

DIRECT DEMOCRACY IN OKLAHOMA: EXPLORING THE USAGE AND RESULTS OF INITIATIVE AND REFERENDUM

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The Oklahoma Secretary of State maintains an online listing of every proposed state question. The website and its associated primary documents provide answers to a variety of questions related to Oklahoma's use of initiative and referendum. This article explores those data. In the process it identifies and documents some of the naturally occurring political biases associated with initiative and referenda in Oklahoma. It calculates the effects of these structural predispositions on the likelihood of a state question successfully garnering a majority of the vote. The results indicate that some state questions begin the process with little hope of success while others are almost certain to succeed.

Democratic structures have within them inherent political advantages and disadvantages. Debate over republican and democratic institutions was the focus of the Constitutional Convention in 1789. The American founders chose republican controls over the passions of the majority. By the time Oklahoma reached statehood in 1907 the pendulum was swinging in a new direction. Oklahoma's founders feared the concentration of power so they used the devices of direct democracy as a check on their new state legislature.

The Oklahoma Constitution reserves to citizens the rights of initiative and referendum petitions. In addition, the Legislature is constrained by a highly detailed Constitution, limiting the Legislature's ability to make significant changes without a vote of the people. The Oklahoma Constitution also allows the legislature to refer statutory

questions directly to the voters. As a result, Oklahomans have faced 414 ballot propositions in just over 100 years.

This article explores a variety of questions related to initiative and referendum in Oklahoma. The Oklahoma Secretary of State maintains an online listing of every proposed state question along with associated primary documents. Using these data, this article identifies and documents some of the naturally occurring political biases affecting Oklahoma's state questions. It calculates the effects of these structural predispositions on the likelihood of a state question successfully garnering a majority of the vote. The results indicate that some state questions begin the process with little hope of success while others are almost certain to succeed.

ROOTS OF DIRECT DEMOCRACY IN OKLAHOMA

Direct democracy is deeply rooted in the political culture of many states. Through direct democracy, citizens can accomplish what a representative government may be hesitant or unwilling to do (Radcliffe 1994, 145). Its use is tied to citizen impatience and frustration over the uncertainties of society (Cronin 1989, 150). This brand of reform politics included a belief that there is a "public interest," a collective will of the people that is above an individual's interest and that enlightened people should agree on the public interest (Dye 2003, 370).

Reformers of the early 20th Century, populists and progressives, wanted to restore power to the people. The tools of direct democracy included, among other things, the initiative, the referendum, and the silent vote, each of which was written into the Oklahoma Constitution of 1907. Oklahoma was the first state to provide for citizen initiative and referendum in its original constitution (Rausch 2001, 41).

Oklahoma's preference for direct democracy was a reaction against the influence of big corporations, their lobbyists and their trusts (Thornton 1954, 59). The prevailing attitude was summarized by the Oklahoma Territorial Governor Thompson B. Ferguson (1901-1906) in a 1903 Territorial legislative session when he said, "Had Diogenes been there on one of his traditional excursions to find an honest man, he would have had to use an x-ray instead of a lamp" (Goble 1980, 173). As he saw it, corrupt lobbyists and trusts were trying to subvert the political process.

Direct democracy relies on the wisdom of the people to counteract the aims of the powerful. However, average citizens tend to be passive in politics. Morris Fiorina (1999) suggests that expecting people to participate in politics goes against human nature. Using focus groups, Hibbing and Theiss-Morse (1995) found that people do not want to make political decisions for themselves, but they do want to restrain and weaken elected officials.

Establishment politicians of the early 1900s viewed initiative and referendum as radical because it conflicted with the older notion of representative democracy (Berman 1999, 86). Some Oklahomans view the devices of direct democracy as a “tremendous safeguard,” while others see direct democracy itself as a tool of special interests (Morgan, England & Humphreys 1991, 136).

Referendum is “the more conventional and less intrusive device for popular participation,” according to Alan Rosenthal (1981, 277). Referendum allows the legislature to deliberate and the citizens to render a final verdict. Rosenthal (1981, 278) described the initiative as “a Damoclean sword hanging over the legislatures” because it allowed citizens to circumvent legislative deliberation. More recently, *The Economist* (2009) called ballot initiatives “the crack cocaine of democracy.” Essentially, if the legislature fails to act on a popular idea, citizens may very well take matters into their own hands. Legislators are particularly fearful of initiatives that earmark revenue for specific purposes (Berman 1999, 87) like Oklahoma’s upcoming State Question 744, the H.O.P.E. petition. Rosenthal (2003, 209) notes that Americans generally favor the idea of initiative, but it clearly benefits some groups more than others, because the process takes momentum and money.

Initiative proponents frequently face apathy from their very own supporters (Radcliffe 1994, 426). In recent years, most successful initiatives have used highly controversial paid petition circulators to collect the necessary signatures. Thus, getting on the ballot is often very expensive (Rausch 2001, 42). In the 1990’s a small group of wealthy individuals in Oklahoma supplied the money to promote initiatives that placed limits on government (Rausch 1994, 7-9). As a result, voters faced and approved several state questions to limit government. For example SQ 620 which limited legislative sessions and SQ 640 which restricted the Legislature’s ability to raise taxes.

Twenty-four states grant voters the right of initiative petition.

Overall, initiatives have experienced only limited success. Across the country, only about 15 to 20 percent of proposed initiatives actually make it to the voters (Arnold 1995, 19). Beginning with the very first initiative in 1904 through 2008, 2,305 initiatives have been on the ballot in various states, 936 or 41% were successful. Since the 1970s the number of initiatives facing voters across the country has increased in each succeeding decade (Initiative and Referendum Institute 2009).

When in 1999 David Berman observed the number of times citizens brought forward an initiative in each state, Oklahoma ranked 8th. Between 1999 and 2008 Oklahomans proposed 26 initiatives, only two made the ballot. Using data from the National Conference of State Legislatures (2009) the top 10 of Berman's table is replicated and updated in Table 1. Oklahoma remains 8th in its usage of initiatives.

TABLE 1

TOTAL NUMBER OF INITIATIVES IN STATE HISTORY

State	Year Adopted	1999	2008
Oregon	1902	314	363
California	1911	265	328
Colorado	1910	175	210
North Dakota	1914	165	173
Arizona	1910	146	173
Washington	1912	112	140
Arkansas	1909	87	94
Oklahoma	1907	86	88
Missouri	1906	70	82
Montana	1904	67	77
Ohio	1912	62	73

Across the country, 153 state questions of all types appeared in 2008. Overall, 90 were successful and 63 failed. This passage rate of 59% was well below the 2004 and 2006 success rates of 67% (Initiative and Referendum Institute 2008).

DISTINGUISHING FORMS OF DIRECT DEMOCRACY

State questions come to the ballot from both the Legislature and from the citizens. When the Legislature proposes a ballot issue it is commonly described as a referendum. Legislative referenda include both proposed constitutional amendments and proposed statutory changes. In each case a majority vote of the House and Senate can place the issue on the ballot. To maintain consistency with the data reported by the Secretary of State, this analysis refers to both as Legislative proposals.

Citizens also offer both statutory and constitutional amendments through initiative petition. The process begins when a petition is filed with the Secretary of State. Proponents then have 90 days to collect signatures. The number of signatures required depends on the total number of votes in the last statewide general election. Statutory initiatives require the signatures of 8% of the voter, 117,013 in 2010. Constitutional amendment initiatives require 15% of the voters or 219,400 for 2010. Both of these are referred to as initiative proposals in this analysis.

Unless the Legislature declares an emergency with a 2/3rds vote of each chamber, bills do not go into effect until 90 days after the legislative session ends. This allows citizens a window of time to file a referendum petition on a bill recently passed by the Legislature. Referenda need the signatures of 5% of the voters. Based on the 2008 presidential election that is 73,134. These are described as referenda below.

QUESTIONS

The discussion above raises several questions regarding state questions in Oklahoma. Answering these questions will provide some descriptive detail regarding legislative proposals, citizen initiatives and referenda. In addition they will provide some insight into the success or failure certain devices of direct democracy and illuminate the inherent biases associated with these devices.

The following questions are pursued:

1. Which public policy areas do voters face most often in Oklahoma?
2. Given the difficulty of putting an initiative on the ballot, what

are the success rates for proposals from various sources: legislative, initiative and referendum?

3. Given the increased difficulty in offering a constitutional amendment initiative, does the type of proposal, constitutional or statutory, vary by the source?
4. Rausch's (1994) observation that conservatives have used the initiative to promote their agenda raises an interesting question as to the intent of state questions to expand or restrict government?

Three additional political questions also deserve some attention.

5. Recently politicians have speculated that divided party government increases the number of state questions. Does the number of state questions increase when the state faces divided government?
6. Political observers have suggested that the attorney general may be using his position to influence the wording of questions on the ballot for political reasons. Is the current attorney general rewriting more ballot titles than his predecessors?
7. Political strategists have long speculated that ballot questions have a better chance of success if they occur at a time other than a November general election. Does a November general election reduce the likelihood of success?

The final question seeks to measure some of the inherent biases in the use of state questions as a policy device.

8. Do factors related to the development of a state question influence its ultimate success?

Together these questions provide considerable insight into the use of direct democracy in Oklahoma. They point to some biases inherent in the institutions of direct democracy. These biases produce measureable advantages for some state questions.

METHODS

The Oklahoma Secretary of State's website (http://www.sos.state.ok.us/exec_legis/InitListAll.asp) contains a complete listing of all 754 state questions proposed throughout Oklahoma's 102 year history. Primary documents for each question are linked from the list in pdf format. A team of professional researchers read and coded the primary documents. The entries include election results.

A database was constructed using each of the proposals as a single case. That database is now available on line for any researcher to access at: <http://www.OKHouse.gov/Documents/StateQuestionsDatabase.xls>. The database was imported into SPSS for statistical analysis.

The data set contains no missing cases and encompasses the entire population of state questions in Oklahoma. As a result, inferential statistics are not used in this analysis. Any discussion of significance is a substantive discussion and not a statistical one.

RESULTS

These data lend themselves easily to answering the eight questions posed above. In general, the data were straightforward and easily coded. However, the first question refers to public policy topics. Topics were among the hardest data issues to resolve. Oklahomans have used state questions to consider a wide variety of topics. Many of them had little in common. Collapsing categories threatened to lose the richness of the data. A set of broad topics with subtopics helped to resolve some of these difficulties. The first question considered is:

1. Which public policy areas do voters face most often in Oklahoma?

Of the 754 state questions originally filed with the secretary of state only 414 actually made it to the ballot. Oklahoma voters have been asked to consider some issues repeatedly. A top 10 list of issues faced by Oklahoma voter is as follows:

- Taxes were on a statewide ballot 85 times. 63 of those votes involved ad valorem taxes.
- Election procedures themselves were on the ballot 41 times. Of those 10 involved the right to vote for disenfranchised groups and 8 were about redistricting.
- Matters related to holding public office were on the ballot 39 times. 8 of those were about legislative compensation. 4 were about term limits for public officials.
- The courts were on the ballot 27 times. Of those 6 involved pardon and parole.
- Public schools, not including ad valorem taxes, were on the ballot 26 times.

- Bonding authority, not including ad valorem taxes, was on the ballot 24 times.
- Beer, wine and spirits were on the ballot 21 times, including prohibition 14 times.
- Higher education was on the ballot 13 times.
- Public assistance was on the ballot 12 times.
- Gambling was on the ballot 11 times.

Clearly taxes were the dominant topic voters' faced; 20.5% of all ballot issues dealt with taxes. On average voters saw at least one property tax question in every two-year election cycle since statehood. They also wrestled with prohibition repeatedly before resolving the issue.

2. Given the difficulty of putting an initiative on the ballot, what are the success rates for proposals from various sources: legislative, initiative and referendum?

In Oklahoma about 25% of bills introduced into the Legislature complete the legislative process. Across the 50 states the average in 2008 was also 25% (calculated using Book of the States 2009). The success rate of ballot propositions is not much better. Getting from the proposal stage into law is a difficult road. Only 27.5% of proposed Oklahoma state questions became law.

Table 2 provides descriptive statistics for Oklahoma's proposed state questions, those that became ballot measures, and those that were supported by the voters. State law requires that each proposal be numbered as a state question when the initial paperwork is filed with the Secretary of State. From 1907 to 2009 citizens filed 382 initiatives and 50 referenda with the Secretary of State. The Legislature offered 322 proposals, for a total of 754 state questions.

Far fewer initiatives and referenda actually make it to the ballot. Frequently a petition is abandoned before it is completed. Occasionally legal wrangling prevents them from appearing on the ballot. In a few cases the same issue may be filed several times. For example, State Questions 323 was an initiative petition seeking to repeal prohibition, but was abandoned. It was refilled as State Questions 330, 331, 337, 338, 341 and 342. It finally got a vote as State Question 343 and failed. Another example is State Question 745. In 2009 it sought to overhaul the Department of Human Services. It was withdrawn and refilled as State Question 749, which is currently pending a court challenge. Only 88 of the 382 initiative proposals have actually made it to the ballot. One more, State Question 744, is set for a vote in 2010. Most referenda suffer a similar fate. Only 20 of the 50 proposed referenda have reached voters.

Legislative proposals are much more likely to appear on the ballot. However, the Legislature rescinded some of its own proposals. For example, in 1988 State Questions 605 and 606 were removed from the ballot, amended and presented as State Question 610 and 611. Of the 322 Legislative proposals 306 have appeared on the ballot. 8 more are in queue for 2010.

The success rates of initiatives and referenda are pretty low. Of the 88 initiatives on the ballot only 30 have become law. Of the 20 referenda on the ballot only 6 successfully overrode legislative action. Legislative proposals fared much better. 169 of the 306 passed.

Prior to 1974 the Oklahoma Constitution required that a ballot measure receive a majority of the votes cast in the election and not just a majority of the votes cast on the questions. This “silent vote” provision killed 35 proposals that received a majority of the vote—14 initiatives and 21 legislative proposals. This included 3 in 1908, Oklahoma’s very first election. Without the silent vote provision the ratio of success for initiatives would be dramatically different at 50.0% rather than 34.0%. However the result is still significantly below the success rate of legislative proposals, which would have been 62.1% rather than 55.2%.

TABLE 2

**NUMBER OF PROPOSALS MAKING THE BALLOT AND
PASSING BY SOURCE, TYPE AND EFFECT**

	Proposed	Made Ballot	Passed
Initiative	382	88	30
Referenda	50	20	6
Legislative	322	306	169
Constitutional			
Amendment	529	345	181
Statutory	217	66	24
Neither	8	3	0
Expands Govt.			
Restricts Govt.	414	222	102
Neither	162	81	50
	178	110	53

3. Given the increased difficulty in offering a constitutional amendment initiative, does the type of proposal, constitutional or statutory, vary by the source?

By far most state questions faced by voters are constitutional amendments. Oklahomans had a profound distrust of power in 1907. This led to a highly specific constitution which contained provisions normally left to statute. Famously, Oklahoma had the longest constitution ever drafted in 1907. It even set minimum standard for kerosene. This made it very difficult to enact legislation without a vote of the people.

As seen in Table 2, constitutional amendments comprise 529 of the 754 state questions. 345 made it to the ballot. 8 more will appear in 2010. A little more than half, 181 passed. Statutory changes were 217 of the proposals. 66 made the ballot, with 1 more set for 2010. Only 24 became law. 8 ballot questions were neither constitutional nor statutory. They could best be describes as advisory. For example, State Question 334 in 1951 was a legislative proposal urging the US delegates to the United Nations to support a world federal government that could prevent war. The proposition failed, but if it had passed it would not have had any force or effect except to express the will of the people. Of these 8 advisory issues only 3 reached the voters and none passed.

Initiatives are more likely to be proposed as statutes than constitutional amendments. In some policy areas it is difficult to make changes in the law without asking the people to vote on a constitutional amendment. However, constitutional amendment initiatives require significantly more signatures than statutory changes. As a result, 41% of initiatives are statutory proposals, while only 4% of legislative proposals were statutory. Referenda are overwhelmingly statutory because they seek to overturn a law created by the legislature. 90% of referenda related to a statute.

Voters are unlikely to make a distinction between state questions that amend the constitution and those that alter statutes. To them all state questions establish policy in law. The lack of success for statutory changes is probably a result of considerations related to the source of the proposal and not the document it amends.

4. Rausch's (1994) observation that conservatives have used the initiative to promote their agenda raises an interesting question as to the intent of state questions to expand or restrict government?

Some proposals seek to create new programs or new taxes. These were coded as expanding government's authority. For example, State Question 741 in 2008 blocked certain tax exemptions. It resulted in additional taxes for some

taxpayers. Other questions seek to limit the scope of government. They were coded as restricting government action. For example, State Question 743 permitted previously prohibited wine sales. In effect, this reduced government prohibitions on wine distribution in Oklahoma. Some proposals only reorganized current programs and did not appear to have either effect. For example, in 1908 State Questions 3 and 4 related to the location of the State Capitol.

Table 2 indicates that extending government was the intent of 414 proposals. 222 of these or 53.6% reached the voters, with 2 more set for 2010. 102 or 45.9% of those on the ballot were successful. Restrictions on government made up 162 questions. 81 or 50.0% were on the ballot, with 5 waiting for 2010. 50 or 71.7% of those on the ballot became law. These numbers suggest that once on the ballot, issues restricting government have a better chance of passing.

The majority of questions posed by both the citizens and the Legislature would extend government influence. The Legislature is slightly more likely to offer questions that expand government programs than the public. The public is somewhat more likely to propose limiting government than the Legislature. Table 3 indicates, of the 88 initiatives to make the ballot 45 or 51.1% sought to extend government. Only 19 or 21.6% attempted to restrict government. Of the 306 legislative proposals, 170 or 55.6% wanted to extend government and only 55 or 13.1% tried to restrict government. Of the 20 referenda to face voters, 8 would extend government and 7 would restrict it.

TABLE 3
PERCENT OF STATE QUESTIONS PASSING BY EFFECT
AND SOURCE

Source (n)	Effect (n)	Majority Vote
Initiative (88)	Expanding (45)	44.4%
	Neither (24)	54.2%
	Restricting (19)	57.9%
Legislative (306)	Expanding (170)	56.5%
	Neither (81)	66.7%
	Restricting (55)	72.7%
Referendum (20)	Expanding (8)	37.5%
	Neither (5)	20.0%
	Restricting (7)	28.6%

The real difference arises when looking at whether or not a question was approved by the voters. Overall 50.0% of initiatives received a majority of the vote. 44.4% of those enhancing government were supported, while 57.9% of those restricting government saw a majority. Overall 62.1% of legislative proposals gained a majority of the vote. A majority supported 56.5% of those enhancing government, while 72.7% of those restricting government enjoyed a majority. Overall, only 30.0% of referenda received a majority vote. 37.5% of the 8 that expanded government experienced a majority, while 28.6% of the 7 restricting government collected majority support.

These numbers suggest that the public is more likely to offer restrictions on government than the legislature is; however, a majority of proposals by both would expand government. Also, legislative proposals to restrict government have the greatest chance of success.

5. Recently politicians have speculated that divided party government increases the number of state questions. Does the number of state questions increase when the state faces divided government?

In 2009 the Legislature proposed 8 state questions for the November 2010 ballot. One initiative is also scheduled. There is some evidence that the large number of proposals is the result of divided party government with Republicans controlling the House and Senate and a Democratic Governor. For example, SB 4 would have required voters to provide identification at the polls. The governor vetoed SB 4 on April 8th. That same day the House passed SB 692 sending the idea to the voters in the form of SQ 746. Senate President Pro Tempore Glenn Coffee is quoted as saying divided government is the reason for so many state questions (Hoberock 2009).

Oklahoma only experienced divided government for 2 years prior to 1963. Republicans took control of the House in the 1920 election, but only held power one term. Democrats were so dominant that the Governor traditionally appointed the Speaker of the House until the late 1950s. With Henry Bellmon's election as Governor in 1962, Oklahoma began a new era of alternating divided and unified government. Since 1962, Oklahoma experienced divided government for 25 years and a unified government for 22 years. The Democratic Party controlled each period of unified government.

Nine state questions seem like a lot, but 10 questions were on the November ballot in 1984. Nine occurred on one ballot in 2002 and

2004. Both 1984 and 2004 were unified Democratic government. Divided government under Republican Governor Frank Keating produced 9 questions on one ballot in 2002. In 1968 when Republican Dewey Bartlett was Governor, voters saw a total of 15 state questions on 5 different election days. So, a large number of questions is not unusual in Oklahoma's recent past and they tend to occur in both unified and divided government.

Since 1962, 346 proposals were filed with the Secretary of State. 176 of those occurred during divided government for an average of 7.0 per year. 170 occurred with unified government for an average of 7.7 per year. Substantively, this suggests that on average in a two year general election cycle at least 1 and often 2 more proposals were offered in unified government than divided government.

Initiatives were more likely to be proposed with unified government. 68 initiatives were filed while government was unified for an average of 3.0 per year. 53 were brought under divided government for an average of 2.1. Again, this suggests that in a two-year cycle 2 additional proposals surfaced under unified government.

Legislative proposals were roughly equal for both unified and divided government. 118 legislative proposals occurred during divided government for an average of 4.7 per year. 100 occurred during unified government for an average of 4.5 per year.

Divided government did spark more referenda offerings. 5 were attempted under divided government, while only 2 occurred in unified government.

Of course, far fewer questions make the ballot than are proposed with the Secretary of State. Since 1962 only 21% of initiative proposals actually made it to the ballot. Voters faced 15 initiatives for an average of .6 per year under divided government and 11 during unified government for an average of .5 per year. Referenda fared better with 4 making the ballot while government was divided. Legislative proposals generally reach the voters. 103 made it under divided government for an average of 4.1 and 100 reached with unified government for an average of 4.5. All 15 of the legislative proposals that were somehow withdrawn occurred under divided government.

These data suggest that divided government does not produce more proposals, in fact it produced fewer overall proposals. Even legislative proposals tend to be virtually equal between divided government and

unified government. Only referenda increased during divided government. When only considering those questions making the ballot divided and unified government were even more equal with the Legislature more likely to withdraw a proposal when government was divided.

6. Political observers have suggested that the attorney general may be using his position to influence the wording of questions on the ballot for political reasons. Is the current attorney general rewriting more ballot titles than his predecessors?

Recently news headlines were made over the exact wording that will appear on the ballot for some state questions. A high profile battle occurred in 2009 over State Question 744, the H.O.P.E. petition. State law gives the Attorney General the final say in determining how a state question will read on the ballot. Attorney General Drew Edmondson changed the wording that was originally filed by proponents. Some legal wrangling occurred, but ultimately the Attorney General prevailed.

The Attorney General rejected and rewrote the ballot title language for all 9 of the state questions scheduled for 2010. This raised the ire of some proponents and caused Oklahomans for Responsible Government (2009) to charge that he was trying “to interject politics in an attempt to defeat the ballot measure by confusing voters.”

Attorneys General have been rewriting ballot titles ever since State Question 7. The first 6 state questions were filed with no ballot title and the Secretary of State wrote them. Since that time the Attorney General has rewritten 46.8% of ballot titles. An equivalent ratio of initiatives and legislative titles were rewritten, 47.7% and 47.4% respectively. Only 35.0% of referenda were rewritten. Frequently, the Attorney General rewrote ballot language even though the proposal never made it to the ballot.

Since Drew Edmondson became Attorney General in 1995, 86 proposals were filed with the Secretary of State. He has rewritten 54.7%. Only 21.9% of initiative proposal’s ballot titles were rewritten, but 75.5% of legislatively proposed titles were rejected. Of the 5 initiatives to actually make it to the ballot during his tenure he rewrote 3, raising his overall rejection rate to 70.0% for 50 questions that appear before voters.

The Attorney General’s rejection of 9 of 9 ballot titles in 2009 and 26 of 41 from 1995 to 2008 may indicate a substantive difference. The ratio suggests that perhaps 3 of the 2010 ballot titles should have survived scrutiny. A careful reading of the proposed and final 2009 ballot titles shows some of the changes to be minimal and others more substantial.

7. Political strategists have long speculated that ballot questions have a better chance of success if they occur at a time other than a November general election. Does a November general election reduce the likelihood of success?

Political strategists often discuss the advantages and disadvantages of placing a measure on a November general election ballot or setting it for a different time, perhaps a primary or a special election. The debate centers on voter turnout. Fewer people vote in primaries and even fewer vote in special elections. Strategists generally speculate that there is some advantage to lower voter turnout. 188 state questions have occurred on even year November ballots. Of those 101 or 53.7% gained a majority of the vote. 32 of those were killed by the silent vote prior to 1974 for an overall passage rate 36.7%.

The success rate of questions appearing at other times is somewhat higher. Voters faced 226 state questions at odd times. Of these 137 or 60.6% gained a majority of the vote. 3 were killed by the silent vote, creating an overall passage rate of 59.3%. State questions have about a 7% better chance of gaining a majority of the vote at some time other than a November general election, when voter turnout is the highest.

Proposals restricting government were even more likely to succeed when placed on a special or primary election ballot, as seen in Table 4. 73.7% of questions that restricted government gained a majority of the vote when placed on the ballot at a primary or special election. 58.1% received a majority when they occurred at a November general election.

TABLE 4

**PERCENT OF STATE QUESTIONS PASSING BY TIMING
AND SOURCE**

Source (n)	Effect (n)	Majority of Vote
November General (188)	Expanding (104)	51.0%
	Neither (42)	59.5%
	Restricting (42)	58.1%
Special (226)	Expanding (119)	55.5%
	Neither (68)	63.2%
	Restricting (39)	73.7%

Presidential and gubernatorial general elections raise the same debate. Voter turnout is significantly higher during presidential years. 99 questions were placed on a presidential ballot. 54.5% of them gained a majority of the vote. Voters faced 88 questions on gubernatorial ballots. 55.7% received a majority. This suggests no substantive advantage to placing a state question on a gubernatorial ballot over a presidential ballot.

Special elections are not available at the whim of proponents. The Oklahoma Constitution limits the Governor's ability to place legislatively proposed constitutional amendments on the ballot at any time other than a November general election. Article 24 Section 1 requires a 2/3 vote of each house of the legislature to authorize a special election. There are five times when Governor Bellmon ignored this provision and set a special election date anyway. They are SQs 604, 618, 623, 624 and 626.

The governor can set the date for an initiative or referenda at any time. Also, he may set statutory changes from the Legislature at any time. Usually, the Legislature specifies when the election should take place in the bill.

8. Do factors related to the development of a state question influence its ultimate success?

Several of these considerations appear to offer a strategic advantage. Specifically, legislative proposals are more successful than initiatives, proposals restricting government are more successful than expanding government and special elections breed more success than general elections. To estimate the relative effects of these predictors, Table 5 displays an OLS regression.

TABLE 5

**REGRESSION OF MAJORITY VOTE ON TIMING,
SOURCE AND INTENT**

Variable	B	P
<i>Constant</i>	.342	.005
November Election	-.042	.381
Initiative	.210	.083
Legislative	.335	.003
Expanding	-.086	.130
Restricting	.058	.421
n=414	.042	
R ²		.004
p		

Dummy variables are used to create the equation. The reference categories are special election, referendum and neither restricting nor expanding government. The constant indicates that this reference scenario has a .342 probability of receiving a majority of the vote. The R^2 of the equation is very weak, suggesting that many other factors determine the success or failure of a state question. However, these effects indicate the relative advantage that some questions have over others.

Table 6 calculates the probability of voters approving a state question based on these three factors. The results should be considered a starting point for any such proposal. Specific issues, campaigns and the political climate will determine the actual outcome.

TABLE 6
**BASELINE PROBABILITY OF SUCCESS USING SOURCE,
INTENT AND TIMING**

Scenario			Probability
Initiative	Restricting	November	0.567
Initiative	Restricting	Special	0.610
Initiative	Expanding	November	0.423
Scenario			Probability
Initiative	Expanding	Special	0.466
Initiative	Neither	November	0.509
Initiative	Neither	Special	0.552
Referendum	Restricting	November	0.357
Referendum	Restricting	Special	0.400
Referendum	Expanding	November	0.213
Referendum	Expanding	Special	0.256
Referendum	Neither	November	0.299
Referendum	Neither	Special	0.342
Legislative	Restricting	November	0.692
Legislative	Restricting	Special	0.734
Legislative	Expanding	November	0.548
Legislative	Expanding	Special	0.591
Legislative	Neither	November	0.634
Legislative	Neither	Special	0.677

Legislative proposals have the best chance of becoming law. They range from .591 to .734 in probability of having a majority of voters support them. Initiatives are the next most likely to succeed. They range from .423 to .567 in probability. Referenda are clearly the least likely to pass. They range from .213 to .400 in likelihood of garnering a majority of the vote.

CONCLUSION

Structural biases influence which questions find their way to the ballot and their success on the ballot. Some of these influences include how a question is proposed, the intent of the proposal and the timing of the vote.

State questions come to the ballot in Oklahoma both from the legislature and from the citizens. Citizens file the initial paperwork on far more proposals than actually make it to the ballot. Some issues are filed repeatedly until they achieve a favorable vote.

Constitutional amendments are more frequent than statutory acts. Citizens are more likely to propose statutes. The Legislature rarely offers statutory questions.

The majority of questions tend to expand government through tax increases, new programs or in other ways. A legislative proposal is slightly more likely than a citizen proposal to expand government.

Divided party government does not produce more proposals. Legislative proposals tend to be virtually equal between divided government and unified government. Attempted citizen's initiatives decline during divided government. Only citizen initiated referenda increased and they remained rare. Also, the legislature is more likely to withdraw a proposal under divided government, but this remains rare.

The most significant influence on success is the source of the proposal. Legislative proposals are much more likely to be approved by the voters. A little over half gained public support. Only about a third of initiatives on the ballot became law and less than a third of referenda were successful.

Success rates would have been higher in the early years if not for the "silent vote." This structural impediment killed 35 state questions that received a majority of the vote before it was repealed in 1974.

The timing of the election can influence the outcome. Questions

set before the voters on a primary election or a special election ballot are more likely to pass. A November general election reduces the chances of success.

Attempts to expand government also have a reduced chance. A majority of the questions that make it to the ballot pass. However, among those that fail more are seeking to expand government than restrict government.

These exploratory findings indicate that structural biases do affect the likelihood of a state question becoming law. While the success of any one question depends on many other factors, some questions come to the ballot with significant advantages. Others face difficult odds.

Oklahoma's state questions offer many fruitful avenues of research. The Secretary of State's website contains the primary documents needed to enlarge our understanding of Oklahoma's direct democracy and Oklahoma politics in general. This brief exploration of available data just scratches the surface. It would be valuable if students of Oklahoma government would examine more carefully the specific policy agendas found in Oklahoma's state questions. Specifically, a study of legislative vs. citizen agendas would be interesting. Someone should delve more deeply into issues related to divided government. Some things may be obscured by the general nature of this current exploration. In fact, considerable research should be devoted to specific periods of Oklahoma history. Certainly the political environment has changed several times in the past century. Analyzing these data in light of specific environmental factors may yield significant insight into the politics of Oklahoma.

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