Page
Introduction. . . . .	iii
Major Ideas . . . . .	iv
What Do "Initiative" and "Referendum" Mean? . . . . .	1
What Circumstances Led to the Adoption of Initiative and Referendum in Twenty-Three States and the District of Columbia? . . . . .	3
What Has Been Minnesota's Experience with Initiative and Referendum? . . . . .	5
What Have We Learned From the Use of Initiative and Referendum in Other States and in Minnesota Cities? . . . . .	7
Should Minnesota Adopt Initiative and Referendum Regardless of Whether There Are Major Problems in the State's Political or Legislative Process? . . . . .	14
Are There Major Problems with Minnesota's Political or Legislative Process That Initiative/Referendum Might Solve...Or Major Benefits That Might Accrue from Initiative/Referendum? . . . . .	17
If We Adopted Initiative and Referendum, Would There Be Significant Undesired Side-Effects? . . . . .	24
What Action Should Minnesota Take on Initiative/Referendum? . . . . .	29
Footnotes . . . . .	30
Selected Bibliography. . . . .	32
Appendix. . . . .	33
Committee Activity	
Assignment . . . . .	55
Membership. . . . .	56
Procedures. . . . .	57

## INTRODUCTION

In June, 1978 Californians passed an initiative measure significantly reducing property taxes. That now famous "Proposition 13" has sparked a renewed interest in voter initiative and referendum—provisions which give the electorate the opportunity to enact or repeal laws.

This idea promptly appeared in Minnesota; specifically, in the political campaigns last fall, in which both the incumbent governor and his challenger supported initiative/referendum.

Since then the debate has continued. Surveys of public opinion indicate support for the proposals.

But in all the debate, the proposal for initiative/referendum has remained largely undefined—an unknown quantity. The subject of the debate on which people disagree so vehemently is not well defined.

In September 1978 the Citizens League Board of Directors programmed our study, to define initiative/referendum more precisely, and to evaluate the necessity or appropriateness of that process of lawmaking for the state of Minnesota.



## MAJOR IDEAS IN OUR REPORT

**1. As a system for making law, initiative and referendum compares unfavorably with Minnesota's present system in two key respects and ought not to be adopted.**

First is the process for **developing proposals** that ultimately will be voted up or down. The legislative system of lawmaking provides an open and public process for participation in drafting, amending and in taking final action.

By contrast, developing proposals through initiative can be closed and private. A proposal can be drafted in the privacy of an individual's own living room, without consultation with the public or persons most closely affected by the proposal. If enough signatures are then obtained on a petition, the original proposal will appear on the ballot. The only choice available will be "yes" or "no". What if the Legislature could act only on a bill as originally introduced?

Second is the process for **making the decision** in the legislative system versus the initiative system. Intensive debate occurs back and forth among the decision-makers in the legislative system, in committee, on the floor of the legislative body and informally, before a recorded vote is taken, with the precise group of decision-makers known to everyone. In the initiative-referendum system no deliberation occurs among the voters on the question nor is the group of persons who will vote really known. What if the Legislature voted on all bills with no committee work or floor debate?

**2. This is not to say that our present, legislative, system of law-making is free of defects. It is not.**

The Legislature usually has an extremely difficult time dealing with issues involving its own operations, such as size, salary, per-diem, campaign finance and, particularly, reapportionment. Does it have the capacity to establish a system for reapportionment that is not designed to protect the electability of its present members? A satisfactory answer to this question in the next year or so may have much to do with whether the current push for initiative and referendum will be sustained.

**3. But the initiative and referendum process has defects of its own, as well.**

Initiative and referendum campaigns are particularly vulnerable to exploitation by special interest groups. Campaign expenditures cannot be controlled, and, of course, expenditures can become very important in determining the outcome of elections where expensive media

advertising plays such a large part. Wealthy, well-organized interest groups thus can gain a disproportionate advantage in determining the outcome of ballot issue elections.

**4. And, experience from states that have used initiative and referendum over the past 50 years suggests that many of the hoped-for benefits do not really occur.**

. It is unlikely that initiative/referendum would reduce the emphasis on single issue politics. Ballot propositions in other states tend to become major issues in political campaigns, forcing each candidate to take a stand on those issues. If any result is likely, it is that initiative and referendum would tend to enlarge rather than diminish the role of single issues in political campaigns.

. Neither does it seem likely that initiative/referendum would open up the political process to more, or new kinds of people. Only a minority of eligible voters turn out for elections on ballot propositions. And those who do participate in the initiative process tend to be the same persons who already participate in politics.

. Those who believe that initiative/referendum would be used to advance the philosophical or policy preferences which they hold will be disappointed. The experience in high-use initiative states indicates that those provisions will be used for both conservative and liberal measures. These legislative tools cut both ways--their use is not, and cannot be confined to the political philosophy advocated by particular supporters of initiative/referendum. All of us, at one time or another, will find ourselves in one or another kind of minority.

. Experience in other states does not suggest that initiative/referendum would reduce voter distrust of government. Studies show that distrust is more related to economic conditions than to government process. If initiative could solve the problems of inflation and unemployment, it might have some effect on levels of distrust. But it isn't likely that a new lawmaking process will offer magic solutions to our economic problems.

**5. Initiative and referendum is not worth the risk it involves. It ought not be adopted in any form in Minnesota.**

This includes even the indirect form. Some people like this approach because it filters proposals through the Legislature first. It does have the virtue of requiring legislative attention to a proposal, but no such problem of legislative inattention is deemed to exist in this state, where almost anyone who has an idea can get a bill introduced.

## What Do "Initiative" and "Referendum" Mean?

In much of the public debate on initiative and referendum, these terms are used as if they each had only one definition. In some instances, the two terms are used interchangeably.

In our own study we quickly found that there are several types of initiatives, and also several types of referenda. Before beginning our discussion of the issues raised by initiative and referendum, we'd like to make clear what we mean by those terms, and how they will be used in this report.

### General Definition, Initiative

"A device whereby a prescribed number or percent of the qualified voters, through the use of a petition, may have a [proposed] constitutional amendment or [law] placed on the ballot for adoption or rejection by the electorate of the state."<sup>1</sup>

### General Definition, Referendum

"A method by which the electorate may approve or reject an act of the legislature. The intent of the referendum is to give the electorate the means to counteract or sustain an act."<sup>2</sup>

### Specific Types of Initiative

#### direct and indirect

The direct initiative requires no involvement by the legislature. The indirect initiative provides that a proposed measure be first submitted to the legislature for action. Should the legislature enact the proposed measure, it becomes law. If the legislature rejects the measure, alters it, or takes no action, then the original proposed measure, and any legislatively passed alternatives are placed on the ballot. In some states an additional number of petition signatures is required to place a measure on the ballot in the face of legislative inaction or rejection. In other states submission of the original measure to the electorate in such circumstances is automatic.

#### constitutional and statutory

Seven states allow initiative on statutes only. Of these, four have the direct initiative, one has the indirect, and two have both the direct and indirect.

Two states allow initiative on constitutional amendments only. Both of these are the direct initiative.

Fifteen states allow initiative on both statutes and constitutional amendments. Of these, ten have the direct initiative for both measures; one has the indirect for both; and four have the indirect for statutes and the direct for constitutional amendments.

### Specific Types of Referendum

#### voter referendum

This is "a referendum on a law enacted by the legislature which is placed before the voters by petition of a certain percentage of the electorate."<sup>3</sup> Laws enacted by voter initiative can also be subjected to voter referendum. In fact, in states where initiated laws cannot be modified or repealed by the legislature, the voter referendum may be the only way to repeal those laws.

In some states a law being challenged is automatically suspended when enough petition signatures have been attained to place the question on the ballot. In other states the law being challenged remains in effect until a majority votes for its repeal.

Twenty-six states have the voter referendum.

#### legislative referendum

This is "a referendum on a proposed law voluntarily submitted by the legislature to the electorate for approval or rejection or for its advice."<sup>4</sup> When the results of such a referendum are not binding on the legislature, but are only advisory, it is called an "advisory referendum." Twenty-two states have the legislative referendum.

### **constitutional requirement**

This occurs when a state constitution requires that certain questions be submitted to the electorate. All states, including those without voter referendum, require that constitutional amendments be submitted by the legislature to a referendum for ratification or rejection by the electorate.

### **Our Use of Terms**

As used in this report, "initiative" will refer to both direct

and indirect, and to statutory and constitutional initiatives, unless specified. However, in reading the references to studies on the initiative, it should be kept in mind that the direct initiative has been used far more frequently than the indirect. Thus, any generalizations about initiative use or the impact of initiative probably reflect experience with the direct initiative.

In this report, the term "referendum" will be used to mean voter referendum, unless otherwise specified.

## **What Circumstances Led to the Adoption of Initiative and Referendum in Twenty-Three States and the District of Columbia?**

### **The Granger Movement**

The Populist and Progressive movements, which gave birth to initiative and referendum, can be traced back to the Granger movement in the 1860s and 1870s. The Granger movement evolved from a feeling that state legislatures could "save the people" from big business. The Granger Movement did succeed in passing statutes regulating and restricting business activities. These were challenged in court, and upheld by the United States Supreme Court in the 1870s...but then overruled in the 1880s.

After the laws regulating business were overruled, legislatures came under attack from business and from people who thought that the judicial branch should predominate. Laws were passed to curtail the power of the legislatures, and "shadow governments" consisting of railroads and industrial interests took more control of state government. As a result, public opinion of state legislatures changed to a suspicion of legislative honesty, and doubt about the capacity of elected officials to serve the general public interest.

### **The Populist Movement**

This movement, which came along in the mid-1890s, was primarily western, southern and rural in orientation. However, the Populists pursued a national program, at the federal level, in addition to working at the state level. In contrast to the Granger Movement, which had started with the belief that state government could protect the people from special economic interests, the Populist Movement grew out of the belief that government itself was captured by special economic interests. The major theme of the movement was to "return the government to the people." This resulted in three types of attempts to limit the powers of legislatures:

**Certain subjects were excluded from legislative control in the 1890s and early 1900s.** Tax and finance limitations were common. For example, a limit on the amount of debt the legislature could incur might be written into the Consti-

tution, thereby curtailing the ability of the legislature to alter the debt level.

**Legislative procedures were changed by shortening sessions and cutting legislative pay.**

**State judiciaries continued to take over legislative functions.** State bureaus and state agencies were created in large numbers for the first time, also taking over what had been legislative functions.

In 1898 South Dakota became the first state to provide for voter initiative and referendum. It allowed for the indirect initiative, on statutes only. (In 1972 the Constitution was amended to allow for direct initiative on constitutional amendments.)

### **The Progressive Movement**

The Progressives succeeded the Populists, in the period 1900-1920. The goals of the Populists and Progressives were the same—to clear out the political bosses, business interests, and other powerful economic groups and special interests. But the two groups were different in their make-up and attitudes. The Populists were agrarian reformers who believed in the ability of "the people"—regardless of education level or access to information—to govern. The Progressives, on the other hand, were a more educated, more middle-class group. When they spoke of "the people" they meant educated people willing to take the time to study issues to inform themselves before coming to reasoned judgments.

Eighteen of the twenty-three state provisions for initiative and referendum came in during the Progressive period. In 1902 Oregon became the second state to enact initiative and referendum provisions, providing for the direct initiative on both statutes and constitutional amendments. The Oregon provision became a model for most states that subsequently adopted initiative and referendum.

## **The Push for Initiative and Referendum**

The primary reason for initiative and referendum articulated by the Progressives was the corruption of government. Initiative and referendum were only two of many political reforms enacted by Progressives in their attempt to curtail the actions of corrupt legislators and executives. As one political scientist has said, "The Progressives were preoccupied with one central political problem: the rampant corruption of the political system."<sup>5</sup> Other reforms pushed by the Progressives included the direct primary, secret ballot, presidential preference primary, women's suffrage, popular election of senators, and corrupt practices acts.

The Progressives' arguments for initiative and referendum differ significantly from those made today. Legislative corruption is not a major argument articulated by today's proponents. Proponents today make more general arguments based on the philosophical ground that direct democracy is desirable. Others argue that initiative and referendum could cure the electorate's disillusionment with and distrust of its political institutions. (This argument is similar to those made in the early 1900s, although the criticisms of the present system are not so severe today.) Finally, some proponents interested in particular types of legislation (e.g. environmental legislation or tax limitation) propose initiative and referendum as a means to get their preferred legislation passed. (Arguments for adopting initiative and referendum in Minnesota will be discussed fully in the Conclusions section, beginning on page 14.)

## **Early Use of Initiative and Referendum**

From 1900-1920, 1,500 constitutional amendments were adopted by the states. Many were initiated and passed by the electorate. During the same period, seven states adopted entirely new constitutions, almost all of which resulted in limits on the legislature's authority. Early state constitutions had been skeletal outlines of government which gave legislatures a relatively free hand. The new constitutions contained hundreds of provisions and detailed restrictions, thereby limiting legislative action. The new constitutions read more like statute books than constitutions.

For example, contrast the seven page Virginia constitution of 1776 with the 58 page Oklahoma Constitution of 1907 ...or with the California Constitution which was amended 83 times between 1894 and 1914.

While initiative and referendum were popular tools of the electorate during the early days of those provisions, their use declined in the 1920s and 1930s. Use of these measures did not begin to revive to a significant extent until the 1960s.

## **New Provisions for Initiative and Referendum**

After 1918, when Massachusetts added the referendum and indirect initiative to its constitution, no state enacted these measures until 1959 when Alaska joined the Union with referendum and direct, statutory initiative in its constitution.

Since 1959, six more states have added some form of initiative and referendum to their constitutions:

**1968** Wyoming adopted referendum and direct, statutory initiative.

**1970** Illinois adopted constitutional initiative on the legislative article only.

**1972** Florida adopted direct, constitutional initiative.

**1972** Montana adopted constitutional initiative (referendum and statutory initiative had been enacted in 1906).

**1972** South Dakota added constitutional initiative (referendum and indirect statutory initiative had been enacted in 1898).

**1977** District of Columbia adopted direct statutory initiative.

A number of states are now considering adding voter initiative to their constitutions. These include New York, Pennsylvania, Maryland, Georgia, Texas and Minnesota.

## **What Has Been Minnesota's Experience with Initiative and Referendum?**

At the state level, Minnesota has the constitutionally required referendum for adoption of constitutional amendments. This is true of all states, regardless of whether they have voter initiative or referendum.

In Minnesota, as in many other states in the early 1900s, attempts were made to amend the state constitution to provide for voter initiative and referendum. The failure of these attempts (once in 1915 and once in 1917) goes back to the Minnesota Constitutional Convention of 1857.

At the Convention the Republican and Democratic parties were almost even in numbers. Neither party managed to gain control of the convention. As a result, each met separately for the entire convention. One of the most controversial items before the convention(s) was Black suffrage. The Republicans favored the measure, but failed to get it passed. As a compromise, a fairly easy process for amending the Constitution was provided. (Perhaps the thought was that Black suffrage could be achieved through a constitutional amendment.) A simple majority of those voting on the question was required to approve a constitutional amendment.

In 1898, the same year that South Dakota became the first state to provide for voter initiative and referendum, Minnesota voters approved a measure stiffening the requirements for amending their Constitution. Instead of a simple majority of those voting on the question, a majority of those voting in the entire election was required. This means that an abstention counts as a "no" vote.

The tougher amending process was advocated by railroad and milling interests who feared that constitutional amendments would be used to place restrictions on them. (As was indeed true during the Populist and Progressive eras.) However, the amending process could only be altered by a popular vote. The electorate had to approve the change (and did)—big business could not simply lobby the change through the legislature.

It is ironic that Minnesota voters approved a tighter amending process just at the time when the large political movements of the day were pushing strongly to "return government to the people."

Minnesota's subsequent failure to enact initiative and referendum (measures which give voters the power to enact and repeals laws) can be attributed solely to the more difficult constitutional amending process enacted by voters at the end of the 19th century. In 1915 and 1917 amendments adding indirect initiative and voter referendum to the Minnesota constitution were approved by a majority of those voting on the question...but not a majority of those voting in the election.

### **Initiative and Referendum in Minnesota Local Governments**

#### **initiative and referendum in charter cities**

The Minnesota Constitution, Article XI, Section 4 provides that charter amendments may be initiated by a charter commission or by voter petition.

A 1909 Minnesota statute (410.20) provides that a charter commission may "...provide for submitting ordinances to the council by petition of the electors of such city and for the repeal of ordinances in like manner..." These are the voter initiative and referendum on city ordinances.

#### **local referenda on spending and debt**

Most cities, and almost all school districts require voter approval, through a referendum, in order to sell general obligation bonds. Cities with population over 2,500 and school districts are required to obtain voter approval in order to exceed spending limits established by the Legislature as part of the comprehensive school and local government aid formulas established in 1971.

Referenda on spending and debt are generally called by the elective body—they are "legislative" referenda. Unlike charter cities, which may provide for voter initiative, school districts have no such option. However, school district voters may initiate bond issues, or increases in spending, which would then require a referendum. School district spending above legislatively established limits can also be revoked by voter referendum.

## **What Have We Learned From the Use of Initiative and Referendum in Other States and in Minnesota Cities?**

**Roughly one-third of the states with initiative provisions use the initiative frequently.**

Seven of the twenty-three states with initiative provisions are what have been termed "high-use" states. All are western states: California, Washington, Colorado, Oregon, North Dakota, Oklahoma, and Arizona. High-use states each used constitutional and statutory initiative provisions 8-20 times from 1962-1972.<sup>6</sup>

"Low-use" states placed initiatives on the ballot from 0-4 times during the same period. Low-use states were Arkansas, South Dakota, Massachusetts, Michigan, Ohio, Idaho, Montana, Alaska, Missouri, Nebraska, Nevada, Utah, and Florida.

(Three states—Illinois, Maine and Wyoming—were omitted from the study cited above which ranked the states by their frequency of initiative use. All three could be classified as low-use states. In Maine, which provides for indirect initiative on statutes, the provision has been used four times from 1962-1972. In Wyoming, where the direct statutory initiative was instituted in 1968, the provision has not been used at all. This is also true of Illinois' provision for initiative on the legislative article of the Constitution, instituted in 1970.)

All seven of the high-use states allow for direct initiative on both statutes and constitutional amendments, with the exception of Washington. It provides for direct or indirect statutory initiative, but no initiative on constitutional amendments.

According to one study, the stringency of a state's requirements to qualify initiatives for the ballot has little relationship to the extent of use. If anything, it appears that the more difficult the qualifying procedure, the more initiatives tend to get qualified for the ballot.<sup>7</sup> However, a decade of experience in California suggests that lowering the petition requirement can increase the relative use of a particular form of initiative.<sup>8</sup>

There are three major patterns of initiative use: 1) States where the initiative has never been used to a great extent.

These include Nevada (providing for indirect statutory initiative and direct constitutional initiative), Utah (providing for direct and indirect initiative on statutes), and Nebraska (providing for direct initiative on statutes and constitutional amendments).

2) States where the initiative was used extensively shortly after it was adopted, but where it has since fallen into disuse. These include Missouri (providing for direct initiative on statutes and constitutional amendments, Ohio (providing for indirect statutory and direct constitutional initiative), and Montana (providing for direct initiative on statutes and constitutional amendments).

3) States where the initiative has been used fairly frequently since its inception...where it seems to have become an integral part of the political process. These include the seven high-use initiative states listed above.

**Use of the voter initiative now seems to be increasing.**

The November 1978 elections saw the highest number of issues on the ballot in a non-presidential election in the last thirty years. Roughly 40 measures initiated by voters appeared on the ballot in 1978 compared with 44 measures in 1976, a presidential year.

**The direct initiative tends to be used more frequently than does the indirect initiative.**

Only one of the high-use states provides for the indirect initiative: Washington allows for both direct and indirect initiatives on statutes. Clearly, use of the direct, rather than the indirect initiative, has made Washington a high-use state. From 1914-1976, 69 direct initiatives were placed on the ballot, compared with only nine indirect initiatives.

States providing only for the indirect initiative are all low-use states: Maine, Massachusetts, Michigan, Nevada, Ohio, and South Dakota. Utah, a low-use state providing for both direct and indirect, did not use the indirect initiative at all from 1917-1976, while it used the direct initiative six times.

**The majority of proposed initiative measures do not attain sufficient petition signatures to qualify for the ballot.**

From 1912-1976 only 42% of the 369 initiated statutes and constitutional amendments qualified for the ballot. Between 1970 and 1976, 16% of a total of 106 proposed initiatives qualified.

In Washington, 25% of the direct initiatives proposed from 1914-1973 qualified for the ballot, and 77% of the referenda proposed qualified.<sup>9</sup>

**Use of the voter referendum has not been studied as much as has use of the initiative.**

While we had available to us a comprehensive list of initiated measures from the establishment of those provisions through 1976, we had no such comprehensive list for referenda.

Twenty-four states provide for the voter referendum. Of these, ten also provide for the legislative referendum.

In high-use states, the initiative tends to be used more frequently than the voter referendum...but the chances for a referendum's passing are much greater. In California, from 1912-1976, 35 referenda qualified for the ballot, compared with 65 direct statutory initiatives and 90 initiated constitutional amendments. Sixty per cent of the referenda passed, compared with 28% of the statutory initiatives and 27% of the constitutional initiatives.<sup>10</sup>

In Oklahoma, from 1908-1961, sixteen referenda qualified for the ballot, of which nine or 56% passed. Sixty-one statutory and constitutional initiatives qualified for the ballot, of which 18 or 30% passed.

In Oregon from 1902-1976, fifty referenda qualified for the ballot, compared with 219 initiatives. In Washington from 1914-1975, 28 referenda qualified for the ballot, of which 26 or 93% passed. During the same period, 78 direct and indirect initiatives qualified, of which 38 or 49% passed.<sup>11</sup>

**Financial matters and issues of legislative self-regulation have continued to dominate the range of laws and constitutional amendments initiated by voters.**

Questions of government process, structure and ethics represented 31% of the statutes and constitutional amendments initiated by voters from 1910-1920, while they represented 20.3% from 1966-1976 in the eight states we examined. (See more detailed discussion below and in the Appendix, page 37.) However, none of the voter-initiated measures appearing on the November 1978 ballot concerned these issues.

Forty per cent of the initiated measures on the November 1978 ballot concerned tax and finance, with the majority being proposals to reduce or constrain government revenues or expenditures. Tax and finance represented 23% of the measures initiated from 1966-1976 and 20% of the issues from 1910-1920.

**Other issue areas for initiative rise and fall in popularity, reflecting the public mood.**

Environment and energy issues have grown from representing only 2% of voter-initiated measures (both constitutional and statutory) from 1910-1920 to 19% and 11% in 1966-1976 and 1978, respectively.

Human and civil rights issues have become increasingly popular, representing 4% of voter-initiated statutes and constitutional amendments from 1910-1920; 8% from 1966-1976; and 21% in 1978.

(For a more detailed description of constitutional and statutory initiatives from 1910-1920, 1966-1976, and 1978, see Appendix, pages 37-39.)

**Subject limitations for initiative and referendum are fairly common.**

Thirteen states have some kind of subject matter restriction on voter initiatives, while eleven states have none. Eight states forbid initiatives making appropriations unless a revenue source is provided. Three states forbid initiatives on taxes. Other limitations include seven states that limit initiatives to the same subjects permitted the legislature by the state constitution. Four states prohibit special or local legislation from statewide initiatives. Three prohibit matters pertaining to the judiciary, while one forbids religious matters. Two states require that each initiative must encompass only one issue.

Eighteen states have some kind of subject-matter restriction on voter referendum, while four states have none. Thirteen states exempt emergency measures necessary to preserve the public peace, health or safety. Of these, three require that the emergency measures be passed by a 2/3 vote of each House if they are to be exempted from referendum. Twelve states exempt appropriations while three exempt local and special legislation.

**A very small portion of any state's body of law is composed of voter initiated measures.**

As an example we can compare the number and percentage of bills passed by the Minnesota Legislature with the number of initiated measures passed in high-use initiative states. In the 1977/78 biennium, 4,719 bills were drafted



the Revisor for the Minnesota Legislature, 3,049 (65%) of which were actually introduced. Seven-hundred-ninety-seven or 26.1% of the bills introduced were passed into law.

Compare this with Table One, below which illustrates the number of initiated measures passed in high-use states from 1962-1972. The highest number passed was six in Arizona, Washington and California with 75%, 50% and 30% passage rates, respectively, during that ten year period.

Among low-use states, passage rates ranged from 0-100% from 1962-1972, with the maximum number passed in any single state being two (representing 50% in Arkansas and 100% in Massachusetts). In nine low-use states none of the initiated measures passed.

For a comparison of passage rates by type of initiated measure (direct initiative, indirect initiative, and referendum) see Appendix, page 41.)

TABLE ONE  
PASSAGE RATE FOR INITIATED MEASURES  
IN HIGH-USE STATES, 1962-1972

PASSAGE RATE	NUMBER OF INITIATED MEASURES PASSED/ON BALLOT	STATE
75%	6/8	AR
50	6/12	WA
42	5/12	CO
36	4/11	ND
30	6/20	CA
25	3/12	OR
22	2/9	OK

Source: Charles M. Price

Less than one percent of the state constitutional amendments adopted from 1966-1976 were initiated by the electorate.

A study of state constitutional amendments found that 94% of the 2,954 proposed amendments from 1966-1976 were initiated by state legislatures. Two and two-tenths per cent were initiated by the electorate, and another 3.7% were initiated at constitutional conventions.

In addition to proposing most of the constitutional amendments, state legislatures enjoy the highest passage rate for proposed constitutional amendments: 72% from 1966-1976, compared with 68% for those proposed at constitutional conventions and 28% for voter initiated measures. As a result, legislatively initiated amendments represent 96% of all the amendments passed from 1966-1976. Voter initiated

measures represent .9%, and convention-proposed measures represent 4% (does not equal 100% due to rounding).<sup>12</sup>

#### Some initiated measures have been ruled wholly or partly unconstitutional after their enactment.

In California, for which we have the most complete data, one of the seven initiatives adopted from 1960-April 1978 remains fully in effect: the railroad anti-featherbedding measure of 1962. Five measures were totally or partially overturned by the courts: anti-school busing; anti-pay t.v.; political reform; death penalty; and anti-fair housing measures. The coastal conservation measure terminated in 1975 and required legislative action to continue its main features.

All seven initiated measures enacted by Oregon voters from 1960-1978 remain fully in effect. In Washington, we know of one recent measure overturned by the courts: In October 1978 a District Court overturned an anti-pornography measure that had been passed by an overwhelming margin in November 1977.

Several initiated measures in North Dakota have been ruled unconstitutional, but these represent a small portion of the total number passed. According to one observer, several other measures appear unconstitutional, but have never been challenged in court.

Studies of initiated measures in the 1920s and 1930s found the proponents to be generally as competent as the legislatures in drafting bills. While legislatures did not have the strong legal staffs then that they do today, one Minnesota political scientist has observed that, in general, the legal problems caused by initiated measures are not substantially different from those caused by legislatively enacted bills.

**Campaigns for ballot issues and political candidates resemble one another, but differ significantly from the techniques used to educate and persuade legislatures on particular issues.**

Advertising firms are employed by both political candidates and advocates of ballot issues. Brief television ads are used effectively in both types of campaigns, and brief, simple messages are effective in both. Both campaigns have as their purpose the education or persuasion of the public.

However, in California, it appears that massive appeals to the public may be more sophisticated in the ballot issue campaigns than in candidate campaigns. A well respected observer of the California political scene has commented, "In California—even more for initiatives than for candidates—this [the campaign technique] has meant the professionalization of campaigns and the dominance of public relations firms with their media consultants, public opinion pollsters, and direct-mail specialists."<sup>13</sup>

Another California observer and student of the initiative has noted the tendency of both proponents and opponents to simplify complex issues during a ballot issue campaign: "Increased complexity of measures leads quite naturally to simplification by sponsors and opponents seeking to persuade an amorphous public. The result...is the need for massive financial resources for public relations firms and television, billboard, and newspaper advertising that usually rely more on simplistic propaganda than on reasoned discourse."<sup>14</sup>

Debate on bills in the legislature is somewhat different, because the group to be educated or persuaded (the legislature) is relatively small, and is a clearly identifiable group... the identity of those who will make the decision is known in advance. Another difference is that the decision makers in this case have at their disposal a staff to develop objective information on the proposals. Such staff assistance is not available to the electorate when it is asked to approve or repeal laws.

A key feature of the legislative process which is not a part of the initiative debate is the opportunity to modify and make compromises on proposals. A good part of legislative debate is taken in modifying proposed laws. With the initiative process, however, the debate takes place after the final language has been determined by the proponents. Opponents have much less opportunity to affect the final language of an initiated measure than they do a bill which is debated in the legislature.

When mass campaigns are undertaken to persuade the legislature, they take the form not of billboard or television ads, but of mass mailings, or sometimes demonstrations at the Capitol. Letters from constituents are another means of influencing legislators.

A sometimes valuable source of information for the electorate in ballot issue campaigns has been the voter pamphlet. These are published by the state and distributed to all voters. In some states, the pamphlets contain fairly dry and not terribly informative descriptions of proposed ballot measures. These do not seem to have proved as useful as those pamphlets which contain not only an objective description of the proposals and their impact, but a series of arguments, in the form of "pros and cons" regarding the proposals. These do seem to be useful (albeit expensive) tools for voter education on the issues.

A Washington study found that voters preferred the pamphlet as a source of information, followed by newspapers, family, friends, and television. Voters who mentioned the pamphlet as their first choice for information showed "significantly better knowledge of the issues," according to the study.<sup>15</sup>

### **Corporate spending on ballot issue campaigns may not be limited, although spending by government may be prohibited entirely.**

A recent United States Supreme Court ruling has held that corporate spending on ballot issue campaigns cannot be limited (*First National Bank of Boston v. Bellotti*). By refusing to hear another Massachusetts case in which the City of Boston was prohibited from spending city funds in support of an initiative measure, the United States Supreme Court has indicated that such prohibitions are permitted.

Meanwhile, the Internal Revenue Service is now looking at corporate expenditures to influence the outcome of bills in the legislature or measures presented to the electorate as "grass roots lobbying," and is disallowing such expenditures as "business expenses" to be deducted on tax forms. The IRS regulations are now being challenged in District Court. If they stand, they may have an impact on corporate contributions to initiative and referendum campaigns in the future.

State governments may require disclosure of contributions to ballot issue campaigns, even though the amount of expenditures cannot be limited. California's disclosure law applies to both candidate and issue campaigns. North Dakota's disclosure act applies to candidate campaigns only.

Even with tough disclosure laws, however, it would be difficult if not impossible to identify all spending in a ballot issue campaign. For example, court rulings have held that groups whose main purpose is not lobbying, but who do contribute to a ballot issue campaign, cannot be required to disclose their contribution. The recipient of the contribution is required to file, but the recipient's report cannot be verified by another source of information.

### **Spending on ballot issue campaigns sometimes far exceeds spending on campaigns for state elective offices.**

In California, expenditures on initiative campaigns range from \$60,000 to a high of roughly \$6 million spent by the tobacco industry against the 1978 anti-smoking initiative. The incumbent candidate for governor spent approximately \$3.2 million for the 1978 general election, while his challenger spent roughly \$1.2 million.

The median expenditure of state senate candidates for the 1976 general election was \$53,400, with incumbents spending at a median of \$86,300, compared with \$25,700 for their challengers. State general assembly candidates spent a median of \$22,100 in the 1976 general election. Incumbent candidates spent a median of \$25,100, compared with \$9,400 spent by their challengers.

**As is true with candidate elections, money can have a big impact on the outcome of ballot issue elections.**

*Time* magazine reported that 86% of those elected in the November 1978 election were the high spenders in their campaigns. Similarly, it appears that high spending can alter voter opinion on ballot issues as well.

Early surveys of public opinion indicated that the 1978 California anti-smoking initiative was supported by the electorate. However, it lost at the polls. A study of controversial initiative campaigns in Colorado in 1976 found that, although polls taken from May-September indicated that five controversial ballot issues would pass, they failed in the November election. Proponents of the five issues were out-spent ten-to-one by their opponents. In all ten of the ballot issues in Colorado's 1976 election, the side that spent the most won.<sup>16</sup>

However, money alone is not the determining factor in all ballot issue campaigns. A review of sixteen issues on the California ballot from 1972-1976 found that the side spending the most won eight races. In the five most recent initiatives in the survey, occurring in 1974 and 1976, the high-spenders won each time.<sup>17</sup> It may be that with increasing reliance on media advertising, and increasingly sophisticated advertising techniques, the advantage accruing to high-spenders is becoming more significant.

**People's votes on ballot issues tend to go in the direction of their general philosophy or their own interest, although voters generally do not understand the technical implications of particular ballot measures.**

A good example of this phenomenon is the vote on California's Proposition 13. The electorate did want a tax cut, which was accomplished by the measure they enacted. However, many side-effects of the Proposition were not known until after it was enacted. Some of the side-effects include: an increase in Californians' federal income tax liability due to reduced state taxes; unknown impact on the housing market because of the freeze in property assessments until properties are sold; increasing disparity in property tax assessments because inaccurate assessments cannot be corrected except when properties are sold; large benefits to non-native businesses which had been paying a large share of California's property tax; and loss of federal revenue-sharing dollars due to decreased state tax effort. Whether the electorate would have voted differently had they known some of these unforeseen side-effects, or whether they are still happy with their decision, now that some of the side-effects are becoming clear, we cannot say.

Studies have found that a small portion of the electorate will take an interest and become educated on specific issues through intensive educational campaign efforts. However, a 'saturation point' is quickly reached after which the number of persons who inform themselves on the issue does not increase, regardless of the length or intensity of a campaign.

A study of voters in Pennsylvania local referenda found a widespread lack of information among voters on the referenda issues, but a high propensity to vote regardless of knowledge or interest in the issue.<sup>18</sup> Our committee received conflicting testimony which suggested that when people feel unsure about an issue they will either not vote, or will vote "no."

A Cincinnati study conducted after the 1946 campaign on the United Nations found that after one year of a massive information campaign, most people did not know any more about the issue than before the campaign started—persons who were interested were quickly reached by the campaign, and additional efforts did not reach more people.<sup>19</sup>

Testimony before our committee from social scientists indicates that, while some people do learn from a campaign, overall, the majority of those voting do not base their vote on detailed knowledge of the specific issue. Studies have shown that there is sometimes voter confusion about ballot issues, particularly when a "no" vote means "yes," or the reverse.

**The presence of voter initiated measures on the ballot has no discernible impact on voter turnout in general elections.**

A study of the 1978 election results found no discernible national impact of ballot propositions on voter turnout.<sup>20</sup> The 1978 study of turnout in states with major ballot propositions confirms work done in Washington which indicates that turnout on ballot propositions is generally lower than for the highest state constitutional office, but may be competitive with the remaining state elective offices.<sup>21</sup>

**Voter turnout may vary by the degree of controversy surrounding an issue, or by the type of issue on the ballot.**

A study of 1976 initiatives in Colorado found that controversial issues can attract more votes than even the highest elective office in the nation: In some Colorado precincts, more people voted on the mandatory deposit proposition than voted for president. Overall turnout for the mandatory deposit measure and four other controversial issues was higher than for any state legislative race.

Similarly, the study found much greater voter awareness of the five controversial ballot issues than of any candidate campaigns, with the exception of the presidential campaign. Voter awareness of the five initiative issues (nuclear, Equal Rights Amendment, food sales tax, mandatory deposit, and voter approval of tax measures) ranged from 87-92%, compared with 74% for congressional races, 39% for state senate races, and 34% for state representative races. <sup>22</sup>

A study of Washington initiatives and referenda from 1914-1973 found that, "Turnout on moral issues is likely to be greater than for any other type of proposition...turnout for public services such as education and welfare measures occupies a middle position...[and] questions of governmental structure and reform bring out the lowest participation."<sup>23</sup> However, the same study found that, in the long run, there is virtually no association between degree of voter participation and the tendency to approve or disapprove voter initiated propositions.

#### Turnout also varies by type of election.

Voter turnout is highest for general elections in presidential years, somewhat lower in 'off-year' general elections, and lowest in special elections, including primaries and school board elections.

A study of Minnesota school referenda also found variation in the type of voter participating in different sorts of elections: The greatest variety of voters turned out for general elections. Higher socio-economic groups turned out for school elections and primaries.

Because of the variation in the composition of the voting public from one type of election to another, it seems that the timing of an election can affect its outcome. For example, the Minnesota study found the lowest passage rate for bond referenda decided in the general election when the broadest range of voters participated. The highest rates of passage occurred during school and primary elections when higher socio-economic groups dominated the elections. <sup>24</sup>

A California observer of the political scene comments, "Given the low level of voter participation, particularly in primary elections, successful initiatives in California will generally be adopted by a vote no greater than 25-30 percent of the adult population of the state."<sup>25</sup> A review of 1978 ballot issues for which voter turnout is known found the highest turnout to be 50.7% of eligible voters participating in the Montana vote on regulating nuclear power plants (passed). The lowest turnout was 19.9% in Alabama voting on a measure to reduce property taxes. The median was 42% voting on a California measure that would have pro-

hibited homosexual persons from teaching in the schools (failed).

**The majority of initiated measures are approved or defeated by 60% or more of the votes on the question.**

A review of the votes on 41 initiated statutes in seven states from 1970-1976 found the following:

4 initiatives or 9.8%	won or lost by 50-51.9%
3 or 7.3%	won or lost by 52-54.9%
10 or 24.4%	won or lost by 55-59.9%
19 or 46.3%	won or lost by 60-69.9%
4 or 9.8%	won or lost by 70-79.9%
1 or 2.4%	won or lost by 80-89.9%
0	won or lost by 90-100%

(Compiled by Citizens League 1/29/79 with data from the Congressional Research Service.)

The highest margin of approval or disapproval was 80.1% voting to approve limitation of state elected officials' and judges' salary increases in Washington. Four other measures received a high portion of votes on the questions: 76.6% of those voting on the question said "no" to permitting abortions under certain circumstances in North Dakota; 75.4% of those voting on the question rejected a proposal for greyhound racing; 75.0% of those voting on the question refused to repeal Maine's income tax; and 72.0% of those voting on the question approved a Washington ethical practices bill covering campaign finance and disclosure.

The lowest margin of approval or disapproval was 50.7% voting against a North Dakota initiative authorizing new programs to increase employment opportunities. The four other measures receiving the lowest rate of approval or disapproval were: 51.2% voting to pass an indirect initiative in Maine that established a public preserve; 52.9% voting against an initiative proposing to increase the California wild and scenic rivers system; 53.1% approving preemption by the state of the Arizona income and luxury tax; and 54.6% approving a Michigan indirect initiative to change over to daylight saving time.

**The presence of ballot issues in a campaign does not seem to lessen the tendency of political candidates to focus on single issues...but neither does voter selection of candidates seem to be based exclusively on their response to ballot issues.**

Testimony before our committee indicated that the presence of initiative or referendum issues on the ballot tends to make those issues part of political candidates' campaigns, forcing them to take positions on the issues in question. In-

initiated measures sometimes take over as the dominant issues in a political campaign.

In California, candidates sometimes build their campaigns around an initiative issue. Both Governors Reagan and Brown used this technique, the former with a 1973 tax limitation initiative, and the latter with a 1974 political reform initiative.<sup>26</sup>

Voter choices of candidates are sometimes affected by candidate responses to ballot issues...and sometimes not. The failure of at least two California political candidates has been associated with their stands on initiative issues: John Tunney's loss of his US Senate seat has been related to his support of the 1972 farm labor initiative; and Pierre Salinger's failure to win a Senate seat has been related to his support of fair housing legislation, which was overturned the same year he ran for office.<sup>27</sup>

However, we know of two local Minnesota elections where voters' candidate selection does not seem to have been affected by ballot issues: A June 1977 referendum challenged a zoning change made by unanimous decision of the Crystal City Council. The Council action was repealed by referendum on a four-to-one vote, but none of the Council members was challenged based on his vote. Part of the reason may be that persons not ordinarily involved with or voting in elections of public officials participated in the special election on the rezoning.

Usual voter turnout for regular Crystal city elections (those not held in November) is 10-15%. Turnout for the special election on the rezoning issue was 20%, with 25% of those in the ward most directly affected by the rezoning turning out.

In the 1978 St. Paul general election, an initiative to repeal a gay rights ordinance was on the ballot. The entire city council and the Mayor were up for election. Most of the incumbent Council members and the Mayor gave active support to the gay rights ordinance. The ordinance was repealed, but no incumbents were unseated.

Partisan politics sometimes inspires initiative campaigns, although voters do not necessarily base their votes on party loyalties. Colorado Democrats in 1976 placed a tax reform package on the ballot because the Democratic Governor and House of Representatives had been unable to get a bill through the Republican-controlled Senate. However, only 16% of voters interviewed knew that control of the two houses was divided between Republicans and Democrats, while nearly 90% were aware of the ballot issue.<sup>28</sup>

**The presence of ballot proposals does not seem to affect overall voter attitudes towards government.**

Testimony from social scientists before our committee indicates that political alienation is related more to objective events or circumstances such as inflation and the energy crisis, than it is to perceptions of government. A study of changes in trust in the Presidency, Congress and the Supreme Court from 1972-1974 found that economic conditions had more impact on trust levels than did political scandals.<sup>29</sup>

In discussion with political scientists, social scientists, and observers of high-use initiative states, we found no indication that the presence or lack of initiative or referendum provisions affect voter attitudes towards government. It was suggested to us that persons who attribute their dissatisfaction with government to the lack of initiative/referendum measures may show more satisfaction should such measures be enacted. However, although groups frustrated in trying to get issues through the legislature may attain satisfaction if their issues succeed on the ballot...their opponents' level of satisfaction could be expected to decrease significantly should they lose on the ballot question.

A comparison of 1973 Midwest Research Institute state rankings by "quality of life" with initiative use found that high-use initiative states ranked significantly higher in quality of life than did low-use states, but that rankings of initiative- and non-initiative-states did not differ significantly.<sup>30</sup> Minnesota ranked high in this quality of life study, as it has in others.

**Use of the initiative does not generally stem from poor legislative performance.**

A high use of initiative provisions does not seem to be related to legislative failure to act or legislative ineptness. An observer of the California political process could think of only two instances when initiatives were proposed after failure to obtain legislative action: The coastal initiative, placed on the ballot after proponents had tried for two years to get legislation; and a political reform initiative sponsored by Common Cause, much of which was later ruled unconstitutional.

A third example might be California's Proposition 13, proposed after repeated attempts on the part of the legislature failed to enact tax relief measures. (This was due, in part, to a constitutional requirement that spending bills be enacted by a 2/3 majority of the legislature—if a simple majority had been sufficient, the tax relief would have been enacted by the legislature.)

**Overall, the quality and effectiveness of state legislatures do not seem to be affected by the extent to which the initiative process is used, or the presence (or absence) of any provision for voter initiative in the state constitution.**

A comprehensive rating of state legislatures' effectiveness and responsiveness was done by the Citizens Conference on State Legislatures (CCSL) in 1970. Of the state legislatures ranked in the top ten, one was a high-use initiative state (California, ranked number one); two were low-use initiative states, and seven did not have initiative provisions. Minnesota was ranked number ten. A comparison of the CCSL ratings with initiative use found some difference in the effectiveness of high-use vs. low-use initiative states, with the high-use states being rated more effective; but no difference in the overall effectiveness of initiative- vs. non-initiative states.<sup>31</sup>

Comparisons of state legislatures' propensity to initiate policy and undertake innovative efforts found no significant difference between high-use and low-use initiative states or between initiative- and non-initiative states.<sup>32</sup>

A comparison of state legislatures based on the strength of their party systems found that initiative states had far less cohesive, disciplined political parties than did non-initiative states. Little difference was found between high- and low-use states.<sup>33</sup> On the other hand, the study found that initiative states are far more likely to be two-party than are non-initiative states. Little difference was found between high- and low-use states in this category.

**The availability of initiative and referendum sometimes affects legislative behavior.**

The presence of initiative and referendum provisions can and does sometimes affect legislative behavior. The impact on political and law-making processes is particularly strong in high-use states. Even though initiated measures comprise such a small portion of any state's total body of law, a high-use of initiative does fundamentally change the political process. A California commentator said that adding initiative/referendum provisions to a state's constitution would be "about as fundamental a change as you can get" in the

political/legislative process.

Testimony from North Dakota, a high-use state, indicates that the legislature constructs laws with an eye to the possibility that each law or parts of laws could be referred to the ballot. The legislature endeavors to construct laws in such a way that if a portion of a law is challenged by referendum, the other parts will stand. The North Dakota legislature has also failed to act, or has compromised its action, for fear of referral by petition.

The presence of initiative measures sometimes provides incentive for legislative action, rather than inaction. A proposed 1972 California initiative that would have prohibited construction of nuclear power plants for five years was defeated after the legislature enacted a more moderate measure. Proposition 13 is again a good example, although in this case the initiative was approved: Although the legislature was unable, for several years, to achieve the 2/3 majority that was needed to provide tax relief, it did produce that needed majority in passing a proposed alternative to Proposition 13. (The alternative was defeated at the polls.)

**Minnesota charter cities with initiative/referendum provisions have used them infrequently.**

Out of 855 Minnesota municipalities, 102 have home rule charters. Of these, 67 provide for both voter initiative and referendum and an additional seven provide for referendum only. A Citizens League survey of municipalities with initiative/referendum provisions found that 51% of the respondents had not used the measures at all since 1970. Forty-three cities responded to the survey, a response rate of 58%.

Although the survey attempted to identify voter initiated measures exclusively, as distinct from measures placed on the ballot by the city council or required by the charter (e.g. approval of general obligation bonds), it seems clear from the results that a mixture of voter initiated, city council initiated and charter required measures were reported. Survey results are summarized in the Appendix, page 43.

## Should Minnesota Adopt Initiative and Referendum Regardless of Whether there are Major Problems in the State's Political or Legislative Process?

**A suggestion sometimes made is that *direct democracy* is a desirable (and now feasible) complement to *representative democracy*.**

Some persons believe that the closer we get to "direct democracy"—to every person's having a say in every decision made by government—the better. They suggest that the ultimate expression of democracy is a true rule by the majority, rather than a small, selected group of representatives. With the advances in communications technology and the high education level in the populace, it is argued, direct democracy is now a real possibility. They suggest that an argument against direct democracy is "elitist" and contradictory, in that it shows a lack of faith in the people, when in fact, the "people" are all that we have to rely on as the source of legitimacy for our government. It is further suggested that there is an inherent inconsistency between an argument on the one hand, for election of representatives by a popular majority vote, but on the other hand, against law-making by popular majority vote.

A second major argument for direct democracy is that its results are more "pure" than those achieved by the representative process. Compromises needn't be made to pass a measure proposed by voter initiative, as they must to pass through the legislature's process of deliberation and compromise. People should, it is argued, have the opportunity to express their opinions on single issues about which they care deeply, unhampered by other persons' equally deep feelings on those issues, or the possible relationship those issues bear to other matters that might be addressed in separate pieces of legislation.

**Conclusion: More direct democracy is not necessarily desirable.** Should there be serious flaws in the operation of the representative system, then a move towards direct democracy might be a desirable alternative. The establishment of initiative and referendum laws in the late 19th and early 20th centuries was a logical response to the corruption of the representative system at that time. However, we are not faced with a similar situation today. State legislatures, and the Minnesota legislature in particular, are reasonably re-

sponsible bodies. They are not mere puppets of economic interests, as seems to have been the case at the turn of the century.

In considering the desirability of direct democracy, it is important to consider its shortcomings, as well as the shortcomings of the system it proposes to supplement. The essential differences between direct and indirect democracy do not center on questions of whether wise elites rule as opposed to uninformed masses. Elected representatives are not inherently wiser than the constituents they represent. The key factor is the decision process followed by each system, and how those processes differ in their ability to enhance the natural strengths or minimize the natural weaknesses of human beings.

**The decision process employed by our legislature is fundamentally different from, and, we would argue, fundamentally stronger than the decision process of mass campaigns.** In the legislative process, particularly with the independent research staff employed by the legislature, there is an opportunity for unbiased information to be generated and considered along with the arguments of those most closely affected by proposed legislation. A debate takes place among those who must decide. Conversations about the issues take place on a one-to-one basis.

Appeals to masses of people are of a fundamentally different nature. Short impressionistic appeals are made. Virtually all the information is provided by proponents or opponents...very little, if any, information is provided by sources that do not stand to gain or lose from the decision. The amount of information provided on one side of an issue may far outweigh the information presented on the other side, depending on the financial backing of proponents and opponents. The decision-makers—potentially the entire electorate—do not engage in debate with one another. Decisions are more likely to be made on the basis of emotions.

**In both representative and direct democratic systems, decisions are made by minorities.** It would be inaccurate to describe the alternatives as "minority rule" on the one

hand vs. "majority rule" on the other hand. A majority of those eligible may turn out to elect representatives in the highest constitutional offices. But, for the most part, only a minority of eligible voters casts ballots for lesser state offices or for voter initiated propositions.

While both systems involve a minority of the voting public, we can still identify a key difference: elected representatives have a legal responsibility to those they represent—both those who voted and those who did not. Self-selected law-makers have no such obligation.

Lastly we have the argument that people should not be required to compromise their views in legislation on issues about which they have strong feelings. One of the major goals underlying the structure of our present system was the desire to force multiple interests to join together, in compromise, in order to form majorities needed to elect people or to pass laws. Thus we have a two-party system, with compromises being made within the parties, rather than a five- or ten-party system like those found in some Western European nations.

Today some persons are more insistent that their views, undiluted by compromise with those whose views differ from theirs, be directly translated into the law of the land. Initiative would permit this. But in our view, the effect would be to weaken rather than strengthen our present system of governance.

**It is sometimes argued that each generation of people should have the opportunity to shape the basic laws that govern them.**

This could be provided by constitutional initiative, or by a periodic vote of the people on whether to have a constitutional convention. Seventeen states have the former provision, fourteen states the latter.

Of the fourteen states providing for an automatic vote of the people on whether to call a constitutional convention, one (Oklahoma) is a high-use initiative state. Five others are low-use states, while eight have no initiative provisions.

One state (Montana) allows either the legislature, or the people, through petition, to call a constitutional convention. In addition to the fourteen states with automatic votes on constitutional conventions, Florida provides that the right to call a convention is reserved to the people—the legislature plays no part in the convention call.

The Minnesota Constitution provides that a convention can be called if 2/3 of the members elected to each house vote for a convention, and, in addition, a majority of the electorate voting in an election (a constitutionally required refer-

endum) approves the call for a convention.

Minnesota is one of the few states never to have called a constitutional convention since the first convention which shaped our basic constitution. However, even those who pushed hard for a convention for many years now acknowledge that, through changes made by the legislature which permitted a broader amending process, virtually all the changes in the constitution they hoped to achieve through a convention have been accomplished by the amendment process.

**Conclusion: There does not appear to be a practical need to alter the process for calling a constitutional convention or for amending the Minnesota Constitution. Our current system has so far proved satisfactory.**

Minnesota's constitution provides for the opportunity to reshape our basic laws...through legislative action sustained by referendum. Minnesota has had a fairly successful history of constitutional amendment, which has given us an up-to-date document that is not cluttered with language more appropriate to statutes (as is found in some other states, notably California).

**One argument made is that the electorate's desire for initiative and referendum is sufficient reason to amend the Constitution by adding these provisions.**

Polls indicate that a majority of Minnesotans favor voter initiative and referendum. A Minnesota Poll published on December 13, 1978 indicated that 75% of Minnesotans would favor voter initiative on statutes, while 79% would favor voter referendum. Twenty-three percent opposed the initiative, and 19% opposed the referendum. Two percent responded "don't know" to each proposal. Respondents were not asked specifically whether they favored voter initiative on constitutional amendments. Six-hundred-twenty-one Minnesotans were interviewed for the poll.

(It should be noted that public opinion polls may not necessarily reflect what opinion would be after extensive background on the issues. Polls themselves exhibit some of the same problems as initiative/referendum—they pose simple questions for complex issues.)

Article I (the Bill of Rights), Section 1 of the Minnesota State Constitution states, "Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify or reform government whenever required by the public good." It is suggested that, because "all political power is inherent (in the people)", the people therefore have the 'right' to alter the Constitution if they so desire.



**Conclusion: A simple desire for change, without a demonstration of practical needs for change or practical benefits, is not sufficient reason to alter the Constitution.**

Our state constitution clearly does give the people the right to "alter, modify or reform government." Those are the words that begin our constitution's Bill of Rights. However, this right, as provided for in Minnesota's and other state's constitutions, assumes legislative action rather than action by voter initiative. We know this because the idea of voter initiative did not come along until well after the original constitutions of at least the forty-eight states were written.

As noted above, only two states provide for the calling of constitutional conventions by voter petition. And the vast majority of states that provide for voter initiative on constitutional amendments got those provisions at the turn of the century, along with statutory initiative and voter refer-

endum. These provisions for voter initiated laws were put in place by legislative action (approved by the electorate) to amend state constitutions.

The issue, then, is not whether or not the people have the right to alter their form of government or their basic governing document. They clearly do, through legislative action. The issue to be addressed is reflected in the last few words of the opening section of our Bill of Rights, "...whenever required by the public good." The issue before us is whether proposed changes to our constitution are required by, or would further the "public good."

We believe that basic changes in our governing process should be made only when they can be shown to address significant problems that cannot be addressed in any other way...or when the proposed changes could significantly increase the benefits accruing to the public.

**Are There Major Problems with Minnesota's Political or Legislative Process  
That Initiative/Referendum Might Solve...Or Major Benefits  
That Might Accrue from Initiative/Referendum?**

**Is the Legislature's performance on matters of public policy poor enough to warrant initiative and referendum?**

**The overall performance of Minnesota's legislature compares well with that of other states.**

In 1970 the Citizens Conference on State Legislatures (CCSL) published the results of its study and evaluation of the fifty state legislatures. Minnesota's legislature was ranked number ten in the nation. We ranked 7th for accountability, 12th for representativeness, and 13th for the legislature's informed nature. The CCSL report said, "Its [Minnesota's] outstanding feature is the general openness and accessibility of its processes and activities..."<sup>34</sup>

Minnesota lost the most points in the "functional" category—for its relatively large legislature, small staff and limitation to biennial sessions. Since 1970, staff support has been strengthened, and interim sessions have been permitted. Although CCSL felt that the legislature was too large, a Citizens League study of the legislature in 1975 recommended that the size be retained.

**Some persons dissatisfied with legislative action (or inaction) on particular issues believe that initiative and referendum would be used to achieve their preferred outcome.**

There is confusion today in the debate over initiative/referendum in Minnesota about what it would mean for the state. Would it be a 'conservative' tool, used to cut taxes, impose the death penalty, reduce government employee salaries? Would it be a 'liberal' tool used to enact strict gun control laws, or environmental legislation such as mandatory deposit on soft drink and beer cans?

If anything is clear in the experience of other states with initiative and referendum provisions, it is that no person can be assured that his or her preferred measure will be enacted by the electorate. Looking at the use of initiative and referendum in other states, it appears that the tool can, has been, and probably will be used for both 'conservative' and 'liberal' causes.

Initiative and referendum have been used to give rights to people (e.g. women's suffrage, elimination of the death

penalty) and to take rights away (e.g. measures restricting freedom of speech or reinstating the death penalty). On issues of public morality, initiative has been used to restrict individual freedoms (e.g. prohibition laws) and to increase freedoms (e.g. loosening of Sunday closing laws).

It is sometimes argued that we should institute initiative and referendum in Minnesota so that we can enact particular types of legislation that the legislature has not acted on. Let us examine the case of mandatory deposit legislation to test this hypothesis:

Legislation on mandatory deposits has been introduced many times in the Minnesota legislature, but has never passed both houses. If Minnesota had voter initiative, would we now have a mandatory deposit law?

Five of the seven state laws on mandatory deposits were enacted by state legislatures; two by voter initiative. Polls show that a majority of Minnesotans favor such legislation. However, polls in other states have shown the same majority, while those measures have been defeated by the electorate. Five states have rejected initiatives for mandatory deposit. Some votes were very close (e.g. 51.3% voting "no" in Washington, with proponents spending \$6,000 and opponents spending \$300,000...or Massachusetts where the measure lost by .7%, although opponents spent \$1.4 million compared with \$30,000 spent by proponents). In two other states the measure lost by wide margins—two-to-one in Colorado, where proponents spent \$19,000 compared with \$511,198 spent by opponents...and by a 60% margin in Nebraska's November 1978 election.

**Conclusion: Desires for particular types of legislation will not necessarily be satisfied by initiative/referendum.**

The case of mandatory deposits confirms the evidence from initiative/referendum use on other issues: we cannot, with certainty, predict the outcome of votes by the electorate on given issues over a period of time. It therefore seems clear to us that the desire for a particular piece of legislation is insufficient as an argument for adding initiative and referendum to Minnesota's law-making process. There simply is no guarantee that initiative and referendum use would have the particular outcome desired by proponents.

**It is suggested that initiative/referendum would be a desirable "safety valve," should the legislature ever become wholly unresponsive to the public will.**

From our review of Minnesota's political and legislative process it is clear to us that our legislature is generally responsive—in fact, that was the area in which it received the highest ratings from the Citizens Conference on State Legislatures. We are therefore left with the question, "What if....?"

Initiative and referendum are sometimes described as "tools of last resort," should the legislative or political process ever become wholly dominated by a few interests. This seems to have been the situation at the turn of the century, when most of the initiative and referendum provisions came in as part of the Progressives' platform of government reform.

At the turn of the century initiative and referendum (along with the regular legislative process) were used to open up the political process, and, to some extent, to limit the powers of state legislatures. Direct primaries, secret ballots, women's suffrage, popular election of senators, and corrupt practices acts were some of the measures enacted. State constitutions were revised, tending to limit legislative powers. The new constitutional provisions tended to be more detailed than the constitutional provisions written up until that time.

During the Progressive Era the electorate did seem to be able to take action in the face of special interest domination of their legislators. The period of widespread political corruption passed...both in states with the initiative...and in states without the initiative.

**Conclusion: It looks as though initiative and referendum might be effective tools in curtailing the actions of a wholly unresponsive legislature in Minnesota.**

Since our legislature is fairly responsive today, and the political process is relatively open, the question becomes whether we should enact initiative/referendum for a "rainy day."

We would advise against such action at the present time. Initiative/referendum, as shown in our discussion above, would not be effective tools to correct isolated cases of legislative unresponsiveness.

Initiative/referendum themselves have weaknesses, as discussed elsewhere in this report. The potential negative effects of initiative/referendum are such that implementation of these procedures would not be warranted unless they were needed to counteract a consistently unresponsive, irresponsible legislature.

Such were the circumstances under which most other states enacted initiative/referendum provisions. Despite the corruption of state legislatures at the time, those same legislatures did respond to political pressure by enacting initiative and referendum. This gives us reason to believe that similar action could be pushed through our own legislature if it were needed.

However, we are also confident that if our governing process did seem to be moving in directions radically opposed to the public interest, we could take many intermediate steps to correct and improve our current process before enacting an entirely new process of governance.

**It is suggested that the availability of initiative and referendum would reduce the emphasis on single issues in candidate campaigns.**

The representative process is, by its nature, one of compromise. More and more, though, single issue groups are unwilling to accept compromises on their particular issues. Such groups are willing to work for the unseating of a legislator if he/she disagrees with them, regardless of his/her performance on the hundreds of other issues that the legislature must consider.

We don't think this is a good trend in politics. It tends to fragment the political parties and the electorate, making it more and more difficult to resolve controversial issues. The result can be deadlock and failure to act when difficult decisions must be made. The logical extension of this kind of politics is the system we see in some Western European countries such as Italy and France where there is not a two-party system, but a system of many parties. The authority and stability of the party or parties in power is hurt by this fragmentation. Leadership is made more difficult. The two-party system, with its built-in compromises, tends to go towards moderate positions, while the more fragmented systems tend to go more towards the extremes.

It is further suggested that if initiative/referendum were available, they could serve as a "release valve" for people's frustrations on particular issues, and thus take the pressure off political candidates to respond to and act on those issues. It is suggested that if people were able to vote their point of view on ballot propositions then they might not feel the need to choose their elected representatives on the basis of the one or two controversial issues.

**Conclusion: It is unlikely that voter initiative or referendum would mitigate the trend towards single issue politics.**

If anything, initiative and referendum would tend to enlarge the presence of single issues in political campaigns. Our review of other states' experience with initiative and

referendum shows that ballot issues tend to become major issues in the campaigns of political candidates, forcing each candidate to take a stand on those issues. Initiative and referendum do not, as some people have suggested, operate as a "release valve" for single issues that takes pressure off of political candidates to respond to those issues.

### **Is the Legislature's performance on matters of self-interest poor enough to warrant initiative and referendum?**

**It is suggested that initiative and referendum would be a remedy for the legislature's poor performance on reapportionment.**

The Minnesota legislature has had a difficult experience with reapportionment. Our Constitution assigns to the legislature the task of apportionment for state and national legislative districts. It also requires that districts be equal in population.

There was no reapportionment of seats in the Minnesota legislature years—from 1913-1959, during which time the state's population grew 43%. The failure to reapportion meant that voters in sparsely populated areas had far more representation than those in rapidly growing areas. According to the League of Women Voters in a 1954 pamphlet, over 50% of the legislature was chosen by less than 35% of the population.

The failure of state legislatures to adjust their apportionment to reflect urbanization was common across the country, and shared by states which had the possibility of adjusting their legislative representation by initiative. Following the 1960 census in Nevada with a "little federal" provision of one state senator per county, 8% of the population could control their senate, and in California a few thousand residents of one of the sparsely populated "ski" counties had the same representation as several million in Los Angeles County.

In 1964 the United States Supreme Court in *Baker vs. Carr* ruled that both houses of state legislatures must be apportioned on a population basis—"one-man, one-vote." Subsequent decisions have set guidelines for permissible population deviation between districts. Thus Minnesota is now assured of districts with equal representation. However, several problems remain.

The process of reapportionment consumes a great deal of the Legislature's time. The 1959 apportionment required a special session. The 1965-66 reapportionment effort prompted two gubernatorial vetoes and required a special session before the issue could be resolved.

In 1971, reapportionment was again carried over to a special session and when the plan finally approved by the legislature was vetoed by the governor after the legislature had adjourned, the responsibility for reapportionment was assumed by the federal courts who drew up the plan we are currently using.

Another area of concern is the tendency of legislatures to draw district lines to the advantage of the party in power—partisan gerrymandering—or to torture districts out of shape to protect as many incumbents as possible, regardless of their party, or to create as many "safe" seats as possible ...That is districts with a majority of one party or the other so that there will be no real competition.

The 1972 Constitutional Study Commission, Common Cause, the Citizens League and League of Women Voters have all called for removal of reapportioning power from the legislature to a Districting Commission. A bill creating a bipartisan reapportionment commission has been introduced this session. It remains to be seen whether it can pass the Senate (where it has failed in the past) before the next reapportionment is done based on the 1980 census.

**Conclusion: Reapportionment by the legislature is a problem in Minnesota, but initiative and referendum is not necessarily the answer.**

The current reapportionment process and its results are the weakest features of our current governing process. And they form the cornerstone of that process—they determine, to some extent, the amount of competition for the job of representing us in the decision making and law making process.

Reapportionment is a problem which needs to be addressed in Minnesota. We hope that the legislature will act on it, soon.

We considered whether any form of initiative or referendum would be a desirable remedy if the legislature does not act this session to correct the reapportionment problem. We can identify three major ways that initiative/referendum might address the problem:

- \* Voter initiative might be used to do the reapportionment instead of leaving that task to the legislature.

This seems patently unworkable. We can imagine competing reapportionment proposals from each political party, with no hope of resolution by the electorate. This process would not be any more sound than the current process of legislative reapportionment.

- \* Voter initiative could be used to change the reapportionment process. For example, the Districting Commission recommended by the Constitutional Study Commission and others could be put in place by voter initiative instead of by legislative action.

However, this would merely be a more complicated way of accomplishing what we hope the legislature will do this session: before voters could initiate a constitutional amendment removing reapportionment authority to a districting commission, they would have to receive that right from a prior constitutional amendment passed by the legislature and approved by the electorate. Two constitutional amendments instead of one would be needed to accomplish the same goal.

- \* Referendum could be made available on an optional or mandatory basis to approve or disapprove the reapportionment done by the legislature. This might result in endless challenges to the reapportionment, with no resolution, and hence no reapportionment.

We conclude that neither initiative nor referendum would be, at this time, desirable alternatives for solving our reapportionment problem.

The first alternative—an initiative process to accomplish reapportionment—seems patently unworkable. The second—initiative to alter the reapportionment process—is merely a lengthier route to the same goal that would be attained if the legislature acted directly on the problem this session. The third—referendum on the outcome of legislative reapportionment—is accomplished in part by judicial review as to equality of population. A statewide vote on the exact shape of districts seems as unworkable as apportionment by initiative.

**It is suggested that initiative and referendum would be a way to remove other matters affecting the legislature itself from the jurisdiction of the legislature.**

Some persons feel that Minnesota's ethical practices law needs strengthening, and that this could be accomplished more easily if it were removed from the legislature's jurisdiction. Minnesota's law is the strongest of those passed by legislative action. However, the strongest (and earliest) ethics laws were passed by voter initiative. Two regulations found in voter-initiated ethics laws not found in the Minnesota law are (a) application to local as well as state officials, and (b) more stringent lobbyist regulation.

The legislature has difficulty with some other matters of self-regulation. Examples are salaries and per diems, legislative size, term of office, and the question of a bicameral or

unicameral legislature. However, there is disagreement in the community over what the "right" decisions are in regard to these issues. Some persons feel strongly that we should reduce the size of the legislature. This was recommended by the Citizens Conference on State Legislatures in 1970. But in 1975, after a thorough study of its own, the Citizens League recommended that the current size be retained.

Many persons may feel that legislative salaries should be reduced—this has been accomplished by voter initiative in some states. There is also concern that a "full-time" legislature will be less responsive to constituents. On the other hand, it is suggested that full-time legislators might be too much bound to constituents, should the motive for seeking office become partially involved with the handsome salary provided. The Citizens League, in its 1975 report, argued that legislative compensation should be increased to a level high enough so that those who must resign from their occupations could do so. It recommended that per diems be eliminated and that total legislative compensation be received through salaries. The League also recommended that the time required for legislative service be limited enough so that persons could continue to serve as part-time legislators.

**Conclusion: Matters of self-regulation are difficult for the legislature, but initiative and referendum would not necessarily provide any better legislation on these matters.**

As a committee we have not considered the merits of the particular features of ethical practices laws initiated by voters in other states such as Washington, California and Missouri. We know the ways in which those states' laws are stronger than Minnesota's, but we cannot say whether the particular features which make those laws stronger would be desirable in Minnesota.

It does seem clear that voter initiative has produced the strongest ethical practices laws, most rapidly. No comprehensive ethical practices law has been rejected by the voters.

On other matters of legislative self-regulation such as salary, term of office, and number of legislative bodies, there does not seem to be community consensus. These may be issues where the natural inclination of voters might not prove to be in their own best interests. Smaller salaries, a smaller legislature, shorter terms—these might all be natural directions to go. But these are issues where individuals, after careful study, have come out on the opposite side of the question.

**Another suggestion made is that initiative and referendum are needed because of weaknesses in the legislative process.**

Certain problems with Minnesota's legislative process have been brought to our attention, and could, some persons suggest, be remedied by initiative and referendum.

Frustration is sometimes expressed regarding the slowness of the legislative process. It is suggested that initiative and referendum provide a faster way to dispose of legislation. However, the legislative process has purposefully been designed to achieve slow, deliberate decisions, rather than immediate reactions. Each feature of the process contributes to its deliberateness (and to its slowness): the requirement that bills pass through one or more committees before going to the full house...the necessity of passing through two legislative houses and then through the executive.

Other times the process is criticized because it acts too rapidly, with little or no public debate. Legislators can, and sometimes do write bills at the last minute, in conference committee, with no public hearing. Some bills may pass without legislators' knowing what they voted on.

Conflict of interest is another problem cited. Some legislators do have conflicts of interest regarding the subject matter under the jurisdiction of their assigned committees. Teachers may sit on education appropriations committees, bankers on the banking committees, insurance agents on insurance committees, etc. This is inherent in a part-time legislature.

Observers of the legislature note that decision making is not always based on the merits of proposed legislation. This may occur when either political party or house of the legislature holds a bill "hostage" in order to get another measure passed.

Testimony before our committee indicates that one area that is generally *not* a problem is the ability to get a bill introduced and heard in committee. We have found that if a committee wants to hear a bill, it generally can—committee chairmen generally do not go against the will of a majority of their committee members. Granted, every bill introduced is not heard. Given the volume of work and the limited time, choices must be made. Not all bill authors even desire a hearing for their proposals. For those who do want a hearing and cannot obtain it in committee, there is always the option (not exercised often) to pull a bill out of committee and present it for a vote on the floor.

**Conclusion: The problems with Minnesota's law making process are not severe, and could be remedied by changes in legislative rules. They do not warrant creation of an alternative law making process.**

Overall, the way in which the legislature conducts its business is sound. The majority of bills are not written in conference committee...nor are they held for bartering power. The conflict of interest problem is inherent in any part-time legislature, but could be remedied somewhat by requiring disclosure of conflicts or abstention on votes where conflict exists. The slowness of the process, while sometimes annoying, is also a quite desirable feature at times.

**Is the electorate's disillusionment with government severe enough to warrant initiative and referendum?**

**It is suggested that initiative/referendum would reduce voter distrust of government.**

Distrust of government has increased. But distrust is not limited to government—it is extended to all of our institutions. Studies indicate that distrust of government is more related to economic conditions than to perceptions of government. It has also been shown that distrust focuses more on the Presidency and Congress than on state and local governments.

**Conclusion: We have no reason to believe that initiative/referendum would reduce voter distrust of government.**

Studies indicate that changes in government process are unlikely to affect the level of voter distrust. These conclusions are borne out by the experience in high-use initiative states, which indicates that the presence or lack of initiative/referendum provisions does not affect voter attitudes towards government. Voters in states that have initiative/referendum are no more likely to feel in control of government than are those in states without initiative/referendum.

**Another argument made is that initiative/referendum could provide more acceptable, more rapid solutions to controversial problems.**

The "consent of the governed" is another point raised by proponents of initiative/referendum. They note the difficulty we seem to be having today in attaining consent...as evidenced by low voter turnout...or the difficulty we have in resolving controversial issues such as power line siting or the stadium issue.

Minnesota has traditionally had a high voter turnout as compared with other states. We had the highest portion (55.2%) of eligible voters turn out for the November 1978 elections.

But, interestingly enough, studies indicate that turnout is not related to levels of government distrust or political

alienation. Whatever voting may indicate about voter attitudes, studies have shown that people are just as likely to vote today as ever. The demographics have changed, though, causing the shifts we may see in the percentage of eligible voters actually voting: The people who tend not to vote—the young and the old—are now a larger portion of the population while those who always did and still do tend to vote—middle-aged people—now represent a smaller portion of the population.

**Conclusion: There is no indication that initiative/referendum would improve the consensus-building process in government.**

We would have to agree that government has been faced with extremely controversial issues that are difficult to resolve. Would initiative/referendum provide more rapid or more acceptable solutions? The solutions might be more rapid, but we have no reason to think they would be more acceptable to the public at large: the controversy exhibited in legislative debate is most likely a reflection of even more heated controversy in the public. A ballot issue campaign is likely to fuel emotional issues, rather than to soften them.

The tendency of initiatives to present more extreme positions than those found in bills debated by the legislature is also more likely to leave persons on the “losing” side even more disappointed than they would be by legislative action (or inaction) on their issue.

**It has been suggested that we should have statewide initiative/referendum because significant decisions have moved from the local level (where some cities have initiative/referendum) to the state level of government.**

It has been suggested that state government now makes more of the decisions affecting us than do local governments...and that because, by virtue of its size, state government is “further from the people,” we should adopt initiative/referendum at the state level, as we have in some sixty-seven charter cities.

The degree of local government decision making authority has varied throughout Minnesota’s history. Minnesota’s initial government structure vested all government power in the state government. Up until 1891 or 1893 Minnesota had no home rule for cities. (It still has no home rule for counties.) Before home rule was provided, Minnesota laws were written in two volumes—*Minnesota General Laws* which applied to the state as a whole, and *Minnesota Special Laws* which included all the local law, including such items as specific instructions for paving local streets.

Today the Constitution provides that the legislature may call for local approval (either by the local elected body or

by the local electorate, through referendum) for local bills passed by the legislature. Usually the legislature has made such laws subject to the approval of local governments. Home rule cities also have the option of changing their charters if the state makes charter changes with which they disagree. This was done recently in St. Paul where party designation enacted by the legislature was removed by local referendum.

Local decision making has been diminished most noticeably in the area of local revenues. While local governments used to make their own decisions about how much revenue to raise, today a good part of that decision is made by the state legislature through its school and local government aid formulas.

Government in general now plays a larger role in what may once have been private decisions. Examples are the use of environmental impact statements or building codes which determine, to some extent, what private individuals or groups may or may not do.

**Conclusion: While some revenue decisions have moved to the state level, many significant decisions remain at the local level of government.**

While revenue sources for local government operations have, over the past decade or more, tended to come increasingly from other levels of government (state and federal), Minnesota is unusual in the nation in that it has retained a high degree of local decision-making authority. Thus, while Minnesota schools and cities receive more than half their revenue from intergovernmental sources, they retain control over the basic operating decisions affecting their localities.

The more general observation about the larger role now played by government in all kinds of decisions has some validity. We don’t know whether that’s good or bad...probably a little bit of both. The important feature of a governmental decision is that it is a *public*, not a *private* decision. In this respect, it does not differ from a decision made by the electorate, through initiative or referendum.

The one instance in which we might see initiative or referendum acting to lessen the role of government would be if those measures were used to take some matters out of the public domain and to restore them to the jurisdiction of private parties. However, we have seen no evidence that states using the initiative/referendum have “less government” than do those states without initiative/referendum.

**It is argued that initiative and referendum should be adopted because they will increase voter awareness of issues.**

The placement of issues on the ballot, pulling them out of legislative discussion which is not always reported (or read) would seem to automatically increase voter awareness. With the issue on the ballot, the electorate becomes the decision-maker, and hence, the recipient of information and arguments for and against the proposed measure. When elected representatives are the decision-makers, there is not the same need, on the part of proponents and opponents, to contact the electorate.

However, awareness of issues does not necessarily increase knowledge about the issues. Several studies on the impact of large information campaigns indicate that only a small portion of the electorate will take an interest and become informed on specific issues. A "saturation point" is quickly reached, after which the number of persons who inform themselves on the issues does not increase, regardless of the length or intensity of the education campaign. (See page 10).

**Conclusion: Increased voter awareness, without necessarily increased voter knowledge about issues is not, for us, sufficient reason to adopt initiative and referendum.**

We agree that measures to improve the sophistication of voters' understanding of issues would be desirable. However, initiative and referendum do not seem to be effective tools in accomplishing this result.

**It has been suggested that initiative/referendum would increase the numbers or types of persons participating in the political process.**

It is often suggested that initiative and referendum would be desirable if they could increase voter interest in and participation in government. However, Minnesota's political process already offers far more opportunities for participation than people take advantage of.

Anyone who wants to get involved in the political process, or to bring an issue to the attention of the party can do so at the precinct caucuses. The caucuses are open to all—no party membership or contribution is required. Party platforms are developed beginning at the precinct caucus level, at which persons may propose issues for the assembled

group to vote on, then pass up through the county and district levels to the statewide party platform. Despite this opportunity for raising issues, attendance at precinct caucuses is traditionally low. For example, in 1972, 101,900 persons or 5.8% of those who voted in the general election participated in Minnesota precinct caucuses.

Other avenues for participation include contact in person or by mail with one's representatives in the legislature...or participation in any of the many citizen advisory committees at the state and local levels.

Whether or not Minnesota now provides enough opportunities for citizen participation in government, it seems clear from experiences in initiative states that use of the initiative does not affect voter turnout in elections. (See page 10).

Another suggestion made is that initiative/referendum will involve new groups of people, not ordinarily involved in the political process. However, political observers in California have found that groups employing the initiative "do not differ significantly from those lobbying before the legislature."<sup>35</sup>

In a recent study the same author comments, "...while a few groups outside the main political stream occasionally try to employ the initiative process, the main actors are those who regularly do battle in legislative corridors or in campaigns for elective office. For these groups, the initiative is mainly another weapon—or hurdle—in the contest for political power and influence."<sup>36</sup>

**Conclusion: There is no reason to believe that initiative and referendum would increase the numbers or types of persons participating in Minnesota's political process.**

We are not at all sure that more avenues for participation are needed. But even if they were, the experience in states that do have the initiative and referendum suggest that these measures are not effective stimulants to voter participation.

Neither the numbers of persons participating in ballot issue elections nor the types of persons participating in initiative campaigns are significantly different from the numbers or types of persons participating in the present political process.



## **If We Adopted Initiative and Referendum, Would There Be Significant Undesired Side-Effects?**

**There are certain undesirable effects inherent in any initiative/referendum process.**

**The inability to control campaign expenditures or ethics is a major concern about the initiative process.**

Even proponents of initiative and referendum have suggested to us that the inability (due to constitutional restraints) to control campaign practices may in itself provide reason to reject the initiative and referendum process.

The Supreme Court has held that corporate expenditures on ballot issue campaigns cannot be limited. Spending can affect the flow of information to voters, and has affected the outcome of the vote in the past. Spending is often lopsided, with one side outspending the other by as much as ten-to-one at times. (See page 9).

The effort required to attain sufficient petition signatures within the allotted period of time to place a measure on the ballot also affects who can use the initiative/referendum process. In California, petitions must be circulated and filed within a 150-day period. This takes a massive organizational effort...either by a large network of volunteers...or by a firm that collects signatures on a fee-for-service basis.

An observer of the California initiative process concludes, "...only a few mass-membership or grass-roots organizations have the capability to conduct a successful petition drive within the allotted time. For most groups there is no alternative but to seek the services of a professional organization, several of which exist in California solely to serve this function. In 1978 the going rate for such a campaign was 50 cents per signature, with perhaps a minimum fee of \$225,000."<sup>37</sup>

There have been problems with the accuracy or ethics of advertising appeals, with campaign contributions, and campaign practices. Three such examples have come to our attention.

- \* In June 1977 a referendum was called against a rezoning for multi-residential housing units in the city of Crystal,

Minnesota. The rezoning had been passed by the city Council so that 48 dwelling units of low-moderate income housing could be built on four acres of land. One of the newspaper advertisements placed by opponents of the rezoning (those who had called the referendum) showed a run-down apartment building, with garbage in the street and a broken car in front of the building, suggesting that this would be the result if the proposed housing were built. The city's mayor, however, reported to us that because of stringent United States Housing and Urban Development Authority maintenance requirements, the city would have had more control over that building's maintenance than it did for any other building in the city. (The referendum was approved on a four-to-one vote, thus repealing the rezoning.)

- \* In November 1964, California voters approved by 66% an initiative prohibiting cable television. (The measure later was ruled unconstitutional.) Proponents of the initiative—movie theatre owners and commercial television interests—created an expensive campaign which claimed that a vote for cable TV would mean "losing free TV." A well-established advertising firm, in business since the 1950s, was hired for the campaign. Its strategy was to establish hundreds of committees all over the state to develop publicity and create news events, and to give the aura of a "grass roots" effort. However, these were not committees of volunteers.
- \* In June 1976, California voters rejected an initiative to regulate and restrict construction of new nuclear power plants. This vote is often cited as a case where the existence of a voter initiated measure provided incentive for legislative action: A more moderate bill was passed by the legislature, leading, some persons suggest, to the defeat of the initiative measure.

In November 1977, the Federal General Accounting Office (GAO) was asked by a Senate committee to determine whether any Energy Research and Development Administration funds were used by the San Francisco Operations Office to influence the outcome of the vote on the initiative.

The GAO concluded that the federal agency, "by advocating the absolute need for nuclear power, and failing to mention its disadvantages or problems, attempted to influence Californians to vote against the referendum." (The agency's actions were not illegal, however, because no Federal statute prohibits Federal agencies from taking actions to influence a state election or referendum.)

**There is concern that initiative and referendum could reduce the responsiveness of our laws to persons who do not have the resources to devote to political or ballot issue campaigns.**

Certain rights of "protected classes" are preserved by the state or federal Constitution. The California anti-fair housing and anti-school busing votes are two instances where initiatives were passed (and later overturned by the courts) that deprived protected classes of their rights. However, other groups of persons' rights or interests are not necessarily protected by the Constitution. There was, for example, no constitutional right of low income persons to housing in the city of Crystal. Low income persons have no legally-established right to tax and employment policies that benefit them. These matters can be legislated by voter initiative, and are not governed by specific Constitutional provisions.

While we must remember that the initiative has been used to give people rights (the best example being that of women's suffrage), it has been suggested both by a local spokesman for low income and racial minority groups, and by the National Municipal League, that the rights and interests of these persons are represented better in the legislative process than through direct democracy.

For those with little access to the media or to financial resources, there is greater access to the decision makers through the legislative process than through initiative/referendum—there are simply fewer decision makers to contact in the legislative process.

Another important difference is the ability to work out compromises or small changes in bill drafts that can significantly alter the impact of proposals on affected low income or minority groups. This opportunity is not available through the initiative process.

Finally, a key reason for the relatively poor representation of low income and racial minorities in decisions made by the ballot is that these persons are less likely to vote than are some other groups. Noting this phenomenon, the National Municipal League commented, "Irrespective of the

reasons why people do not vote, they are still represented in legislative bodies and have needs which public programs must meet. In the initiative process, they are non-people. They do not vote."<sup>38</sup>

### **Some types of initiative/referendum provisions could harm our political or legislative process.**

**Certain weaknesses in the *direct* initiative process are not found to the same extent in the *indirect* initiative.**

The direct initiative circumvents the legislative process entirely. In contrast, the indirect initiative, because it is first submitted to the legislature, gives the legislature an opportunity to act. If the legislature does act, the outcome desired by proposers of a measure is attained without the expense of a statewide campaign.

With both the direct and indirect initiatives, proposals can be composed with no public hearings or other review of the measures by affected parties. However, the indirect initiative offers an opportunity for public testimony in legislative hearings. This public forum is not available in a statewide initiative campaign, except to those with the resources to purchase communication tools such as advertisements or billboards.

The indirect initiative allows for modifications of a proposal before it is put to a vote. The legislature may modify a proposal without changing its intent, in which case it might be accepted by proponents...or the legislature may pass a modified version of the proposal, which would result in both measures' being placed on the ballot. In contrast, with the direct initiative, the first version of a proposal is placed on the ballot to be voted up or down. We know of several instances where legislatively-passed alternatives to proposed initiative measures were approved by voters, suggesting that the indirect initiative may succeed in getting an issue addressed, and in enacting moderate, rather than extreme measures in order to accomplish the task.

Ten states have the direct initiative for both statutes and constitutional amendments; one has the indirect for both; and four have the indirect for statutes and direct for constitutional amendments. All Minnesota charter cities' provisions for initiative call for the indirect initiative, as did the 1915 legislation passed by the Minnesota legislature.

While the indirect initiative does have some positive features not found in the direct initiative, it is a more cumbersome process, and, in those states with both provisions, tends to be used far less frequently than the direct initiative.

**There is concern (though little evidence) that use of the initiative/referendum would hasten the demise of political parties.**

Concern has been voiced that ballot issues will siphon off voter interest, funds, and energy from candidate campaigns and political parties. It has been suggested that the emphasis given to single issues through the voter initiative process, and the unyielding nature of ballot issue campaigns will further weaken the ability of political parties to bring large groups of people together to make compromises on controversial issues. The emphasis on, and power of single issues in Minnesota's November 1978 elections is cited as an example of practices which further weaken the political party system.

A study of states, by their use of the voter initiative, found that initiative states had far less cohesive, disciplined political parties than did non-initiative states. However, little difference was found between high- and low-use states.<sup>39</sup> The study also found that initiative states are far more likely to be two-party than are non-initiative states. Little difference was found between high- and low-use states in this category.

**A relatively easy petition requirement for referendum can inhibit the legislature's willingness and ability to resolve controversial issues.**

We have seen this impact on the legislative process in North Dakota, which has the lowest petition requirement for referendum (2% of those voting for governor in the last election; increased in November from a flat 7,000 required signatures).

In North Dakota the legislature tends to construct its laws with an eye towards the possible submission of those laws to referendum. At times the legislature has been unwilling to pass what it thought was needed legislation because of the threat of referendum. At other times, what looks to the general observer to be good legislation has been repealed by referendum.

The number of petition signatures required to place a measure on the ballot, rules about how they may be collected, and required geographic distribution of the signatures all affect the ease with which a measure may be placed on the ballot. The simplest kind of requirement would have a low percentage or number of signatures required, with no geographic distribution, and allowance for placement of petitions in public places with no person in attendance to witness the signatures. A more difficult requirement, which would require more of a "groundswell" to place a measure on the ballot would have a higher percentage or number of petitions required, would probably require some geographic

distribution of signatures (this also protects small geographic areas from dominance by the rest of the state) and would probably require that someone witness each petition signature.

The most common requirement for petition signatures to qualify an initiative for the ballot is 10% of those casting ballots for governor in the last election. Eight percent is also common, with three states requiring 15%.

Requirements for qualifying referenda for the ballot are generally lower—5-6% is most common. Seven states require 10%.

Nine states require some kind of geographic distribution of petition signatures to qualify initiative or referendum measures for the ballot. Minnesota's 1915 provision for initiative and referendum required that at least half the percentage of signatures required for each type of provision be obtained in at least one quarter of the counties.

We do not have comprehensive information on verification of petition signatures. However, we do know that verification can be a problem. Cases are known where proponents have simply copied names out of the phone book. Verification is generally done on a sample basis, rather than examination of every signature. Petition circulators are sometimes paid for each signature they obtain.

The number or percentage of votes required to pass a measure is another provision which affects the relative ease with which measures may be passed. In seventeen states, a simple majority of those voting on the question is required to pass an initiative. Seven states have more stringent requirements. For example, in the state of Washington, a simple majority is sufficient, providing that equals at least one third of the total vote cast in the election. In Wyoming a majority is sufficient, if it equals more than 50% of the votes cast in the preceding general election.

In order to pass a statutory initiative, Minnesota's 1915 provision required a simple majority, providing the number of votes in favor were not less than 33% of the total votes cast in the election. In order to approve a voter initiated constitutional amendment, Minnesota's 1915 provision required a majority voting in the election; or 4/7ths of those voting on the amendment, providing that not less than 3/7ths of those voting in the entire election voted in favor of the proposal.

Nineteen states require a simple majority of those voting on the question to approve a referendum. Four states have more stringent requirements similar to those listed for the initiative.

**An allowance for legislatively-called referenda would permit the legislature to abdicate its responsibility.**

Neither we, nor the advocates of initiative and referendum with whom we spoke wanted to see a system put in place that would allow the legislature to "pass the buck" to the electorate when it did not want to take responsibility for deciding controversial matters. The legislature's responsibility is to make decisions. The purpose of initiative and referendum would be to allow the electorate to act in the absence of legislative action, or to repeal legislative action... not to create ways for the legislature to escape its duties. The only type of initiative or referendum provision that runs this risk is the "legislative referendum," whereby the legislature is permitted, when it desires, to submit a law to the people for approval or disapproval, instead of making the decision itself. (This differs from the mandated referenda such as those on constitutional amendments in Minnesota, where the legislature has no choice but to submit a proposal to the electorate for approval.)

**Certain referendum provisions could severely hamper the functioning of state government.**

Some states allow the electorate to petition for referenda on any matter of legislation, including such things as salaries for state operating departments. In addition, some states provide that laws challenged by referendum shall be suspended once sufficient petition signatures have been attained to place the question on the ballot. In these states, a call for referendum can effectively cripple state government until the vote occurs, because salaries and operating funds for state agencies can be suspended. We were told of such occurrences in North Dakota. Partially, this may be attributed to the low petition requirement in that state.

Apart from its practical negative impacts, the suspension measure seems philosophically unsound because it allows a small minority of the electorate to bring a halt to state government...even though, in an election, the majority of voters may reject the petition. As a practical matter, suspension is unworkable unless a special election is called on the matter. Otherwise, a law could be suspended for almost a year between the time a petition qualified and the next general election was held. And special elections on these matters are not desirable because they tend to bring out a smaller and more narrow portion of the population, producing an unrepresentative vote.

**Some types of initiative/referendum provisions could have an adverse impact on our present body of law.**

**Initiative and referendum could hamper the ability to make broad, comprehensive policy decisions.**

Referenda can destroy individual laws or programs that may be part of a broad, comprehensive legislative policy. Initiatives can write new laws which should, but which would not have to be coordinated with other related existing laws.

Studies we are familiar with have not examined this potential fragmenting effect of initiative/referendum on current law. However, we are concerned about the seemingly inherent inability of a single initiative or referendum to address the broad policy decisions encompassed in a body of law. For example, Minnesota's tax policy is expressed through many laws, including those governing income tax rates, deductions and credits, property classification, sales tax rates, school aids, tax base sharing and tax increment finance. An initiative or referendum could address any one of these items singly, and throw the whole system out of balance. There are some cases in which an issue can be isolated and treated adequately through one piece of legislation. But there are many more that cannot be treated adequately in this way.

**Providing immunity for voter initiated measures could create an inflexible body of law.**

Few voter initiated measures are passed by the electorate. It therefore seems likely that if such measures were protected from amendment or repeal by the legislature, and could only be modified by a vote of the electorate, then those laws would be fairly permanent. It would be as difficult to amend or repeal those laws by voter initiative as it was to get them passed.

No such immunity is granted legislatively-passed measures, which often have gone through more of a sifting and refining process than have initiated measures before they are passed. But even carefully prepared legislative bills often need refinement and alteration in subsequent years in order to fully express their intent, or to comply with the form and content of other laws on the books. We see no reason why it would be any different for voter initiated statutes.

**Under certain kinds of initiative provisions, the state constitution could become cluttered with law more properly written into statute.**

An "easy" constitutional amendment process could allow for an excessively long constitution, which Minnesota has so far been fortunate enough to escape. It has also been found that in states providing for initiative on constitutional amendments, but not on statutes, this undesirable result is more likely to occur. In some states, the petition requirement and votes required to write statutes by initiative are less than for amending the constitution. This seems to provide appropriate incentives for keeping purely constitutional matters in the constitution.

**Phrasing of the question on the ballot can confuse voters, resulting in votes cast with the opposite effect intended.**

In a ballot issue election, where the choices presented to

voters are simply "yes" and "no," it is crucial that the result of the two choices be clear. This has not always been the case.

Several surveys of California voters illustrate voter misunderstanding of their votes. For example, of those persons stating they favored an initiative limiting nuclear power, 24% offered reasons associated with a "no" vote, while 16% of those stating they opposed the measure (i.e. they favored nuclear power) gave reasons associated with a "yes" vote.<sup>40</sup>

Other similar examples are a 1972 California initiative on farm labor, in which a vote in favor of farm labor required a vote against a collective bargaining measure supported by growers...and a 1974 initiative in which a vote against construction of a dam required a "yes" vote in support of "wild and scenic rivers."<sup>41</sup>

## What Action Should Minnesota Take on Initiative/Referendum?

Our recommendations go in two directions—to the Minnesota Legislature, and to proponents of initiative/referendum.

We recommend that the legislature not pass any form of initiative or referendum this session. Apart from the difficulties the legislature has with reapportionment, the problems we have identified are not severe enough to warrant a major change in our legislative process...or a constitutional amendment which would provide for such a change.

Moreover, experience over the past fifty or more years with initiative/referendum in other states shows that these measures do not alter voter attitudes towards government or provide other broad positive hoped-for effects: neither the number nor types of persons participating in the governmental process is significantly expanded by initiative/referendum use. Ballot issues may increase voters' awareness of controversial issues, but not their depth of understanding.

Finally, the process of placing issues on the ballot has some negative features of its own. Campaign finance and techniques in particular are negative aspects of the initiative/referendum process. Campaign expenditures cannot be controlled, and expenditures can become very important in determining the outcome of elections where expensive media advertising plays a large part in the campaign. Wealthy, well-organized interest groups thus can have an inordinate impact on the outcome of ballot issue elections. In contrast, the poor and those who tend not to participate in elections have little influence on the outcome.

We recommend that those favoring initiative/referendum seriously reconsider their position in light of the evidence about our current legislative process, and of what we now know about the process that is proposed as a supplement.

We think it is likely that some significant proportion of the support for initiative/referendum comes from people who believe that, if installed, it would serve to advance the philosophical or policy preferences which they hold, and which, of course, they believe to reflect the majority position.

However, such expectations are guaranteed disappointment, sooner or later. The experience in high-use initiative states indicates that initiative/referendum provisions will be used for both conservative and liberal measures. The measures cut both ways—their use is not, and cannot be confined to the political philosophy advocated by particular supporters of initiative/referendum. All of us, at one time or another, will find ourselves in one or another kind of minority.

It is for this reason that we believe the real issue here is the lawmaking process, and not the substantive direction of public policy that might be expected from one process as opposed to another. When considered in this light, the evidence leads us to the clear conclusion that initiative/referendum is not needed in Minnesota...would not have the positive effects hoped for by its proponents...and would in fact create new problems in our lawmaking process.

## FOOTNOTES

<sup>1</sup>George S. Blair, quoted by Charles M. Price, "The Initiative: A Comparative State Analysis and Reassessment of a Western Phenomenon," *Western Political Quarterly*, June 1975.

<sup>2</sup>Clark Radatz, State of Wisconsin Legislative Reference Bureau, *Initiative and Referendum: Its Status in Wisconsin and Experiences in Selected States*, August 1976.

<sup>3</sup>*Ibid.*

<sup>4</sup>*Ibid.*

<sup>5</sup>Price.

<sup>6</sup>*Ibid.*

<sup>7</sup>*Ibid.*

<sup>8</sup>Eugene C. Lee, "California," in *Referendums: A Comparative Study of Practice and Theory*, Ed: David Butler and Austin Ranney (Washington, DC: American Enterprise Institute for Public Policy Research, 1978).

<sup>9</sup>Hugh A. Bone and Robert C. Benedict, "Perspectives on Direct Legislation: Washington State's Experience 1914-1973," *Western Political Quarterly*, June 1975.

<sup>10</sup>Lee.

<sup>11</sup>Radatz.

<sup>12</sup>Albert L. Sturm, "State Constitutional Change," *Florida State University Law Review*, Fall 1977.

<sup>13</sup>Lee.

<sup>14</sup>Gordon E. Baker, "American Conceptions of Direct *vis-a-vis* Representative Governance," *Claremont Journal of Public Affairs*, Spring 1977, as quoted by Lee.

<sup>15</sup>Hugh A. Bone, "The Initiative in Washington: 1915-1974," Washington Public Policy Notes, October 1974, as quoted by Lee.

<sup>16</sup>John Shockley, *The Initiative, Democracy and Money: The Case of Colorado*, 1976, Western Illinois University.

<sup>17</sup>Eugene C. Lee, "750 Propositions: The Initiative in Perspective," *California Data Brief*, April 1978.

<sup>18</sup>Larry Gamm, "Voter Education and Participation: Pennsylvania Local Referenda," *National Civic Review*, February 1976.

<sup>19</sup>Sam Krislov, in testimony before the committee.

<sup>20</sup>Curtis B. Gans, *Non-Voter Study '78-'79*, Committee for the Study of the American Electorate, Washington, DC, December 18, 1978.

<sup>21</sup>Bone and Benedict.

<sup>22</sup>Shockley.

<sup>23</sup>Bone and Benedict.

<sup>24</sup>Rich Petrick, in testimony before the committee.

<sup>25</sup>Lee, *Data Brief*.

<sup>26</sup>Lee, *Referendums*.

<sup>27</sup>*Ibid.*

<sup>28</sup>Shockley.

<sup>29</sup>David Cooperman, citing a University of Michigan Institute of Social Research study, in testimony before the committee.

<sup>30</sup>Price.

<sup>31</sup>*Ibid.*

<sup>32</sup>*Ibid.*

<sup>33</sup>*Ibid.*

<sup>34</sup>John Burns, *The Sometime Governments*, Citizens Conference on State Legislatures, (New York: Bantam Books, 1971).

<sup>35</sup>Lee, *Referendums*.

<sup>36</sup>*Ibid.*

<sup>37</sup>*Ibid.*

<sup>38</sup>*National Civic Review*, editorial comment, National Municipal League, September 1978.

<sup>39</sup>Price.

<sup>40</sup>Lee, *Referendums*.

<sup>41</sup>*Ibid.*



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## APPENDIX

### PROCEDURES GOVERNING USE OF THE INDIRECT INITIATIVE

Eight states provide for the indirect initiative. Minnesota's 1915 law also provided for this form of initiative.

#### Double Petitioning Process

Three states plus the 1915 Minnesota proposal provide for a double petitioning process. That is, a certain percentage or number of petition signatures is required to submit a proposal to the legislature for action. If the legislature takes no action, rejects the measure, or enacts an alternative, then additional petition signatures are required to place the measure on the ballot.

Following are the procedures for use of the indirect initiative, with the double petitioning process:

#### Massachusetts

- **statutes** – Petitions with signatures equal to 3% of the total votes cast for Governor at the last gubernatorial election, with not more than 1/4 of the signatures from any one county, are required to submit a proposed initiative to the legislature.

If the legislature does not pass the proposed initiative by the first Wednesday in May, petitioners may file a supplementary petition containing signatures of qualified voters equal to not less than 1/2 of 1% of the entire vote cast for governor at the last preceding election. The initiative is then submitted to the voters. The legislature may also adopt a substitute and submit it to the voters along with the original proposed measure.

- **constitutional amendments** – Proposed amendments must receive affirmative votes from at least 1/4 of the members of a joint session in two successive general legislative sessions. Proposals may be amended by 3/4 of the members in a joint session. A joint session may adopt a substitute in two successive general legislative sessions, and submit it to the people along with the original pro-

posal. (This provision does not represent a double petitioning process. Rather, it illustrates a requirement for a "double vote" – that is, the measure must be approved twice by the legislature, on two separate occasions, before being placed on the ballot for approval or rejection by the electorate.)

#### Minnesota (1915 Provision)

- **statutes** – Any time prior to the commencement of any session of the legislature, a petition containing signatures equal to 2% of those voting for governor at the last election, with at least 1% in at least 1/4 of the counties may be submitted. If the legislature does not pass the law in that session, or passes it in an amended form, then a further petition may be submitted, containing signatures equal to 6% of the votes cast for governor in the last election, with at least 3% in at least 1/4 of the counties. This supplementary petition must be submitted within six months after the adjournment of the legislature. If the supplementary petition signatures are sufficient, then the measure as originally proposed and any amended versions shall be placed on the ballot at the next general or special statewide election, occurring not less than ninety days after the filing of the supplementary petition.

- **constitutional amendments** – Procedures are the same as for the statutory initiative. Initial petition requirement is 2%, with at least 1% in at least 1/4 of the counties. Supplementary petition requirement is 8% with at least 4% in at least 1/4 of the counties.

#### Ohio

- **statutes** – Petitions containing signatures equal to 3% of the electors in the state, based on the vote in the last gubernatorial election, must be submitted to the Secretary of State not less than ten days prior to the legislative session. If the legislature passes the measure in the

form submitted, then it shall be subject to the referendum. If not passed, or if amended by the legislature, it shall be submitted to the electorate if a supplementary petition signed by an additional 3% of the electors is filed with the Secretary of State within 90 days after rejection by the legislature or after four months from the date of submission.

- . **constitutional amendments** -- Ohio provides for the *direct* initiative on constitutional amendments.

#### Utah

- . **statutes** -- Petitions containing signatures equal to 5% of all votes cast for governor at the last gubernatorial election must be submitted prior to the regular legislative session. The legislature may enact or reject the proposal without change. If enacted, it may be subject to referendum like any other statute. If the legislature does not enact the measure, the proposal is placed on the ballot if additional signatures are obtained equal to 10% of the total votes for all candidates for governor in the last gubernatorial election.
- . **constitutional amendments** -- Ohio does not provide for the initiative on constitutional amendments.

#### Single Petitioning Process

Five states in addition to those noted above, provide for the indirect initiative: Maine, Michigan, Nevada, South Dakota, and Washington. Each of these requires one, rather than two petitions to place a proposed measure on the ballot, should it be rejected or amended by the legislature.

In Maine, Michigan, Nevada, and Washington, proposed initiatives become law if they are enacted without change by the legislature. In these states, such laws are subject to referendum provisions as are all other laws. If the legislature takes no action, rejects the measure, or enacts an amended version, then the original and any legislative alternatives are automatically placed on the ballot.

In South Dakota the provision is slightly different: The legislature may or may not enact the proposed measure (as is true in the other states), but in either event, it must be placed on the ballot for approval by the electorate. That is, unlike the four states above, an initiated measure approved by the legislature in South Dakota does not become law automatically. It must first be approved by the electorate.

**SUMMARY, MINNESOTA 1915 LAW ON INITIATIVE AND REFERENDUM**  
(Session Laws of Minnesota for 1915, Chapter 385—H. F. 57)

**INDIRECT INITIATIVE ON CONSTITUTIONAL  
AMENDMENTS**

- . **Petition Signatures:** 2% of those voting for Governor at the last election (with at least 1% in at least 1/4 of the counties) to place a measure before the Legislature. Eight per cent (with at least 4% in at least 1/4 of the counties) to place a measure on the ballot should the Legislature fail to pass the measure as proposed.
- . **Votes to Pass:** A majority of those voting in the election; or 4/7ths of those voting on the amendment, providing that not less than 3/7ths of those voting in the entire election voted in favor of the proposed amendment.
- . **Procedures:**
  - Step One** — Prior to the commencement of any session of the Legislature, people may submit a petition with the 2% signatures. If the Legislature fails to place the measure on the ballot, or submits an amended form, then . . .
  - Step Two** — An additional petition, with the 8% signatures, may be submitted to the Secretary of State within six months after the adjournment of the Legislature. If sufficient signatures are obtained, then the original provision, and any amended versions will be placed on the ballot at the next general or special state-wide election occurring not less than ninety days after the filing of the second petition.

**INDIRECT STATUTORY INITIATIVE**

- . **Petition Signatures:** 2% (with at least 1% in at least 1/4 of the counties) to submit to Legislature; 6% (with at least 3% in at least 1/4 of the counties) to place a measure on the ballot. (Procedures same as for initiated constitutional amendments.)
- . **Votes to Pass:** A majority of votes on the question, providing that the number of votes in favor are not less than 33% of the total votes cast at the election.
- . **Effective Date:** Statutes passed by initiative will be effective 30 days after the election. An initiated law shall supersede any amended form of such law which may have been passed by the Legislature.
- . **Immunity:** Governor's veto does not apply.
- . **Subject Limits:** The people may enact only those laws authorized by the provisions of the constitution.

**REFERENDUM**

- . **Petition Signatures:** 6% of those voting for Governor in the last election (with at least 3% in at least 1/4 of the counties).
- . **Votes to Pass:** A majority of votes on the question, providing the negative vote is not less than 33% of the total number of votes cast at the election.
- . **Time Limits:** The petition must be submitted within ninety days after the final adjournment of any session of the Legislature. Referenda apply only to laws passed at the last previous legislative session.
- . **Suspension:** If a petition is signed by 15% of those voting for Governor in the last election, then the law or part of a law against which the petition is filed shall be suspended pending the referendum vote.
- . **Timing:** The election must be held at the next general or special state-wide election, occurring not less than ninety days after the petition is filed.
- . **Subject Limits:** Referenda will not apply to "any law providing for a tax levy or appropriating money for the current expenses of the state government or state institutions, any act of the Legislature submitting a constitutional amendment or other question to the electors of the state." These laws go into effect immediately upon passage and approval by the Governor, while other laws go into effect ninety days after the adjournment of the Legislature.

**GENERAL PROVISIONS APPLYING TO ALL  
INITIATIVES AND REFERENDA ABOVE**

- . **Petition Language:** All petitions shall contain a title indicating the subject and purpose of the proposed law or constitutional amendment, or the law, or part of a law to be referred. If a change is proposed in an existing constitutional provision or statute, in addition to referring to the same, the title will state the general effect of the proposed change, and also the full text of the proposed law or amendment to the constitution or of the law or part of a law to be referred.
- . **Signature Verification:** All petitions shall be signed and verified before a person authorized to administer an oath . . . person signing a petition thereby states under oath, the date of his signature, his residence, that he is a qualified elector, that he has not previously signed any part of such petition, and that he has signed the petition with knowledge of the contents thereof.

. **Sufficiency of Petitions:** Shall be decided by the Secretary of State subject to review by the court. If a petition is challenged in court, based on insufficiency or any other grounds, the burden of proof shall be upon the person attacking the petition. No initiative or referendum passed by a vote of the people shall be repealed on account of the insufficiency of any petition.

. **Circulation of Petitions May be Prohibited by Law:** If it is prohibited, then the percentage of signers required on any

petition shall be 1/2 that provided in the sections above.

. **Self-Executing:** The provisions may be enforced by appropriate legislation, but until such legislation has been enacted, this section shall be self-executing.

. **Ballot Language for this Constitutional Amendment:**  
"A provision for direct legislation by the people through the initiative and referendum being an amendment to Section 1, Article 4 of the State Constitution, "Yes . . . No . . ."

## VOTER INITIATED STATUTES AND CONSTITUTIONAL AMENDMENTS, BY SUBJECT 1910-1920, 1966-1976, AND NOVEMBER 1978

Tables one, two and three below provide a summary of voter-initiated statutes and constitutional amendments by subject from 1910-1920, 1966-1976 and in November 1978.

**TABLE ONE**  
**STATUTORY INITIATIVES, BY SUBJECT**  
**1910-1920 AND 1966-1976**  
**(AR, CA, ND, OK, OR, WA, ME, MI)**

SUBJECT	% OF TOTAL 1910-1920	% OF TOTAL 1966-1976
gov't process, structure, ethics, elections	26%	13.5%
business and labor	21%	17.3%
tax and finance	14%	15.4%
public morality	7.3%	5.8%
human, civil rights	7.3%	9.6%
health and welfare	6.4%	3.8%
education	5.5%	-
environment and energy	3.7%	26.9%
public games, racing, betting	2.8%	3.8%
highways, sewer, power, light	.9%	-
misc.	5.5%	3.8%
total number of statutory initiatives	109	52

(Data from United States Library of Congress;  
Compiled by Citizens League 1/29/79)

### Highlights of statutory initiatives, 1910-1920

**Government process, structure, ethics, elections** – Oregon voters attempted eleven times to annex parts of cities and counties or to create new counties. Each attempt failed. Five initiatives concerned elections. Initiatives for a direct primary election and a presidential primary both passed, as did a proposal to elect United States Senators by direct vote. An attempt to permit absentee ballots failed.

**Business and labor** – Five measures called for an eight-hour day and 48-hour week. Only one passed.

**Public morality** – Four measures attempted to establish liquor regulation or prohibition. Three failed and one passed. Three measures moved in a more permissive direction: a measure permitting baseball on Sundays was approved; but measures legalizing the sale of cigarettes and

permitting the showing of motion pictures on Sundays were defeated.

**Human, civil rights** – Voters initiated four measures concerning the death penalty. In Oregon, an attempt to abolish it failed. In Arizona a similar attempt failed in 1914 then passed in 1916, only to be abolished in 1918 by a successful initiative to reinstate the death penalty.

Two measures tending to increase individual rights were passed: one prohibiting blacklisting and the other permitting aliens to buy and sell land. Two measures tending to decrease individual rights were proposed: Voters approved a 1920 North Dakota initiative that prohibited the display of hostile nations' flags and anti-government signs; but an Oregon initiative to permit mayors to control street speaking was defeated.

**Health and welfare** – Three measures to regulate various health professions were defeated, as was an initiative prohibiting vivisection.

**Education** – Three attempts to establish three different normal schools in Oregon were defeated, as was an attempt to establish a tax for public colleges.

**Environment and energy** – Each of the four measures was geared towards conservation and preservation. Only one passed.

**Public games, racing and betting** – Voters defeated a North Dakota proposal to regulate boxing and to dedicate 10% of the boxing gate receipts to the state highway fund. California voters refused to permit horse-racing, but approved a measure prohibiting prize fights and permitting amateur boxing exhibitions.

### Highlights of statutory initiatives, 1966-1976

**Tax and finance** – Voters approved two measures to limit taxes or spending, but did not approve a measure that would repeal the income tax.

**Government** – Voters in two states approved campaign finance and ethics bills. The measure passed in California was later ruled partially unconstitutional. One measure proposing to limit government employees' salaries was approved.

**Public morality** – One attempt to strengthen an obscenity law failed, as did a bill to ease the law on marijuana possession.

**Environment and energy** -- Voters approved six out of eight measures on the ballot that would preserve and protect the environment. One attempt to repeal a land use coordination statute failed. Voters approved one of two proposed mandatory deposit bills. Three initiatives on nuclear energy were considered.

**Human, civil rights** -- California voters approved a measure to prohibit school busing for desegregation. This was later ruled unconstitutional. Washington voters approved a bill requiring the death penalty for first degree murder. Two measures that would permit doctors to perform abortions were not approved.

**Health and welfare** -- Two attempts to prohibit fluoridation of drinking water failed.

TABLE TWO  
VOTER-INITIATED CONSTITUTIONAL AMENDMENTS,  
BY SUBJECT 1910-1920 AND 1966-1976  
(AR, CA, ND, OK, OR, MI)

SUBJECT	% OF TOTAL 1910-1920	% OF TOTAL 1966-1976
gov't process, structure ethics, elections	37.1%	36.4%
business and labor	7.2%	-
tax and finance	26.8%	40.9%
public morality	15.5%	4.5%
human, civil rights	1.0%	4.5%
health and welfare	3.1%	-
education	3.1%	-
environment and energy	-	4.5%
public games, racing, betting	-	9.1%
highways, sewer, power, light	-	-
misc.	6.2%	-
total number of voter- initiated Constitutional Amendments	97	22

(Data from United States Library of Congress;  
Compiled by Citizens League 1/29/79)

#### Highlights of voter-initiated constitutional amendments, 1910-1920

**Government process, structure, ethics, elections** -- Three out of five measures giving women the vote were approved. Two attempts to create unicameral legislatures failed. Arizona voters first disapproved then approved a measure to redistrict legislative seats. Six measures on the ballot concerned modifications to the initiative/referendum process.

**Public morality** -- All fifteen measures on the ballot concerned regulation of liquor or prohibition.

**Human, civil rights** -- Oregon voters approved a measure abolishing the death penalty.

#### Highlights of voter-initiated constitutional amendments, 1966-1976

**Government** -- One attempt to reapportion legislative districts in North Dakota failed. Two of the other measures concerned government employees' salaries.

**Public morality** -- Voters approved the only morality issue on the ballot—an Oklahoma measure that allowed for liquor sales by the drink.

**Human, civil rights** -- California voters approved a measure to reinstate the death penalty. This was later ruled unconstitutional.

**Tax and finance** -- Five of the nine measures attempted to limit state taxes or spending. All failed. Four other attempts to make non-property revenues more readily available and to provide a more equitable system of school finance also failed.

**Public games, racing betting** -- Voters disapproved two measures—one allowing for a sweepstake lottery and the other authorizing betting.

TABLE THREE  
NOVEMBER, 1978 BALLOT ISSUES, BY SUBJECT,  
22 STATES

SUBJECT	PER CENT OF TOTAL
gov't process, structure ethics, elections	-
business and labor	4.3%
tax and finance	40.4%
public morality	8.5%
human, civil rights	21.3%
health and welfare	4.3%
education	-
environment and energy	10.6%
public games, racing betting	10.6%
highways, sewer, power, light	-
total number of ballot issues -- 47	

(Compiled 1/29/79 by the Citizens League from reports of the Associated Press, Minneapolis Tribune and "Non-Voter Study '78-'79" by the Committee for the Study of the American Electorate.)

Table Three shows issues on the ballot in the November 1978 election. These include voter-initiated statutes and constitutional amendments as well as a few referenda items. A few of the measures were local, rather than statewide initiatives.

#### **Highlights of November 1978 ballot issues**

**Tax and finance** - These issues dominated the ballot, representing 40% of all ballot issues. Of the nineteen tax and finance measures, fifteen reduced, limited, or made spending or revenue-raising more difficult for government. Ten of the measures were constitutional amendments; four were statutes and one was an advisory referendum whose results were not binding on the Legislature. Of the fifteen, ten passed and five failed. Voters in Massachusetts and North Dakota approved measures that would shift the property tax burden (Massachusetts) and income tax burden (ND) from individuals, homeowners and renters to corporations and commercial property.

**Human, civil rights** - The Equal Rights Amendment was disapproved in three different states. Two attempts to repeal gay rights laws failed, as did an attempt to reinstate a gay rights ordinance in Dade County, Florida. However, the per cent disapproving the Florida measure (58%) was lower than the 70% that had originally voted to repeal it. In Massachusetts the electorate voted three-to-one against busing for school desegregation. The same sentiment was

expressed in a 67% vote in Washington concerning busing in Seattle. A court challenge is expected in the Seattle case. California voters approved the reinstatement of the death penalty for certain crimes. An attempt to prohibit state funds from being used for abortions was defeated narrowly by a 52% vote.

**Environment and energy** - Two of the five measures on the ballot proposed mandatory deposits for aluminum cans. Both were defeated (in Nebraska, by a 60% majority). Montana voters approved stringent regulations on nuclear power plants. California voters did not approve a no-smoking bill akin to the Minnesota Clear Indoor Air Act. Alaska voters approved a measure that would distribute up to 30 million acres of land to persons who have lived there for at least three years.

**Public games, racing, betting** - Of five measures proposed to permit gambling, racing, or betting, all failed, except for a sweepstakes measure in Missouri.

**Health and welfare** - Oregon voters approved by a 78% majority a measure permitting persons other than physicians to fit dentures. An attempt in North Dakota to set a maximum charge for health services failed.

**Business and labor** - Missouri voters disapproved by a 60% margin a 'right-to-work' law. Michigan voters approved by a 56% margin a law allowing state troopers to bargain collectively.



**INITIATED MEASURES ON BALLOT, AND PASSAGE RATES,  
BY TYPE OF MEASURE, NINE STATES, 1964-1976**

TYPE OF MEASURE	PASSAGE RATE	NUMBER OF INITIATED MEASURES PASSED/ON BALLOT	STATE
direct initiative	100%	7/7	AR
	55	6/11	WA
	39	5/13	OR
	27	3/11	ND
	13	2/16	CA
	0	0/10	OK
	0	0/9	SD
indirect initiative	75%	3/4	WA
	50	2/4	ME
	40	2/5	MI
referendum	100%	2/2	ME
	100	1/1	OR
	50	2/4	MI
	20	1/5	ND
	0	0/1	WA
	0	0/2	SA

Source: Wisconsin Legislative Information Bulletin.  
Compiled by Citizens League 1/29/79)

# **MINNESOTA CHARTER CITIES WITH INITIATIVE AND/OR REFERENDUM PROVISIONS**

Ada (referendum only)	Faribault	New Ulm
Albert Lea*	Fergus Falls*	Northfield
Alexandria*	Fridley*	Ortonville* (ref. only)
Anoka*	Gaylord	Pipestone
Arlington* (ref. only)	Gilbert	Red Wing*
Barnesville* (ref. only)	Glenwood*	Redwood Falls*
Bemidji*	Granite Falls	Richfield*
Benson* (ref. only)	Hopkins*	Robbinsdale*
Blaine*	Hutchinson*	St. Charles*
Bloomington*	International Falls*	St. Cloud
Blue Earth*	Jackson	St. Francis
Breckenridge* (ref. only)	Lake City*	St. Paul*
Brooklyn Center*	Lake Crystal	Sauk Centre*
Brooklyn Park	LeSueur*	Sleepy Eye*
Canby*	Litchfield	Springfield
Chatfield (ref. only)	Little Falls	Staples*
Chisholm	Luverne	Tracy*
Columbia Heights*	Madison	Two Harbors
Coon Rapids	Mankato	Virginia
Crystal*	Marshall	Waseca*
Dawson*	Minnetonka*	West St. Paul*
Duluth	Montevideo	Willmar*
Ely	Moorhead*	Winona*
Eveleth	Morris	Winthrop*
Fairmont	New Prague*	

**TOTAL CITIES WITH INITIATIVE AND/OR REFERENDUM: 74**  
**RESPONDENTS TO CITIZENS LEAGUE SURVEY: 43 (58.1%)**

\* Responded to  
Citizens League Survey

## **MINNESOTA CHARTER CITIES WITH NO PROVISION FOR INITIATIVE OR REFERENDUM**

Austin	Minneapolis	Stillwater
Biwabik	Minnetonka Beach	Tower
Browerville	Owatonna	Wabasha
Cannon Falls	Renville	Warren
Detroit Lakes	Rochester	Wayzata
East Grand Forks	Rushford	Windom
Glencoe	St. James	Worthington
Hastings	St. Louis Park	Brainerd (recall only)
Jordan	South St. Paul	Crookston (")
		White Bear Lake (")

**CITIZENS LEAGUE SURVEY:  
MINNESOTA CHARTER CITIES' USE OF INITIATIVE/REFERENDUM  
1970-October, 1978**

Total number of cities reporting: 43

Total number ballot issues reported: 58  
(21 cities reported no ballot issues).

Outcome of elections: 27 approved (67.5%)  
(40 measures      13 defeated (32.5%)  
reported)

Type of election at which issues voted on: 22 special election  
17 general election  
1 primary election  
1 city election

Subject matter of ballot issues reported: 14 charter amendments\*  
11 general obligation bond sales\*  
10 liquor licenses  
5 land sale, lease, purchase  
7 miscellaneous, including mandatory deposit,  
cable tv, gay rights, rezoning, street closing

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\*It is likely that these measures were placed on the ballot by the city council, rather than by voter petition.

# INITIATIVE PROVISIONS

STATE	YEAR ENAC- TED	TYPE	LIMITS	IMMUNITY	PETITION SIGNATURES	VOTES TO PASS	VOTER INFORMATION
Alaska	1959	statutory, direct	No revenue measures, appropriations, acts affecting the judiciary, local or special laws, or law necessary for immediate preservation of public peace, health or safety.	No executive veto. Legislature may amend any time, but not repeal for 2 years.	10% of total vote in preceding general election, of persons resident in at least 2/3 of the election districts in the state.	Majority voting on the question.	Display by election boards of copies of the proposal in voting rooms.
Arizona	1911	statutory and constitutional, direct	none	No executive veto. Legislature can amend or repeal any time unless measure was approved by a majority of the qualified, eligible voters.	Constitutional: 15% of total votes cast for all candidates at last preceding gubernatorial election. Statutory: 10%.	Majority voting on the question.	Secretary of State prepares pamphlet containing text of proposal and pro and con statements.
Arkansas	1910	statutory and constitutional, direct	none	No executive veto. Amendment or repeal by legislature must be approved by 2/3 of members of each House.	Constitutional: 10% of total votes cast for all candidates in last preceding gubernatorial election in at least 15 counties, the petitions of which shall bear the signatures of not less than 1/2 of the designated percentage of the electors of such county. Statutory: 8%.	Majority voting on the question.	Abstracts of proposals posted at election places; press publication.

California	1911	statutory and constitutional, direct	Must relate to only one subject; must be legislative in nature.	No executive veto. Legislature cannot amend or repeal unless by statute that becomes effective when approved by voters or unless the measure provides otherwise.	Constitutional: 8% of total vote cast at last gubernatorial election. Statutory: 5%.	Majority voting on the question.	Text of proposal and pros and cons printed in pamphlet and mailed to all voters.
Colorado	1910	statutory and constitutional, direct	none	No executive veto. Legislature may amend or repeal.	8% of total vote cast at last preceding election for Secretary of State.	Majority voting on the question.	Publication of texts in newspapers.
District of Columbia	1977	statutory, direct	Laws appropriating funds.	?	5% of registered electors in the District; with at least 5% in at least 5 of the city's 8 wards.	Majority of votes cast in the election.	?
Florida	1972	constitutional, direct	?	?	8% of votes cast at last preceding general election held in presidential year; in at least 1/2 the congressional districts. (Both the total and the number in 1/2 the congressional districts must equal 8%.)	Majority voting on the question.	?
Idaho	1912	statutory, direct	none	No executive veto. Legislature may repeal but not amend.	10% of all votes cast for all candidates at last preceding gubernatorial election.	Must equal majority of aggregate vote cast for office of governor at last preceding gubernatorial election.	Text of proposal plus pros and cons printed in pamphlet for distribution to all voters.

STATE	YEAR ENACTED	TYPE	LIMITS	IMMUNITY	PETITION SIGNATURES	VOTES TO PASS	VOTER INFORMATION
Illinois	1970	direct, constitutional: on legislative article only	Everything prohibited except legislative article.	?	8% of total votes cast for governor at last preceding gubernatorial election.	3/5 voting on question or majority voting in election.	?
Maine	1908	statutory, indirect	Expenditure of funds in excess of funds appropriated inoperative until 45 days after next convening of legislature in regular session unless measure provides for raising revenue adequate for its operation.	No executive veto. If legislature passed measure as submitted by voters and veto sustained then referred to ballot. Legislature may amend or repeal.	10% of total votes for governor.	Majority of those voting.	Information published in newspapers and posted at polling place.
Massachusetts	1918	statutory and constitutional, indirect	Religion, judiciary, judicial system, local or special legislation, specific appropriations.	No executive veto. Legislature may amend or repeal.	3% of total vote for governor; with not more than 1/4 from any one county.	Majority on question if equal at least 30% of total ballots cast at the state election.	Information on proposal, legislative action and reports, and pros and cons sent to every voter.
Michigan	1913	direct constitutional; indirect statutory	Statutory initiative only on laws which the legislature may enact.	No executive veto. Legislature may amend or repeal with 3/4 vote in both houses or when authorized by the initiative.	Constitutional: 10% of total votes cast for all candidates for governor. Statutory: 8%.	Majority voting on the question.	Purpose of proposal published in newspapers; ballot on constitutional amendment contains statement of purpose.

Missouri	1908	statutory and constitutional, direct	Constitutional: one article per petition. Statutory: No appropriations unless new revenue created by the proposal; for no purposes prohibited by constitution.	No executive veto. Legislature may amend or repeal.	Constitutional: 8% of total votes for governor in last preceding election. Statutory: 5%.	Majority voting on the question.	Publication in newspapers.
Montana	1911	statutory and constitutional, direct	Appropriations, local or special laws; subject to same constitutional limits as legislature.	No executive veto. Legislature may amend or repeal.	Constitutional: 10% of total votes in last gubernatorial election; with at least 10% in at least 2/5 of legislative districts. Statutory: 5%, with at least 5% in at least 1/3 legislative districts.	Majority voting on the question.	Proposals and additional information mailed to all voters.
Nebraska	1912	statutory and constitutional, direct	Only measures which may be enacted by legislature. Some measures cannot be initiated more than once in three years.	No executive veto. Amendment or repeal by legislature unknown.	Constitutional: 10% of votes for governor in last gubernatorial election. Statutory: 7%.	Majority on question if at least 35% of total votes cast in election were in favor.	Texts of proposals, pros and cons published.
Nevada	1912	direct constitutional; indirect statutory	No appropriation or other required expenditure of funds unless imposes sufficient tax.	No executive veto. Legislature may not amend or repeal for 3 years after statute takes effect.	10% of entire vote in last state election; in not less than 75% of counties.	Majority voting on the question; Constitutional amendment must be submitted again at next election.	Constitutional amendment proposals published.

STATE	YEAR ENAC- TED	TYPE	LIMITS	IMMUNITY	PETITION SIGNATURES	VOTES TO PASS	VOTER INFORMATION
North Dakota	1914	statutory and constitutional, direct	none	No executive veto. Legislature may amend or repeal by 2/3 vote in each House.	2% of state population.	Majority voting on the question.	All initiated measures published in newspapers and posted at polls. Advertisement of proposed constitutional amendment in any newspaper or pamphlet under authority of secretary of state.
Ohio	1912	direct constitutional; indirect statutory	Certain tax laws; limited to laws which constitution permits legislature to enact.	No executive veto. Legislature may amend or repeal.	Constitutional: 10% of state's electors, based on vote in last gubernatorial election. Statutory: 3%	Majority voting on the question.	Text of proposal and pros and cons mailed to each voter.
Oklahoma	1907	statutory and constitutional, direct	If measure rejected, cannot be proposed again within 3 years by less than 25% of the legal voters.	No executive veto. Legislature may amend or repeal.	Constitutional: 15% of total vote cast at last general election for state officer receiving highest number of votes. Statutory: 8%.	Majority voting on the question.	Proposals and explanations published in newspapers.
Oregon	1902	statutory and constitutional, direct	none	No executive veto. Legislature may amend or repeal.	Constitutional: 8% of total votes cast for all candidates for governor at last election. Statutory: 6%.	Majority voting on the question.	Pamphlet with pros and cons mailed to each voter.



South Dakota	1898	direct constitutional; indirect statutory	none	No executive veto. Legislature may amend or repeal.	Constitutional: 10% of total votes for governor in last gubernatorial election. Statutory: 5%.	Majority voting on the question.	Texts published in newspapers.
Utah	1900	statutory, direct or indirect	none	No executive veto. Legislature may amend at subsequent sessions.	5% of all votes cast for governor at last gubernatorial election if prior to legislative session; 10% if legislature rejects, or prior to election.	Majority voting on the question.	Pamphlets with texts and pros and cons mailed to voters.
Washington	1912	statutory, direct or indirect	none	No executive veto. Legislature may not amend or repeal for 2 years after approval by people, except by 2/3 vote in each house.	8% of total votes cast for governor in last gubernatorial election.	Majority voting on the question if votes on the measure equal at least 1/3 of total votes cast in election.	Pamphlet with text, explanatory statement, and pros and cons mailed to voters.
Wyoming	1968	statutory, direct	?	No executive veto. Legislature may amend at any time but not repeal for 2 years after effective date.	15% of those voting in preceding general election, resident in at least 2/3 of the counties.	More than 50% of those voting in preceding general election.	?

**SOURCE:** *A Compilation of Statewide Initiative Proposals Appearing on Ballots Through 1976*, Virginia Graham, Congressional Research Service, January 12, 1978.  
*Book of the States 1978-79*, Volume 22, Council of State Governments.  
*Initiative, Referendum and Recall: A Resume of State Provisions*, Thomas Durbin, updated by Rita Ann Reimer, Congressional Research Service, May 1976.

# REFERENDUM PROVISIONS

STATE	TYPE	SUBJECT LIMITS	LEGISLATIVE AMENDMENT/REPEAL	PETITION SIGNATURES	FILING PROVISIONS
Alaska	By petition	Revenue measures, appropriations, local or special laws, emergency legislation.	Yes	Same as for initiative	With Lieutenant Governor, within 90 days after adjournment of legislative session.
Arizona	By petition and by Legislature	same as for initiative	Yes (same as for initiative)	5% of total vote cast at last preceding gubernatorial election.	With Secretary of State not more than 90 days after final adjournment of Legislature.
Arkansas	By petition	none	By 2/3 vote in each House.	6% of total votes cast at last preceding gubernatorial election, from at least 15 counties, with signatures of not less than 1/2 the designated percentage of electors from such county.	With Secretary of State no more than 90 days after final adjournment of Legislature.
California	By petition	Urgency statutes, statutes calling elections and statutes providing for tax levies or appropriations for usual current expenses of the state.	Yes	5% of total vote cast in last preceding gubernatorial election.	With Secretary of State within 90 days after enactment date of statute.
Colorado	By petition and by Legislature	Laws necessary for preservation of public peace, health and safety, and appropriations for state institutions and government.	Yes	5% of total votes cast at last preceding election for Secretary of State.	With Secretary of State not more than 90 days following final adjournment of Legislature.

Georgia	By Legislature	?	?	?	Not applicable	?
Idaho	By petition	none	Repeal permitted.	Same as for initiative	With Secretary of State, not more than 60 days after final adjournment of Legislature.	
Illinois	By Legislature	?	?	Not applicable	?	
Kentucky	By petition	May be used only on legislation classifying property and providing for differential taxation on same.	?	?	?	
Maine	By petition and by Legislature	Emergency measures passed by 2/3 vote of each House.	No	10% of total vote cast for governor at last gubernatorial election.	With Secretary of State, within 90 days following recess of Legislature.	
Maryland	By petition and by Legislature	Appropriations for maintaining state government or any public institution, except that increases in the latter case may be subject to referendum; laws relating to malt or spirituous liquors.	Yes	3% of qualified voters based on total votes cast for governor at last gubernatorial election, with not more than 1/2 resident of Baltimore City or of any one county.	With Secretary of State by June 1st, but if 1/2 the signatures are filed by June 1st, the period for filing shall be extended to June 30th.	
Massachusetts	By petition	Religion, judges and the judiciary, local or special laws, appropriations.	Yes	2% of total votes cast for Governor at last preceding gubernatorial election; with not more than 1/4 from any one county.	With Secretary of Commonwealth not less than 90 days after the statute has become law.	

STATE	TYPE	SUBJECT LIMITS	LEGISLATIVE		FILING PROVISIONS
			AMENDMENT/REPEAL	PETITION SIGNATURES	
Michigan	By petition and by Legislature	Appropriations for state institutions or to meet deficiencies in state funds.	Amendment at any subsequent session.	5% of total vote for all candidates for Governor at last preceding gubernatorial election.	With Secretary of State, within 90 days after final adjournment of Legislature.
Missouri	By petition and by Legislature	Emergency measures or appropriations for state government, state institutions and public schools.	Yes	5% of total votes cast in last gubernatorial election, in each of 2/3 of the Congressional districts.	With Secretary of State, not more than 90 days after final adjournment of Legislature.
Montana	By petition and by Legislature	Appropriations	Yes	5% of total vote for Governor at last preceding gubernatorial election, in at least 1/3 of the counties.	With Secretary of State, not later than 6 months after adjournment of Legislature which passed measure.
Nebraska	By petition	Appropriations	?	5% of total votes for Governor in last gubernatorial election, with 5% in at least 2/5 of counties.	With Secretary of State within 90 days after adjournment of Legislature.
Nevada	By petition	none	No	10% of total votes cast at last general election.	With Secretary of State not less than 4 months before the election.
New Hampshire	By Legislature	?	?	Not applicable	?
New Jersey	By Legislature	?	?	Not applicable	?

New Mexico	By petition	Appropriations; laws for payment of public debt; laws for maintenance of public schools or state institutions; local or special laws.	?	10% of total votes cast in state at last general election, including 10% from at least 3/4 of the counties.	With Secretary of State not less than 4 months prior to the next election. If suspension of measure desired, then petitions signed by 25% of the qualified electors, filed within 90 days of adjournment.
North Carolina	By Legislature	?	?	Not applicable	?
North Dakota	By petition	none	By 2/3 vote of each House.	2% of state population	With Secretary of State not later than 90 days after adjournment of Legislature.
Ohio	By petition	Revenue laws; appropriations for current expenses of government; and emergency laws passed by 2/3 vote of each House.	Yes	6% of state electors, based on vote in last gubernatorial election.	With Secretary of State within 90 days after signing of law by Governor.
Oklahoma	By petition and by Legislature	Emergency laws	Yes	5% of total votes cast at last general election for state office receiving highest number of votes at such election.	With Secretary of State not more than 90 days after final adjournment of Legislature.
Oregon	By petition	Laws that become effective later than 90 days after the end of the session at which the act was passed.	Yes	4% of votes cast for Governor.	With Secretary of State not more than 90 days after the final passage of the act in question.
South Carolina	By Legislature	?	?	Not applicable	?

STATE	TYPE	SUBJECT LIMITS	LEGISLATIVE		FILING PROVISIONS
			AMENDMENT/REPEAL	PETITION SIGNATURES	
South Dakota	By petition	Emergency laws; laws for the support of state government and its existing public institutions.	Yes	5% of total votes cast for Governor in last gubernatorial election.	With Secretary of State within 90 days after adjournment of the Legislature.
Utah	By petition	Laws passed by 2/3 vote in each House.	Amendment at subsequent sessions.	10% of total votes cast for all candidates for Governor at last gubernatorial election.	With Secretary of State within 60 days after final adjournment of Legislature.
Vermont	By Legislature	?	?	Not applicable	?
Virginia	By Legislature	?	?	Not applicable	?
Washington	By petition and by Legislature	Emergency laws; laws for support of state government and its existing public institutions.	Not for 2 years, except by a 2/3 vote in each House.	4% of total votes cast for office of Governor at last gubernatorial election.	With Secretary of State not later than 90 days after final adjournment of Legislature.
Wisconsin	By Legislature	?	?	Not applicable	?
Wyoming	By petition	Dedications of revenue, appropriations, local or special legislation; and emergency laws.	Yes	Same as for initiative	With Secretary of State within 90 days after adjournment of legislative session at which the act was passed.

**SOURCE:** *Initiative, Referendum and Recall: A Resume of State Provisions*, Thomas Durbin, updated by Rita Ann Reimer, Congressional Research Service, May 1976.

## COMMITTEE ASSIGNMENT

In September, 1978 the Citizens League Board of Directors approved the following charge:

"The committee will evaluate whether a change in Minnesota's current system of law-making (which involves the representative system only) to a form that adds some kind of direct legislation by voters, would be desirable.

"In formulating its conclusion with respect to this fundamental change in Minnesota's law-making process, the committee will consider the problems in the present governmental/political system that might be addressed by initiative and referendum. This will include a review of problems identified in states and cities when their initiative and referendum measures were proposed; problems that current proponents of initiative and referendum think would be best addressed by those measures; and problems identified by other parties such as legislators, outside observers of the legislature, and those trying to move the legislature to act or prevent it from acting on various measures.

"The committee will then consider the outcomes of initiative and referendum. This will include a) a review of the actual experience of Minnesota local governments and of other state governments, with initiative and referendum; and b) an assessment of anticipated impacts of initiative and referendum on Minnesota's state governmental system.

"a) The review of Minnesota local government and other state government experience will include a look at the issues that have been proposed for initiative and referendum; percentage of proposed measures passed by voters; the per cent by which measures passed; the 'staying power' of such measures, including a review of measures ruled unconstitutional and measures which expired and were not reenacted; and the campaigns on initiative and referendum measures, including publicity and financing, voter turnout for initiative and referendum as compared with regular elections, and impact of initiative and referendum campaigns on voter understanding of issues.

"b) The committee will then consider other possible impacts of initiative and referendum on Minnesota state government, including such things as impact on legislators'

willingness to make law on difficult issues; impact on types of persons seeking public office; and impact on degree of public knowledge about candidates.

"The committee will recommend to the Board whether voter initiative and/or referendum would best solve the problems in state government that the committee has identified, without creating additional negative side-effects that would be problems in themselves. The committee will make a recommendation on whether any form of initiative or referendum should be adopted for the state of Minnesota, and if so, the contribution to our governance system the committee expects from such measures, as well as the specific types of measures intended by the committee.

"In its review of the initiative and referendum provisions in use here and elsewhere; and of the form in which it is now proposed by its sponsors, the committee will consider specific questions, including:

**What might be subject to initiative and referendum:** statutes? the state constitution? administrative regulations?

**Permissible subject matter for initiative and referendum** (many states limit the subject matter).

**Should initiatives simply force the legislature to act on an issue or should the initiative itself become law?**

**Should referenda be initiated by voters, the legislature, or only as required by the state constitution?**

**Duration** for which an initiative or referendum-passed measure would remain effective.

**Desirability** of any sort of 'immunity' for initiative and referendum measures against amendment by the legislature or veto by the governor.

**Time** allowed after legislation has been passed by the legislature during which it could be challenged by referendum.

**Petition signatures:** number required to place measure on

ballot; geographic distribution required, if any; criteria for determining validity of signatures.

**Votes to pass:** number of votes or per cent needed: geographic distribution needed, if any.

**Petition signatures:** assignment of responsibility for determining validity of signatures.

**Language:** assignment of responsibility for setting language on the petitions and on the ballot.

**Campaign practices:** limits on amount of contributions and/or contributors; voter information—who shall provide it, in what form?

**Procedure for implementation:** an amendment to the Minnesota constitution would be needed to create initiative and referendum for the state. If an amendment were passed, a statute would also be needed to lay in all the specifics mentioned above. If the legislature does vote to place a constitutional amendment on the ballot, should it pass a statute governing the specifics *before* or *after* the amendment comes to a vote?

## COMMITTEE MEMBERSHIP

Forty-four people initially signed up for the committee. A total of thirty persons participated actively in the deliberations.

The committee was assisted by Margo Stark, Citizens League Research Associate and Paula Ballanger, secretary.

B. Kristine Johnson, chairman  
Donald D. Anderson\*  
Earl A. Arneson\*  
Bette J. Bedor  
Herbert O. Bloch\*  
Frances J. Boyden\*  
Kathy Denzer  
James Dinerstein  
Fred S. Hird\*  
Charles B. Howard\*\*  
Edward A. Howe  
Curt Hubbard\*  
A. Edward Hunter  
Carl E. Johnson\*  
William C. Johnson

Lenore Kligman  
Louise Kuderling  
Clayton LeFevere  
Linda Mack  
Sheran Matson  
David R. McGowan  
F. James Mohl\*  
Donald R. Newell  
Daniel K. Peterson  
Eric Petty  
Michael Sivanich  
Ray E. Steven\*  
John R. Stiefel  
Ellen Temple  
Mitzi L. Tousman

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\*These committee members signed a minority report recommending that Minnesota adopt both initiative and referendum.

\*\*This committee member presented a report concurring with the majority recommendation, but urging that the report be more critical of initiative and referendum. Copies of these reports are available in the Citizens League office.



## COMMITTEE PROCEDURES

The committee met once each week from its first meeting, September 28, 1978, to its last meeting, February 15, 1979—a total of 19 meetings. All were 2 1/4-hour evening meetings, with the location alternating each week between Minneapolis and St. Paul. Detailed minutes of meetings were taken and distributed to non-members following committee activities, as well as members. A few copies of minutes are available on request.

Towards the end of the committee's work, a poll of committee members was taken to ascertain their views on particular types of initiative and referendum as well as on the overall question of whether or not Minnesota should adopt some form of initiative/referendum. Results of the survey showed that approximately 2/3 of the committee felt that initiative/referendum should not be adopted in Minnesota.

Those signing the minority report dissenting from the majority recommendation felt that the practical need for, or practical benefits of initiative/referendum should not be the basis for adopting these provisions in Minnesota. Instead, they argued that the desirability of initiative/referendum is fundamentally a philosophical issue. They viewed initiative/referendum as a progression and further development of government by the people.

The concurring dissent (concurring with the majority recommendation) argued that the committee report should not have addressed the arguments made by proponents of initiative/referendum. Instead, this committee member argued, the report should have made a stronger case against initiative/referendum and said that these were measures that had proven, over time, to be undesirable.

The majority, minority and concurring report were all presented to the Citizens League Board of Directors for action. The Board unanimously approved the report of the majority.

As is always the case with Citizens League reports, the work of this committee would not have been possible without the important participation of a number of resource persons. These persons provided valuable background information to the committee during its meetings. Some of them, as well as others who did not meet with the committee in person, provided assistance throughout the committee's deliberations.

Following is a list of the resource persons who met personally with the committee, showing their titles and positions at the time of their appearance:

ally with the committee, showing their titles and positions at the time of their appearance:

**Elmer Andersen**, former governor  
**Willard Baker**, assistant executive secretary, Minnesota School Boards Association  
**State Senator Robert Benedict**  
**State Representative Tom Berg**  
**David Cooperman**, professor of sociology, University of Minnesota  
**Earl Craig**, president, Minneapolis Urban Coalition  
**Ned Crosby**, director, Center for New Democratic Processes  
**State Senator Jack Davies**, chairman, Senate Judiciary Committee  
**Steve Dornfeld**, legislative reporter, Minneapolis *Tribune*  
**Elizabeth Ebbott**, member, Minnesota Ethical Practices Board  
**Russell W. Fridley**, director, Minnesota Historical Society  
**Diane Gallert**, director, Minnesota Citizens for the Arts  
**Lois Gibson**, former president, Americans for Democratic Action  
**Diane Greensweig**, lobbyist for Common Cause  
**Ruby Hunt**, member, St. Paul City Council  
**Arnold Ismach**, professor, School of Journalism and Mass Communication, University of Minnesota  
**Samuel Krislov**, professor of political science, University of Minnesota  
**Eugene C. Lee**, director, Center for Governmental Studies, University of California  
**Dean Lund**, chairman, Citizens League Board of Directors  
**Ad Hoc Committee on Petitioning on Legislation**  
**State Senator William Luther**  
**Peter Meintsma**, mayor, City of Crystal  
**Dr. G. Theodore Mitau**, Distinguished Service Professor of Political Science, State University System  
**Fred Morrison**, professor, constitutional law, University of Minnesota Law School  
**Paul Murphy**, professor of American constitutional history, University of Minnesota  
**C. Emerson Murry**, state adjutant general, North Dakota  
**State Senator Wayne Olhott**  
**Ken Peterson**, senior attorney, Minnesota Public Interest Research Group  
**Rich Petrick**, graduate student in political science  
**Wayne Popham**, former state senator  
**Peter Popovich**, Peterson, Popovich, Knutson and Flynn P.A.  
**Bob Renner**, aide to Governor Quie  
**Peter Tritz**, assistant research director, Minnesota League of Cities

## THE CITIZENS LEAGUE

. . . Formed in 1952, is an independent, nonpartisan, non-profit, educational corporation dedicated to improving local government and to providing leadership in solving the complex problems of our metropolitan area.

Volunteer research committees of the CITIZENS LEAGUE develop recommendations for solutions to public problems after months of intensive work.

Over the years, the League's research reports have been among the most helpful and reliable sources of information for governmental and civic leaders, and others concerned with the problems of our area.

The League is supported by membership dues of individual members and membership contributions from businesses, foundations, and other organizations throughout the metropolitan area.

You are invited to join the League or, if already a member, invite a friend to join. An application blank is provided for your convenience on the reverse side.

### Officers (1978-79)

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Wayne G. Popham

Vice Presidents  
Francis M. Boddy  
Allan R. Boyce  
John Cairns  
Eleanor Colborn  
A. Kent Shamblin

Secretary  
Wayne H. Olson

Treasurer  
Lloyd L. Brandt

### Staff

Executive Director  
Ted Kolderie

Associate Director  
Paul A. Gilje

Membership Director  
Calvin W. Clark

Research Associates  
William A. Blazar  
Berry Richards  
Brad Richards  
Margo Stark

### Directors 1978-79)

Raymond D. Black  
Francis M. Boddy  
W. Andrew Boss  
Allan R. Boyce  
Lloyd L. Brandt  
Fred C. Cady  
John Cairns  
Eleanor Colborn  
Pat Davies  
Joseph L. Easley  
Leo Foley  
Joan Forester  
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Rollin Crawford  
Waite D. Durfee  
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\*Walter S. Harris, Jr.  
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Wayne H. Olson  
\*Leslie C. Park  
Malcolm G. Pfunder  
James R. Pratt  
Leonard F. Ramberg  
Charles T. Silverman  
Archibald Spencer  
Frank Walters  
\*John W. Windhorst

\*Deceased

## WHAT THE CITIZENS LEAGUE DOES

### Study Committees

- 6 major studies are in progress regularly.
- Additional studies will begin soon.
- Each committee works 2½ hours per week, normally for 6-10 months.
- Annually over 250 resource persons make presentations to an average of 25 members per session.
- A fulltime professional staff of 7 provides direct committee assistance.
- An average in excess of 100 persons follow committee hearings with summary minutes prepared by staff.
- Full reports (normally 40-75 pages) are distributed to 1,000-3,000 persons, in addition to 3,000 summaries provided through the CL NEWS.

### Citizens League NEWS

- 6 pages; published twice monthly, except once a month in June, July, August and December; mailed to all members.
- Reports activities of the League, meetings, publications, studies in progress, pending appointments.
- Analysis, data and general background information on public affairs issues in the Twin Cities metropolitan area.

### Public Affairs

- Members of League study committees have been called on frequently to pursue the work further with governmental or non-governmental agencies.

### Community Leadership Breakfasts

- Held from September through June - 7:30-8:30 a.m.
- Minneapolis breakfasts are held each Tuesday at the Grain Exchange Cafeteria.
- St. Paul breakfasts are held on alternate Thursdays at the Pilot House Restaurant in the First National Bank Building.
- Suburban breakfasts are held the last Friday of each month at the Northwest Financial Center Cafeteria, Bloomington.
- An average of 35 persons attend the 64 breakfasts each year.
- The breakfast programs attract good news coverage in the daily press, television and radio.

### Question-and-Answer Luncheons

- Feature national or local authorities, who respond to questions from a panel on key public policy issues.
- Each year several Q & A luncheons are held throughout the metropolitan area.

### Public Affairs Directory

- A directory is prepared following even-year general elections, and distributed to the membership.

### Information Assistance

- The League responds to many requests for information and provides speakers to community groups on topics studied.

**Citizens League** non-partisan public affairs research and education in the St Paul-Minneapolis metropolitan area. **84 S. 6th St., Minneapolis, Mn. 55402 (612) 338-0791**

## **Application for Membership** (C.L. Membership Contributions are tax deductible)

**Please check one:**    ☐ Individual (\$20)    ☐ Family (\$30)    ☐ Contributing (\$35-\$99)    ☐ Sustaining (\$100 and up)  
Send mail to:    ☐ home    ☐ office    ☐ Fulltime Student (\$10)

NAME/TELEPHONE

ADDRESS

CITY/STATE/ZIP

EMPLOYER/TELEPHONE

CL Membership suggested by

(If family membership, please fill in the following.)

SPOUSE'S NAME

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POSITION

**Citizens League** non-partisan public affairs  
research and education in the St. Paul-  
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**Minneapolis, Mn. 55402**

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