

California's Initiative Turns 100: What's the Single Best Thing We Can Do to Improve the Initiative Process? Make it harder.

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Abstract

This year marks the 100th Anniversary of California's initiative process. In 1911, California famously adopted the direct initiative process and ballot box decision-making has become almost as synonymous with the Golden State as beaches, hi-tech innovation, and Hollywood. While 75% of voters in California still see direct initiatives as a good thing, a similar percentage thinks it could use some tweaking. In honor of the anniversary, Zocalo Public Square garnered commentary on the initiative process.

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California's initiative process gets a lot of attention and blame in discussions of the state's budget and governing problems. This is in part because it is used either directly or as a bargaining tool to legislate many issues. In 2010, voters considered two initiatives in June and nine more in November. These included rules on the legalization of marijuana, suspending or changing environmental regulations, rules on redistricting, and many fiscal issues. Although ballot initiatives give Californians a loud voice in their government, raising the hurdles for passage would serve everyone better.

So what's wrong with giving citizens such power? For starters, voters have often approved initiatives that conflict with one other. For example, San Franciscans, when asked whether to rebuild or remove a damaged highway after the 1989 Loma Prieta earthquake, voted yes to both rebuilding it and removing it. (The freeway was removed because that option had more yes votes.) Courts have thrown out initiatives because their language is confusing or vague. California could solve those problems, either by requiring constitutional review before any vote or by making the process less direct by having initiative authors work with legislators to come up with workable proposals. Massachusetts gives that role to the legislature, and many fewer initiatives end up on its ballots.

But I want a procedural reform. Initiatives often pass with a simple majority but mandate that future actions require a super-majority action of voters or legislators. For example, California's famed Proposition 13 requires a super-majority to enact any new special taxes. Proposition 218 did the same thing for some fees. Shouldn't any law with super-majority requirements be required to have a super-majority vote to pass?

California should also raise the bar for constitutional changes (as opposed to statutory changes). Right now, the only additional requirement for changing the constitution is that a slightly higher number of signatures be collected: 8 percent of the number of votes cast for Governor in the last election rather than the 5 percent needed for statutory changes. With the advent of paid signature gatherers, the bar should be raised for constitutional changes. And passage should require more than a simple majority vote.

If the process were a tad more cumbersome and fewer initiatives made it to the ballot, discussions of the initiatives could be more thoughtful, elected officials would need to take more responsibility, and possibly California would be slightly more governable.

Others (including TPC's Tracy Gordon) were asked whether California would be better off without it, unsurprisingly they all said no.

Other Publications by the Authors

- Kim Rueben

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