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Introduction

In June 2012, almost five months before the upcoming presidential contest, political satirist Stephen Colbert ran a story discussing the impact of marijuana legalization as a hot button election issue on his television show, *The Colbert Report*. Noting that the latest Gallop poll separated presidential candidates Barack Obama and Mitt Romney by less than a percentage point, Colbert commented:

> In 2004, we had an equally close race between Bush and Kerry. That year, Bush won because eleven states had anti-marriage ballot initiatives that drove conservatives to the polls . . . Well folks, this year there is one hot button issue that could give Obama the edge . . . Marijuana support is at a record high, just like its supporters. Now, crucial swing states including Colorado, Ohio, and Michigan will all have pot legalization initiatives on the ballot this November, and Democrats are hoping that it will boost turnout among young people. Yes, because folks, this is the ultimate grassroots campaign [photo of marijuana]. And folks, these pro-pot initiatives, if they make it onto the ballot, I say Romney is doomed. Because we all know pot smokers are highly motivated, organized, and punctual. There is nothing they would love more than getting off the couch, putting on pants, and going to high school gyms packed with judgmental old people [photo of elderly poll worker].

Despite mocking the capacity of those most invested in the proposition's passage to mount a successful campaign, Colbert's observation reflected the belief that having these measures on the ballot might activate individuals who would otherwise stay home on Election Day. Democratic strategists in particular were excited about this potential, as most anticipated that those spurred to turn out by the "pot props" would disproportionately cast ballots for Democratic candidates while in the voting booth.

Although legalization ultimately appeared on the ballot in only one of the three states referenced on the show (in addition to Oregon and Washington), Colorado was shaping up to be one of the most tightly contested states of the presidential campaign, with many wondering as the election approached about the role that the "bud bump" would play in Obama's fortunes (Philipps 2012).

This expectation traced back to the midterm election two years earlier, when California attempted to legalize the possession, cultivation, and transportation of marijuana for personal use via Proposition 19. Dubbed the "highest-profile" ballot legislation in the country by the BBC (BBC 2010), its potential to politically activate citizens derived from the high awareness and interest the initiative generated within the state. Awareness of Proposition 19 significantly exceeded that of the eight other ballot measures in California despite it maintaining the lowest expenditure level of these citizen-legislating opportunities (six outspent it by at least a factor of five). Just over a month before Election Day, 84 percent of likely voters had heard something regarding the effort to legalize pot, compared to 39 percent for the attempt to suspend the greenhouse gas emissions law (Proposition 23) and 37 percent for the push to permit a majority vote to approve state budgets (Proposition 25) (DiCamillo and Field 2010). This superior knowledge about Proposition 19 was matched by a level of importance attached to its outcome that met or exceeded other ballot measures, with 52 percent of Californians viewing the outcome as "very important" and 80 percent seeing it as at least "somewhat important" a couple of weeks before the election (Baldassare, Bonner, Petek, and Willcoxon 2010).

Of particular interest, however, was the possibility that it would draw the youth to the polls. Even before the vote, Democratic strategists were studying Prop 19 to determine if similar measures might engage young voters in the next presidential election. Given their lower propensity to vote and proclivity to favor liberal policies, these individuals presented a sizable population that would translate into additional Democratic votes if the marijuana proposals could get them to turn out. Writing in *The Wall Street Journal*, Peter Wallsten (2010) reported the claims of some pollsters and party officials that a number of Democratic candidates in California were benefiting from an increase in interest among young potential voters excited about supporting the drive to legalize pot. In anticipation of future attempts at legalization via the ballot, Democratic pollster Anna Greenberg observed, "Moving forward, these kinds of initiatives could have a coattail effect for Democratic candidates" (Wallsten 2010). The poor showing by

the party in the 2010 midterms amplified the importance of such hopes for their electoral fortunes, as did fears that the youth might be less energized about Obama four years after his inaugural campaign.

Even though California voters rejected Prop 19 (it received 46.5 percent of the vote), Democratic supporters hoped that marijuana legalization could prove to be Obama's (and the party's) "same-sex marriage." Back in 2004, eleven states, including the battleground state of Ohio, placed measures on their ballots seeking to ban marriage between partners of the same sex. Seizing upon the appeal of this issue to religious conservatives and following Karl Rove's declaration that Bush's re-election depended on the mobilization of the four million evangelicals who stayed home in 2000 (Cooperman and Edsall 2004), both the Republican Party and Bush's campaign made explicit appeals to these individuals on this matter. In doing so, the legislating opportunity was expected to activate citizens who might not participate in its absence but who, once at the polls, could reliably be counted upon to cast a vote for Republican officials. Each proposition easily passed, and despite debate about their true impact on turnout (Abramowitz 2004; Burden 2004; Campbell and Monson 2008; McDonald 2004; Smith, DeSantis, and Kassel 2006), many (including Colbert) attribute to these propositions an increase in Republican electoral support and a role (along with many other factors) in helping Bush secure a second presidential term.

We should note that the two scenarios are not completely identical. Whereas Republicans rallied behind the same-sex marriage bans, the same cannot be said of many key Democratic officials and marijuana legalization. In 2004, the GOP platform clearly supported the movement for these constitutional amendments, and most prominent party leaders were on board with this message. These efforts translated into an active and explicit attempt to associate the Republican brand with a specific definition of marriage (at least in the minds of some potential voters). In 2012, however, the link between party and initiative was much weaker. Obama opposed the legalization of marijuana, and while the state's Democratic Party favored its passage, Colorado's governor and attorney general, as well as the mayor of Denver, all objected to the proposal. The state's top Democratic officials (as well as its candidate for president) thus wanted the proposition to fail on Election Day but also expected to derive an electoral benefit as a consequence of its presence on the ballot.

There have been no actual empirical tests of whether these propositions caused young individuals to vote or contributed to Obama's victory in Colorado, but anecdotal evidence suggests that we cannot dismiss the

contention that the prospect of legal marijuana use spurred youth to political action. Despite exit polls revealing that those aged eighteen to twenty-nine comprised roughly the same proportion of nationwide turnout as in 2008 (19 percent), the three states with marijuana legalization on the ballot witnessed noticeable rises in the percentage of the participating population that belonged to this group. In Colorado, this proportion rose six percentage points. It increased five points in Oregon, and jumped twelve points in Washington. In contrast, there was essentially no change in a number of swing states (Maciag 2012). At the very least, these turnout figures will continue to fuel the anticipation that these measures can provide candidates with some sort of electoral advantage.

DIRECT DEMOCRACY AND THE DECISION TO VOTE

Although not representative of all state ballot proposals, the pot initiatives symbolize the potential enticement of direct democracy to the voting public. In any given election, citizens in each state are liable to encounter not only races for elected office when they enter the voting booth, but also policy questions that extend to them the position of legislator. Whether placed on the ballot by citizens, interest groups, the state legislature, or mandated by the state constitution, each proposition provides an increased role in the political process for those who turn out and invests them with greater responsibility for the rules that govern society. The number of such opportunities can be overwhelming, as citizens face an astounding array of ballot measures regarding a multitude of issues and concerns. Figure 1.1 illustrates this fact by presenting the employment rate of direct democracy since the early 1990s, when initiative usage exploded (Smith and Tolbert 2007; Tolbert and Smith 2005). The quantity of citizen-legislating abilities fluctuated noticeably across this time period, but it consistently remained above 150 ballot measures. The count frequently topped 200 propositions, and attained a high point of 240 in 1996.

This substantial range of decision-making responsibilities has engendered significant debate about the consequences of permitting voters to legislate via the ballot, particularly with regard to whether such responsibilities increase turnout and shape the composition of the electorate. Direct democracy proponents have long championed this possibility, positing that the institution can activate the public, engage them in politics, and spur participation (Barber 1984; Pateman 1970). Allowing the masses to determine policy outcomes, supporters contend, can both inspire and educate, resulting in higher levels of political interest and a greater

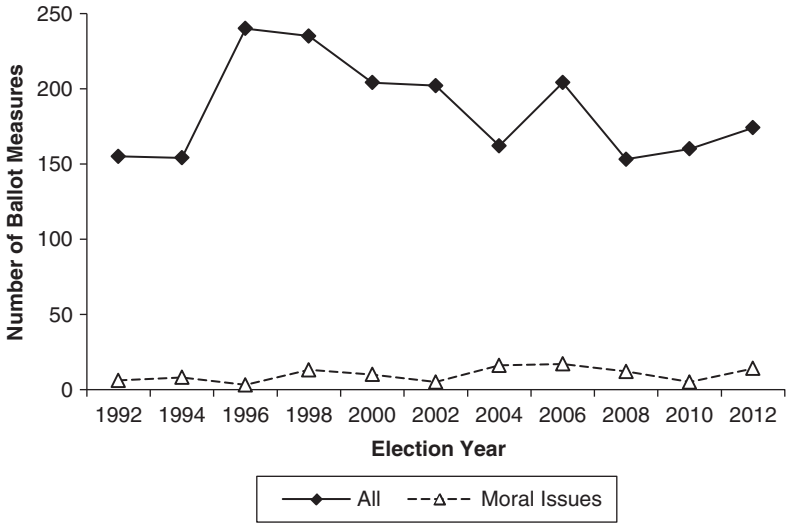

FIGURE 1.1 Direct democracy and moral issue ballot measure employment in federal elections, 1992–2012
Sources: Initiative & Referendum Institute, National Conference of State Legislatures, and own analysis.

propensity to take part (Smith and Tolbert 2004). Empirical evidence strongly supports this claim; despite the measurement of its influence in a myriad of manners, scholars consistently observe that propositions increase turnout in midterm elections (where political campaigns are less salient) and can do so in at least some presidential contests (Childers and Binder 2012; Lacey 2005; Schlozman and Yohai 2008; Smith and Tolbert 2004; M. Smith 2001; Tolbert and Smith 2005; Tolbert, Bowen, and Donovan 2009; Tolbert, Grummel, and Smith 2001; Tolbert, McNeal, and Smith 2003). In fact, the positive change in voting rates associated with ballot initiatives is probably the most consistent finding in all of the direct democracy literature.

The pot propositions in 2010 and 2012, however, as well as the same-sex marriage bans in 2004, epitomize a set of concerns that seem to spark particular interest. These matters, which I refer to as moral issues, include abortion, the death penalty, euthanasia, stem cell research, drug legalization, same-sex marriage, homosexual rights, and obscenity. Appearing on the ballot as early as 1972, the employment of direct democracy to formulate legislation on these policies grew considerably in the early 1990s. Still, the fascination associated with moral issue propositions is

impressive given that they comprise a relatively small percentage of citizen-legislating action and are restricted to a limited number of states in each election. Figure 1.1, which compares the total number of ballot matters to those pertaining only to moral areas in every federal contest since 1992, demonstrates this point. For example, only 14 of the 174 proposals (8 percent) in 2012 dealt with moral concerns. Roughly 3 percent of the 160 measures in 2010 addressed these policies, while 12 of the 153 propositions on the ballots of 36 states in 2008 related to moral matters. Seventeen such citizen-legislating opportunities reached the ballot in twelve states in 2006 (their largest number ever), yet they comprised only 8 percent of measures that year. Even in 2004, when attempts to ban same-sex marriage via the polls may have influenced other electoral outcomes, less than 10 percent of the propositions across the country considered a moral policy. Since the time when they first materialized as proposed ballot legislation, moral issues have never constituted as much as 10 percent of the measures voted on across the nation or appeared before voters in more than fourteen states in a single election.

Moral issue proposals more than compensate for this infrequent presence on state ballots through their controversial, compelling, salient, and polarizing nature. Given the many mundane matters that voters encounter at the polls (county court costs, length of the legislative session, removal of obsolete state constitutional language, and size of the school board represent only a few examples from 2008), these characteristics serve to distinguish moral issues from a significant number of other concerns placed on the ballot. They also, however, point to an existing tension in the literature regarding the ability of direct democracy to influence the decision to vote. Early proponents of the process were not entirely clear as to the anticipated mechanism that would bring citizens out on Election Day. This uncertainty has colored subsequent investigations of the potential relationship, with scholars only recently attempting to fully flesh out its theoretical underpinnings.

For example, although the nature of moral issue (and other salient) propositions strongly suggests that ballot matters should have heterogeneous effects on the propensity to participate (assuming they exert any influence at all), the initial literature failed to employ measurements capable of capturing the differential impact of individual measures. In these previous attempts, researchers relied on a count of the initiatives put before voters to proxy for proposition salience. The motivation behind this count was the belief that an increase in the opportunities to legislate via the ballot

would further draw citizens into the political process and encourage greater engagement with the issues at hand. This argument is certainly appealing, but the treatment of direct democracy in this manner implicitly assumes that the influence of each proposition is constant. Such an assumption appears counterintuitive, however, when we note the wide range of different policy matters on state ballots. As an extreme illustration, the measurement would treat a salient, well-funded attempt to ban same-sex marriage as affecting participation to the same degree as an effort to reform county court costs (or some other seemingly uninteresting matter). Given the minimal likelihood that this characterization reflects the actual enticement of these two propositions to potential voters, the count measurement must be acknowledged as a useful though incomplete operationalization of the direct democracy process.

In response to these concerns, scholars have posited that we should envision initiative contests as campaigns. This lens understands ballot measure races as influencing the decision to vote in much the same way as do races for elected office. As such, the number of propositions on the ballot is not consequential for determining direct democracy's effect on the propensity to turn out. Instead, what matters from this perspective are the dynamics of the campaigns that accompany citizen-legislating opportunities, with their specific characteristics dictating the effect of each measure on the likelihood of participation. If we accept this analogy, then a number of factors can be identified as potential indicators for the ability of direct democracy to bring citizens to the polls. Campaign spending, competitiveness, and media coverage have all been suggested as sensible estimates of the draw that propositions exert on the general public, and each is associated with increasing participation in at least some circumstances (Childers and Binder 2012; Lacey 2005; Schlozman and Yohai 2008; M. Smith 2001; Tolbert, Bowen, and Donovan 2009).

TOWARD A NEW FRAMEWORK

These campaign factors all likely exert some effect on the propensity to turn out, but they cannot by themselves completely capture the motivations to vote based on the presence of a moral (or any other) ballot matter. Proposition contests are not the only races on Election Day, but rather compete for attention with concurrent campaigns for federal, state, and local offices, at least a few of which (the presidency, Congress, governorship) are usually considered of greater salience and generate higher levels of expenditures and media coverage. As a particular ballot measure can

raise participation only by bringing people to the polls who would abstain in its absence, such potential voters are insufficiently motivated to political action by the already existing levels of spending or reporting in the media. It is not immediately clear why increasing these campaign metrics on a contest frequently deemed less salient than those failing to spur the individual to participate should get them to show up. More plausibly, the proposal requires some aspect that separates it from the other choices on the ballot that may not be captured by its financial backing or ability to garner greater media attention.

For any proposition to serve as the causal mechanism behind one showing up to vote, it must meet two specific criteria. The first is ***awareness***, with the citizen both knowledgeable of the proposal's presence on the ballot and possessing an understanding of the policy it seeks to modify. A ballot measure cannot get individuals to participate if they are unaware of its existence, and it is unlikely to do so if potential voters do not comprehend the consequences of adoption. The second criterion is ***importance***, as the proposed legislation must be interesting enough to politically activate citizens. People motivated to take part by a ballot measure would necessarily abstain if they could not voice an opinion on it, meaning that they find the other proposition contests and campaigns for elected office insufficiently enticing to turn out. Thus, not only must they view the particular legislating opportunity as substantially important, but it must appeal to them to such a degree that they change their intended action of nonvoting. These two factors must be accounted for in order to properly identify the ballot measures that can induce political participation.

Of course, both requirements are susceptible to targeted mobilization efforts that solicit political action. To engage citizens via ballot measures, however, awareness and importance are necessary while mobilization is beneficial but not mandatory. Awareness represents a first hurdle that any proposition must overcome to affect the calculus of participation. This knowledge on its own will not cause an individual to vote, though, as it is possible for a citizen cognizant of the proposed policy to still afford it little interest or importance. In contrast, while mobilization conceivably raises awareness (certainly of a measure's existence and potentially of its consequences) and can possibly highlight or heighten perceived importance, such efforts are not determinative in and of themselves of whether a ballot matter brings someone to the polls. In other words, a proposition can increase turnout without the aid of mobilization if the general public is sufficiently aware of it and attaches significant importance to it, but

contact drives will do little to spark participation without both of these ballot measure attributes.

I contend that to adequately determine which propositions maintain these characteristics, we should focus on their issue content. Such a framework recognizes that certain matters are likely to be better known and/or understood than others, either because of their own nature or ability to substantially benefit from campaign factors and publicity. Similarly, some concerns simply elicit greater interest and are considered of more importance by those who might otherwise sit out a given election, providing for a more plausible situation in which they spur political action. We can incorporate this knowledge from existing research into our investigations to identify those ballot measures of which potential voters are not only likely to be aware, but that also serve as prime candidates to entice participation. Concerning oneself with a proposal's issue content requires a greater familiarity with each citizen-legislating opportunity, as it mandates an improved formulation of the causal link between direct democracy and political participation. Although this focus should serve more as a framework for thinking about the relationship than as a rigid empirical guideline, it leads to the inevitable conclusion that certain policies maintain a significantly enhanced likelihood of bringing out those who might stay home on Election Day.

THE CASE FOR MORAL ISSUE PROPOSITIONS

The nature of moral issue measures makes them particularly well suited to induce citizen action. In comparison to other propositions, those dealing with moral concerns are especially well known (Donovan, Tolbert, and Smith 2008; Nicholson 2003; Pew Research Center 2006a, 2006b), and their relation to morality politics means that many view such policies as easy issues (in the language of Carmines and Stimson (1980)). This easiness facilitates both an understanding of these matters and their consequences. In addition, the derivation of attitudes on these polices from core values and the fact that they tap into existing social cleavages (Carsey and Layman 2006; Hunter 1991; Layman and Carsey 2002; Layman and Green 2005; Leege, Wald, Krueger, and Mueller 2002) suggest an extreme importance of these issues to at least some segments of society, especially when they appear on the ballot. Moral ballot concerns rank among those that generate the greatest interest (Pew Research Center 2004b, 2004c, 2006a, 2006b; also see Chapter 3), and the ability to explain participation due to these propositions for many as an expressive

choice (or effort to affirm their identity; see Schuessler 2000) signals that this interest will actually spur them to turn out. Finally, the conversion of these attributes into a higher probability of political engagement is aided by the substantial mobilization efforts by political and social organizations on both sides of the issues (Abrajano 2010; Roh and Haider-Markel 2003; Stone 2012; Verba, Schlozman, and Brady 1995), a number of which possess the capacity to reach inconsistent voters who might otherwise not be contacted.

This latter observation crucially distinguishes moral ballot policy from other such concerns, as it is vital that the specific proposition not simply meet the requirements of awareness and importance, but that it ***do so for those who will not already vote***. In other words, the people who are aware of the measure and care passionately about it must actually be able to be activated by these propositions. This is not an inconsequential point, since it is highly plausible that many seemingly controversial and contentious ballot matters, which are both well known and of substantial importance to at least a certain segment of the population, are of interest primarily to those who regularly participate in the political process. If the proposals particularly entice these core voters (Campbell 1966), then there is little potential for these measures to raise turnout, because the people who are most invested in their outcome will likely vote regardless of whether or not they are on the ballot.

Moral issue propositions, however, do not appear to raise this concern. In contrast to a number of other salient ballot measure matters, moral issue proposals especially entice peripheral voters. These individuals, who tend to be younger, of a lower socioeconomic status, and maintain lower levels of political knowledge, awareness, and interest, are sometimes active in the political process but participate less than their core voter counterparts. Their decision to turn out frequently depends on the specific characteristics of the election in question, meaning that they can be mobilized above their normal participation rates. The particular appeal of moral ballot measures to this section of the electorate (demonstrated in Chapter 4) significantly enhances the possibility for these proposals to serve as the catalyst behind the engagement of substantial numbers of citizens who did not already plan to vote.

Propositions addressing moral issues are certainly not the only ballot matters that possess the ability to bring citizens to the polls, nor are they the only ones capable of affecting other electoral outcomes (either by themselves or when employed by shrewd politicians). Nicholson (2005), for example, notes that measures on policies such as nuclear freeze,