

Oklahoma Politics



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NOTES FROM THE EDITOR

Welcome to the 2011 edition of *Oklahoma Politics*.

Walter Dean Burnham's now classic analysis "The Changing Shape of the American Political Universe" (*The American Political Science Review* Vol. 59, No. 1 (Mar., 1965), pp. 7-28) characterized Oklahoma as a modified one-party dominant political system—that party was the Democratic Party. Ironically, if Burnham's analysis would have taken place today, he might have reached an almost identical conclusion—though this time with the Republican Party holding sway. Over the past decade Oklahoma has undergone a sweeping reversal of political control—a challenging experience for a state whose politics historically have been rooted deeply in Democratic soil.

As a significant element of that political transition, Oklahoma's 2010 general election crowned an eventful political year which saw a number of noteworthy "firsts." For the first time in the state's history, two women faced each other for the state's highest office. Jari Askins, Oklahoma's Democratic Lieutenant Governor and Mary Fallin, Republican U.S. Representative from Oklahoma's Fifth Congressional District met in a vigorously contested race for Governor. Fallin's victory made her the first woman Governor of the Sooner State. We also saw state voters elect the first Republican Superintendent of Public Instruction (also a woman—Janet Barresi was the first Republican to win election to the post; Governor Henry Bellmon had appointed Republican Gerald Hoeltzel to the post in 1988. Hoeltzel lost to Sandy Garrett in 1990). Third, last year's midterm election cycle saw our state continue its unswerving journey into even redder political territory when for the first time in the state's history Republicans swept all state-level elected offices—from Governor to Insurance Commissioner. Finally, Republicans solidified their dominance in the state legislature, holding 69-31 margin in the House (with one vacancy) and a 32-16 margin in the Senate: a 2/3 margin or greater in each chamber.

The stage had been set for these remarkable changes to the face of Oklahoma politics when Oklahoma officially became the "reddest"

state in the nation in 2008. Then, voters gave Republican presidential candidate John McCain 65% of their popular votes—a higher percentage than any other state in the nation. Barack Obama, who won the national election and is now President, failed to carry a single Oklahoma county, though perhaps less should be made of this than has been.* Even more telling from an electoral perspective, none of the 2010 state office races were particularly close; the smallest margin was John Doak's victory over Kim Holland by 54.45% - 45.52% in the Insurance Commissioner's race—a margin of nearly 10%. Only two other races had winning percentages under 60% (in the 55-60% range)—Superintendent of Public Instruction and the State Auditor and Inspector's race; in all other races, Republican's won by over 60% of the vote.

From these outcomes, it might seem as though the Oklahoma Republican Party reinvigorated by Henry Bellmon in the 1960s had finally achieved absolute control over Sooner State politics. Yet, Dan Savage, Jeonghun Min and Johnny Aman begin our journal's exploration this year by pointing to an exception in the Oklahoma political shift to the Republican end of the spectrum. While voters in the majority of Oklahoma Congressional Districts have followed the direction of Republican re-alignment characterizing southern politics from the mid-1960's forward, they observe that voters in Oklahoma's 2nd Congressional District continue to buck that trend by sending a Democrat to Washington. Intrigued, they ask the question, "Why?" Their statistical analysis of a survey they and their students at

* While much has been made of the fact that President Barack Obama failed to carry a single Oklahoma county on the way to his 2008 victory (the only state in the union for which that was the case), the same was true for Democratic Presidential contender John Kerry in his 2004 race against George W. Bush. And, statistically, there was not a significant difference between Kerry's 2004 vote and Obama's 2008 vote in Oklahoma; neither were Bush's 2004 vote and McCain's 2008 vote significantly different in the state. Out of nearly one million Republican votes cast statewide in both races, John McCain received about 400 more votes than did George Bush. And, of just over 500,000 Democratic votes cast for president, Barack Obama received just 1500 fewer votes than did John Kerry. In historic terms, both Kerry and Obama performed better in the state than Walter Mondale's 30.67% of the vote in 1984 and all did far better than George McGovern's dismal 24% of the vote in 1972—the worst performance of any major party presidential candidate in the state's history. Data source: Atlas of U.S. Presidential Elections (<http://uselectionatlas.org>).

NOTES FROM THE EDITOR

Northeastern State University conducted of voters in the 2nd District point to an answer grounded in poverty, race, and a populist history present in Little Dixie since before statehood. Second District Congressman Dan Boren's decision not to seek re-election in 2012 offers a unique opportunity to test our authors' conclusions. As of publication, six Republicans—several of whom are well-known to 2nd District residents—have declared their candidacy to run for the open seat. So far, only one Democrat has done so. It should prove to be an interesting contest.

State questions and the Single Subject Rule are the focus of Ken Hicks' masterful study. The SSR is a topic near and dear to Ken's heart—he has been a consultant to a lead attorney in the SSR challenge to a petition that, in Ken's words, “contemplated a number of consequential changes to the Tulsa city charter.” As he amply documents, the Single Subject Rule embraces myriad complexities, toward which states differ widely in their application of it. Some states' courts apply the rule loosely; others with great rigidity. There is no common standard. Professor Hicks, from Rogers State University, supports what he terms a middle ground solution—the democratic process test, which he proceeds to apply to the Tulsa charter question. His analysis provides absorbing insights to a complex problem, with significant implications for the manner in which initiatives may be undertaken in the future.

“Does where you vote matter?” is the question asked by Ben Pryor, Jeanette Morehouse Mendez, Rebekah Herrick all of Oklahoma State University. Their answer is, “Yes, it can...though not always in the direction one might think.” The question they explore is whether voters can be “primed”—influenced subconsciously to vote in a particular way—by the location of where their vote takes place? In particular, the authors explore whether voting in schools and churches can influence voters' choices on ballot questions involving education or issues (potentially) reflecting religious values? It is an important problem, the authors argue, because, “If outcomes can be affected by where people vote, it is likely that political operatives in this highly partisan era will manipulate voting locations.” To explore the nuances of voting place priming, the authors examine three of the nine questions on the 2004 general election ballot: SQ 711—defining marriage to be between one man and one woman; and, SQ 705 & 706, relating to creation of a state lottery. Their conclusions are intriguing.

Bob Darcy, Emeritus Regents Professor of Political Science and Statistics at OSU and a frequent contributor to *Oklahoma Politics* offers us a thought-provoking essay advocating a fundamental change to Oklahoma elections. Noting that no-winner plurality elections and primaries—requiring run-off elections in Oklahoma—are an added expense and do not always result in a Condorcet winner, Darcy proposes adopting instant run-offs. By having voters rank their preferences for candidates on the ballot in primary and non-plurality winner races, instant run-offs allow determination of a winner without an additional election. Darcy explains how the system works and demonstrates how it might be applied in Oklahoma. It is a proposal certain to stimulate discussion and offers the opportunity for fundamental change to the manner in which Oklahoma elections are conducted.

Our last article comes from Christine Pappas of East Central University and Kyle Foster of the University of Central Oklahoma. Perhaps complementing Pryor, Mendez, and Herrick's question of whether it matters where you vote, Pappas and Foster ask, "If you are a woman candidate, does it matter what you wear?" The authors observe that media and political commentators rarely comment on the attire of male candidates, but almost always have comments about what women candidates wear (Hillary Rodham Clinton's pantsuits). Starting with a survey of students in a hypothetical race between a male and female candidate where the attire of the woman candidate was controlled, Pappas and Foster apply their results to an analysis of the 2010 Oklahoma Governor's race. That race offered a unique platform to explore this issue, as both Jari Askins and Mary Fallin faced male candidates in their respective primaries.

OP's Book Review Editor, Ken Hicks, has—once again—brought together a series of informative reviews covering a range of books of interest to our readers. I encourage you to read through them. Not only will you be informed, you will be entertained!

Once again, I would like to thank all our contributors to this year's edition of *Oklahoma Politics*. I would also like to encourage all to submit their research manuscripts for consideration in future editions.

John Ulrich
Editor, *Oklahoma Politics*

OKLAHOMA POLITICS SUBMISSION GUIDELINES

GENERAL

Oklahoma Politics invites submissions that explore the broad context of politics affecting Oklahoma and its place in the surrounding region. We are especially interested in submissions that bring to bear a variety of methodological, analytical, and disciplinary perspectives on state and local politics of the central-south region of the United States: Oklahoma, Kansas, Colorado, New Mexico, Texas, Arkansas, and Louisiana. Because “politics” cannot be thoroughly explored from only a single disciplinary point of view trans-disciplinary and collaborative projects are encouraged. Though we are the journal of the Oklahoma Political Science Association, we encourage submissions from economists, sociologists, environmental scientists, policymakers, analysts, as well as political scientists and other scientists and practitioners whose substantive research bears on the politics and issues of the state and region.

Oklahoma Politics is a fully peer reviewed journal. Each submission receives at least three anonymous reviews and each is reviewed by the editors before a decision is made to accept a manuscript for publication.

MANUSCRIPTS

Manuscripts should be no longer than 30 pages, double-spaced; text, graphics, notes, and references included; no extra space between paragraphs. Do not indent paragraphs. Type font: New Times Roman; 12 point. Notes should be endnotes, not footnotes; references included last. Graphics (tables and figures) submitted separately, one per page, with internal reference indicating the approximate placement in the body of the text (i.e.: “[Table 1 about here]”). Tables/figures must not be larger than a single page.

Internal note style: endnotes, sequentially numbered superscript (e.g. ¹, ², ³, ⁴...).

Internal reference style: (authorlastname, year); e.g. (Jefferson, 2007).

Internal reference with page number: (authorlastname year, page#); e.g. (Jefferson 2007, 32). Multiple internal references separated by semi-colon; alphabetical first, then by year: (AuthorA 2007; AuthorB1994; Author CA1 2007; Author CA2 1992).

Reference and note style:

Manuscripts and Book Reviews must follow the general format and citation styles found in the journals of the American Political Science Association: *American Political Science Review*, *Perspectives on Politics*, and *PS: Political Science & Politics*.

Examples:

Journals: Author last, author first or initial. Date. "Article Title." *Publication* Volume (Number): Page-Page. Example: Budge, Ian. 1973. "Recent Legislative Research: Assumptions and Strategies." *European Journal of Political Research* 1 (4): 317-330.

Books: Author last, author first or initial. Date. *Title*. Publication City: Publisher. Example: Green, Donald, and Ian Shapiro. 1994. *Pathologies of Rational Choice Theory*. New Haven, CT: Yale University Press.

Chapters: Author last, author first or initial. Date. "Chapter Title." In *Book Title*, ed. Book Author First, Last. Publication City: Publisher. Example: Mezey, Michael L. 1991. "Studying Legislatures: Lessons for Comparing Russian Experience." In *Democratization in Russia: The Development of Legislative Institutions*, ed. W.H. Jeffrey. New York: M.E. Sharpe.

Table and Figure style:

TABLE 1
Votes Missed, of First 100, by Term Limited

	<u>Mean*</u>	<u>SD</u>
Not Term Limited (n = 72)	2.4	7.5
Term Limited (n = 28)	5.0	8.6

*Difference significant at the .10 level

Each table or figure must fit on a single page. Authors must submit tables and figures in appropriate format.

Organization/Headings:

MAJOR SECTION HEAD (BOLD CAPS & CENTERED)

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Manuscript Submission

Manuscripts must contain: A cover page with title, author, and author affiliation and contact information; a separate cover page with title only; an abstract of no more than 150 words; and, the text of the manuscript. Authors whose manuscripts are accepted for publication must submit a short biographical sketch for inclusion in the journal.

BOOK REVIEWS

Book Reviews should be no longer than 1500 words. Reviews should be of books on topics relevant to the journal as delineated above, especially if written by Oklahoma-based authors. Review style should follow that of the journal as a whole. Full bibliographic information (to include ISBN and price, if available) should be included as the lede to the review.

Manuscripts (or ideas for manuscripts) should be submitted to:

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Manuscripts and book reviews must be submitted electronically, in either Microsoft Word 2003 (or later) format (.doc/.docx) or Rich Text Format (.rtf). No other forms of submission will be accepted. Manuscripts not in format compliance will be returned to authors without review.

AN INVESTIGATION OF THE POLITICAL ATTITUDES OF
DEMOCRATIC VOTERS IN EASTERN OKLAHOMA¹

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JEONGHUN MIN
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The realignment of southern voters from the Democratic to the Republican Party has sparked considerable scholarly interest. Although Oklahoma is not one of the former Confederate states, it has experienced the same partisan realignment from the Democratic to the Republican Party. The exception is the far eastern section of the state where the 2nd Congressional District is located. This research focuses on that predominantly white region and its resistance to the partisan realignment. We argue that the reason eastern Oklahoma has not realigned with the Republican Party is because of a strain of populism among the population there.

¹ Ron Becker, Assistant Professor of Political Science, and students Misty Grady, Melissa Weems, Dylan Ward, Casey Ross, Tyler Keen, Megan Fountain, Mitchel Runnels and Katie Fallen all contributed to this paper by helping to formulate survey questions and analyze results.

INTRODUCTION

From the Civil War era to the 1960s most white voters in the southern United States were loyal to the Democratic Party. The Republican Party was the party of Lincoln, the predominantly northern party that had imposed Reconstruction on the southern states after the Civil War.² Southern loyalty to the Democratic Party was not always a reflection of an ideological correlation between northern Democrats, who tended to be progressive and southern Democrats, who tended to be conservative. As early as the 1930s a conservative coalition of Republicans and southern Democrats frequently combined to defeat Democratic legislation that was deemed too progressive.³ Many southerners apparently remained loyal to the Democratic Party for non-ideological reasons—mostly stemming from the historical origins of the Republican Party and the Civil War.

In the 1960s, however, this loyalty began to wane. When President Kennedy, a Democrat, threw his party's support behind the Civil Rights Movement many white southerners were outraged. In 1968, Alabama's George Wallace, a life-long Democrat, ran for president as an Independent. His Independent candidacy was essentially a protest against the Democratic Party's support of civil rights for southern blacks. A large enough proportion of southern white votes were drawn away from the Democratic presidential candidate that a Republican, Richard Nixon, was able to win the presidency despite a large advantage of registered Democrats over registered Republicans among the two parties' electorates.⁴

Over the next four decades the defection of southern whites from the Democratic Party continued unabated. According to many scholars racial issues remained a major cause of white southern dissatisfaction with the Democratic Party (Glaser, 1994, 1996; Kuklinski *et al.*, 1997; Valentino and Sears, 2005), but other issues rose in importance as well.

² Grantham, 1.

³ Shelley, 4.

⁴ Aistrup, 26-29.

The most salient of the non-racial issues were matters of moral (or cultural) policy. Abortion was the most important moral issue, but the Democratic Party lost southern support for its positions on other moral issues as well, as more and more southerners turned to the Republican Party for representation of their views.⁵

Aistrup (1996) found evidence that Republicans have depended on a “southern strategy” that focused on racial and moral issues. He traced the beginning of the strategy to Senator Barry Goldwater’s emphasis on state’s rights in 1964 and on Nixon’s 1968 election assurance to southerners that, if elected president, he would support states’ rights and oppose certain key elements of the civil rights agenda. The strategy eventually progressed, according to Aistrup, so that by the Reagan Administration Republicans were offering to support the religious right’s conservative social agenda in exchange for winning the support of lower- and working-class southern whites. This strategy would be the key to a realignment of the southern electorate from the Democratic to the Republican Party.⁶ In April of 2010, Republican National Committee Chair Michael Steele seemed to confirm Aistrup’s hypothesis in a speech given at DePaul University. Speaking of the Republican Party, which at that time he still chaired, Steele said, “For the last 40-plus years we had a ‘Southern Strategy’ that alienated many minority voters by focusing on the white male vote in the South.”⁷

Scholarship has sought to explain the shift of southern voters to the Republican Party with three main hypotheses. One, as mentioned above, was an attitude of racial resentment on the part of southern whites. Glaser (1994), in his *Race, Campaign Politics, and the Realignment of the South*, argued that race-based issues tend to be what he calls “resentment issues.” Resentment issues define an in-group and an out-group and allow politicians to introduce situations in which policies regarding the out-group can be perceived as threatening to the in-

⁵ Aistrup, 47-59.

⁶ Aistrup, 18-19.

⁷ David Weigel. “Steele’s Biggest Gaffe So Far,” *The Washington Post* (April 22, 2010). http://voices.washingtonpost.com/rightnow/2010/04/steeles_biggest_gaffe_so_far.html (August 14, 2011).

group.⁸ Liberal policies regarding civil rights, criminal justice and welfare are perceived by many white southerners as threatening to their interests.

A second set of studies has focused on the role played by religion (Green *et al.*, 2003; Smith, 1997) in the realignment. Smith (1997), for example, charts the rise of the religious right as a political force, and of the realignment of southern evangelicals with the Republican Party. “There is no better illustration of realignment and the great porousness of American political parties,” Smith claims, “than the rise of the fundamentalist right. Once afraid of partisan politics, self-identified born-again evangelicals now make up almost half of the Republican primary vote, and a quarter of those are members of the Christian Coalition.”⁹ Although evangelical Christianity is not solely a southern phenomenon it is certainly more pronounced in those southern states that make up what is called the “Bible belt.”

A third explanation has been offered by more recent studies that have tested for a connection between the partisan shift and right-wing authoritarian attitudes of intolerance (Slocum, 2007; Slocum and Huffman, 2010) as defined by Robert Altemeyer (Altemeyer, 1981, 1988, 1996 and 2006). Altemeyer (1981) introduced a concept he called “right-wing authoritarianism,” which consisted of three components: a high degree of submission to perceived established authority, aggression against perceived dissidents, and conventionalism, or support for traditional social norms.¹⁰ Slocum and Huffman (2010) argue that “a disposition to extol and enforce social conformity and punish and suppress dissent and difference” have played a role, primarily among white southerners, in the realignment to the Republican Party.¹¹ An authoritarian disposition, according to Slocum and Huffman, is related to a tendency to “stereotype and denigrate minorities and outgroups . . . and support for force and violence in foreign policy and for social control.” Support for the death penalty,

⁸ Glaser, 121.

⁹ Smith, 99.

¹⁰ Altemeyer 2006, 9.

¹¹ Huffman and Slocum, 1.

for example, and other “get tough” measures in crime and punishment that, along with tougher stands on defense, and opposition to equal rights for outgroups, are more reflective of the Republican Party. All three of the above explanatory factors—racial resentment, social conservatism, and intolerance of non-conformity—have likely played some role in the realignment.

The shift of many white southern voters to the Republican Party has been so complete that in four of the past eight presidential elections (1984, 1988, 2000, 2004) Democratic candidates have received no electoral votes in the 13 southern states (the 11 former Confederate states plus Kentucky and Oklahoma)¹², carried only one southern state in 1980, only two southern states in Barak Obama’s win in 2008, and a minority of electoral votes in Bill Clinton’s wins in 1992 and 1996. After the 2010 Congressional elections Democrats controlled only 28 percent of southern House seats and only 15 percent of southern Senate seats.

Today only scattered pockets of the old “solid south” remain, and most of that is in state and local politics. The Democratic Party in Louisiana has had the most success at surviving the defection of southern conservatives to the Republican Party. Pockets of Democratic dominance remain in many other southern states as well. In Oklahoma, the eastern quarter of the state, roughly congruent with the 2nd Congressional District, is the only part of the state that has not completed the transition to Republican Party dominance. Many southern congressional districts that are still controlled by the Democratic Party are minority/majority districts. These are districts that have been gerrymandered so that the majority of voters are black. Very few southern Congressional districts are both predominantly

¹² Although there has always been disagreement about whether Oklahoma should be considered part of the south, the west, or the mid-west, we will treat it as part of the south for the purposes of this research. We believe that we have good reason for doing so since it has experienced the same pattern of Democratic Party dominance, followed by realignment to the Republican Party, that is peculiar to the eleven former confederate states and Kentucky.

white and lean Democratic. This makes Oklahoma's 2nd Congressional District somewhat of an anomaly.¹³

We focus on that predominantly white region and its resistance to the partisan realignment. Why have voters in Oklahoma's 2nd Congressional District stayed loyal to the Democratic Party up until the second decade of the twenty-first century despite the fact that the rest of the state and most of the south have experienced a realignment of voter loyalty from the Democratic to the Republican Party?¹⁴ We argue that the reason eastern Oklahoma has resisted this realignment as long as it has is a strain of populism among the population there, and that this populism is related to the fact that it is one of the poorest regions in the country.

POPULISM IN EASTERN OKLAHOMA

The term populism has been used in a variety of ways. Sometimes it is used to describe a particular ideological perspective. At other times it is used to describe a rhetorical strategy that seeks to appeal to an anti-elitist segment of the population. We use the term in the former sense because our study is concerned with the ideological attitudes of voters. Specifically, by populism, we mean the populism described by historians (Goodwyn, 1978; Hofstadter, 1955; Kazin, 1995), a set of political attitudes similar to those involved in the rural populist movement and the Populist Party in late 19th century America. It consists of a combination of progressive attitudes in regard to government intervention in the economy and conservative attitudes in regard to social and moral issues. As Michael Kazin explains, "A party

¹³ The southern half of the 2nd District is sometimes referred to as "Little Dixie," and Ronald Keith Gaddie traces its Democratic heritage to the fact that the ancestors of its current residents hail from the Deep South, particularly Mississippi. This helps to explain how the region became Democratic, but not why it has remained so, since most of the Deep South, including Mississippi, has experienced the realignment to the Republican Party. "Democratic Party," *Encyclopedia of Oklahoma History and Culture*. <http://digital.library.okstate.edu/encyclopedia/entries/d/dc013.html> (May 15, 2011).

¹⁴ Some observers speculate that Democratic dominance in the 2nd Congressional District is due merely to the name recognition of its current U.S. Congressional Representative Dan Boren. This, however, would not explain why, despite Republican dominance of the state legislature, Democrats still dominate the eastern quarter of the state in the state legislature.

based among evangelical rural churchgoers could not help speaking about banishing all agents of corruption—saloon keepers as well as plutocrats.”¹⁵ The late 19th and early 20th century populists were thus in favor of government prohibition of alcoholic beverages as well as government control or ownership of the railroads.¹⁶ They were the opposite of what we think of today as libertarian, favoring government interference in both economic and moral matters. Based on this description a modern ideological populist would favor conservative positions on issues such as school prayer and abortion, while favoring progressive positions on government programs designed to provide citizens with healthcare at low cost or that are designed to reduce the gap between the rich and the poor.

Historically populists of this type have been rural, poor and religious (Goodwyn, 1978). Eastern Oklahomans fit this description well. The 2nd District is mostly rural and is one of the poorest predominantly white Congressional districts in the United States. Its median household income of \$35,990 in 2010 is only 70 percent of the national median of \$52,175. By contrast, Oklahoma’s 1st Congressional District, which borders the 2nd, has a median household income of over \$47,000, or 90 percent of the national average. In fact, Oklahoma’s 2nd District has the lowest median household income and the highest poverty rate of any of the five Oklahoma Congressional Districts. The 2nd District’s 15.4 percent poverty rate is 60 percent higher than the national average of 9.6 percent. The only Congressional District with similar economic numbers in the surrounding region is Arkansas’ 4th Congressional District, which coincidentally, was the only district in that state to go Democratic in the 2010 Congressional election.¹⁷

While most of the southern districts that voted Democratic in 2010 are poor, most also have relatively large minority populations. Few southern congressional districts without significant black populations still elect Democrats to Congress, or elect Democrats to state legislatures. Even those Democratic leaning districts with

¹⁵ Kazin, 39.

¹⁶ Kramnick and Lowi, 801-807.

¹⁷ <http://elections.nytimes.com/2010/house/oklahoma/2> (August 14, 2011).

predominantly white populations, such as Tennessee's 5th Congressional district (around Nashville), still have a significant percentage of blacks. Tennessee's 5th District is 24 percent black, for example, while Oklahoma's 2nd District is only 4 percent black. According to *The Southern Political Report* each of the 21 southern congressional seats lost by Democrats in the 2010 Congressional elections was held by a white, while every district that had a black incumbent returned a Democrat to Congress.¹⁸

We believe that the reason eastern Oklahomans have resisted realignment from the Democratic to the Republican Party, unlike most predominantly white districts in the south, is because of its populism. We also believe that its populism is, in turn, directly related to its poverty. A higher percentage of people in the 2nd District are on some kind of government financial assistance than in Oklahoma's other Congressional districts. In 2010 the 2nd Congressional District's 690,131 citizens made up 18 percent of the state's population. This 18 percent, however, accounted for 24 percent of the state's Social Security recipients and 29 percent of its Supplemental Security Income (SSI) recipients. If we count those individuals who received both Social Security and SSI, the 2nd District's 18 percent accounted for 32 percent of the state's recipients. In addition, the district's 18 percent made up 30 percent of the state's citizens covered by SoonerCare, the Medicaid and state funded healthcare provider for low income Oklahomans.¹⁹

This greater dependence on public assistance makes it more likely that voters in the 2nd District will support government intervention in the economy. What makes 2nd District Democrats populist, however, rather than simply liberal, is the fact that this economic progressivism is combined with social conservatism. Oklahoma is one of the most socially and religiously conservative states in the union. According to a Gallup Poll, 47 percent of Oklahomans identified themselves as conservative and the state of Oklahoma was placed as one of the top

¹⁸ http://www.southernpoliticalreport.com/storylink_21_1808.aspx (August 14, 2011).

¹⁹ Social Security information is available online at http://www.ssa.gov/policy/docs/factsheets/cong_stats/2010/ok.html (August 14, 2011). SoonerCare information is available online at <http://www.okhca.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=12750> (August 14, 2011).

POLITICAL ATTITUDES IN EASTERN OKLAHOMA

ten conservative states.²⁰ The highest percentage of self-identified conservatives in the poll was 49 percent of Alabamans. The Cook Partisan Voting Index shows only two states with a more conservative ranking than Oklahoma (Utah and Wyoming).²¹ Although this conservatism is a major factor in the realignment of the state to the Republican Party (Copeland, *et al.*, 2007) we believe this social conservatism has been partially offset in the 2nd District by its economic progressivism.²²

HYPOTHESIS, DATA, AND METHOD

To empirically test our hypothesis that populism has influenced eastern Oklahomans' loyalty to the Democratic Party, we use a survey instrument that measured the attitudes of Democratic voters in Eastern Oklahoma. A group of political science students called randomly selected registered Democrats in eastern Oklahoma between September and December of 2010. The total number of respondents of the survey is 140. A copy of the survey can be found in "Appendix A."

Respondents were asked their gender, race, income, and education. The survey also included questions designed to determine the attitudes of eastern Oklahoma Democrats on economic and social issues, racial resentment, and intolerance. The survey thus consisted of four indices. The economic index asked questions designed to determine each respondent's attitudes in regard to the government's role in the economy. The social index asked questions designed to measure each respondent's level of social conservatism. The racial resentment index was designed to determine non-black respondent's attitudes toward blacks. And finally, the toleration index was designed to test respondent's level of toleration for groups with whom they disagreed or of which they disapproved.

²⁰ January-June 2009 Gallup Daily Tracking Poll at www.gallup.com (May 15, 2011).

²¹ <http://cookpolitical.com/node/4201> (August 14, 2011).

²² Jim Bissett, in his *Agrarian Socialism in America: Marx, Jefferson, and Jesus in the Oklahoma Countryside, 1904-1920*, makes the argument that there was a direct connection between Oklahoma's evangelical Christianity and its economic populism (85-104).

Our analysis of the results of the survey will, first, look to see how ideologically different eastern Oklahoma Democrats are from Democrats in the nation generally. We then use three of the indexes to compare the attitudes of eastern Oklahoma Democrats to southerners in the areas corresponding to the three major hypotheses given by scholars for the southern realignment, i.e., racial resentment, social conservatism, and intolerance. To examine the differences between eastern Oklahoma Democrats and southern voters this study employs the 2009 Winthrop University/South Carolina Educational Television poll, which was taken in the 11 former confederate states.²³ This survey reveals southern voters' attitudes on social and economic issues. In addition, American National Election Study (ANES) and Gallup Poll data will be used to examine the ideological differences between eastern Oklahoma Democrats and all voters in the nation.²⁴ The results of the analysis will show where eastern Oklahoma Democrats stand ideologically in relation to other voters and may help us understand why Democratic Party dominance has survived as long as it has. Finally, we will use the economic and social conservatism indices to see whether populism (economic progressivism & social conservatism) is found among eastern Oklahoma Democrats. The findings may allow us to develop some implications about why eastern Oklahomans have been an outlier in voting behavior.

Table 1 presents the socio-demographic characteristics of eastern Oklahoma Democrats. Whites (56 percent) and American Indians (32 percent) make up the majority of the respondents of the survey (88 percent). The 2010 U.S. Census confirms that whites (68 percent) and American Indians (19 percent) are the two major races residing in Oklahoma's 2nd Congressional District (87 percent). Regarding education, 24 percent of the respondents answered that they had completed a college education. This is slightly lower than the national average of 27.2 percent reported by the 2010 census.²⁵ In regard to household income, 43 percent of respondents make less than \$25,000 a

²³ <http://www.winthrop.edu/winthropoll/> (May 15, 2011).

²⁴ http://electionstudies.org/studypages/download/datacenter_all.htm (May 15, 2011) and <http://www.gallup.com> (May 15, 2011).

²⁵ Census data indicates that only 14.6 percent of people in the 2nd District have a bachelor's degree or higher.

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year and 69 percent of them make \$50,000 or less annually. Only 26 percent of respondents claimed to make more than \$50,000 a year. Considering that the national median income is \$52,175 in 2010, the findings support the above data that showed Oklahoma's 2nd Congressional District to be one of the poorest predominantly white districts in the country.

TABLE 1

Socio-demographic Characteristics of Eastern Oklahoma Democrats

<u>Race</u>		<u>Education</u>		<u>Income</u>	
White	78 (56%)	Some H.S.	6 (4%)	Less than \$25,000	60 (43%)
American Indian	45 (32%)	H.S. Graduate	25 (18%)	\$25,000- 50,000	36 (26%)
Hispanic	6 (4%)	Some College	74 (53%)	\$50,000- 75,000	19 (14%)
Black	3 (2%)	College Graduate	23 (16%)	More than \$75,000	17 (12%)
Other	8 (6%)	Post Graduate	11 (8%)	Omit	8 (6%)
		Omit	1 (1%)		
Total	140	Total	140	Total	140

RESULTS

SOCIO-DEMOGRAPHIC CHARACTERISTICS AND IDEOLOGY

Table 2 shows the ideology of eastern Oklahoma Democrats. Thirty percent of respondents answered that they were liberal, 38 percent moderate, and 29 percent conservative. To examine how ideologically different eastern Oklahoma Democrats are from Democrats in the

nation generally, we compare the ideology of eastern Oklahoma Democrats with that of all Democrats in the nation in a 2009 Gallup poll.²⁶

TABLE 2

Ideological Composition of Eastern Oklahoma Democrats

	All Democrats	Eastern OK Democrats	All OK Voters	Southern Voters
Liberal	37%	30%	13%	20%
Moderate	39%	38%	31%	25%
Conservative	22%	29%	50%	51%
Omit	2%	3%	6%	3%
Total	100%	100%	100%	99%

The results find that eastern Oklahoma Democrats are more conservative than Democrats in the nation generally. Twenty-two percent of all Democrats answered that they were conservative compared to 29 percent of eastern Oklahoma Democrats. Thirty-seven percent of all Democrats said that they were liberal compared to only 30 percent of eastern Oklahoma Democrats.

Because Oklahoma's 2nd Congressional District is poor, our belief is that the greater conservatism of eastern Oklahoma Democrats is social, rather than economic. As we saw above, the median household income of Oklahoma's 2nd Congressional District is much lower than the national average and a higher percentage of people in the 2nd Congressional District are on some kind of governmental financial assistance than in Oklahoma's other congressional districts. We would

²⁶ <http://www.gallup.com/poll/123854/conservatives-maintain-edge-top-ideological-group.aspx> (May 15, 2011).

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expect those who are low income and dependent on government aid to be more economically progressive than those who are not. We also saw above, according to both a Gallup tracking poll and the Cook Partisan Voting Index, Oklahoma is one of the most conservative states in the nation. If our hypothesis is correct regarding eastern Oklahomans' economic progressivism, we expect eastern Oklahoma Democrats to be socially, not economically, conservative. The ideological combination between economic progressivism and social conservatism would suggest that populism is the ideology of many eastern Oklahoma Democrats.

TABLE 3

Attitudes on Social Conservatism

	<u>Defense Spending</u>			<u>Church Attendance</u>			
	EOKD	SD	AS		EO KD	SD	AS
Spend Less	38%	33%	22%	Not Attend	35%	7%	7%
Keep Same	33%	21%	20%	Attend Occasionally	34%	33%	33%
Increase	29%	38%	51%	Attend Regularly	30%	54%	57%
Omit	1%	8%	8%	Omit	1%	6%	3%
Total	101%	100%	101%	Total	100%	101%	100%

Note: EOKD (Eastern Oklahoma Democrats); SD (Southern Democrats); AS (All Southerners).

Percentages may not total 100 due to rounding.

PARTISAN REALIGNMENT AND
EASTERN OKLAHOMA DEMOCRATS

To examine whether the signs of partisan realignment can be found among eastern Oklahoma Democrats, we investigate the attitudinal differences between eastern Oklahoma Democrats and southern voters in the areas of social conservatism and racial resentment.²⁷ To measure how eastern Oklahoma Democrats are different from southern voters in the area of social conservatism, two questions about defense spending and church attendance are employed. As in Table 3, eastern Oklahoma Democrats (38 percent) are less likely to favor an increase in defense spending than both all southern voters (22 percent) and southern democrats (33 percent). Meanwhile, 30 percent of eastern Oklahoma Democrats attend church regularly, while 54 percent of southern Democrats and 57 percent of southern voters attend religious service regularly. These findings suggest that social conservatism is not found among eastern Oklahoma Democrats as much as it is found in southern voters generally.

TABLE 4
Attitudes on Racial Resentment

	Eastern OK Democrats	Southern Democrats	All Southerners
<u>Racial Resentment</u>			
Agree	26%	43%	48%
Neither Agree nor Disagree	23%	6%	11%
Disagree	50%	46%	34%
Omit	1%	5%	7%
Total	100%	100%	100%

²⁷ The 2009 Winthrop University/ETV poll did not measure intolerance and, thus, it is not plausible to compare eastern Oklahoma Democrats and Southern voters on that issue.

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In order to measure racial resentment, the following question is used: “It’s really a matter of some people not trying hard enough; if blacks would only try harder, they could be just as well off as whites.” As in Table 4, eastern Oklahoma Democrats show far less racial resentment than southern Democrats and southern voters in general: 43 percent of southern Democrats and 48 percent of southern voters agreed with the statement, while only 26 percent of eastern Oklahoma Democrats agreed with it. Fifty percent of eastern Oklahoma Democrats disagreed with the statement, while 46 percent of southern Democrats and 34 percent of southern voters disagreed with it.

The overall findings about social conservatism and racial resentment suggest that eastern Oklahoma Democrats are not as socially conservative and racially resentful as southern voters in general. Lower degrees of social conservatism and racial resentment may be reasons why the signs of party realignment are not found in eastern Oklahoma as much as they are found in the rest of the south. These findings help us to partially understand why the Democratic Party has been able to survive the defection to the Republican Party in Oklahoma’s 2nd Congressional District.

TABLE 5

Attitudes of Eastern Oklahoma Democrats on Economic Issues

	<u>Health Care</u>	<u>Income Gap</u>	<u>Govt. Service in Health and Education</u>
Liberal	73%	59%	71%
Moderate	13%	21%	16%
Conservative	14%	19%	14%
Omit	0%	1%	0%
Total	100%	100%	100%

POPULISM AND EASTERN OKLAHOMA DEMOCRATS

In regard to the question of economic progressivism our survey seems to suggest that it has a lot of merit. Specifically, in response to the question of whether government should help people get doctors and hospital care at low cost, 73 percent of eastern Oklahoma Democrats responded in the affirmative. When a similar query was put to all American voters by the ANES poll in 2008, only 43 percent answered affirmatively.²⁸ Meanwhile, more than half of eastern Oklahoma respondents (59 percent) expressed agreement with the statement that “The government ought to take steps to make sure that the gap between the rich and the poor in America is reduced.” Finally, when asked whether government should provide fewer services in health and education in order to cut spending, 71 percent of eastern Oklahoma Democrats were opposed to this in some degree. In the 2009 Winthrop University/ETV poll of the eleven former confederate states, 63 percent of southerners in general opposed such cuts.²⁹ The results show that eastern Oklahoma Democrats are more supportive of government intervention in the economy than, not only southern voters, but all American voters. The findings thus support our hypothesis that eastern Oklahoma Democrats are economically progressive.

To examine whether the economic populism of eastern Oklahoma is related to its poverty, we investigate the relationship between income and attitudes of eastern Oklahoma Democrats on economic issues. The findings clearly show, in Table 6, that income has a relationship to economic attitude: respondents with a higher income are less likely to support government intervention in the economy. In addition, this relationship applies to respondents regardless of whether they described themselves as being conservative or liberal in the survey. The findings demonstrate that the economic conditions of eastern Oklahoma Democrats affect their attitudes on government intervention in the economy.

²⁸ <http://www.electionstudies.org/nesguide/gd-index.htm#4> (May 15, 2011).

²⁹ http://www.winthrop.edu/uploadedFiles/wupoll/may_21_2009_findings.pdf (May 15, 2011).

TABLE 6

The Relationship between Income and Economic Issues

	<u>Health Care</u>		<u>Income Gap</u>		<u>Govt. Service in Health and Education</u>	
	Cons.	Lib.	Cons.	Lib.	Cons.	Lib.
<u>Income</u>						
Less than \$25,000	43% (13)	43% (47)	36% (17)	46% (42)	44% (11)	43% (49)
\$25,000- 50,000	23% (7)	26% (29)	28% (13)	25% (23)	28% (7)	25% (29)
\$50,000- 75,000	20% (6)	12% (13)	17% (8)	12% (11)	16% (4)	13% (15)
More than \$75,000	10% (3)	13% (14)	13% (6)	12% (11)	12% (3)	12% (14)
Omit	3% (1)	6% (7)	6% (3)	5% (5)	0% (0)	7% (8)
Total	99% (30)	100% (110)	100% (47)	100% (92)	100% (25)	100% (115)

Note: The number of respondents is listed in parentheses.

In regard to the question of social conservatism, the results of the analysis find that eastern Oklahoma Democrats lean toward conservatism on religious issues. In order to measure religious conservatism the question about school prayer is used. When asked whether public schools should be allowed to start each day with a prayer, 49 percent of respondents agreed with the statement, while 38 percent of them did not agree with it. This suggests that eastern Oklahoma Democrats are religiously conservative.

TABLE 7

Attitudes of Eastern Oklahoma Democrats on Social Issues

	<u>School Prayer</u>	<u>Defense Spending</u>	<u>Immigration</u>
Liberal	38%	38%	43%
Moderate	14%	33%	21%
Conservative	49%	29%	35%
Omit	0%	1%	1%
Total	101%	101%	100%

Percentages may not total 100 due to rounding.

However, the analysis finds inconsistent results on other social issues such as defense spending and immigration. When asked whether defense spending should be increased, 38 percent of respondents disagreed with the statement while 29 percent of them agreed. When asked whether police officers should be given more authority to ask for the documents of a person who looks like he or she could be an illegal alien, 35 percent of respondents agreed with the statement while 43 percent of them did not. In comparison with the 49 percent who favored prayer in school, these relatively lower conservative results may show that the conservatism of eastern Oklahoma Democrats is primarily religious in nature.

The results also find, however, that the number of conservatives on social issues is significantly greater than that of conservatives on economic issues. For the three economic issues, in Table 5, conservatives account for less than 20 percent of the respondents, while the portion of conservatives on social issues, in Table 7, ranges between 29 percent and 49 percent. In addition, when combined, attitudes of eastern Oklahoma Democrats on social issues are almost evenly split between liberal and conservative. On average, 37.7 percent of respondents expressed social conservatism, while 39.7 percent of them answered that they were liberal on social issues. These findings

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suggest that eastern Oklahoma Democrats are religiously conservative but that they are in the middle of the road on social issues as a whole.

TABLE 8

**Attitudes of Eastern Oklahoma Democrats on
Social and Economic Issues**

	<u>Health Care</u>		<u>Income Gap</u>		<u>Govt. Service in Health and Education</u>	
	Cons.	Lib.	Cons.	Lib.	Cons.	Lib.
<u>School</u>						
<u>Prayer</u>	53%	51%	49%	52%	60%	50%
Cons.	(16)	(56)	(23)	(48)	(15)	(57)
Lib.	47%	49%	51%	48%	40%	50%
	(14)	(54)	(24)	(44)	(10)	(58)
Total	100%	100%	100%	100%	100%	100%
	(30)	(110)	(47)	(92)	(25)	(115)

Note: The number of respondents is listed in parentheses

We next examine how attitudes of eastern Oklahoma Democrats on economic issues are associated with their attitudes on the issue of school prayer to test more rigorously if a strain of populism is found in eastern Oklahoma. In Table 8 we see that the majority of respondents who support government intervention in the economy agree to the statement that public schools should be allowed to start each day with a prayer. For example, 52 percent of eastern Oklahoma Democrats who agree that government should intervene to reduce the gap between the rich and the poor are also in favor of prayer in the public schools. Similarly, 51 percent of respondents who support government intervention to help people get doctors and hospital care at low cost are also in favor of prayer in the public schools. These findings demonstrate that a strain of populism, which is the combination of economic progressivism and social, or at least religious, conservatism is found among eastern Oklahoma Democrats.

Based on the findings about the ideology of eastern Oklahoma Democrats, we conclude that there is a strain of voters among eastern Oklahoma Democrats who are more in favor of government intervention in the economy while, at the same time, are more conservative on religious issues. It supports our belief that the religious or social conservatism of eastern Oklahoma has been partially offset by the district's economic progressivism. The combination of religious conservatism and economic progressivism may explain why the 2nd Congressional district has been able to remain loyal to the Democratic Party as long as it has in spite of the fact that the rest of the state, and most of the south, has defected from the Democratic to the Republic Party.

CONCLUSION AND DISCUSSION

Why has Oklahoma's 2nd Congressional district, or eastern Oklahoma as a whole, survived defection from the Democratic to the Republican Party? We argue that eastern Oklahoma has resisted realignment as long as it has because many eastern Oklahomans are populists. To empirically test our hypothesis, we investigated the political attitudes of eastern Oklahoma Democrats through a survey designed to measure the attitudes of Democratic voters in the district. The results of the analysis found that eastern Oklahoma Democrats are more conservative than Democrats in the nation as a whole. We also found that, while eastern Oklahoma Democrats are less conservative than Oklahoma voters and southern voters on issues like defense spending and immigration, they are conservative in regard to religious issues. In addition, the findings on racial resentment suggest that eastern Oklahoma Democrats are not as racially resentful as southern voters are in general. Finally, the results of the analysis show that eastern Oklahoma Democrats are economically progressive while being conservative on religious issues. The findings support our argument that a strain of populism has influenced eastern Oklahoma Democrats' loyalty to the Democratic Party.

The findings of this research may also shed light on the impact of the ideology of constituents on the voting records of members of Congress. The populism we find among eastern Oklahoma voters can also be found in the voting records and issue stands of its Congressional representative. The voting records and issue stands of Dan Boren, the current U.S. Representative for Oklahoma's 2nd

congressional district, for example, suggest that he is a populist.³⁰ Similarly, according to the 2005 American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) ratings, which placed members of Congress from 0 (extremely conservative) to 100 (extremely liberal) by their voting records, the score for Dan Boren was 60. This progressive score on labor issues seems to reflect his constituents' populism. In contrast, the current representatives for Oklahoma's 1st, 3rd, and 4th Congressional districts received very low scores from the AFL-CIO, which reflect their constituents' conservative ideology that we found in Table 2.³¹ These findings suggest that the elected officials know well where their constituents stand ideologically and have tried to please them when they cast ballots on policies on the floor. Will the 2nd Congressional district continue to be loyal to the Democratic Party? Nobody knows. Based on the findings of this study, however, we may argue that, at least ideologically, the Democratic Party will be able to survive in the 2nd Congressional district as long as it represents its electorate's populist ideology better than its opponents. If our hypothesis is correct, even if a Republican replaces Boren in the 2012 elections, his Republican replacement will have to take populist policy positions in order to be reelected.

We have to acknowledge that our 2010 survey has lots of room to improve. Our survey had only 140 observations. In addition, our survey

³⁰ A web site plots the ideological positions of members of Congress by determining their position on twenty policy questions. The result places members of Congress on a four-cornered ideological grid that distinguishes liberal, conservative, populist, and libertarian positions. In their assessment of Dan Boren, the Democratic Representative for Oklahoma's 2nd Congressional District, he is shown to be a populist. Available online at <http://www.onthecissues.org/> (May 19, 2011).

³¹ According to the 2005 AFL-CIO ratings, John Sullivan, the Republican Representative for Oklahoma's 1st Congressional district, received a score of 13, Frank Lucas, the Republican Representative for the 3rd Congressional district, also received 13, and Tom Cole, the Republican Representative for the 4th Congressional district, received 14. Available online at http://www.votesmart.org/issue_rating_detail.php?r_id=3202 (May 19, 2011).

measured only registered Democratic voters in eastern Oklahoma. Finally, our survey did not have enough questions to measure respondents' attitudes on social and moral issues adequately, and the toleration index provided inconclusive results. We plan to conduct another survey on all voters of eastern Oklahoma in the fall of 2011. Our 2011 survey will ask questions of Democrats, Republicans, and Independents in the region and include a larger variety of questions designed to measure respondents' attitudes on economic and social issues. Although our 2010 survey and research have some limitations, they do not overshadow its contribution.

Appendix A

Introduction: My I speak to _____. Hello, my name is _____ and I am a student at Northeastern State University in Tahlequah. Political science students, under the supervision of faculty, are doing research by conducting a survey of registered Democratic voters. The purpose of the study is to measure political attitudes and involve what some may consider controversial issues. The entire survey should take around ten minutes. I assure you that strict confidentiality will be maintained and that the results of the survey will be presented in summary form only. Do we have your permission to continue with the survey?

1. Which of the following best describes your race or ethnicity?

- a) White/Caucasian
- b) Black/African American
- c) Hispanic/Latino
- d) Asian/Pacific Islander
- e) American Indian
- f) Other

2. Which statement best describes your education?

- a) Some H.S.
- b) H.S. Graduate/GED
- c) Some College
- d) College Graduate
- e) Post Graduate

3. Which statement best describes your household income?

- a) Less than \$25,000
- b) \$25-50,000
- c) \$50-75,000
- d) More than \$75,000

4. With 1 being extremely liberal and 10 being extremely conservative, how would you describe your political beliefs?

5. Which statement best describes the frequency with which you attend church?

- a) Attend church regularly
- b) Attend church occasionally
- c) Do not attend church

Now I am going to read you some statements. Please tell me on a scale of 1-10 (with 1 meaning you very strongly disagree and 10 meaning you very strongly agree) what your attitude is in regard to each of the following statement.

6. The government ought to help people get doctors and hospital care at low cost.

7. Religion does not belong in the public schools, but rather should be taken care of by the family and the church.

8. The government ought to take steps to make sure that the gap between the rich and the poor in America is reduced.

9. Women should have an equal role with men in running business, industry and government.

10. Defense spending should be increased.

11. The government should provide fewer services in areas such as health and education, in order to reduce spending.

12. Poverty among African-Americans is really a matter of them not trying hard enough; if they would only try harder, they could be just as well off as whites.

13. Public schools should be allowed to start each day with a prayer.

14. The religion of a presidential candidate could affect my vote.

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15. All Americans should be responsible for their own economic well-being and government should not interfere.

16. Generations of slavery and discrimination have created conditions that make it difficult for African-Americans to work their way out of the lower class.

17. Police officers should be given more authority to ask for the documents of a person who looks like he or she could be an illegal alien.

Now, I'd like to ask you about certain groups that some people feel are threatening to the social and political order in America. Would you please select from the following list the one group or organization that you think poses the greatest threat?

1. Atheists
2. Communists
3. Feminists
4. Hispanic Immigrants
5. Homosexuals
6. Muslims
7. Neo-Nazis
8. Other
9. Prefer not to choose

Yes, or no; do you think that a [NAME LEAST-LIKED GROUP JUST IDENTIFIED] should be allowed to:

1. Build a community center in your town?
2. Become a public school teacher in your town?
3. Lead a protest march or demonstration in your town?

Thank you so much for participating in our survey.

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**THE POLITICS OF PLEBISCITES:
THE INITIATIVE PROCESS AND OKLAHOMA'S
SINGLE SUBJECT RULE**

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This essay examines recent efforts to effect charter reform in the city of Tulsa through the lens of the single-subject rule which is a constitutional feature of thirteen states that places certain constraints on the use of direct democracy as it relates to the use of the initiative process. The essay explores the jurisprudence of a single-subject challenge to a citizen petition from a group known as Save Our Tulsa, and then explores the broader literature on the single-subject rule, noting that challenges of vagueness that provides incentives for judicial activism. The essay concludes with a discussion of Cooter and Gilbert's "democratic process theory" as a potential remedy, and offers a hypothetical discussion of how judges could apply and interpret the theory to single-subject challenges in the future.

INTRODUCTION

Many of the states that allow citizens to directly propose legislation through the initiative process also have constitutional provisions restricting the content of such proposals. Described as "single subject rules," such prohibitions are primarily designed to prevent misleading

proposals from being placed before voters (James, 2010).¹ There are many critics, however, who view these provisions as constraining rather than enhancing democracy. This essay begins with a single subject rule² challenge to an initiative petition filed in the City of Tulsa, and moves then to a discussion of the origins and purposes of SSRs. From there, drawing on Cooter and Gilbert's "democratic process theory," the essay will conclude with a discussion of how a more nuanced interpretation of the SSR would have interpreted the facts of the Tulsa case.

Tulsa's Troubled Charter History

The City of Tulsa, Oklahoma had a commission system of government for more than eighty years. Reform efforts began in earnest in the 1940's, as the city's governance began to be seen as increasingly dysfunctional (Pearson, 2011). Subsequently, there were proposals placed before voters in 1954, 1959, 1969, and 1973, with a great deal of discussion led by community leaders, stakeholders, and widely dispersed discussion among the interested sectors of the city. Each of these proposed charter changes failed at the polls, although in some instances by a razor-thin margins (1968), while in other instances proposed changes failed spectacularly (1973) (Pearson, 2011).

On February 14, 1989, the citizens of Tulsa overwhelmingly supported a petition initiative to replace what was widely perceived as a dysfunctional city commission system with a mayor-council form of municipal government. The 1989 Charter created a "strong mayor" system. In such a system the mayor is elected to a four-year term by city-wide vote, is independent of the council, possesses extensive appointive and administrative authority, and can veto council ordinances and resolutions.³ In contrast to a "council-manager" or commission systems, the 1989 Charter extended very little statutory

¹ These provisions (at least in theory) may impose constraints on the legislative process as well. See Gilbert (2006), "Single Subject Rules and the Legislative Process," *University of Pittsburgh Law Review* 803, pp. 804-870.

² For brevity's sake, the single subject rule will be abbreviated as SSR

³ To date, only Mayor Susan Savage (1992-2002) has won more than one term as Tulsa mayor under the 1989 charter.

authority to the nine-member city council. This has resulted in repeated efforts by the Tulsa City Council to strengthen its powers, usually through proposals designed to weaken the mayor's statutory authority (Averill, 2011).

Notwithstanding the city council's efforts, some interests in Tulsa have sought to lend the Tulsa mayor an even stronger hand. For example, a 2005 petition drive was organized to add three at-large members to the Tulsa City Council. That petition effort was widely criticized and was subsequently withdrawn at the request of then-Tulsa Mayor Bill LaFortune (Bledsoe 2011, 10). Consequently, reform efforts have created fairly clear battle-lines, with some political elites favoring the city council's preference for a weakened mayor, while other political interests appear to favor an even stronger mayoral institution.

In 2010 a group known as "Save Our Tulsa" began a petition campaign to alter the City of Tulsa Charter, which succeeded in securing the requisite number of signatures to appear on the November 2012 ballot. Petition 2010-01 contemplated a number of consequential changes to the Tulsa city charter, including:

- Adding the mayor as a statutory member of the Tulsa City Council, with tie-breaking powers, making the mayor the presiding officer of the council;
- Adding three at-large City Council members elected from three "super districts," and elected by all the voters of Tulsa;
- Giving the mayor authority to designate a member of the Council as "Vice Chairman;"
- Having all city elections coincide with state and federal elections; and,
- Requiring candidates for city offices to compete in nonpartisan elections, which would be scheduled to coincide with federal elections.

The overall effect of the Save Our Tulsa petition would be to strengthen the mayor's executive and administrative authority and

add to the mayor's legislative powers, while inserting the mayor into a still-weaker council leavened with three "super-councilors."⁴

Petition 2010-1 was immediately challenged on SSR grounds.⁵ The Protestant's and Proponent's briefs advocating their respective positions regarding Oklahoma's SSR jurisprudence are illustrative of the difficulties of interpreting the rule.

First, Oklahoma's case law regarding the SSR is somewhat mixed, but it tends to follow California's relatively lax interpretation of the SSR. Both sides in the Tulsa dispute were able to advance reasonable arguments for accepting *and* rejecting the SSR challenge to the petition. The challenger's brief relied extensively on the Oklahoma Supreme Court's reasoning in *In re Initiative Petition No. 314*, 1980 OK 174, arguing that changes to a state or city charter represent a "constitutional moment," which should trigger a higher standard of scrutiny.

In re Initiative Petition No. 314 revolved around the constitutionality of State Question 550, which included a repackaging of a proposal that had been rejected two years earlier.⁶ Petition No. 314 included myriad proposals, such as permitting franchising agreements between brewers and wholesalers, repealing a statutory ban on "open saloons," eliminating restrictions on issuing licenses to retail package stores or wholesale distributors.⁷ The Court held that the proposed initiative did not pass either the more restrictive "rational relationship" test advocated by the challengers or the more

⁴ Interestingly, the Tulsa City Council is collecting signatures for a rival petition that would shift from a strong mayor-council to a council-city manager system of government. The council petition would also include the mayor in the council, but would effectively divest the mayor of administrative and executive authority. The city council appears determined to get this petition on the November ballot, where a majority Tulsans could, paradoxically, vote in support of both petitions.

⁵ Full disclosure: the author acted as a consultant for the opposition's lead council.

⁶ The Oklahoma Constitution Article 5, § 6 holds that any "measure rejected by the people, through the powers of the initiative and referendum, cannot be again proposed by the initiative within three years thereafter by less than twenty-five per centum of the legal voters."

⁷ In all, there were twenty-one provisions to Initiative Petition No. 314.

permissive “germaneness” test supported by the Proponents. To the Proponents’ complaint that upholding the SSR challenge would undermine the “sanctity of the initiative process,” the Court replied that “we take this opportunity to point out that [the sanctity of the initiative process] may only be preserved by requiring the people to submit lawful initiatives.”⁸ Critics of the SSR like Lowenstein, Matsusaka, or Hasen might observe that the Oklahoma Supreme Court’s decision was primarily a political decision, a ruling motivated by the perception that Petition No. 550 amounted to a massive giveaway to out-of-state wholesalers. Likewise, a defender of the SSR might reply that avoiding such a ruling would be equally fraught with political implications, many of them hostile to Oklahoma’s economic interests.

In re Initiative Petition No. 314 also contained the most stringent “functionally-related” test for determining an SSR violation, which the protesters argued is the appropriate standard for constitutional issues. Under that standard, a set of proposals would be considered one subject “if all its measures are ‘so interrelated and interdependent that they form an interlocking package [with] a common underlying purpose’” (Bledsoe, 2011, p. 4).⁹

Advocates for Petition 2010-01 emphasized the initiative as a “sacred right of the people,” and cited an impressive array of case law to support their claim that Initiative Petition No. 2010-1 only addressed a single issue.¹⁰ Their brief contended that the petition did not violate the log-rolling ban implicit in Oklahoma Constitution’s SSR because the initiative clearly informed voters of the initiative’s proposed effect:

⁸ 625 P.2nd 602 ¶ 82.

⁹ Protestant’s brief also notes that in *Rupe v. Shaw*, 1955 OK 223 that the Oklahoma Supreme Court has applied the “germaneness” test to “amendments by article,” which I take to refer to changes to statutory law, as opposed to constitutional changes to state constitutions or municipal charters.

¹⁰ Proponents cited fourteen cases in which the Court upheld the validity of municipal or state initiatives against SSR challenges.

When a voter approaches the polling booth, he or she will be faced with one single consideration – whether to vote in favor of the re-structuring of the Council as proposed by the Proponents. If a voter disagrees with the contents of the proposal, or the methods by which the Proponents seek to accomplish the re-structuring, he or she is free to vote against the proposal, and the proposal will “fall as a whole.” However, in the end, only one provision will be submitted to the voter for consideration – whether the restructured City Council as outline in the proposal should be put in place (Howard, Schuller, Dailey, & Watson 2011, 12).

Moreover, in oral argument, the lead counsel for the proponents argued that the importance of direct democracy was such that citizens should not be shielded from difficult choices.¹¹

Proponent’s brief also contended that breaking the proposal into constituent parts would invite confusion, noting that “if an isolated amendment to the City Charter was approved that allowed the Mayor to break tie votes on the City Council, and if no other changes to the City Charter were implemented, considerable confusion would result if the Mayor appeared at a Council meeting asserting his title as the statutory tie-breaker when the Council is currently comprised of nine members, numerically incapable of producing a tie” (Howard, Schuller, Dailey, & Watson, 13).

In this instance, the Tulsa County Court essentially adopted the “germaneness” language proffered by the petition’s advocates, and explicitly avoided asserting the court’s role in adjudicating political conflicts. The absence of a controlling precedent was evident in the Court’s opinion, which noted that “it is not common that both sides, as here, argue the same cases with completely opposite results...” (Nightingale 2011, 3). The Court also recognized the balancing act implicit in such adjudications: to weigh the need to preserve the initiative process from arbitrary abridgement versus the SSR’s purpose in preventing logrolling and/or riding:

¹¹ Oliver S. Howard, OBA No. 4403 of the firm Gable & Gotwals, lead counsel for proponents.

The role of the Court in ruling today is not to deliberate on the wisdom of the proposed petition and not to determine that because some voters would like to vote on one portion in one way and another portion another way, that is not for this Court to rule on” (Nightingale, 2011, p. 4).¹² The principal rationale that the Court cited in support of the proponents was the argument that breaking up the petition would be more likely to invite confusion than the attempt “to explain to the voters that those [proposals] are joined together in order to accomplish one common or, as the proponents used, *germane* concept of how the council should be restructured” (Italics added) (Nightingale 2011, 5).

This case illustrates several of the problems inherent in the initiative process, and the numerous challenges facing jurists adjudicating SSR challenges to initiatives. First, direct democracy procedures are fully as vulnerable to manipulation as are political institutions, but often lack the deliberative component necessary to expose the motivations of powerful interests.¹³ Second, further legal challenges are likely if the Tulsa City Council successfully places an alternative proposed change of the Tulsa Charter, which would involve an even more dramatic shift from a “mayor-council” to a “council-manager” system similar to Oklahoma City’s current charter. In the event that both initiatives succeed in securing majority support, the courts would necessarily be forced to adjudicate the outcome. Whether an objective standard exists to determine which petition should be enforced is an open question. Third, the question of what constitutes a “single subject” does not present an obvious or uncontroversial answer, which demands a closer examination of the history of the single subject rule.

BACKGROUND ON THE SINGLE SUBJECT RULE

Legislatures have a long and storied history of manipulating the legislative process to the advantage of narrow interests. For example,

¹² That statement could be interpreted as *prima facie* evidence of the Court’s willingness to abrogate the SSR.

¹³ The question of whether “social media” will provide a remedy to this problem is an interesting possibility about which there is little substantive research.

in ancient Rome legislators learned the trick of “harnessing [unpopular proposals] up with one more favored” (Gilbert 2006, 811). Such tactics, commonly known as log-rolling¹⁴, became more common in legislatures in Europe and the North American colonies. The experience of legislature capture provoked reformers in the late nineteenth and early twentieth century to advocate direct democracy, of which the initiative is one variety (Gilbert 2006, 815).¹⁵

Unfortunately, direct democracy is as vulnerable to manipulation by the powerful as are legislatures. Ellis notes that well-financed interests can thwart the popular will by packing initiative proposals with multiple and potentially contradictory proposals in the hopes of securing passage of an otherwise undesirable proposal. As one election law scholar has observed, if “an initiative contains two or more distinct questions, it becomes virtually impossible to determine what the majority meant to say in approving or rejecting an initiative” (Ellis R. J. 2002, 141). The result is that “Direct democracy encumbers political bargaining, while representative government facilitates it” (Cooter & Gilbert 2010, 689). As a consequence, “direct democracy” – because it lacks a deliberative component – is often neither direct nor particularly democratic.

Requiring legislative proposals to cover only one subject in the United States was first offered in 1818 in Illinois, and was narrowly tailored to legislation related to government salaries (Gilbert, 2006, 812). These sorts of provisions became popular among the states during the progressive era. According to Gilbert, by “1959, some version of the rule had been adopted in forty-three states. The

¹⁴ Gilbert distinguishes between logrolling and “riding,” which are instances that emerge from “manipulations of committee power and procedural rules.” In other words, where log-rolling is an organic feature of legislative bargaining, riding occurs when legislators are able to use their influence within the committee process to attach provisions to an otherwise popular piece of legislation. As Gilbert notes, “judges find the results of riding and logrolling equally undesirable,” and the SSR is one possible remedy. See Gilbert 2006, 815-816.

¹⁵ The three basic varieties of plebiscites in American politics at the state level are initiatives, where citizens use a petition process to place proposals on the ballot for approval, referenda, where the state legislature places an issue before the state’s voters for an up-or-down vote, and recall, which is essentially a citizen-driven impeachment process. For a discussion of direct democracy, see Bowman and Kearney 2011, 93-98.

provision in the Nebraska Constitution is typical: 'No bill shall contain more than one subject, and the subject shall be clearly expressed in the title'"(812). Jurisprudence in most states quickly extended this logic to the initiative process (Cooter & Gilbert 2010, 689).

As a state born in the midst of the progressive era, Oklahoma's constitution was a model of the "new thinking" emblematic of that period. Scales and Goble (1982, 25) observe that "the document included most of the instruments of direct democracy that spoke to the delegates' faith in popular government." As a consequence, the Oklahoma Constitution was an expression "of the naïve faith of the progressive era that 'the cure for the evils of democracy is more democracy'" (Scales & Goble 1982, 25). Unfortunately, election scholars have provided ample evidence suggesting that unconstrained political processes—whether direct or indirect—are vulnerable to manipulation.¹⁶

The authors of Oklahoma's Constitution also included an SSR provision as protection against the manipulation of the initiative process. Article Twenty-Four § 1 of the Oklahoma Constitution contains similar language to the Nebraska single subject provision:

No proposal for the amendment or alteration of this Constitution which is submitted to the voters shall embrace more than one general subject and the voters shall vote separately for or against each proposal submitted; provided, however, that in the submission of proposals for the amendment of this Constitution by articles, which embrace one general subject, each proposed article shall be deemed a single proposal or proposition.

Michael Gilbert, an election law scholar at the University of Virginia notes that the SSR serves (at least) three basic purposes. First, the rule prevents logrolling; where disparate groups conjoin otherwise separate proposals in hopes of securing a majority of support from voters. Second, SSRs enjoin riding, which is a similar phenomenon to logrolling in which the initiative process is manipulated by attaching an unpopular proposal to a more popular proposal in order to secure

¹⁶ See, for example, Riker (1982).

passage.¹⁷ Third, SSR's improve political transparency by simplifying the nature of proposals that can be placed before the electorate for a vote (Gilbert 2006, 813-818).

Application of the SSR raises a number of practical questions. The first question is the status of the SSR within a state's jurisprudence; some states legal cultures view the single subject rule as a useful and legitimate mechanism for challenging initiatives, while in other states' jurisprudence the idea of direct democracy as a "sacrosanct right of the people" enjoys such status that state SSR's are virtually unused.¹⁸ Second, the question has arisen in different states over whether a single subject provision even applies to initiatives in general, or (in this instance) to initiatives originating from municipal governments. For example, Ellis (2002, 142) notes that Washington state did not apply the SSR of its constitution to municipal petitions until 1995.

A third question relates to the willingness of state judges and supreme courts to invoke the SSR in striking down initiatives. Ellis states that, until recently, "state courts have...approached single-subject provisions with tremendous trepidation" (2002, 142). In many states, judges are elected to their offices or are subject to periodic judicial retention elections where alienating powerful interests can provoke well-funded ouster campaigns (Sulzeberger, 2010).¹⁹

Fourth, the application of the rule seems to go through periods where it is applied quite aggressively, and periods where SSR challenges decline in use. Gilbert investigated the fourteen states with both an SSR and an initiative process, and he noted three separate periods where single subject challenges varied considerably. For example, in the decade from 1910-1919, challenges were relatively

¹⁷ While some legislative process scholars view riding as a variant of logrolling, Gilbert goes to some lengths to argue that riding is distinctive, and is more problematic when applied to initiatives. See Gilbert (2006), pp. 836-844.

¹⁸ There are fourteen states that have both initiatives and single subject rules: Alaska, Arizona, California, Florida, Missouri, Montana, Nebraska, Nevada, Ohio, Oklahoma, Oregon, Washington, and Wyoming. See Matsusaka and Hasen (2010).

¹⁹ For a discussion of the rise of campaign spending on judicial campaigns, see Sample, Jones, and Weiss, "The New Politics of Judicial Elections (2006).

moderate, with roughly 800 cases tried. In another period – the 1960’s – single subject challenges were relatively modest, despite the fact that more states had adopted SSRs, and only 302 cases were tried. By comparison, during “the years from 2000 to 2005, an astonishing 1,010 cases were litigated” (Gilbert 2006, 820).²⁰

Gilbert’s investigation of the total number of single subject challenges in the fourteen states offers insight into frequency of SSR challenges in Oklahoma. His Westlaw search of SSR litigation of states from year of adoption of an SSR through 2005 suggests that Oklahoma is not an outlier, at least where crude frequency of challenges is concerned.

State ²¹	Number of Challenges
Alaska	20
Arizona	83
California	329
Florida	906
Missouri	334
Montana	76
Nebraska	201
Nevada	61
Ohio	212
Oklahoma	222
Oregon	168
Washington	271
Wyoming	43

²⁰ Theories explaining the proliferation of SSR challenges note the concomitant rise in initiative petitions employed, especially in states like California, where the legal community has generally adopted “relaxed” interpretations of the SSR. For a critical perspective on California’s use of petitions and the SSR, see Minger (1991) and Ellis (2002). For a more favorable view of the role of initiatives in the democratic process, see Schultz (1998).

²¹ See Gilbert (2006), Figure 2: Single Subject Rules by State Year of Adoption and Number of Cases, p. 822.

Of the thirteen states that Gilbert included in the study, the average number of SSR challenges was one hundred and fifty-six, with Oklahoma at slightly above the median number of challenges. Looking at the frequency of challenges, Alaska, Arizona, Montana, Nevada, and Wyoming can be described as “low challenge states,” whether as a simple function of low population or state jurisprudential views that discourage single subject challenges. California, Missouri, Nebraska, Ohio, Oklahoma, Oregon, and Washington could be described as “moderate challenge states,” where single subject challenges occur fairly frequently, and are viewed within the legal culture as an acceptable legal tactic. Florida is clearly and unambiguously a “high challenge state,” where the legal culture’s interpretation of the SSR appears to encourage frequent challenges of legislation and initiative petitions on single subject grounds.²²

Breaking down the use of initiatives and SSR challenges by decade, Cooter and Gilbert note an overall increase in the use of initiatives in the 1990s. The table under-predicts the total resort to plebiscites because they do not include referenda or local initiatives, but does offer evidence that the resort to plebiscitary mechanisms have increased in recent years. Moreover, as Cooter and Gilbert (2006, 9) note, many states have seen direct democracy used to promote controversial measures as a means of leveraging turnout of narrow but passionate supporters (e.g., ending racial preferences, banning same-sex marriage, “English Only” requirements).

While no research has been conducted to establish a criterion for establishing a hierarchy of most strict to least strict enforcement of the single subject rule, Matsusaka and Hasen (2009) have analyzed single subject enforcement in five states, and determined that California and Washington have a “restrained approach” to single

²² Gilbert notes some methodological problems with his search, which included regular legislation and initiatives. His search tended to produce some duplicative results (some cases were litigated both before appellate and state supreme courts). However, he also notes that “courts in California, Oregon, and elsewhere have begun to aggressively review initiatives for compliance with the rule. See Gilbert, 2006, pp. 819-820. By his count, there were approximately 105 single subject cases were litigated between 2001 and 2005 that applied to the fourteen state’s initiative processes (Gilbert 2006, 820, note 91).

subject challenges, while Colorado, Florida and Oregon have an “aggressive approach” to enforcement of single subject challenges.

Decade	Number of statewide initiatives proposed	Number of initiatives approved	Number of initiative defeated	Percentage passed
1901-1910	56	25	31	45%
1911-1920	293	116	177	40%
1921-1930	172	40	132	23%
1931-1940	269	106	163	39%
1941-1950	145	58	87	40%
1951-1960	114	45	69	39%
1961-1970	87	37	50	43%
1971-1980	201	85	116	42%
1981-1990	271	115	156	42%
1991-2000	389	189	200	29%
2001-2005	143	74	69	52%
Totals	2140	890	1250	42%

The consensus among election lawyers and scholars is that Florida is by far the most aggressive in enforcing the single subject rule. According to Ellis (2002, 143) the Florida Supreme Court “has advanced a rationale for a stricter interpretation of the single-subject rule for initiatives that rests, in part, on the difference between the initiative and legislative processes. In contrast, California judges have historically been more permissive in allowing challenged initiatives to

²³ This table is reproduced from Cooter and Gilbert (2006, 8). The authors note that the table was “compiled from data provided in Initiative & Referendum Inst., Initiative Use, at [http://www.iandrinstitute.org/IRI%20Initiative%20Use%20\(1904-2008\)](http://www.iandrinstitute.org/IRI%20Initiative%20Use%20(1904-2008)).”

be presented to voters. In recent years, however, they have begun interpreting the rule more aggressively, which has provoked criticism from that California judges' interpretation of the SSR has become "politicized" (Matsusaka & Hasen, 2009).

STRONG VERSUS WEAK INTERPRETATIONS OF THE SSR

A brief discussion of two interpretations of the single subject rule will illustrate the range of opinion on the interpretation of the SSR. While California jurists have generally adopted very narrow interpretations of the SSR – allowing most initiatives to go before voters -- Florida's courts have adopted by far the broadest and most stringent interpretation of the rule. These contrasting views express the range of possible interpretations of the SSR, and the challenges confronting judges, who must interpret and apply the rule. This section will conclude by describing Cooter and Gilbert's "democratic process theory" as a more workable alternative.

California courts from 1949 until 1990 rarely struck proposed initiatives from the ballot. Some election scholars have suggested that the resulting explosion of initiative petition over past fifteen years is a product of this jurisprudence (Minger 1991, 883). The California judge's narrow interpretation of the single subject rule centers on its standard for what constitutes a "subject," and the criterion used to assess whether subjects are sufficiently related to constitute a single subject. In *Perry v. Jordan* (1949) the California supreme court held that an initiative proposal to repeal Article XXV of the state's Constitution was not in violation of the SSR, reasoning that it "is not to receive a narrow or technical construction in all cases, but is to be construed literally to uphold proper legislation, all parts of which are reasonably germane."²⁴ Likewise, in *Raven v. Deukmejian* (1990), the California Supreme Court established that multiple measures could be viewed as a single subject provided that all its provisions are "reasonably germane" to each other or to a single subject or purpose" (Minger 1991, 903). This accommodating standard has generally permitted judges to accept as "germane" numerous

²⁴ Quoted in Lowenstein, p. 4.

complex provisions of an initiative that were only vaguely related to one another.

Ellis notes that while single subject challenges have been relatively frequent in California, until recently judges had consistently declined to strike down compound initiatives.

Among the California initiatives that survived single-subject challenges was the twenty-thousand-word Political Reform Act of 1974, which contained no fewer than eight separate elements: (1) establishing a Fair Political Practices Commission; (2) mandating disclosure of candidate contributions, (3) limiting candidate spending, (4) regulating lobbyists, (5) enacting conflict-of-interest rules, (6) adopting rules regarding arguments summaries in the voters' pamphlet, (7) fixing the ballot position of candidates, and (8) detailing the enforcement provisions and penalties (Ellis R. J. 2002, 142).

This holding aptly illustrates a central problem with application of the SSR; as Cooter and Gilbert note, "Whether [an initiative], or whether any ballot proposition violates the single subject rule is purely a question of the level of abstraction at which judges believe they should frame the subject" (Cooter & Gilbert 2010a, 710). A workable hypothesis might posit that as more politically controversial issues find their way onto the ballot via initiatives, judges will experience greater incentives to strike them down using a more aggressive interpretation of the SSR, particularly when their political sensibilities place them at odds with an initiative's proponents, or alternatively supporting initiatives that are more congenial to their ideological preferences. The resulting accordion-like nature of SSR interpretations in various states' jurisprudence could have two results: on the one hand, raising questions about the utility of the SSR itself; or, on the other hand, raising questions about the kinds of issues that are appropriate subjects for direct democracy.

In contrast to California's narrow standard, Florida courts have interpreted the SSR in a sweepingly broad and uniquely aggressive manner. Under Florida jurisprudence, there are important differences between legislative proposals—which work their way through the legislative process and are subject to negotiation, bargains, public

hearings, and compromises—and initiatives, which are typically the products of small, well-funded groupings of interests. This difference has led Florida judges to open-ended interpretations of SSRs in relation to initiatives. According to Matsusaka and Hasen, Florida jurisprudence requires “that all parts of an initiative have a zen-like ‘logical and natural oneness of purpose’ in order to steer clear of a single subject violation” (Matsusaka & Hasen 2009, 8).

The Florida Supreme Court’s decision in *In re Advisory Opinion*, 632 So.2d 1018 (1994) illustrates Florida’s aggressive jurisprudence regarding the SSR. The Court struck down a proposed constitutional initiative amendment designed to prohibit antidiscrimination laws “based on characteristics other than ‘race, color, religion, sex, national origin, age, handicap, ethnic background, marital status, or familial status’” (Ellis R. J. 2002, 42). The initiative’s proponents contended that the proposal dealt with a single topic: discrimination. The Florida Supreme Court, however, reasoned that the initiative put Florida voters in the position of giving “yes/no” answers to ten separate questions, and that requiring voters to determine which classifications they most cared about “defies the purpose of the single-subject limitation” (42). The notion that each criterion of discrimination would constitute a separate subject might strain the credulity of even the most fervent supporter of the SSR.

The central challenge involved with SSR enforcement is the difficulty inherent in objectively identifying what constitutes a subject. Proponents and opponents alike express concern regarding the challenges judges confront in crafting a judicial rule that fairly and objectively delineates the nature of a single subject that can be consistently applied in an apolitical manner. The absence of a workable theory of subject interpretation means that case law fails to provide adequate guidance for adjudication of SSR challenges (Cooter & Gilbert 2010a, 710). Some election law scholars have concluded that the task is futile, and advocate either amending state constitutions to eliminate the SSR (Lowenstein, 1983) or adopting a California-like “reasonably germane” standard that effectively guts the rule (Matsusaka and Hasen, 2010). Others argue for the SSR’s continued utility, and contend that a more nuanced application of the rule would preserve its utility while avoiding unnecessarily politicizing election law.

A Middle Path

Cooter and Gilbert's "democratic process test" offers a compromise between draconian and lax enforcement. Acknowledging that "[l]ogic and language cannot yield a precise definition of 'subject,'" they believe that the SSR nevertheless merits preservation (Cooter & Gilbert 2010a, 687). First, the authors note that direct democracy cannot replicate the deliberative process because initiatives suffer from the "confusion of a multitude":

Tens of thousands of citizens cannot negotiate with one another, lending support on one proposal in exchange for others' support on a second proposal. There are no committees to conduct hearings, gain expertise, and reach agreements. There are no political parties to align interests and ensure that political bargains are carried through. There are no rules of procedure that allow for modification, amendment, or other manifestations of compromise. In short, direct democracy, and the initiative process in particular, offers no forum for political bargaining, so transaction costs are prohibitively high (Cooter & Gilbert 2010a, 699-700).

The problem with the unrestrained use of the initiatives process is not merely that socially harmful cycling and bargaining can occur, but that politics carried out by initiative can be profoundly destabilizing, allowing powerful interests to endlessly recreate "random majorities" that weakens a state's political institutions, political parties and ultimately its entire state governance (Cooter & Gilbert 2010a, 702).

Under Cooter and Gilbert's democratic process test, only initiatives that can command durable majorities should survive an SSR challenge. Adoption of this test would involve determining whether or not an initiative that contained multiple components includes provisions "over which a majority of voters have *insufficiently separable preferences*" (italics added) (Cooter & Gilbert 2010a, 712). The idea of "separable preferences" clearly has a range of possible applications. For example, an initiative that contained proposals to ban same-sex marriage and mandate "English Only" in official government contracts could easily be construed as "sufficiently separable" because even voters who support both proposals would acknowledge

their essentially separate nature.²⁵ Carefully applied, the democratic process test would enable judges to determine whether a majority of a state or municipality has separable or inseparable preferences, and hence employs a majoritarian threshold for determining whether an initiative violates a state's SSR.

The "separable preferences" standard in many ways mirrors the kinds of "zero-sum/positive-sum" calculations familiar to most political scientists. Where voters have separable preferences for two proposals, the logrolled nature of such a combination would mean that each proposal would fail separately unless packaged together. In contrast, instances where voters have inseparable interests for two proposals – in other words, strong majorities support both proposals – would survive an SSR challenge (717).

Another advantage of the "separable preferences" standard is that it would provide a more effective check on riding. The authors offer the following logical argument:

Suppose that policy proposals A and B address the same topic – say, environmental protection – and that A would pass on its own, B would not, and the proposals would pass if combined. In addition, suppose that, while most voters support the combination of policies, they would prefer to enact A alone rather than both proposals, and they would prefer to enact neither proposal rather than B alone. In short, B is a rider. Traditional single subject jurisprudence would permit the package of AB to be presented to voters because A and B address the same narrow subject. By contrast, if most voters have separable preferences for A and B, then our approach would force them to be decoupled. Standing on its own, the rider, B, would not pass (718).

Conversely, if voters expressed inseparable preferences for A and B, then under the democratic process test B would be judged as a complimentary proposal and the package would be cleared to be placed on the ballot.

²⁵ Cooter and Gilbert argue that a voter would have sufficiently separable preferences for two proposals that are "only weakly conjoined," which would suggest that they only tangentially compliment or substitute for one another (p. 713).

In application, the democratic process approach would have judges place the burden of proof on SSR challengers to substantiate that the proposals in question have separable interests. While judges would not be burdened with gathering polling data on citizens' preferences, they could place that burden on the litigating parties. A downside of this requirement is the vast potential for manipulation of polling results from both Protestants and Proponents. The expense of polling could also exacerbate the advantages of well-funded and well-lawyered interests in advancing their interests through initiatives backed by sophisticated-yet-inaccurate polling. Nevertheless, polling data would in many instances be a marked improvement in the standard of evidence for typical SSR challenges. At the present time, it is often the case that "parties can simply dream up an explanation for why the subparts of a challenged measure do or do not embrace one logical subject" (721). Additionally, creating an incentive to generate dispositive evidence of separable/inseparable preferences through polling data may have the serendipitous effect of increasing the financial burdens of SSR challenges, which the authors suggest would help to weed out weak cases while at the same time providing a more objective criterion for adjudication (721).

A final issue related to democratic process theory is the status of initiative-driven changes to a state constitution or basic alterations of municipal charters. Cooter and Gilbert believe that a heightened SSR standard should apply to constitutional referenda, since "constitutions are intended to be more entrenched and enduring than statutes. Constitutional amendments arguably should have majority support on their own merits" (725). They also observe that some states²⁶ forbid constitutional "revisions" by plebiscite. Applying the SSR more broadly to significant alterations of either state constitutions or municipal charters would be in keeping with general American jurisprudence. Changes affecting an entire state or a whole municipality should be able to command at least majority support without recourse to bargaining.

In summary, the interpretation and application of the SSR varies widely among those states which both admit initiatives and have constitutional single subject provisions. Lax application of the rule

²⁶ The only state mentioned is California.

guts its effectiveness in preventing the initiative process from supplanting state political institutions. For instance, some critics believe it contributes to the problems plaguing states like California (Minger, 1991), which is experiencing a witches' brew of structural governance and budgetary crises (Mitchell, 2011). Excessively rigorous application of the SSR could result in state courts clogged with SSR litigation, as appears to be the case in Florida. Cooter and Gilbert's democratic process test allows judges the discretion to objectively apply a criterion for determining whether multiple subjects violate the spirit of a state's SSR without unduly involving judges in political decisions.²⁷

The Democratic Process Test in Action

How would a judge following the democratic process test previewed above have ruled in this matter? Such an adjudication would be probably be more complicated, with the judge issuing a number of findings before rendering a verdict on whether a petition's violates a state's SSR:

The determination that municipal charter revisions rise to the level of "constitutional" issues triggers strict scrutiny. A judge evaluating an initiative petition asking voters to contemplate multiple issues related to a municipal charter would need to establish the scope of the contemplated changes, and consider whether the changes constitute a fundamental revision of the nature of the city government. Confronted with an SSR-challenged initiative, a judge following the democratic process test would need to ask the following:

- Are the proposed changes "multiple" in character (e.g. involve more than one change of the municipal charter)?
- Do the proposed changes fundamentally alter the nature of legislative, executive, and/or administrative authority of the existing municipal institutions?

²⁷ Critics like Lowenstein and Matsusaka/Hasen argue that any standard more rigorous than the "reasonably germane" standard threatens to "politicize" judges, which may be interpreted to mean that judges would be invited to express their political preferences through rulings. It is important to note, however, that allowing initiatives to proceed is equally fraught with political implications, especially in contexts where judges may perceive themselves to be vulnerable to challenge in states judicial elections. See Sample, Jones, and Weiss (2006).

- Do the proposed changes significantly affect the nature and quality of citizens' participation in municipal elections?

If the answer to two or more of these questions is yes, then the judge would find that the issues addressed in the petition are constitutional in nature, which would trigger a heightened standard of evidence regarding the SSR.

The judge requires evidence of "separable interests" from the opponents. Given the muddled nature of the case law surrounding SSR, a judge applying the democratic process test would task the challengers with establishing clear and compelling evidence of "separable interests." The burden of producing survey evidence of separable interests is significant, and would likely create an effective barrier to frivolous challenges.

In the instance of the SSR challenge to the City of Tulsa Initiative Petition No. 2010-1, the gravamen of the case would have revolved around the challenger's ability to establish compelling evidence of separable interests. For example, if credible polling data demonstrated that, say, 75% of respondents supported with the proposal to make the mayor a member of the city council, but only 38% approved of the proposal to add the three at-large city council members, then the judge would be able to objectively find evidence of separable interests. If, on the other hand, polling data demonstrated that 78% of respondents supported the proposal to make the mayor a member of the city council, while 59% supported the proposition to add the three at-large city council members, the judge might rule that a majority supports both proposals; therefore, in the absence of compelling evidence of either logrolling or riding, the SSR challenge would have been rejected.²⁸

Upon a finding of separable proposals, proponents would be given a chance to offer a remedy. At this stage, proponents would have the opportunity to develop survey data supporting a claim of "inseparable interests." Given malleability of polling techniques, both sides would be able to make an

²⁸ Whether a judge would be compelled to adopt a majoritarian standard, or whether a 19-point difference in support could be held to be evidence of separable interests, would likely be up to the judge. In my view, the correct interpretation of the democratic process test would require a 50%+1 threshold; if all measures reach that level of support, then the judge should reject the SSR challenge.

affirmative case to supports their claim. However, in this phase the Court would also have recourse to expert witnesses to evaluate the challenger's and proponent's methodologies, and identify which side's polling more reliably reflect voters' preferences.

The timing of litigation and possible remedies. Whenever possible, judges following the democratic process rule would attempt to adjudicate SSR challenges prior to the ballot being placed before citizens for a vote. Routinely allowing challenged initiatives to proceed to a vote (as California jurisprudence currently allows) would create incentives for initiative proponents to engage in the kinds of behaviors proscribed by the SSR. In the event that an initiative is allowed on the ballot prior to a ruling, a judge following the democratic process test may have the option of "severing" those elements of an initiative that are held to be in violation of the state's SSR. Severing, according to Cooter and Gilbert, may in some instances "public money and voters' time and quickly advances popular measures" (Cooter & Gilbert 2010a, 722).

CONCLUSION

Proponents' lead council for *In Re City of Tulsa Initiative Petition No. 2010-01* stated in oral argument that citizen's should not be shielded from making tough decisions. That sentiment might strike an advocate of single subject rule as a direct refutation of SSR's reasoning, which is that citizens cannot deliberate, but can only express preferences, through plebiscites. As it relates to the initiative process, the primary value of the single subject rule lies in its ability to constrain the scope of what can be brought before citizens for consideration. As this essay notes, allowing interest groups to circumvent the institutions of representative democracy to address constitutional changes invites corruption to enter the political process through the back door rather than the front door.

This essay also contends that revisions of city charters, like amendments to state constitutions, should not be made too amenable to revisions *via* direct democracy: the basic rules controlling governance in a municipality should be as firmly entrenched as those governing state and federal constitutions. Fundamental alterations to city charters would be best effected by charter conventions, with delegates gathering

in a forum to debate the myriad issues that are central to municipal governance.

Finally, the most often deployed criticism of an enhanced interpretation of the single subject rule is the fear that it will “politicize” judges. Certainly, judicial activism comes at a high price, but there are serious political consequences that flow from judges shrinking from applying the rule. The test proposed by Cooter and Gilbert, while not without flaws, creates a flexible and pragmatic mechanism that is responsive to the sentiments of majorities, while providing a more objective – and hence less politically charged -- basis for determining whether initiative proposals violate the central concern motivating SSRs, which is to avoid the manipulation of direct democracy in the service of narrow and powerful interests that too often prove harmful to the broader community.

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DOES WHERE YOU VOTE MATTER?
POLLING LOCATION PRIMING FOR STATE BALLOT
ISSUES

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Voters are primed in numerous ways throughout the campaign. This priming connects a candidate, party or policy, to criteria used to evaluate the candidate, party or policy. While the research on priming typically focuses on advertising and the media, we examine the extent to which polling location primes voters and affects the outcome of three state questions in the 2004 Oklahoma elections. Using state questions related to forming a lottery system to fund education and a state question to ban same-sex marriage, we find voters are primed when voting at schools when the state question concerns education; however voting at a church does not provide a signal for those voting on the issue of same-sex marriage. Overall differences do exist in support of these issues based on polling locations and we argue that polling location does have the potential to prime voters.

In 1991 Frank Otero, an atheist running for mayor of Miami, Oklahoma brought suit against Oklahoma challenging the use of churches as polling places (*Otero v. State Election Board of Oklahoma* 975 F.2d 738 (Sept. 1992)). Otero argued that the use of churches as polling places harmed his campaign by increasing the chance that voters will think about religion when voting. A year later, in Florida, Jerry Rabinowitz filed suit because in the church where he voted there were “pro-life” banners, and various religious symbols and sayings which he felt could bias voters’ choices (*Rabinowitz v. Anderson* Case No. 06-81117 Civ.). In both cases, the courts failed to find evidence that voting at churches taints elections.

This paper examines whether voting locations, including churches, affect how voters cast their votes. Understanding whether voting in churches specifically, or voting locations generally affect elections is critical to insuring free and fair elections – a critical part of democracy. If outcomes can be affected by where people vote, it is likely that political operatives in this highly partisan era will manipulate voting locations. Additionally, although there is ample literature suggesting that voters can be primed, there is only a burgeoning body of literature examining how voting location can prime voters (Berger et al., 2008; Rutchick, 2010; Blumenthal and Turnipseed, 2011). Thus, this article contributes to a fuller understanding of priming.

To examine the priming effects of voting location we examine election results of three of the nine ballot items in the Oklahoma 2004 general election. The three ballot amendments were selected based on their respective associations to particular voting locations. From the nine amendments on the ballot that year, we distinguish these as the most salient and conceive that they are the best predictors of whether polling places prime the vote. One of the ballot items was State Question 711, which sought to define marriage as between one man and one woman and prohibits marriage benefits to same-sex couples. If voting location primes voters, we would expect those voting in churches to be more supportive of SQ 711. Although most voters going into a church are unlikely to be a member of that church or even that denomination, they are likely to associate religion with anti-same-sex marriage sentiment. Religiosity generally as well as conservative faiths (conceptualized in a variety of ways) are among the strongest predictors of American’s views on same-sex marriage, the religious orientation of states/localities

is a strong predictor of an area's laws concerning gays and lesbians, and religious groups have been among the strongest opponents of gay rights (Olson, Cadge and Harrison, 2006; Wald, Button and Rienzo, 1996).¹ It should be noted that we are not arguing that the effects of voting in a church will always be conservative, there are certainly issues, places and times where religion is associated with liberal causes. But on this issue, time and place, we believe that voting in churches will have this particular effect. This does not however weaken the key concern that voting location can prime voters and affect the outcome of elections.

The other two items Amendments 705 and 706 concerned the creation of a state lottery to help fund schools. Since the pro-amendment campaign focused on funding schools, we expect that those voting in schools to be more supportive of the items. Although the amendments' proponents focused on education, the opponents made moral based arguments— essentially anti-gambling and crime. Thus we would expect those voting in churches to oppose the items since they would have the moral aspects primed and those voting in schools to favor the amendments since they would have the education aspects of the amendment primed.

It should be noted too that our expectation would be supported by the little research on of the priming effects of polling places. That is, studies indicate voters are more likely to vote in a conservative way when doing so in a church, while voters are more likely to support pro-education measures when voting in school buildings (Berger et al., 2008; Rutchick, 2010; Blumenthal and Turnipseed, 2011). No study yet, has found contradictory conclusions.

¹ It is true that some liberal faiths have taken stances in support of gay and lesbian marriage and rights, However, voters are less likely to be aware of the marriage views of the particular faith of the church they are voting in than they are to associate religion with the anti same-sex marriage agenda. It is likely that individual's faith has a greater effect on voting than the faith/denomination of the religion. Rutchik (2010) did find that non-Christians were less likely to be affected by Christian symbols than Christians. Thus the views of the church in which one is voting may be less important than the simply likelihood that voting in a church will increase the role that one's religion plays.

PRIMING AND POLLING LOCATIONS

The main mechanism through which polling location can affect the vote is through priming. Priming is a non-conscious type of memory based on the identification of objects and ideas (Tulving and Schacter, 1990). It involves “manipulations” of external stimuli to activate internal thoughts, feelings or behavior (Bargh and Chartrand, 2000). In essence then, priming occurs when people get a stimulus that influences what they think about. In this case, voting locations may stimulate certain memories and get them to think certain things, such as voting in a school gets them to think about education. Research on priming is vast and broad, including topics such as language (Leonard, 2011), advertising (Yi, 1990), shopping habits (North, Hargreaves and McKendrick, 1997) and stereotypes (Graham and Lowery, 2004).

One mechanism through which priming occurs is through the uses of heuristics or cognitive shortcuts. Heuristics are used to simplify the vote choice for the average voter, and although heuristics are not identical to priming, priming can use heuristics to affect vote choice. For example, voting in a church instead of a community building could bring up religious heuristics to voters instead of civil rights or partisan heuristics. The heuristics, as simplifications, can prime a voter to evaluate the candidate or policy in a particular way because through the use of the heuristics the voter is not gathering and evaluating the full range of information available. The connection between priming and heuristics used as cognitive short cuts to simplify decision-making has been clearly demonstrated to influence decision-making (Bargh, Chen and Burrows, 1996). Common heuristics that have been found to serve as cues to voters include: a candidate's party identification, economic status, education levels, and religious convictions (Berelson, Lazarsfeld and McPhee, 1954; Downs, 1957; Converse, 1964; Nie et al., 1976; Dalton and Wattenberg, 1993). Even going back to *The American Voter*, party identification has been found to shape a person's view of the political world and eventually shape voting preferences (Campbell, Converse, Miller and Stokes, 1960). Literature demonstrates that the presence of party cues (or lack of) can manipulate a political choice (Kam, 2007). Kam (2007) found the presence of a party cue decreased the likelihood of supporting a candidate based solely on ethnic preference.

Because voters and the general public are cognitive misers, it makes sense that short cuts are employed in making decisions. Priming is a subset of this when the short-cut is the connection between an object and the evaluation being made. Priming has been shown in reference to partisan evaluations of Congress (Kimball, 2005) and presidential approval numbers (Druckman and Holmes, 2004). For example, presidential rhetoric is a priming device for approval ratings, by priming the actual issues (the object) that bring about approval consideration (the evaluation). This happens by focusing on issues that are advantageous to a President and as a result, shape how approval is formed (Druckman and Holmes, 2004). If voters and the public were to carefully consider all of the information available, priming most likely would not occur. Instead the public would focus on the full content of the presidential speech and evaluate the president accordingly.

In addition, religion has been shown to have a priming effect on social concepts and issues (Johnson, Rowaat and LaBouff, 2010). Johnson, et. al. (2010) found individuals primed with Christian concepts had a small, but significant, increase in racial prejudice towards African Americans. This evidence has illustrated that there is a correlation between religion and specific views on social ideas and concepts (Johnson, Rowaat and LaBouff, 2010). All of these determinants are useful heuristics that simplify the vote choice for voters with low information and provide a mechanism for priming. Rational voters seek our short-cuts to decision making and these short-cuts allow for priming depending on the type of heuristic employed.

Though most often examined through the lens of media effects and voting, priming is seen as a way to call attention to some issues, and not others, and through this, the standards by which the issues are evaluated are affected (Iyengar and Kinder, 1989). For example, Iyengar and Kinder (1989) used experimental studies to show that increased television coverage of defense, energy and inflation, primed subjects' evaluations of the president according to these issues. Their results showed that viewers exposed to news stories with coverage of these issues evaluated the president's performance based on these issues. The priming occurred through the media's connection of these issues to the president, thereby altering the evaluation of the president.

Priming also occurs during an election through the content of the campaign. Research indicates that the content of a U.S. Senate campaign primes the reasoning behind voters' decisions at the polls (Druckman, 2004). Priming ballot issue through campaigning takes place because the issues are at "the top of the head" (Mendelsohn, 1996). The potential for voters to be primed by all external stimuli is there, but they can only be primed if they have *a posteriori* knowledge of stimuli. Priming is dependent on past memory of external stimuli, thus the cause must be present mentality before a "primed" effect can take place. Most American voters have at least some experience with both religion and education, thus schools and churches are likely have some memories that can be conjured up. Also given that the campaigning on these items discussed religion and education, voters should have specific memories about these institutions' positions on the items.

Given that priming occurs throughout campaigns, by the campaigns themselves, candidates, elected officials and the media, it makes sense that polling location might provide additional cues to the voter that prime the voter with respect to certain issues. While going to a school to vote might not signal which candidate best supports education, the school location might affect the degree to which voters think about education in casting their votes. The research of Berger et al. (2008) found this to be true. Using data from the 15 counties in Arizona and 2027 precincts during Arizona's 2000 general election, Berger et al. (2008) demonstrated priming effects of polling locations. Within Arizona the precinct distribution ranged from 40 % in churches, 26 % held in schools, 10 % held in community centers, 4 % held in apartment complexes and 4 % held in government buildings (Berger et al., 2008). The results showed that the people who voted in schools were significantly² more likely to support Proposition 301, which proposed increasing the state sales tax rates to finance an increase in spending on education, compared to voters who voted in other buildings (Berger et al., 2008). The exact percentage was 56.02 % of people who voted in schools, compared to 53.99 % who did not vote in schools. At first glance this does not appear to be a grave difference,

² The relationship was significant at the .01 level even after control for several factors such as demographic characteristics. The authors ran several tests using several statistics including linear regression and logit.

however, during close elections it could make the difference between an item or candidate winning or losing.

In addition to these findings, they also did a voting experiment to further develop their findings. The researchers would randomly show participants³ in the study pictures of a school, church, or a control picture. They would then ask the participants to “vote” on a list of ballot initiatives. First, the participants were told that the research interest was in the relationship between personality and perception (Berger et al., 2006). Ten of the 15 pictures of the churches and schools were taken from buildings that were taken care of properly. The pictures related to schools and churches consisted of lockers, classrooms, pews, and altar. The remaining five pictures of random “community buildings” were used as dummy variables. At this point, the participants “voted” on a number of state initiatives that included a stem cell funding initiative from California and an Arizona’s education tax initiative. The authors found that environmental cues influenced voting behavior on both counts. Participants were less likely to support the stem cell initiative if they were primed with the images of a church (Berger et al., 2006).

More recently, Rutchik’s (2010) examination of South Carolina’s 2004 and 2006 elections also found that voters voting in churches were more conservative. The results show that those who voted in a church were more likely to support the conservative candidate Gary McLeod in 2004 and less likely to support gay rights on two state amendments in 2006. Rutchik (2010) also conducted experimental analyses similar to Berger et al. (2008) and the results confirm the election biased results. Overall, Rutchik (2010) concludes that there is an advantage to conservative candidates and conservative ballot issues in polling places that are churches. Although both Rutchik and Berger et al.’s field studies were conducted in the south (South Carolina and Arizona) Berger et al. supplemented their research with a random sample national study. This experimental study, discussed earlier, suggested that nationally voters voting in churches are likely to vote more conservatively than others. Even if the particular effect of voting in a church is contextual, voting in churches still has the effect of priming at

³ This study consisted of 50 people with a mean age of 34.

least some voters. The effects do not have to be universal for them to bias elections.

The consistencies between the research of Berger et al. (2008) and Rutchik (2010) raise concerns about the priming effects of where we vote. Interestingly enough, the initial two studies in this area were conducted apparently without awareness of each other's work in the field. As Berger et al. (2008) focused on the priming effects of school buildings, they speculated whether or not the same finding would hold in churches on stem cell or gay marriage issues. Likewise, as Rutchik (2010) researched priming effects of churches, he speculated whether similar conclusions would be found in voting in school building.

HYPOTHESES

Drawing on the priming literature and the results of Berger et al. (2008) and Rutchik (2010), we pose two hypotheses. First, we hypothesize that voting in a church will lead to a greater percentage of Oklahoma voters to vote to ban same-sex marriage (SQ 711), compared to those who voted in a community building. Further, voting in a school building will lead to a greater percentage of Oklahoma voters to support education (State Questions 705 and 706) compared to voters who vote at other locations, particularly community buildings.

DATA AND METHODS

To test our hypotheses we examine vote outcomes by polling location on three ballot items in the 2004 Oklahoma general election. One item is used to measure the vote for same-sex marriage, state question 711. This item would amend the state's constitution to "define marriage as being between one man and one woman; only married people are eligible for the benefits for married people; same-sex marriages from other states are not valid in Oklahoma; it would be a misdemeanor to issue a marriage license in Oklahoma; by adding Section 35 to Article 2." This measure passed with 76 % (1,075,216) in favor and 24 % (347,303) opposed. To measure support for education we used two ballot items concerning the creation of a lottery to support education, state question 705 and state question 706. State question 705 passed

with 64.7% in favor (928,442) and 35.3% opposed (507,077). State question 706 passed with 67.9% in favor (970,987) and 32.1% opposed (458,122). For each precinct we calculated a percentage “yes” vote per precinct. These data came from the Oklahoma State Election Board. The data were coded by county and precinct.⁴ In calculating the vote by county we removed absentee ballot votes since these voters did not vote at the assigned location.

Our main independent variables are polling locations. To measure polling location we create four dummy variables: one for church, one for school, one for community building and the last for other location. Churches and schools are clear categories but community buildings include such things as fire departments, community centers, community halls, town halls, public libraries, and nursing homes. For each a one represents the precinct votes in that location, a zero otherwise. Overall, voters in 47.82% of the precincts vote in churches, 12.13% in schools, 23.28% in community buildings and 16.55% in miscellaneous other locations.

RESULTS

Our first test of the data is a difference of means test. This test compares the means of two groups. For each state question we compared the means of the polling location of interest (church for SQ 711 and school for SQ 705 and SQ 706) to voters who voted in community buildings. The results of these tests are presented in Table 1.

The difference of means test show significant and meaningful differences exist between those who voted at schools and supported

⁴ To get the information, election board officials in each of the 77 counties were contacted to obtain a list of the polling locations from 2004. The only county that was unable to produce this information was Oklahoma County, so for this county, we used their 2010 list of precinct location. In speaking with officials from the Oklahoma County Election Board, they noted that they have switched around some of their polling places, but they indicated that the current list was a good representation of the polling locations they had during the 2004 General Election. Even though the polling places may have shifted a small amount, the precinct numbers remained the same. Therefore, the coding of the current precinct places matched perfectly with the precincts results that came from 2004.

Table 1
 Difference of Means Test Between Precinct Voting Location and State Question Support

	SQ 705		SQ 706		SQ 711	
	School	Community Building	School	Community Building	Church	Community Building
Mean	64.10	63.11	66.87	65.62	75.32	79.47
Difference	0.99		1.25		-4.15	
Hypothesized Mean	Diff>0		Diff>0		Diff>0	
t-value	1.59		2.09		-8.98	
p-value	0.06		0.02		1.00	
N	257	496	257	496	1015	496

SQ 705 and SQ 706 compared to those who voted at community buildings. Specifically, the mean difference between those who voted at a school and those who voted at a community building was about 1% for both state measures. While this provides support for our hypothesis, our hypothesis is not supported when we look at the mean differences between support for SQ 711 and those who voted at churches compared to those who voted at community buildings. The t-test indicates no significant difference.

Building on the difference of means test, and following Berger et al. (2008) we ran a regression on the percentage of ‘yes’ votes as the dependent variables in three separate models and three of the four dummy variables for voting locations as the main independent variables (community buildings is the comparison dummy variable).⁵ Therefore we use church, school and miscellaneous for the regression models. Since support for SQ 711 indicates a conservative position, we expect a positive coefficient for the dummy variable of church voting. Similarly, since support for SQ 705 and SQ 706 indicate support for education, we expect positive coefficients for the dummy variable school voting for these analyses.

We also include variables to control for general ideology of the precincts. Since precinct measures of ideology are difficult to obtain we use the percentage of vote received by President George W. Bush in each precinct. The mean of the percentage of Bush votes across precincts is 64.18% with a standard deviation of 13.84%.⁶ The results of the regression analyses can be found in Table 2.

⁵ Given the dependent variables are percentages we also conducted the analysis using a generalized linear model. We found no differences between a simple regression and GLM, so we opted for the simple regression for our analyses.

⁶ We considered using straight ticket Republican voting as a sign of conservative ideology as well. But it was highly correlated to vote for Bush and resulted in weaker findings. We were also prevented from including other control variables that might be of interest such as religion, and education levels since these data are not available at the precinct level.

Table 2
Effects of Polling Location on Support for State Ballot Issues

	Question 705	Question 706	Question 711
Percent Bush vote	-0.26*** (0.01)	-0.17*** (0.01)	0.33*** (0.01)
Church	1.73*** (0.39)	2.28*** (0.39)	-4.32*** (0.39)
School	0.94+ (0.54)	1.27* (0.54)	-3.49*** (0.55)
Miscellaneous	-1.68** (0.49)	2.07*** (0.49)	-2.70*** (0.50)
Constant	79.59 (0.78)	76.61 (0.78)	58.23 (0.80)
N	2124	2124	2123
R ² , F, prob>F	0.21, 137.05, 0.00	0.11, 67.57, 0.00	0.31, 238.97, 0.00

Note: regression analyses used.

Question 711: percentage of “yes” votes for state question 711.

Question 705: percentage of “yes” votes for state question 705.

Question 706: percentage of “yes” votes for state question 706.

Starting with SQ 705 and SQ 706, we find support for our hypothesis. People who vote at schools are more likely to support education measures compared to those who vote at community buildings. This difference was almost 1% for SQ 705 and over 1 and a quarter percent for SQ 706. However, our hypothesis is not supported when we look at SQ 711. Here we find that people who vote at churches are less likely support a same-sex marriage ban than those who vote at community buildings. There is a nearly 4% difference.

One possible reason for the counterintuitive finding is that moderate voters who cast votes in churches may have been put off by the religious rights' role in the debates and voting in churches reminded them of this. It could also be that the models were underspecified and with other controls the hypothesis would have been better supported.

Further, part of the reason for the unexpected findings could be that there was little variation (the item passed with 76% of the vote). After all Berger et al. 2008 focused on an issue that did not pass with the great rate as the ban on same-sex marriage did in Oklahoma, nor with even as high of rates as the lottery questions. The proposal they researched passed with a rate of 53% in favor. But the lack of variation would have been more likely to produce insignificant coefficients and not significant coefficients in the opposite direction.

In terms of our controls, we found a few additional effects worth mentioning. First, unexpectedly, for the education measures, those who voted in churches compared to community buildings were also more likely to support these measures. And those who voted in schools and miscellaneous locations were also less likely to support the ban on same-sex marriage compared to those who voted in community buildings. Lastly, we found percent Bush vote to have a positive effect on support for SQ 711 and a negative effect on support for education measures. The former follows the expected direction, while the latter we would not have predicted necessarily any effect, positive or negative. We believe the negative effect might be explained by the context of the measures themselves. Although the lottery issue was framed as an education bill, the issue also involves gambling and it is likely that Bush supporters opposed the lottery more because of anti-gambling sentiment than anti-education.

DISCUSSION AND CONCLUSIONS

Overall we did find support for our hypotheses when we examined education measure and voting in schools, but not when we examined gay marriage and voting at a church.. Thus the priming effects of voting location may be more nuanced than previous research suggests. A potential concern of our analysis might be that our findings create an ecological fallacy. The ecological fallacy is, in the context of statistical analysis, “the assumption that something learned about an ecological unit says something about the individuals making up that unit” (Babbie, 2002). This unit of analysis is susceptible to fallacy in that it makes generalizations regarding particulars, based on the findings of an aggregated data. For instance, it could be argued that certain cities with

higher crime rates could blame it on having higher percentages of a particular race, without knowing the statistics of who was responsible for the particular crimes. However, here the item of interest is voting location, which is shared by everyone in the precinct; even absentee ballots were not included in the data. Thus, we are not making false generalizations regarding particular voters since the only generalizations are based on the voting location, and we have been able to attain 100 % of the data from that location.

Although we did not find support for our hypothesis related to SQ 711, we were able to demonstrate a strong level of relationship between those voters who voted for Bush and for those voters who voted to ban same-sex marriage. This finding confirms the belief that was widely held in 2004 and extended the literature with shows this direct relationship. Additional studies on the relationship between voting places and relationships between candidates and issues are an ongoing field that has a future that will be developed more thoroughly.

These results have some practical implications. First as Blumenthal and Turnipseed (2011) argue in light of the recent discoveries about the priming effects of voting locations, the courts have *wrongly* held in favor of allowing the use of churches as polling places. Since there is now evidence that location affects votes the Courts need to revisit the issue of bias. Second, our research indicates that any voting location can have the potential to bias elections and it is not easy to predict how. Thus ideally we should get rid of requiring specific polling places. Again, this view is supported by Blumenthal and Turnipseed (2011). They point to both Oregon, where voters have been casting their ballots through the mail since 1998, and Washington State where in most counties, voting is done through the mail. They argue that mail-in voting eliminates discrimination and bias by poll-workers (Blumenthal and Turnipseed, 2011). The argument is made that having a ballot mailed to you at home acts as both a reminder and initiative to develop a more informed decision about the candidates and issues on the ballot. It is hoped that in return this will yield a process that leads to more informed voting decisions (Blumenthal and Turnipseed, 2011). Of course, voters who mail in their ballots are still doing this at a location that could prime certain types of votes. However, the state would not be determining the location.

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Instant Runoff Elections for Oklahoma

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Instant runoff ballots record all the voter's preferences rather than just the first as do current ballots. As such, instant runoff ballots can be used to avoid choosing winners through system quirks. Further, the instant runoff allows eliminating the cost and bother of runoff elections. Opportunities for, and obstacles against, Oklahoma using the instant runoff in municipal and other Oklahoma elections are explored.

In the nineteenth century the Hare system or the single transferrable vote, a proportional representation voting system, was developed in Europe and quickly spread to Australia where it came to be known as the Hare-Clark system (Farrell, 2001). Ballots using the system require voters to number their first, second and subsequent choices among candidates rather than to just pick one candidate as is typical in the United States. The system's purpose was to achieve proportional representation among political parties. In the United States, a variant of that system is the instant runoff. With the instant runoff, the voter is given a ballot and asked to number their first choice candidate "1", their second choice candidate "2" and so on. Ballots are then sorted into stacks based on the first choice and counted. If first choices yield

no majority, the candidate with the fewest first choices is eliminated and that candidate's ballots are transferred to the second choice candidate. This is repeated until one candidate gets a majority.

Today, Oklahoma uses runoff elections in partisan primaries and for non-partisan races. The instant runoff can save money by eliminating a second round of voting, or 'runoff.' An additional benefit of instant runoff is an anticipated increase in turnout due to a reduced number of elections (Boyd, 1986; 1989).

Current Oklahoma elections ask voters to indicate only their first choice. If there is a majority behind one choice, that candidate is elected or nominated. If there is not a majority for a candidate, then for some municipal elections and all partisan contests, the winner is just the candidate who received more votes than anyone else. In some municipal elections, and all partisan and non-partisan primaries (district judges, for example), there is a runoff in which the top two candidates compete. The three-stage "primary – runoff – general" election is expensive and reduces voter participation. Oklahoma has long had the reputation of having more election days than any other state. The 2011 election schedule for Tulsa County, for example, has one Tuesday each of eleven months reserved for elections (Tulsa County Election Board, 2011). Logan County has a Tuesday in every month reserved for elections (Logan County Election Board, 2011).

Figure 1
Example of Paper Instant Runoff Ballot

Instructions: Write "1" in the box next to your first choice, "2" next to your second choice and so on.

Candidate for Mayor	Choice
Dominique Straus-Kahn	
Arnold Schwarzenegger	
John Ensign	
John Edwards	

Source: author.

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Instant runoff elections ask voters to list all their preferences, first to last, rather than indicate only their first preference. Thus, the instant runoff ballot gathers more information than the current ballot. The additional information is used to determine what the voter prefers if his or her first (or second, etc.) choice cannot win. This enables election officials to *estimate* the outcome of a runoff or even a general election *if* the voter preferences do not change and the same voters participate in all elections.

Figure 2

Example of Optical Scan Instant Runoff Ballot

Instructions: Fill in the box next to your first choice, the box next to your second choice and so on.

Candidate for Mayor	First Choice	Second Choice	Third Choice	Fourth Choice
Dominique Straus-Kahn				
Arnold Schwarzenegger				
John Ensign				
John Edwards				

Source: author.

INSTANT RUNOFF VERSUS TWO STAGE RUNOFF

It must be noted the instant runoff does not always yield the same result as the two stage runoff, even if we assume the same voters with the same preferences at both stages.

Imagine fifteen voters and five candidates. Five voters prefer candidates in the order: A, B, C, D, and E. Ten other voters have different preference orders.

Table 1
Fifteen Voters with Preferences Among Five Candidates

Preference	5 voters	4 voters	3 voters	2 voters	1 voter
First	A	B	C	D	E
Second	E	E	E	E	C
Third	B	C	D	C	D
Fourth	C	D	B	B	B
Fifth	D	A	A	A	A

Majority = 8 votes; A (5 votes) is plurality winner

Source: author's calculations.

Table 2
Two Stage Runoff

Primary		General Election	
Candidate	Votes	Candidate	Votes
A	5	A	5
B	4	B	10
C	3		
D	2		
E	1		
Candidates C, D, and E eliminated		B wins	

Source: author's calculations.

Voters whose first preferences are candidates C, D, or E, given a choice between A and B would all vote for B. Against A, B would win with two-thirds of the 15 votes (ten voters rank B over A).

With instant runoff the results would be different.

Table 3
Instant Runoff

First Count		Second Count		Third Count		Fourth Count	
Candidate	Votes	Candidate	Votes	Candidate	Votes	Candidate	Votes
A	5	A	5	A	5	A	5
B	4	B	4	B	4	C	10
C	3	C	4	C	6		
D	2	D	2				
E	1						
Total	15	Total	15	Total	15	Total	15
E is eliminated, votes pass to C		D is eliminated, votes pass to C		B is eliminated, votes pass to C		C wins	

Source: author's calculations.

In this group of voters, six (6) voters prefer any of C, D, or E to either of A or B and an additional four (4) prefer C, D, or E to A. B is eliminated in the third count leaving C the winner.

We can notice here when there is no majority, voting system makes a difference. With the same voter preferences among the candidates, A, B, or C emerge as the winner – depending on whether plurality, runoff or instant runoff is used.

If there are either one, two or three candidates, preferences orders remain constant, and the same voters vote in each two-stage election, the results will be the same as with the instant runoff. If there are more than three candidates, the results *may* be the same, but they also may not.

Looking only at the election system as a means of translating voter preferences into a single choice, which system is superior? There are two strong criteria used to evaluate election systems. If a majority prefers a candidate, the system should select that candidate (Majority Criterion). If there is no majority and a candidate can defeat every other candidate in single pair-wise elections, the election system should select that candidate (Condorcet winner criterion). Any candidate favored by a majority will also defeat all other alternatives in single pair-wise votes. Therefore, the Condorcet criterion applies where there is no majority. With any of the three voting systems: Plurality, Plurality with a runoff and the Instant runoff do not guarantee a Condorcet winner will be selected. Most would agree that if there was no majority favoring any candidate but there was a candidate able to defeat all other alternatives in pair-wise (majority) votes, an election system should select that candidate (Black, 1958). Put another way, if plurality voting selects A and a two-stage election selects B and the instant runoff selects C – if E can defeat A or B (or C or D) in pair-wise elections E has a stronger claim than A or B (or C or D) whose claim is a function, not of the voter preferences alone, but arbitrarily of the election system itself. The instant runoff takes into consideration more of voter preference orders than the two stage election. In that sense it is superior.

Table 4
Pair-wise Elections

	Winner
A v B	B (10 votes)
A v C	C (10 votes)
A v D	D (10 votes)
A v E	E (10 votes)

	Winner
B v C	B (9 votes)
B v D	B (9 votes)
B v E	E (11 votes)

	Winner
C v D	C (13 votes)
C v E	E (12 votes)

	Winner
D v E	E (13 votes)

E defeats all other alternatives in pair-wise elections (E is a Condorcet Winner)

Source: author's calculations.

In this case, neither the two stages, nor the instant runoff, selected the Condorcet winner. Short of actually using voter preference orders to determine if there is a candidate able to defeat all others in single pairwise votes, no election system guarantees such a candidate will be a winner. With modern electronic voting machines and computers, however, it is possible with instant runoff ballots to determine if there is a majority or Condorcet winner and, if there is such, make that candidate the winner. Such is possible only with the information available from the preference orders. Therefore, absent a majority, an election system should determine if there is a Condorcet winner before proceeding further.

INSTANT RUNOFF VERSUS THE SYSTEMS KNOWN IN IRELAND AND AUSTRALIA AND THE UK

Because ballots would be similar, it is tempting to confuse instant voting with the systems used in Ireland and Australia or the system recently defeated in the United Kingdom. This is a mistake. The electoral context and political system will cause the instant runoff to work very differently than the systems in Ireland and Australia and the system proposed for the United Kingdom.

The United States has a two-party system while most other democratic nations have multi-party systems. The Single Transferable Vote as used in Ireland and Australia is essentially an attempt to make party proportions in a legislature approximate the party proportions in nationwide voting.

The Irish Single Transferrable Vote is used in multi-member districts of between three and five members. Voter preference orders and transfers guarantee each representative is elected with close to an equal number of votes. Candidates with an excessive vote over that needed have the excess votes transferred to the ballots' second (or subsequent) preference. If not enough candidates are elected, the candidate with the fewest ballots is eliminated and the votes transferred. In a five member constituency a candidate is elected with roughly 1/5th of the vote or 20 percent. A party with 20 percent of the vote is guaranteed representation (O'Leary, 1979). The Australian Single Transferrable Vote and the United Kingdom's Alternative Vote are designed for single

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member constituencies (McAllister et al., 1990; Electoral Commission, 2011).

In partisan single member constituency plurality or two-stage elections there is a strong tendency for the party with the most votes to get an exaggerated legislative majority. The mathematics of this tendency had been known for about a century as the cube law (Taagepera, 1973). For example, in the 2010 U.S. House of Representatives elections Republicans gained 51.6% of the popular vote and 55.6% of the seats. Minor party candidates gained only 3.6% of the vote and no seats. Thus, a popular vote gap between the Democrats and Republicans of 6.8% yielded an 11.2% gap in the House of Representatives.

Table 5
2010 U.S. House of Representatives Election

Party	Vote	Vote %	Seats	Seats %
Republican	45,253,462	51.6	242	55.6
Democrats	39,337,908	44.8	193	44.4
Other	3,045,289	3.6	0	0
Total	87,636,659	100	435	100

Source: Author's calculations from http://en.wikipedia.org/wiki/2010_House_elections accessed 20 May 2011.

In a two party system, plurality voting, as we have in the U.S., allows for strong governing majorities. It also discourages small parties. Voters have to consider not only who they want – the Green or Libertarian parties, for example, but also who they do not want, the Republican or the Democrat. The voter calculates there is little chance the minor party will win but a big chance that if too many vote for the minor party the party the voter does not want will win. Therefore,

most voters select the least dreadful major party rather than the most preferred minor party.

Now consider the United Kingdom. In the May 6, 2010 National Election, eleven parties gained seats (the Speaker was automatically elected and one seat was left undecided).

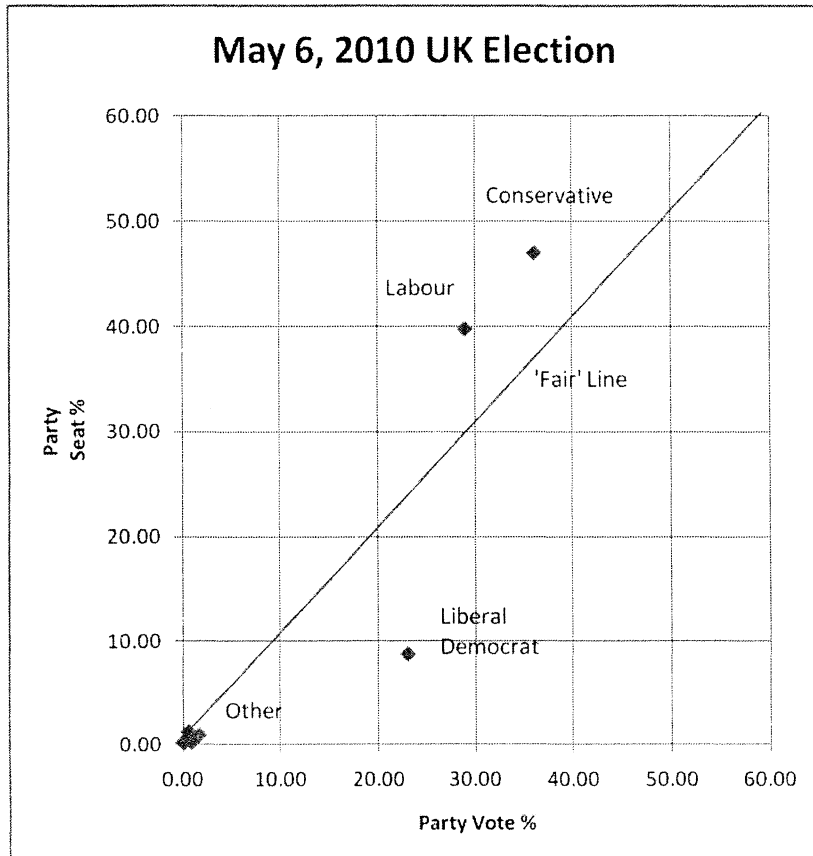
Table 6
United Kingdom General Election 6 May 2010

Region	Party	Vote	Seats	Vote %	Seats%
All	Conservative	10,683,787	305	36.05	47.00
	Labour	8,604,358	258	29.04	39.75
	Liberal Democrat	6,827,938	57	23.04	8.78
	Green	258,954	1	0.87	0.15
Wales	Plaid Cymru	165,394	3	0.56	0.46
Scotland	Scottish Nationalist	491,386	6	1.66	0.92
Northern Ireland	Democratic Unionist	168,216	8	0.57	1.23
	Sinn Fein	171,942	5	0.58	0.77
	Social Democrat and Labour Party	110,970	3	0.37	0.46
	Alliance	42,762	1	0.14	0.15
	Sylvia Hermon	21,181	1	0.07	0.15
	Speaker	22,860	1	0.08	0.15
	Total	29,633,638	649		100

Source: Author's calculations from http://en.wikipedia.org/wiki/2010_UK_General_Election accessed 20 May 2011.

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Figure 3
May 6, 2010 United Kingdom Election



Source: Author's calculations from http://en.wikipedia.org/wiki/2010_UK_General_Election accessed 20 May 2011.

The Conservatives gained 47% of the seats with 36% of the vote. Liberal Democrats got 23% of the vote but less than 9% of the seats. Liberal Democrats had felt cheated for almost a century but could do nothing. They, like the Greens and Libertarians in the U.S., felt that if

they ever got the seat percent merited by their vote more people would vote for them and they would become a major party.

In 2010 no UK party had a majority either in votes or seats. The Conservatives needed to bring a minimum of 20 additional seats into a coalition to govern. Their choices were Labour; Liberal Democrats; or a minimum of 4 smaller parties. Labour, as the party that was just booted from government was out of the question if the Conservatives wanted a direction change. A group of minor parties would put the government hostage to fringe members able to bring the government down. That left the Liberal Democrats. Their price to join the coalition was a national vote on the alternative election system. The Liberal Democrats felt (correctly) that they would be the second choice of Labor and Conservative voters and where there was no majority in a district they would win by transfers – much as candidate C in Table 3. If voters felt the Liberal Democrats had a realistic chance additional voters would list them first. Thus, the UK alternative vote had as its goal a shift toward proportional or more fair representation.

As it happened, the vote was held May 5, 2011 and the alternative vote was defeated more than two to one. Why? One argument against the Alternative Vote was, like the euro, it was un-British and the old system had served Britain well. A second argument was the Alternative Vote was ‘too complicated’, too foreign, not “British straightforward”. This is despite the system being devised in the 19th Century by an Englishman (see, Electoral Commission 2011). A more realistic explanation is that Conservative and Labour national leaders opposed the change because it would weaken their hold on British politics. Their voters turned out and followed their leaders recommendation. We can notice the “Yes” vote was approximately the minor party vote in the 2010 election and the “No” vote was approximately the sum of the Conservative and Labour vote.

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Table 7

UK May 5, 2011 Alternative Vote Referendum

Alternative Vote:	Votes	Percent
Yes:	6,152,607	32.10%
No:	13,013,123	67.90%
Valid Votes:	19,279,022	99.41%
Invalid:		113,292
Voter Turnout		42.20%
Electorate:	45,684,501	

Source:

http://en.wikipedia.org/wiki/United_Kingdom_Alternative_Vote_referendum,_2011 accessed 20 May 2011.

What the Irish, Australians and British call the single-transferrable vote, or the alternative vote, has a ballot that resembles the instant-runoff ballot. American voters would rank candidates just as in Ireland and Australia and as proposed in the United Kingdom. Votes would be tabulated and transferred here as they are there. The difference lies in ours is a two-party system unlikely to change in the near future, while overseas there are multiple-party systems seeking, through electoral design, partisan proportionality and partisan fairness.

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Oklahoma conducts partisan Federal, state-wide, legislative and county elections. It conducts judicial retention elections, non-partisan district and associate district judge elections and there are partisan and non-partisan municipal elections. Each type of election has aspects that, at present, would allow, inhibit or prevent use of the instant runoff.

Oklahoma has uniform balloting. All elections must be conducted by county election boards using equipment provided by the state. There is one exception. Chartered municipalities have the option of arranging their own elections (Oklahoma Statutes, 2011: §11-16-102; §26-6-102.1; §26-7-120; §26-13-101; §26-13-105; §26-21-101). The state currently uses fill in the arrow ballots read by optical scan equipment. In 2012 new optical scan equipment will have been purchased and deployed. This equipment will use fill in the box ballots. While it is theoretically possible for the new machines to be programmed for instant runoff ballots, the expense of doing so is considered prohibitive according to Election Board Secretary Paul Ziriaux and Assistant Secretary Frances Roach (Ziriaux and Roach, 2011). Thus, except for election for chartered municipality offices, instant runoff will not be realistic until after 2022, the projected life of the newly purchased Hart InterCivic machines. The one exception to the requirement that state machines be used is chartered municipality elections contracted with a 'turn-key' election vender or conducted by the municipality itself.

Since at least 1932 Mangum, in Greer County, has conducted its own municipal elections rather than using the county election board. The entire city constitutes one precinct for municipal election purposes. Commissioners have paper ballots printed, and hire clerks, counters and a judge for the election (City Charter, 2011: Article 2 Sections 5, 8, 12, 15). Clerks and counters are paid \$67 each and the judge \$77. An election costs \$335 in salaries and, in the case of the most recent election, \$192 to print the ballots for a total of \$607. Other costs are nominal. According to City Clerk Shelly Davis, the two most recent elections were for Police Chief November, 2010, 651 voters, and Mayor March 2011, 303 voters (Davis, 2011). If the Greer County Election Board conducted the elections they would have to open and staff five Mangum precincts, print ballots on more costly stock, open the polls for in-person absentee voting and do other things to comply with state law and practice. According to Greer County Election Board Secretary Claudia Boyle, the cost would be approximately \$3,000, still nominal but about five times Mangum's cost (Boyle, 2011).

The 2011 Sand Springs municipal election saw no majority in the first round, requiring a second round in April. The March primary was a stand-alone election (which cost \$9,869.36) while the April runoff was held in conjunction with local school elections. Because of this combined election, the Sand Springs runoff portion of the April

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election cost was lower than expected (Rea, 2011). The Stillwater April 2011 cost was \$10,302.25 (Payne County Election Board, 2011). Broken Arrow also had an at-large council seat to fill in 2011. Unlike Sand Springs, Broken Arrow does not require a majority to elect. Therefore, its election was held in April with the school votes. The winner, Jonnie D. Parks, gained a seat with 44.34 percent of the vote.

By not holding a runoff, Broken Arrow traded off the cost and bother of a second election for the risk of electing officials without majority support. In 2011 the Creek, Payne and Tulsa county election boards conducted elections for nineteen municipal offices in Broken Arrow, Glenpool, Jenks, Sand Springs, Owasso, Stillwater, Cushing, Yale, Depew, Kiefer, Mounds and Oilton. In thirteen of these races the winner had a majority because there were only two candidates. In the six races with more than two candidates, the winner in two races had a majority while in four the winner did not. Only Sand Springs held a runoff when there was no majority.

Given the nominal cost to a municipality for an election and the small proportion of municipal elections where the winning candidate failed to gain a majority, there seems little advantage to municipalities exercising their right to adopt instant runoff. Except, possibly this: if there are more than two candidates and no runoff, it is possible the plurality winner will be the candidate that could be defeated by each of the other candidates in pair wise elections.

In the hypothetical Broken Arrow voter preference, example noted in Table 8, Parks wins with a plurality of 2008 votes yet either Fagundes or Heisten would defeat Parks with 2265 votes. Parks is a Condorcet loser, a candidate who can be defeated, in the hypothetical example, by every other candidate (Black, 1958). Fagundes is the Condorcet winner, defeating Heisten (2957 – 1572) and Parks (2521 – 2008). She would have been eliminated, however, in a conventional runoff as she had the fewest first preference votes. Only a test for a Condorcet winner using voter preference orders available on instant-runoff ballots would select Fagundes as winner.

Table 8
Broken Arrow and Sand Springs 2011 Elections

Councilmember At-Large Sand Springs	March 1, 2011 Primary	April 5, 2011 Runoff/School/ Municipal
Troy Zickefosse	127	
Ann M. Been	53	
Sam Childers	157	331
James D. Rankin	171	357
Over	0	
Under	1	1
Total	509	689
Council Member At-Large Broken Arrow		
Linda C. Fagundes		949
Michael Heisten		1,572
Johnnie D. Parks		2,008
Over		1
Under		325
Total		4,855

Source:

[http://www.tulsacounty.org/electionboard/EB_PDF/Election_Results/Official%20Election%20Results%20March%201,%202011%20\(Summary\).pdf](http://www.tulsacounty.org/electionboard/EB_PDF/Election_Results/Official%20Election%20Results%20March%201,%202011%20(Summary).pdf) ;

[http://www.tulsacounty.org/electionboard/EB_PDF/Election_Results/Official%20Election%20Results%20April%205,%202011\(Summary\).pdf](http://www.tulsacounty.org/electionboard/EB_PDF/Election_Results/Official%20Election%20Results%20April%205,%202011(Summary).pdf) accessed 15 July 2011

Table 9
Hypothetical Broken Arrow Preferences

Preference	949 voters	1572 Voters	2008 Voters
First	Fagundes	Heisten	Parks
Second	Heisten	Fagundes	Fagundes
Third	Parks	Parks	Heisten

Majority = 2265; Parks (2008 votes) is plurality winner.

Source: author's calculations

CONCLUSION

Oklahoma has non-partisan school board and district and associate district judge elections. All use runoffs. Oklahoma partisan primaries also use runoffs. The cost of these elections is significant and the voter's stake in fair, efficient and accurate voting and counting is high. Experimentation with instant-runoff voting at the municipal level could help Oklahoma determine the future direction of its election system.

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WHAT NOT TO WEAR: FASHION AND FEMALE CANDIDATES IN OKLAHOMA

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What impact does a female candidate's clothes have on her ability to be elected to office? This controlled experiment draws on candidate image research to compare the same political candidate's chances of getting elected when she assumes three different personas: Powerful, Traditional, and Sexy. When running our experiment on students at East Central University (N=95), we reveal that "voters" prefer the Powerful candidate, although they attribute more favorable characteristics to the Traditional candidate. We applied the results of our experiment to the 2010 gubernatorial election between Jari Askins and Mary Fallin to conclude that in combining the Powerful and Traditional personas, Mary Fallin developed a very effective image.

INTRODUCTION¹

It was more the discussions of Hillary Clinton and her ubiquitous pantsuits rather than the voluminous research on candidate evaluation that spurred the development of this research project. Female candidates and officeholders are nearly never mentioned without at least a glancing evaluation of her clothes and image (Deckman, Dolan and Swers 2007; Kahn 1994). What role does this evaluation play in a female candidate's electability, especially in Oklahoma? We decided to mount a simple experiment to see which images of a candidate –

¹ Students in the Fall 2007 Women in Politics class assisted in this research.

powerful, traditional or sexy – would be the most effective among potential voters in Southeastern Oklahoma. Interest in the dress of female candidates became even more intense during the 2010 Oklahoma Governor’s race between two women: Mary Fallin and Jari Askins.

LITERATURE REVIEW

This research approaches a very real issue for female candidates who must choose one of three paths in becoming a successful woman in politics. Is it better to emphasize female traits and femininity, enhance one’s masculine traits, or to run in a more androgynous mode? A fair amount of research has been done on this issue. Many researchers (for example, Rossenwasser et al. 1987) have found that voters tend to use gender as a cue in evaluating candidates and assume feminine traits of women and masculine traits of men. Further, if women are particularly attractive voters tend to assume her to be even more feminine (Sigelman, Sigelman and Fowler 1987). An earlier study by Hedlund et al. (1979) found that elite voters were not significantly less likely to vote for a female candidate for judge or school board *a priori*, but once they learned she had small children, support eroded.

Huddy and Terkildsen (1993) attempt to separate the effects of “gender trait” and “gender belief” stereotypes. “Gender traits” might be the actions or style associated with being masculine or feminine, but “gender beliefs” would be considered the innate qualities of being either male or female. When 297 students in their experiment read about different candidates, they believed that candidates – both male and female – who were described as warm, gentle, kind and passive would be stronger on “compassion issues,” while candidates who were tough, aggressive, and assertive would be stronger on military and defense issues. Because voters tend to value masculine traits over feminine ones, their advice to female candidates is to adopt masculine traits to increase electability (Rossenwasser et al. 1987). Deckman, Dolan and Swers (2007, 163) provide many examples of women candidates’ attempts to “make a woman butch,” as Rep. Susan Molinari

put it, but they worry that female candidate who come across too harsh and aggressive will be regarded as “bitchy” (162).²

On the other hand, Herrnson, Lay and Stokes (2003) suggest that women candidates gain with “gender issue ownership.” In a survey of 1798 major-party candidates who ran for local, statewide, and judicial offices, as well as the US House between 1996 and 1998, women candidates claimed that they gained a strategic advantage when they ran “as women.” These candidates emphasized issues of child care and education over more male issues such as the economy and war.

One would imagine that the choice of strategy would also be dependent on whether candidates intended to strike a more liberal or more conservative image with the voters. Women tend to be seen as more liberal (Herrnson et al. 2003), which is probably related to their perceived competencies with (more liberal) women’s issues. In conservative Oklahoma, it would be a particular hindrance to women to be seen as to be more liberal even if she were not.

In a completely unique study, Sigelman, Sigelman and Fowler (1987) attempted to pit three versions of an actual female candidate against each other. The woman, Rose Elizabeth Bird, was a judge in California who had undergone an image transformation over a number of years from less attractive to more attractive. By selecting certain photos of her that made her appear attractive and feminine, unattractive and masculine, and androgynous; the researchers found that the attractive version of Judge Bird was the one most associated with sex-role related qualities. Using a path model, they showed that the direct effects of her attractiveness did not detract from her electability, but the indirect effects of being seen as nicer, less effective, and less dynamic did significantly affect votes for her.

METHODOLOGY

Together, the class designed a research project to test the effects of female candidate image on electability when facing a male candidate.³

² Alternatively, some male candidates and office holders are graded highly for their feminine gender traits, such as Bill Clinton’s emotionality and communication style.

³ This project was cleared through East Central University’s Institutional Review Board on Oct. 26, 2007. It is proposal number 2007.04.

When brainstorming about potential images a female candidate may likely project in an Oklahoma political race, we derived three: powerful, traditional, and sexy. Our experiment is designed with a stimulus and a post test. Undergraduate students at East Central University would be shown one of these three images along with a static male candidate and candidate biographies. Similar to other election simulation experiments (Rosenberg et al. 1986, Rosenberg et al 1991, Sigelman, Sigelman, and Fowler 1987), students would be asked to rate photographs and biographies of candidates on questions of political demeanor as well as select a winner of the race.

The class created these photos by meeting with an actual political officeholder and candidate, Hughes County Assessor Kathi Mask, who was beginning her run for Oklahoma State Representative. Mask brought a selection of clothing to class to represent three different types of dress: “powerful,” “traditional,” and “sexy.” As a class, the students examined the clothing and selected the outfits that would best represent these three types of dress. Mask’s daughter took a selection of photos of Mask in her home. The class then selected the photos they thought would be most neutral for the study. We named the candidate “Mrs. Katherine Wilbanks” and created a short biography for her.

The second candidate, the man, was also a student’s parent. The class asked for several photos of him in a suit, which he emailed to his daughter. The class then selected the photo that was the most compatible with our pictures of “Mrs. Katherine Wilbanks.” Only one photo was required. The class named this candidate “Mr. Johnathan Baker” and created a biography intended to be on par with Wilbanks’. Supposedly, each had moved to Oklahoma, graduated from East Central University, worked in the private sector, had grown children, and had acquired political experience. In each display, the photo of Baker appeared on the right and the photo of Wilbanks appeared on the left. See Appendix 2 for the photos.

Students from the class conducted the experiment. They read from a predetermined script outlining the procedure. After completing their informed consent forms and having these collected, students were shown photos of two hypothetical candidates, each labeled “Candidate for State Representative.”

Four different American Government classes (N=95 students) participated in the study. Whereas larger selection of classes may provide for more generalizability, because all students in Oklahoma colleges are required to take American Government, there was a good cross section of students. The average age of the participants was 21. There were 55 females and 38 males. Party affiliation was recorded as 42 Democrats, 36 Republicans, and 13 “other.” When performing ANOVA, we determined that there were no statistically significant differences among the classes in the areas of age, ideology, church attendance, party, knowledge, and gender. However, significant difference among classes was found in self-reported voter registration ($f=3.958$, S.E. .047, $p<.05$).

The survey consisted of 31 questions, ten demographic and political questions, and 21 pertaining to the photographs and biographies. Most questions were closed-ended questions on a Likert scale which ranged from one to five. Five open-ended questions were employed. The data was entered into Excel by a worker in the departmental office and then transferred to SPSS for analysis. See Appendix 1 for the survey.

RESEARCH ASSUMPTIONS:

The dress/fashion of a female candidate will affect support for that candidate.

Reactions will be affected by both the gender and the ideology of the respondent.

HYPOTHESES:

H:1: Men and women will both prefer the female power candidate over the traditional or sexy candidate, but men be more likely to support a sexy candidate over a traditional candidate.

H:2: Men are more likely to support any female candidate versus a male candidate than women will be.

H:3: The respondent’s ideology will have a greater impact on his or her selection of candidates than his or her gender. Conservative respondents will prefer the man over the women. Liberal respondents will be more likely to support the women.

RESULTS

To any politically minded person, the first interesting question is: who won? Indeed, it was interesting to find out that Katherine Wilbanks won each of the three match-ups. Power Wilbanks was the most commanding, with a 20 to 6 victory (77% to 23%). Sexy Wilbanks also performed well, winning 23 to 13 (64% to 33%). Traditional Wilbanks had the closest race at 14 to 11 (56% to 44%), but she won nonetheless, in what would be considered a landslide in the real world. Overall, it must be noted that these results are a surprise. We generally assumed that the female candidate would lose to the male candidate every time. However, these results confirm that manipulating the image of Katherine Wilbanks changed the level of support that she received from these simulated voters.

Without controlling for gender or ideology of the respondent, when performing an ANOVA using the three categories of power, traditional, and sexy manipulations as the basis of the analysis, no evaluation of the three Wilbanks personae was significantly different than the others.

H:1

Hypothesis 1 states support for the female candidate should be as follows: Women like power, traditional, sexy; Men like power, sexy, traditional. This hypothesis is not supported because on the measures where there were statistically significant differences, women's scores ranked the three versions of Wilbanks in this order: traditional, sexy, and power. This order was not expected. Among men only, ANOVA revealed no statistically significant differences in evaluating the three versions of Katherine Wilbanks.

Among women only, there were two questions that rose to significance at the .1 level: "This is the kind of person you could trust" and "This person cares about what people like me think."⁴ Women ranked Traditional Wilbanks first, Sexy Wilbanks second, and Power Wilbanks third on both trust and caring. The Likert scale on these items ranged from 1 to 5 with 1 being the strongest agreement, and 5 being the

⁴ Whereas the .1 confidence level is not standard, this study does have a small N so it appropriate.

strongest disagreement with the statement. Women who saw Traditional Wilbanks thought she was the most trustworthy (N=14, M= 1.71), Sexy Wilbanks came in second (N=22, M=2.27) and Power Wilbanks was seen as the least trustworthy (N=18, M=2.44)(F=3.035, p<.057). The results are similar for caring: Traditional Wilbanks seemed the most caring (N=14, M=2.07), Sexy Wilbanks ranked next (N=22, M=2.3) and Power Wilbanks was seen as the least caring (N=18, M=2.78)(F=3.283, p<.046).

The Traditional Wilbanks elicited a number of comments from women, like “she didn’t look like a good leader.” Men made comments like, “Wilbanks looks too nice and motherly, don’t know if she has the aggression she needs.” Both genders specifically thought they could trust Traditional Wilbanks, but, again, it seems unclear that this is a good predictor of electability for women.

Two issues are notable. First, one would assume that women in Southeast Oklahoma would be most favorably disposed to the traditional candidate, yet she is the person who won with the smallest margin. Could it be possible that some of the measures of candidate demeanor are not actually good predictors of electability for women? Second, women seemed to be more manipulable than men when it comes to evaluating a female candidate’s image. Perhaps they are more sensitive to the cues communicated by the subtle changes in dress.

H:2

Hypothesis 2 stated that men are more likely to support any female candidate versus a male candidate than women will be.

A simple cross tabulation analysis reveals that women and men voted for the male candidate in equal numbers across all three conditions (17 each). However, 40 women voted for Wilbanks and only 11 men did so (N=85, X²=7.465).

Hypothesis 2 is rejected, perhaps providing more evidence that the most important gender bias in voting may not be that men will not vote for a woman, but that women are more likely to vote for a woman.

H:3

Hypothesis 3 stated that overall the respondent's ideology will have a greater impact on his or her selection of candidates than his or her gender. Conservative respondents will prefer the man over the women. Liberal respondents will be more likely to support the women.

To evaluate the effect of ideology, we recoded the ideology variable into three groups: liberal (very liberal and liberal) (N= 22), moderate (N=40), and conservative (conservative and very conservative)(N=28). Interestingly, several distinctions arose among the three different versions of Katherine Wilbanks without even controlling for which treatment group the respondent was in. These differences are displayed in the following table 1.

TABLE 1
ANOVA OF RESPONSE TO KATHERINE WILBANKS
BY RESPONDANT'S IDEOLOGY

	Respondant's Ideology	N	M	F	p
"This is the kind of person who could get a job done properly" (Likert scale: 1=agree, 5=disagree)	Liberal	22	2.	4.73	.011
	Moderate	40	2.4		
	Conservative	28	2.79		
"This person would probably do a good job leading a group" (Likert scale: 1=agree, 5=disagree)	Liberal	22	2.05	2.64	.077
	Moderate	40	2.53		
	Conservative	28	2.67		
"I think this person looks like a good leader" (Likert scale: 1=agree, 5=disagree)	Liberal	22	2.23	3.58	.032
	Moderate	40	2.8		
	Conservative	28	2.82		
"I would vote for this person" (Likert scale: 1=agree, 5=disagree)	Liberal	22	2.14	3.22	.045
	Moderate	40	2.78		
	Conservative	28	2.71		

df between groups: 2

df within groups: 87

If a respondent self-identified as “liberal” he or she was more likely to view Katherine Wilbanks as a capable leader and vote-worthy than if he or she self-identified as a moderate or conservative. This is true for four of the nine questions asked about Wilbanks.

Table 2 demonstrates the cross tabulation of candidate selection by ideology. It supports hypothesis 3 because it shows that liberals are disproportionately more likely to support the female candidate than conservatives, although conservatives indicate equal support for the male and female candidate.

TABLE 2
**Cross tabulation of Candidate Selection
 and Respondent’s Ideology**

	<u>Jonathan Baker</u>	<u>Katherine Wilbanks</u>	<u>Total</u>
Liberal	3	18	21
Moderate	12	26	38
Conservative	13	13	26
	28	57	85

N=85, $\chi^2=6.77$

CONCLUSION

Although this paper is just an exploratory study done in unrealistic conditions, it can offer interesting insight into the mind of the voter. For a real candidate like Kathi Mask (our model for Katherine

Wilbanks) this kind of candidate image research was quite useful to her as a candidate for the Oklahoma House of Representatives, although she eventually lost her primary. Clearly, our mock electorate ascribed some feminine traits to our female candidate, such as “motherliness” or “niceness.”

On a negative note, because women candidates and politicians have such a difficult time setting the agenda and the tone of their coverage, they may have difficulty actually choosing for themselves whether to run or govern in a masculine or feminine mode (Deckman, Dolan and Swers 2007). Yes, they can put on a pantsuit instead of a cardigan sweater, but they likely will have little effect on how they are portrayed to the public. The media, rather the candidates or their staffs, is often to blame for reinforcing society’s gender stereotypes because the emphasis originates with the media. Despite a candidate or officeholder’s most professional literature, photographs, or websites, women are still likely to be seen as “women representatives” rather than “representatives who happen to be women.” Niven and Zilber (2001, 148) write, “Though the media are a crucial link between candidates and office holders and voters, many would argue that the media abuse this power by employing stereotypes in political coverage.” Their study of 28 press secretaries of women members of the US House of Representatives suggests that the media (not the officials or their press offices) define women members of Congress by their gender and that this is a significant hurdle for women politicians.

More study definitely needs to be done regarding whether a male and female’s “political demeanor” is viewed the same as it relates to electability. As stated above, women in Southeast Oklahoma seem to be most favorably disposed to the Traditional candidate, yet she is the person who won with the smallest margin. Respondents reported that Traditional Wilbanks seemed much more trustworthy than Power Wilbanks, yet Power Wilbanks received more votes. It seems that the assumptions political consultants make about which candidate attributes are the most important cannot be applied equally to male and female candidates.

Our experiment may also help interpret the historic 2010 gubernatorial election between Jari Askins (D) – who could be identified as a “power” woman, and Mary Fallin (R), who we classify more as a “traditional” woman, or perhaps a “traditional-power” hybrid. In

assessing the two candidates physically, Jari Askins is a larger woman with a short haircut and a round face. Mary Fallin has longer hair and a smaller frame. She wears makeup and would commonly be considered attractive or pretty (see Estus 2010 or Krehbiel 2010 for photographs).

The 2010 election is historic because Oklahoma had never seen two women square off for such a high office. It was also an interesting race because both candidates faced male opponents in their primary elections. Although both Askins and Fallin won their respective primaries, a review of newspaper articles published during the primary season reveals that neither candidate was attacked either by her opponent or by the media for being a woman (see, for example, Murphy 2010A).

During the general election, the two candidates held very similar (and centrist) issue stances on almost all major issues (see, e.g., Krehbiel 2010, Murphy 2010B). Political scientist Keith Gaddie noted, “The only difference between them is what kind of tab they want business to pay You can’t separate them on social issues” (quoted in Raymond 2010, 7A). This similarity on issue stances may have caused more focus on personal traits. When Mary Fallin was asked what set her apart from Jari Askins in an October debate, she responded that the main difference was that she had been married and raised children, and that Jari Askins had not (Estus 2010). This comment triggered an intense – even national – debate over the “Mommy Question.” The Mommy Question dovetails into the voters’ perceptions of these two female candidates because it was suggested that a woman could not really understand her constituents unless she had raised children herself. Mary Fallin, in invoking the motherhood role, seems to embrace the “Traditional” role for woman, and thus “gender issue ownership.” Jari Askins could not similarly embrace the role, but she stated that her marital status or lack of children did not affect her “understanding of the issues of families in Oklahoma” (Hoberock 2010, 14).

In our experiment, we revealed that voters would tend to prefer to vote for the Power candidate but perceive the Traditional candidate as more caring and trustworthy. Mary Fallin – in being a hybrid of the Power candidate and the Traditional candidate – may have hit just the right note with the voters of Oklahoma to be elected governor in 2010.

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APPENDIX 1

Voting Survey

1. Age_____
2. Gender: Male / Female
3. Registered to vote: Yes / No
4. What is your political party?
 - a. Democratic
 - b. Republican
 - c. Other
5. How would you describe your political ideology?
 - a. Very liberal
 - b. Liberal
 - c. Moderate
 - d. Conservative
 - e. Very conservative
6. How would you rate your knowledge about politics?
 - a. very high
 - b. high
 - c. medium
 - d. low
 - e. very low
7. How often do you attend church?
 - a. more than once a week
 - b. once a week
 - c. once in a while
 - d. never
8. Have you ever voted in an election before?
 - a. yes
 - b. no
9. What are a candidate's most important characteristics when you select for whom to vote?
10. What do you think is the most important issue facing America right now?

Look at the picture of Mr. Jonathan Baker. Please agree or disagree with the following statements:

Agree Disagree
This is the kind of person you feel could get a job done properly.
1 2 3 4 5

This is the kind of person you could trust.
1 2 3 4 5

It would be enjoyable to be around this person.
1 2 3 4 5

You would like this person to represent
you in the Oklahoma House of Representatives.
1 2 3 4 5

This person would probably do a good job leading a group.
1 2 3 4 5

This person cares about what people like me think.
1 2 3 4 5

I think this person looks like a good leader.
1 2 3 4 5

This candidate appears to be very qualified.
1 2 3 4 5

I would vote for this person.
1 2 3 4 5

**Now look at the picture of Mrs. Katherine Wilbanks.
Please agree or disagree with the following statements:**

Agree Disagree
This is the kind of person you feel could get a job done properly.
1 2 3 4 5

This is the kind of person you could trust.

1 2 3 4 5

It would be enjoyable to be around this person.

1 2 3 4 5

You would like this person to represent
you in the Oklahoma House of Representatives.

1 2 3 4 5

This person would probably do a good job leading a group.

1 2 3 4 5

This person cares about what people like me think.

1 2 3 4 5

I think this person looks like a good leader.

1 2 3 4 5

This candidate appears to be very qualified.

1 2 3 4 5

I would vote for this person.

1 2 3 4 5

If you had to select one candidate over the other, would it be

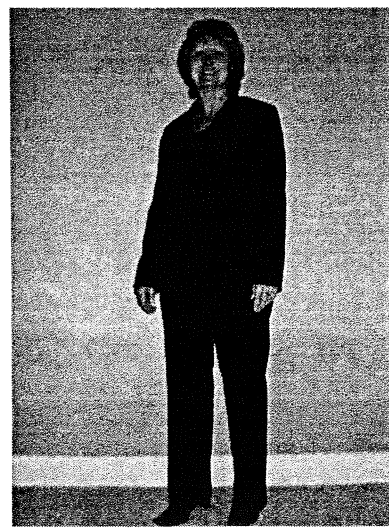
- a. Johnathan Baker
- b. Katherine Wilbanks

Why did you make the choice that you did?

Is there anything else you would like to tell us?

APPENDIX 2:

Jonathan Baker, Traditional Wilbanks,
Sexy Wilbanks, and Power Wilbanks



BOOK REVIEW SECTION

Glenn Beck. 2011. *The Original Argument: The Federalist' Case for the Constitution, Adopted for the 21st Century*. Threshold Editions, 464 pages.

Conservative talk-show hosts have a fetish for the Founding Fathers. And why shouldn't they? After all, the Founders gave America its birth of freedom, its political theology, and its Constitution. Rarely, however, do Rush Limbaugh, Sean Hannity, or Glenn Beck – the nation's top three talkers – speak of the Founders in any but a collective sense, as if they were as monolithic as the faces on Mount Rushmore. More often the Founders are piously invoked as the repository of personal virtue, selfless patriotism, and political wisdom, or as a foil to refract the ills of modern liberalism: big government, creeping socialism, soft tyranny. Yet for all their reverence for the Founders, conservative talkers display little real knowledge – on the air or in their books – of the actual men who founded the country.

Among the biggest names in talk, Glenn Beck has done most to highlight the virtues of the Founders, even featuring a “Founders’ Friday” on his nightly Fox News program. In 2009, ostensibly channeling Thomas Paine, he published *Glenn Beck's Common Sense*, a manifesto to “take back America!” For good measure, Beck appended the original *Common Sense*, Paine's short tract which galvanized public opinion in favor of independence in early 1776.

Stirred by the book's success and convinced of the Founders' relevance for today's politics, Beck has taken his passion a step further: he's rewritten *The Federalist Papers*, the foremost commentary on the Constitution and America's sole political classic. Actually, Beck didn't rewrite the Papers himself; they were "translated" by a music student at the University of Kansas. What Beck has done is to arrange these translations (33 of the original 85 papers) into seven chapters and provide a brief introduction for each under the title *The Original Argument*. Basically, *The Federalist Papers for Dummies*.

As one who has used *The Federalist* in the classroom for twenty years, I commend Mr. Beck for attempting to make this classic more accessible to a larger audience. *The Federalist* is admittedly a difficult, long read in its original form. Much of it is no longer relevant or applicable to current conditions. The Papers were written for a specific purpose – to secure ratification of the Constitution in New York – more than two hundred years ago and before the Bill of Rights was adopted.

Given his track record as a best-selling author, more Americans are likely to read Glenn Beck's *Federalist* than all other editions combined. Is this a cause for concern? The "translations" are relatively harmless, though hardly a substitute for the genuine article. It is Beck's commentary that requires scrutiny. Does he know what he's talking about? Does he get it right? Not really. Based on Beck's politics – conservative, populist, states' rights – he should have brought out a book on the *Anti-Federalists*, the opponents of the Constitution who warned that a latent tyranny lurked in its provisions for a strong central government. This aside, Beck simply shows scant knowledge of the realities surrounding the composition of the *Federalist* or the creation of the Constitution it explained and defended.

In addition to factual errors – large and small – Beck's commentary is plagued by numerous oversights, half-truths, and downright distortions. First, he fails to distinguish between the Framers – the men who drafted the Constitution – and the Founders – the revolutionary-era leaders as a whole. Many Founders, including Patrick Henry and Samuel Adams initially opposed the Constitution. For Beck they are all simply "the Founders." He also seems unaware of the somewhat duplicitous position the principal authors of the *Federalist* – Alexander Hamilton and James Madison – found themselves in when writing as

“Publius,” an unequivocal exponent of the Constitution. Both were delegates to the Philadelphia Convention and both had advanced a plan that gave the central government far greater power than did the document they signed.

Madison, for example, insisted on the need for the federal government to have an absolute veto on legislation by the states and denounced equal representation in the Senate as grossly unfair and undemocratic. In a letter to Jefferson after the Convention, he expressed his disappointment in the outcome and confided that the powers retained by the states might well prove fatal to the union. Hamilton, an even more ardent nationalist, proposed to reduce the states to mere administrative districts and bestow upon senators and the president a life term of office. In writing in support of the Constitution both had to assume something of a mask, not infrequently taking a position they did not privately support. In particular, they were required to downplay the strongly nationalist features of the Constitution and underscore the reserved rights of the states. As Jefferson observed, “[i]n some parts [of the *Federalist*], it is discoverable that the author means only to say what may best be said in defense of opinions in which he did not concur.”

Beck shows no awareness of these facts or that the *Federalist* is largely a species of political rhetoric whose principal aim was to persuade. Nor does he note that Hamilton and Madison became political enemies and espoused opposing constitutional theories shortly after the new government was formed. Indeed, a year before his death in 1804 a disillusioned Hamilton referred to the Constitution as a “worthless fabric.” For his part, Madison predicted the emergence of a large landless class that would one day throw constitutional scruples to the wind. Hamilton and Madison were not the plastered political saints of Mr. Beck’s vision.

Often Beck is just plain wrong. He writes that the Founders’ core constitutional principles included the belief that “smaller government makes better government.” This is backwards: the prevailing sentiment among the Framers was for a *bigger, stronger* government that could tax, regulate commerce, and prevail in any conflict with the states. Equally egregious is Beck’s contention that Hamilton was faced with explaining “why a national government over the states was preferable to one over individuals ...” Again, just the opposite is true. Hamilton insisted that

the national government have direct authority over individuals, and denounced the lack thereof under the Articles of Confederation as a “radical vice.”

Elsewhere Beck asserts that the *Federalist* explains why the government “is not a protector of anything – it is simply an agent of our collective will.” Not even Rousseau – the democratic collectivist – went this far. Rousseau did, however, assert that man was born naturally free, a belief immortalized in the Declaration of Independence. Yet according to Beck, “[f]reedom is not the natural state of man,” while “[t]yranny [is] the natural state of government.” For Jefferson and the Founders, tyranny was a perversion of government, a violation of man’s natural rights.

Nor is Beck above outright solecisms. “Publius” he writes, “believed that the federal government has power over the states to *protect our liberties and our nation*, not to force the states to carry out policies that the federal government believes threaten these liberties.” Thank goodness the Constitution doesn’t grant the feds the power to force the states to threaten their own liberties! Beyond his illogic, Beck appears blithely oblivious to the fact that until the modern civil rights era it was the *states*, not the federal government, that posed the graver threat to individual rights, and conversely, the *federal* government that ended state-sponsored discrimination.

Beck is also dead wrong about the reception of the Papers and their impact on the ratification contest. They were not, as he asserts, “easy for most Americans to understand,” not even for eighteenth-century Americans. Even less did Publius “speak to the elites and the working class simultaneously without upsetting either side ...” As the residing French envoy observed, the Papers were “of no value whatever to well-informed people, and ... too learned and too long for the ignorant.” More to the point, the Papers were largely a failure in their immediate aim: the election of pro-Constitution delegates to the New York ratifying convention. Beck claims the Papers “won over the hearts and minds of not only New Yorkers but Americans across the confederacy and tipped the balance toward ratification.” In truth, the Papers did none of these things: the election in New York resulted in a large anti-Federalist majority, the Papers were largely unknown outside of the Empire State, and the Constitution had already been ratified by the

requisite nine states before New York became the eleventh to do so. It was behind the scenes wrangling by Hamilton and John Jay (a minor contributor to the *Federalist*) that secured ratification in Poughkeepsie, not the largely ineffectual *Federalist Papers*.

For a man who regularly exhorts his millions of listeners to “do your own homework,” Mr. Beck is guilty of errors that would be unpardonable in a sophomore term-paper. Sadly, his numerous blunders are compounded by distortions and hypocrisy. He notes, for instance, the existence of “some people [who] would prefer that you not read the Federalist Papers,” but “would rather contort Publius’s words to serve their own narrow ideological ends.” Beyond the seeming contradiction, this is simply absurd. Virtually every American government textbook reproduces Federalist Nos. 10 and 51 as an appendix, and there are more than a dozen editions of the Papers currently in print. Furthermore, Beck’s professedly “non-ideological” edition is by far the most ideological to date.

Beck would also have us believe that the *Federalist Papers* drip with religion and piety – as if Hamilton and Madison were powdered-hair progenitors of Jerry Falwell and Pat Robertson. What was striking to a number of contemporaries, however, was the secular thrust of the Papers (and the Constitution itself). There are a handful of references to “Providence” in the *Federalist*, a document of some 175,000 words, but only one to “God.” The Constitution itself is free of all references to the Deity, a regrettable omission for some of its early critics. When Benjamin Franklin moved that prayers be offered at the Philadelphia Convention his motion was flatly rejected. “The convention,” he recorded, “except three or four persons, thought prayers unnecessary.” *The Federalist* is not the work of some latter-day Puritans, but the American vanguard of the European Enlightenment. As historian Peter Gay notes, the authors of the Papers “sound all the great themes of the Enlightenment, if by implication only: the dialectical movement away from Christianity to modernity; the pessimistic though wholly secular appraisal of human nature ...” Publius speaks of “virtue” not “piety,” “vice” not “sin.”

All these blemishes aside, Beck simply overstates the case for the relevance of the *Federalist* for constitutional guidance and renewal. For all their brilliance, insight, and wisdom, the Papers alone cannot

provide answers to many of today's most pressing public controversies. *The Federalist* was written before the adoption of the Bill of Rights and the Fourteenth Amendment, which fundamentally reconfigured the relationship between the states and the federal government. This limits the relevance of Publius on questions of federalism. As for disputes over civil rights and liberties – the subject of most constitutional litigation – the *Federalist* can be of little help.

In fairness, Mr. Beck makes no claim to provide a scholarly edition of the *Federalist*. But his failure to provide an accurate, honest, or useful one places *The Original Argument* beneath scholarly comment.

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Kim Phillips-Fein. 2009. *Invisible Hands: The Businessmen's Crusade Against the New Deal*. New York, New York: W.W. Norton. pp. 360. \$16.95. ISBN-978-0-393-33766-2.

Barry Goldwater's failed candidacy for president in 1964 is often marked as the beginning point for the onward march to free-market conservatism. However, New York University professor Kim Phillips-Fein writes that the conservative movement born from the 1964 Goldwater campaign was actually conceived thirty years earlier. According to Phillips-Fein's *Invisible Hands: The Businessmen's Crusade Against the New Deal*, the thirty-year pushback from big business against government expansion started to bear fruit in the 1960s, even before Goldwater's watershed defeat. From that failed campaign emerged the political organization machinery that spawned multi-million member conservative donor lists which shifted the Republican Party rightward in the late seventies and early eighties. The Civil Rights movements of the early sixties, culminating with the Civil Rights Act of 1964, caused the demographic shift, as highlighted by Kevin Philips' *The Emerging Republican Majority* in 1969, which converted the South from a Democratic to Republican stronghold.

As in a biblical chronology, 1964 appears to be the beginning point of modern conservatism: Goldwater conservatism begat Reagan conservatism, which begat George W. Bush and the conservative, pro-

business era we live in today. How can we know that we are currently in a conservative, pro-business era? One way is to compare where the country has been politically and economically. The highest tax rate on earned income in 1953 was 92%, while the highest tax rate on earned income today is 35%. The ratio of CEO pay to worker pay was 41:1 in 1960 and by 2007 had expanded to 344:1. Since the 1970s the gap between the middle class and upper class has grown dramatically to the point that the top 1% now has a tremendous financial advantage in the political arena. This expansion of power is continuing during the presidency of a liberal Democrat, but perhaps party no longer matters. Political scientist Larry Bartels concluded from his studies of Republicans and Democrats in the Senate that members of both parties neglected the demands from citizens of modest means. The senators may respond simply to where the money is. In the current financial analysis of wealth in America today, the bottom eighty percent in the financial pyramid lose over seven hundred billion dollars a year, whereas the top one percent gain over six hundred billion. Only the 1890s or in the 1920s did big business control government with as firm a grip as today. In the dark days of the 1930s, business elites began planning for a return to a time like the 1890s or 1920s—a time that they believed was a golden era of unfettered business authority.

Phillips-Fein writes that the Great Depression was not only an economic disaster for the country but also a political disaster for business elites. Leaders of major corporations, such as the du Pont brothers, believed Roosevelt's National Recovery Administration and other government programs were putting the country on the road to socialism. Preventing socialism would only be accomplished, in the words of DuPont Chemical executive Jasper Crane, by using "men who know the truth and won't compromise with evil." Paradoxically, the way to slow down, stop, and eventually reverse the power of government was to adopt a new form of conservatism.

American conservatism has been a unique mixture of Burkean conservatism which emphasizes preserving tradition and classical liberalism that supports an unfettered marketplace. But, by the 1940s Burkean conservatism would become overshadowed by free-market conservatism. Phillips-Fein writes how the Austrian economists Friedrich von Hayek and Ludwig von Mises used the language of freedom and revolutionary change in defending the free market. Thus business groups in America such as the National Association of

Manufacturers and the Chamber of Commerce did not argue in their defense of the marketplace that they wanted to restore a moral order with the rich in charge, but instead that the free market would transcend social class and liberate all. This in turn would eliminate any need for workers to align with unions.

In her introduction, Phillips-Fein states that she is not writing a conspiratorial tale. Instead she is chronicling a political movement that has had setbacks along the way but has had its eyes on the prize to bring business back to the place of preeminence in the American political system. This has been accomplished through the methodical drumbeat of support for volunteerism, private property, and limited government, the triumvirate of marketplace conservatism. Dating back to the 1950s business has used the media to tout marketplace conservatism, as in the case of General Electric spokesman Ronald Reagan who hosted a weekly television series sponsored by the company. In the 1970s the Business Roundtable sponsored television programs and newsletters advocating business. Marketplace conservatism also has had advocates in other prominent areas of the American political system and culture: the courts, the churches, and interest groups. Throughout her narrative, Phillips-Fein notes the systematic preparation of the business elites from the 1930s who determined that if they wanted to succeed economically they must control politics.

Invisible Hands provides additional answers to questions asked in Thomas Frank's *What's the Matter With Kansas?* with respect to why so many working class Americans vote against their own economic interest. There have now been over seventy years of propaganda expounding a version of liberty that encourages individualism at the expense of the group, even though the creators of the propaganda have their group's protection as the top priority. Also, *Invisible Hands* can serve to refute the claims to American exceptionalism made in Seymour Lipset and Gary Marks' *It Didn't Happen Here: Why Socialism Failed in the United States*. While the American political culture has always had a commitment to individualism which inhibits a move toward socialism as Lipset and Marks propound, there has also been an orchestrated manipulation by the business elites to make socialism appear harmful to Americans of all classes. Phillips-Fein would argue that the culture may oppose socialism and support the free market, but this aspect of American culture was not organically grown but concocted in a

laboratory. *Invisible Hands* is a useful book to read as the 2012 presidential election evolves. As the liberal Democratic incumbent attempts to be reelected with the help of a war chest near a billion dollars, we can be reminded of the quote from President Calvin Coolidge: “The business of America is business.”

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Charles T. Goodsell. 2011. *Mission Mystique: Belief Systems in Public Agencies*. Washington, D.C.: CQ Press, ISBN 978-1-933116-75-4, Print Paperback, \$32.95.

Government bashing has become such a handy mantra that it is a relief to read a book that purposefully examines good government at its best. Studies of reputable government organizations are important because, whether we like it or not, it is government that allows us to live together collectively and enjoy the benefits of civilization. Charles T. Goodsell, the author of *Mission Mystique* is also the 2003 winner of the American Society for Public Administration Dwight Waldo Award for a lifetime contribution to the literature of public administration. Currently he is Professor Emeritus at Virginia Tech. In this book he seeks to unravel the dynamics that move government bureaucracies into greatness. To do this he started with a simple research question: how do the most highly regarded governmental agencies actually work? What he found and how he found it is chronicled *Mission Mystique: Belief Systems in Public Agencies*.

Goodsell developed a unique normative framework that he used as a guide for the examination of four federal, one state and one local agency. The six highly reputable agencies embraced a range of missions including the Centers for Disease Control and Prevention, the National Park Service, the National Weather Service, and the United States Peace

Corps as well as the Virginia State Police and the North Carolina County Department of Social Services. All enjoyed excellent reputations as “premier in the respective policy realms.” Goodsell’s theory is that the agencies he selected are appealing because they are effective. People who work in effective environments feel a strong sense of attachment and dedication to their agencies and fellow employees, and attract outsiders who value the work of the particular agency, providing external support.”

To put *Mission Mystique* in perspective, it is necessary to understand the trajectory of Dr. Goodsell’s scholarship. His previous books include *The Case for Bureaucracy: A Public Administration Polemic*; *The American Statehouse: Interpreting Democracy’s Temples*; *Public Administration Illuminated and Inspired by the Arts*; and, *The Social Meaning of Civil Space: Studying Political Authority Through Architecture*. Despite his contributions to the field of public administration, Goodsell has been understudied. Few outside of the field even know of his work much less appreciate the import of his insights into modern public administration.

Goodsell maintains that these selected public agencies are not just organizations but also institutions or “living” social organisms that carry values which persist over time. The best institutions possess an “aura” (Goodsell’s term) of exceptionalism that flows from the nature of their work, and “hence, can be identified as a mystique associated with their particular mission.” Goodsell locates the animating organizational force in the agency’s belief system, composed of nine attributes he identified and organized into a template. They include the mission, the societal need for the agency, its reputation, motivation, culture, history, ability to resolve internal and external problems, organizational autonomy, and capacity for growth and renewal.

By way of contrast, Goodsell points to government organizations that are not candidates for “mission mystique” because they are hurt by subjective public perceptions. The Internal Revenue Service, for example, is one of the most effective, fair and corruption-free tax collection agencies in the world. It is “absolutely indispensable to the operation of government”, our national security and our economic health. However, the IRS’s mission is controversial, and effective political attacks by anti-tax activists have damaged its reputation, resulting in a poor public reputation and low morale among its workers.

The upshot is that Goodsell developed what he correctly describes as a new normative model for the field of public administration. In the course of the study, Goodsell personally visited the agencies he studied. He conducted open-ended interviews with top executives, several managers, individuals down the hierarchy, informed outsiders like retirees, elected officials, clients, critics and bureaucrats from elsewhere, and he absorbed website postings and published literature. He also read internal reports, government documents, newspaper articles, and blogs. The components of the resulting template formed over the years of “concerted research and were not complete until the end of the journey.” He found that individuation revealed, over the course of the study, that institutional coherence derives from the particular agency mission and is reflected in a viable belief system.

Ultimately, Goodsell argues that the best public agencies are populated by women and men who are “turned on by the very work they are doing.” This work, ranging from stopping child abuse to fighting forest fires or battling epidemics, couples with the low profile activities that “have deep long lasting consequences such as building safe highways, helping children learn and allowing the aged to live out their days in dignity” are all vital to keeping society intact. He also points out that the highest level of attainment in public administration is deep “engagement in important public tasks” and the strong sense of mission that proliferates throughout all aspects of life in a modern government.

At the end of this realistic and generally upbeat treatment of these selected case studies, Goodsell suggests that some government agencies are so good at what they do their judgment should be regarded in the same way as oncologists when diagnosing and treating a cancer patient; just as the patient rarely presumes to second-guess the doctor, Goodsell argues that the public and legislators should not second guess reputable public agencies. He does note that this could lead to the rise of overly powerful bureaucrats such as J. Edgar Hoover and Robert Moses, but he thinks it is worth it because only bureaucracies can preserve the future. This notion recognizes the state as a form of structural power with an existence of its own which is contrary to the pluralist view of the state as an admixture of associations reflecting vying public interests. On another level, this notion that “popular” governmental agencies should be freed from public scrutiny raises questions about the longevity of our political democracy. Considering the totality of

Goodsell's scholarship, the implication is that one of our best thinkers is giving up on the ability of the political process to generate policy makers capable of resolving our policy dilemmas.

Goodsell's book raises a host of questions about good government organizations, the relationship of the bureaucracy to the political process and, by implication, even the viability of liberal democracy. Despite Goodsell's clearly elitist preferences, this book would be of interest to students of public organizations and researchers seeking examples of exemplary qualitative studies. One drawback is that some of the facts in the book are wrong. For example, Goodsell confused Georgia with Alabama as the site of the infamous Tuskegee Experiments. However, each of the well-crafted, synoptic case studies is an opportunity to truly understand what government agencies do and how they do it when they are operating at their best.

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Charles Bullock and Ronald Keith Gaddie. 2009. *The Triumph of Voting Rights in the South*. The University of Oklahoma Press.

The Triumph of Voting Rights In the South by Charles Bullock III from the University of Georgia and Keith Gaddie of the University of Oklahoma, is an examination of the success of the Voting Rights Act of 1965 (VRA). The VRA is generally recognized as one of the nation's most successful civil rights statutes. The act itself codified and implemented the 15th Amendment's enduring guarantee that no person, regardless of race or color, shall be denied the right to vote. This book itself was part of an American Enterprise Institute's effort, started in 2006, to kill congressional reauthorization of the VRA, which they contend is so successful, it is no longer needed.

Bullock and Gaddie's book is organized to assess the progress in each of the 11 southern states in succession, starting with those that have been covered the longest by Section 5, those picked up by the 1975 amendments, and the two Southern states not subject to preclearance. Unfortunately, the book does not include Oklahoma, although the state's election laws have been alleged by some to contain similar discriminatory implications as those of the former states of the Confederacy.

In this state-by-state exploration of the success of the VRA in the South, minorities have been hugely empowered, especially by section 5

of the VRA, stating the need to have “preclearance” by the federal government before making any changes in their state’s election laws if their minority voting does not make a certain threshold. The Congress passed the VRA to counter state-level anti-minority laws that created disproportionate outcomes based on race, such as poll taxes, white primaries, and literacy tests.

The authors make the case that the original seven states under section 5 – Mississippi, Alabama, Georgia, Louisiana, Virginia, South Carolina, and North Carolina – have had the greatest increases in voting. When it comes to voting, for example, Mississippi had only 6.7 percent of the black population registered to vote in 1966. It now has 59.8 percent, which is still low compared to African-Americans nationwide registration rate of 65 percent. In terms of how this electoral empowerment translated into electing black leaders in Mississippi, the number of elected officials has escalated from a mere handful in the mid-1960s to more than 800 by 2001. Spectacular gains like these are similar, but less pronounced across the South. The author’s find that progress itself is rather uneven, but mainly evident where the VRA was enforced the longest.

The authors note flaws in the VRA. For example, they attribute the racial polarization of Southern electoral politics – with African-Americans monolithically supporting Democrats and whites monolithically supporting Republicans – as an unintended consequence of the VRA. In addition, though the VRA demanded creation of majority-minority districts back in the 1980s, the Department of Justice has reversed this trend because while African Americans have been elected in greater numbers, the two party system still keeps them and the Democratic Party in the South in a representative minority and will not gain proportionality to reflect the population at large because of extreme party polarization.

What is interesting, and what you will not find clearly stated in the book, is that Bullock represents the conservative American Enterprise Institute. Bullock, the Richard Russell Professor of Political Science, holds the professorship with the namesake of Sen. Richard Russell, who consistently opposed filibuster reform. Co-author Keith Gaddie actually served on a panel of the U.S. Commission on Civil Rights on October 7, 2005. The Commission convened a panel of voting rights experts on Capitol Hill in Washington, DC., according to the U.S.

Commission on Civil Rights Briefing Report, April 2006. Both argued that the VRA has been so successful, that it was obsolete and should be repealed. On the panel, Bullock said, “section 5 unfairly targets the South and Southwest, a distinction that is no longer warranted.” In essence, the book states the VRA is such a “triumph,” it is now no longer needed.

However, the VRA was reauthorized in 2006 for twenty-five years because of stories about towns such as Kilmichael, Mississippi. In Kilmichael, Bullock and Gaddie provide the recent example where the city council decided to cancel its election rather than allow African Americans, who were poised to be voted in for the first time in the city’s history, to win. It took two years before the Department of Justice stepped in, utilizing the VRA, forcing a vote. As a result, three African American council members were elected as well as one mayor. In addition, the House Committee that investigated the VRA in 2006 renewed it on the basis that they found that second generation discrimination has actually emerged. For example, Hispanics are often denied access to VRA-mandated language assistance in the South.

Despite the political gains made by African Americans in the South displayed in this well-written book, it does not appear to sustain the authors’ argument to allow the VRA to lapse. However, by 2031 a reexamination of African American and Hispanic gains in equal voting access in the South provide further evidence of the VRA’s enduring “triumph” in the context of eliminating the kinds of invidious discrimination it was intended to combat.

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The editors appreciate the careful reading and helpful comments of those who have volunteered their time and effort the review manuscripts submitted to *Oklahoma Politics*. Without your dedication and contributions, the journal could not be what it is. Thank you!

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John Ulrich

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