



## League of Women Voters of Minnesota Records

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**LEAGUE OF WOMEN VOTERS  
OF MINNESOTA**

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**COMMITTEE GUIDE**

**Initiative, Referendum and Recall Study**

Harriette Burkhalter, LWVMN Government Chair  
5 West St. Albans Road  
Hopkins, MN 55343  
(612) 935-9855  
January, 1980

**I. The Program item adopted at June, 1979, LWVMN Convention was:**

"A study of the process of initiative, referendum and recall for Minnesota."

Consensus deadline: June 1, 1980.

A copy of the consensus questions is included in this packet. Also included is a memo containing instructions for reporting your consensus results to LWVMN and an example of an initiative petition.

**II. Background Information for study committee and/or LWV members on I/R&R can be obtained from the following sources:**

1. LWVMN FACTS AND ISSUES - I/R&R - "Direct Democracy: Choices for MN" (mailed directly to all LWVMN members in January, 1980)
2. Articles and publications listed in the September, 1979, LWVMN BOARD MEMO.
3. Basic political science textbooks available in your library.
4. "Handouts" at the fall workshops.

**III. Clarification of the limits of discussion.**

1. We're talking about I/R&R for the STATE of Minnesota. The use or lack of use at the local level will be interesting, but do not allow the discussion to center around what's happening locally.
2. We're also talking about the PROCESS of I/R&R. The merits or shortcomings of the process, not particular issues, are the topic. Do not allow the discussion to center around the issues themselves, such as:
  - whether to build more nuclear power plants or not?
  - acceptance of the building code in your county or not?
  - the recall of a city official or not?

**IV. Important issues to be considered during discussion of I/R&R:**

The consensus questions are designed to elicit opinions about the I/R&R process. It is important that meeting participants understand the definitions of all terms and the differences between the specific processes. With those facts clearly in mind, the following questions can be used to generate discussion of the issue:

Is the I/R&R power appropriate to state level government? to local? to federal?

Should the power of I/R&R be provided to the people through the Constitution or by the Legislature?

Should constitutions contain details of procedure or provide only the power of I/R&R?

Is I/R&R an appropriate tool to deal with a reluctant or unresponsive legislature?

As you talk about this last question, there are some things to keep in mind. Historically, many initiative efforts have dealt with reapportionment. The LWV

spearheaded successful reapportionment initiatives in Oregon and Michigan in the '50s and '60s. Much of the argument in this area centers around the assessment of the job done by the Minnesota Legislature. Following is one "rating" of Minnesota's Legislature:

#### RATINGS OF STATE LEGISLATURES

"In early 1970 the Citizens Conference on State Legislatures (CCSL) rated the legislatures of all fifty states. They concentrated on the fundamentals of the legislative process. They analyzed legislative structure and procedure. They did not attempt to examine any actual legislation nor to evaluate it.

"They rated each state legislature on the following five basic objectives of an ideal democratic legislature: (1) the ability to function effectively; 2) the ability to account to the public for its actions; 3) the ability to gather and use information; 4) the ability to avoid undue outside influence; and 5) the ability to represent its people.

"As of mid-1970 Minnesota ranked tenth in overall standings. It ranked 27th in functionality, 7th in accountability, 13th in being informed, 23rd in being independent, and 12th in being representative. The CCSL report stated that Minnesota's outstanding feature is general openness and the accessibility of its process and activities. Minnesota received the lowest grade in the "functional" category. Specifically noted as drawbacks were the relatively large size of the legislature, its small staff, and the limitation of biennial sessions. Since the time of the report, staffing has increased, and interim sessions have been added. Therefore, it is possible that Minnesota has risen in the rankings. Although other states could have made comparable gains, it is doubtful that Minnesota could have dropped much if at all. One ought to assume that Minnesota still ranks in the top 20% in 1979."

(Source: Burns, John. Citizens Conference on State Legislatures. The Sometimes Governments, New York: Bantam Books, 1979, pp. 7 and 52-53.)

The following description of "How a Bill Becomes a Law" in Minnesota may also be helpful as you consider the "need" for I/R&R:

"In Minnesota anyone can propose an idea for a bill. Most often ideas come from members of the Legislature. Each bill must have a House and a Senate sponsor. There may be other authors as well but no more than a total of five in the House and three in the Senate. The Revisor of Statutes puts bill proposals into the proper legal form.

"When a bill is introduced in either house, it is given a number that indicates its chronological order of introduction in that body. Each bill, according to the Minnesota Constitution, must have three readings, on three separate days. After its first reading, the Speaker of the House and the President of the Senate refer the bill to the appropriate standing committee for action. A committee may:

- recommend passage of a bill in its original form;
- recommend passage after amendment by the committee;
- make no recommendation, in which case a bill may die when the session ends.

"All committee meetings are open to the public, and people may testify at committee hearings (according to the rules of the '79-80 session).

"After acting on a bill, the committee sends a report to the House or Senate, stating its actions and recommendations. After the committee report has been adopted, the bill receives a second reading, and the bill goes to 'General Orders of the Day.' In Committee of the Whole,

legislators then discuss all bills on General Orders. Possible actions are: debate, adopt amendments, present arguments on the bills; and they may vote to:

- recommend that a bill 'do pass';
- recommend postponement;
- recommend further committee action.

"The Calendar is a list of bills that the Committee of the Whole recommends to pass. At this point:

- a bill has its third reading;
- amendments to the bill must have the unanimous consent of the entire body;
- legislators vote on it for the final time.

"By committee recommendation, non-controversial bills can bypass General Orders and go directly to a 'Consent Calendar,' usually passing without debate. Every bill requires a majority vote of the full membership of the House and Senate to pass.

"When the House and the Senate both pass the same version of a bill, that bill goes to the Governor for his approval or disapproval. If the House and Senate do not agree, a conference committee of three to five senators and an equal number of representatives meets to reach an agreement. If both bodies then pass the bill in compromise form, it goes to the Governor.

"When a bill arrives at the Governor's office, he may:

- sign it, and the bill becomes law;
- veto it and return it to the body where it originated;
- pocket veto the bill (fail to act until after final adjournment of the Legislature);
- exercise his right to line veto portions of appropriations bills."

Some additional questions which could be used to generate discussion are:

- Is initiative/ referendum likely to safeguard "the public good" better than, or at least as well as, legislative action can?
- Can initiative/referendum protect low income and racial minority rights better than, or at least as well as, legislative action can?
- With initiative/referendum, will the decision-making process be stronger than, or at least as strong as, the legislative process?
- Is not the next election a sufficient recall mechanism?
- Should the Legislature be required to submit to the vote of the people laws dealing with certain matters?
- Should some measures be exempt from I&R?
- Should contributions to ballot campaigns be limited? disclosed?
- Should the constitutionality of an issue be determined before it is placed on the ballot?
- Should petitions on similar issues be consolidated before going on the ballot? How and by whom?

#### V. Clarification of consensus question #6.

This question asks about limits you might wish to place on the processes of I/R&R if they are adopted for Minnesota. It is important for all members of the discussion group to consider this question as well as previous ones. Members opposing

I/R&R may be willing to lend support to the processes if the restrictions or limits are strict enough.

The limits used in other states are described in the publication, "Direct Democracy: Choices for Minnesota." The last section of the question (i) asks for "other" limits you might want to suggest. Those in use in other states (and also described in the publication) include things such as:

- limits on subject matter, certain matters must be or may not be placed on the ballot;
- limits on contributions to ballot campaigns, who can contribute and what amounts are allowed;
- limiting similar issues appearing on the same ballot;
- etc.

You are asked to indicate if you prefer strict, moderate, or lenient limits. A strict limit on the time for collecting signatures would mean the time span allowed would be short, making it difficult to obtain the necessary number of signatures and therefore difficult to use the process. A lenient limit would mean allowing a long time span for gathering signatures, making it easier to use the process.

VI. Attached to this Study Guide is an initiative petition reprinted from the LWV of California's October-November VOTER for your use as an example. LWV members in California were asked to clip the "mini" petition with room for three signatures and mail to the coalition sponsoring the initiative drive. 345,116 signatures were needed by November 29, 1979, to qualify proposals for the June, 1980, ballot. The petition is included with this material only to give you an opportunity to understand the mechanics of the initiative process. Notice, the title and summary as prepared by the attorney general on the front and the fuller text on the back along with instructions to circulators. This example petition could serve as a "visual aid" for your discussion meeting.

VII. The relationship of LWV positions to I/R&R.

The question has come up again and again that perhaps the study of I/R&R is unnecessary, as there are already LWV positions on the issue. In considering this aspect, keep in mind the following:

The principles of the LWV state the LWV believes in representative government and democratic government's dependence on informed, active citizen participation. Participation can be defined as casting a vote, and it would seem our principles support both representative and direct democracy.

Other LWV positions that have a relationship to discussion of I/R&R are included in LWMN PROGRAM FOR ACTION's Government Section. They are concerned with: election laws, campaign practices, open meetings and open records, organization of the Legislature, and improving the process of amending the Minnesota Constitution.

Familiarity with these positions is important in assessing the need and desirability of I/R&R.

Recognition of the fact that LWV's history is intimately involved with specific ballot campaigns is also important.

Present efforts for ERA spring from early efforts in behalf of suffrage--and the suffrage campaigns were state referenda in many cases. For decades the LWV worked for Home Rule Charters which included I/R and sometimes recall on the local level. We have supported Direct Primaries, Short Ballots, and Constitutional Revision. It might be easy to interpret positions in these areas to indicate support or opposition to I/R&R, but study has reinforced the decision of Convention to consider the processes of I/R&R for Minnesota based on their own merits and current conditions.

VII. In order to prepare for lively, informative discussion meetings that will attract new members and excite continuing members, we suggest you check the following for helpful hints (they should be on file in your LWV - check with your president):

- Meaningful Meetings: The Role of the Resource Committee, LWVUS #319
- Planning Program: From Choice Through Action, LWVUS #410
- Reference Packet for LWV Research/Study Committees, July, 1979, LWVMN
- \*- Model Discussion Outline, LWVMN, September, 1965
- \*- How to Make Meetings Click, LWV-St. Louis Park, 1958

\*On file in the state office; request by phone if you wish copies.

The opportunity is yours to design the meeting (or meetings) to appeal to your members. You have the publication of the LWVMN study committee, "Direct Democracy: Choices for Minnesota," to serve as a starting point.

The answers to the consensus questions should be the end point, and the middle part is up to you. Use the best material to meet your needs--bulletin articles, visual aids, mock debates--whatever grabs you! The issue is timely and most immediately significant. Interest across the state is intense--so go to it.

Have a good meeting!

MAIL BY JUNE 1, 1980, to 555 Wabasha, St. Paul, MN 55102

CONSENSUS QUESTIONS  
INITIATIVE, REFERENDUM AND RECALL

LWV of \_\_\_\_\_

# of members who participated in discussion: \_\_\_\_\_

# of meetings held on I/R&R: \_\_\_\_\_

Kinds of meetings (general membership, unit, other?): \_\_\_\_\_

	<u>Yes</u>	<u>No</u>	<u>Undecided</u>
1. Should Minnesota adopt some form of Initiative	_____	_____	_____
Referendum	_____	_____	_____
Recall	_____	_____	_____

2. Should Minnesota amend its Constitution to provide  
a. the power of initiative on Constitutional Amendments?

	<u>Yes</u>	<u>No</u>	<u>Undecided</u>
Which type?	_____	_____	_____
Direct initiative	_____	_____	_____
Indirect initiative	_____	_____	_____
Advisory initiative	_____	_____	_____

Should Minnesota amend its Constitution to provide

	<u>Yes</u>	<u>No</u>	<u>Undecided</u>
b. the power of initiative on <u>Statutes</u> ?	_____	_____	_____
Which type?	_____	_____	_____
Direct initiative	_____	_____	_____
Indirect initiative	_____	_____	_____
Advisory initiative	_____	_____	_____

	<u>Yes</u>	<u>No</u>	<u>Undecided</u>
3. Should Minnesota amend its Constitution to provide	_____	_____	_____
petition referendum on statutes	_____	_____	_____
optional referendum on statutes	_____	_____	_____
compulsory referendum on statutes	_____	_____	_____

	<u>Yes</u>	<u>No</u>	<u>Undecided</u>
4. Should the present power of compulsory referendum on constitutional amendments be retained?	_____	_____	_____

(continued)

5. Should Minnesota amend its Constitution to provide recall of state officials?

	<u>Yes</u>	<u>No</u>	<u>Undecided</u>
constitutional officers	_____	_____	_____
judges	_____	_____	_____
members of Legislature	_____	_____	_____
and/or appointed officials	_____	_____	_____

6. If you favor limits on any of the above processes, indicate below:

The limits should be	<u>strict</u>	<u>moderate</u>	<u>lenient</u>
a. Time span for collecting signatures	_____	_____	_____
b. Persons eligible to sign petitions	_____	_____	_____
c. Persons eligible to collect petitions	_____	_____	_____
d. Percentage of signatures required	_____	_____	_____
e. Geographic distribution of signatures	_____	_____	_____
f. Verification of signatures	_____	_____	_____
g. Size of vote required for passage	_____	_____	_____
h. Procedure for repeal or amendment of a successful initiative/referendum	_____	_____	_____
i. Other limits	_____	_____	_____

7. Summarize 2 or 3 of the main reasons given at your meeting for support or opposition to I/R&R. (Use space below or a separate sheet if necessary.)

To: Local Leagues  
From: Harriette Burkhalter, Government Co-chair, LWVMN  
Re: Instructions for reporting I/R&R Consensus  
Date: January 22, 1980

Please refer to "Reference Packet for LWV Research/Study Committees," LWVMN, July, 1979. The sections involving consensus are #7, 8, and 9.

The I/R&R state study committee and the LWVMN Board recommend that a method of membership voting be used in conjunction with the traditional sense-of-the-meeting method. In other words, you will probably want to fill out one consensus report form for each discussion meeting and indicate some numbers in the space provided for yes/no/undecided answers, i.e., "10 yes, 5 no, 3 undecided."

Be sure to elicit opinions from all members present, and definitely record any minority voices - no matter how small.

It is then your local study committee's and/or local Board's responsibility to compile results from discussions in your League and report to the state Board on one report form the consensus of your League with some indication of the strength of opinion in your League.


It is possible that minority opinion in several Leagues will coincide, and it will be important to have numbers as we compile results for the whole LWVMN.

Therefore, if you are loathe to raise hands to vote at your meetings, then don't use that process, but be sure to estimate numbers in reporting to us, as there will be no way to go back later and assess the strength of opinion from your League.

## INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

**TAXATION. INITIATIVE STATUTE.** Levies a 10% surtax on the business income from California sources of energy businesses (except public utilities) whose principal activity is the obtaining, processing, distributing or marketing of oil, gas, coal, or uranium. Allows a tax credit against surtax of \$.50 for every dollar invested in California after January 1, 1979 to increase the production or refining of California crude oil or gas over 1978 base levels. Requires that surtax proceeds be used to fund increased bus and rail service for Californians and to develop alternative transportation fuels. Prohibits businesses from passing surtax on to consumers. Financial impact: Increase in state revenues of \$125 million to \$400 million depending upon extent to which tax credit is utilized. No significant impact on state expenditures. No impact on local government revenues or expenditures.

THIS COLUMN FOR OFFICIAL USE ONLY	<p><b>CIRCULATOR:</b> See instructions on other side</p> <p><b>SIGNER:</b> Please fill in all information by hand in <b>ink</b>. Use only ball point pens. (Do not use felt tip pens) No ditto marks No abbreviations</p> <p>All signers of this petition must be registered in _____ <input type="checkbox"/> county.</p>	THIS COLUMN FOR OFFICIAL USE ONLY
	<p>1</p> <p>_____ SIGNATURE AS REGISTERED</p> <p>_____ ADDRESS AS REGISTERED</p> <p>_____ PRINT YOUR NAME AS REGISTERED</p> <p>_____ CITY</p> <p>_____ ZIP</p>	
	<p>2</p> <p>_____ SIGNATURE AS REGISTERED</p> <p>_____ ADDRESS AS REGISTERED</p> <p>_____ PRINT YOUR NAME AS REGISTERED</p> <p>_____ CITY</p> <p>_____ ZIP</p>	
	<p>3</p> <p>_____ SIGNATURE AS REGISTERED</p> <p>_____ ADDRESS AS REGISTERED</p> <p>_____ PRINT YOUR NAME AS REGISTERED</p> <p>_____ CITY</p> <p>_____ ZIP</p>	
	<p><b>CIRCULATOR:</b> All signature spaces <b>do not</b> need to be completed for this petition to be valid.</p>	

**DECLARATION OF CIRCULATOR** (To be completed AFTER above signatures have been obtained.)

I am registered to vote in the County (or City and County) of \_\_\_\_\_ ☒ . Each of the signatures to this petition was signed in my presence. Each signature of this petition is, to the best of my knowledge and belief, the genuine signature of the person whose name it purports to be. All signatures to this document were obtained between \_\_\_\_\_ ☒ , 1979 and \_\_\_\_\_ ☒ , 1979. I certify (or declare under penalty of perjury) that the foregoing is true and correct.

X \_\_\_\_\_ [F] \_\_\_\_\_ [G] \_\_\_\_\_ [H]  
Signature of Circulator Date Address as Registered

\_\_\_\_\_ [I] \_\_\_\_\_ [J] \_\_\_\_\_ [K]  
Print Name City (in full) Zip

**BE SURE TO SIGN THIS DECLARATION AT "X" BEFORE SENDING IN (Notarization not necessary)**

## INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

**TAXATION. INITIATIVE STATUTE.** Levies a 10% surtax on the business income from California sources of energy businesses (except public utilities) whose principal activity is the obtaining, processing, distributing or marketing of oil, gas, coal, or uranium. Allows a tax credit against surtax of \$.50 for every dollar invested in California after January 1, 1979 to increase the production or refining of California crude oil or gas over 1978 base levels. Requires that surtax proceeds be used to fund increased bus and rail service for Californians and to develop alternative transportation fuels. Prohibits businesses from passing surtax on to consumers. Financial impact: Increase in state revenues of \$125 million to \$400 million depending upon extent to which tax credit is utilized. No significant impact on state expenditures. No impact on local government revenues or expenditures.

To the Honorable Secretary of State of California:

We, the undersigned, registered, qualified voters of California, residents of ☐ County (or City and County), hereby propose amendments to the Revenue and Taxation Code, relating to taxation of excess oil profits and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to the general election or otherwise provided by law. The proposed statutory amendments (full title and text of the measure) read as follows:

Section 1. Chapter 2.8. (commencing with Section 23480) is added to Part 11 of Division 2 of the Revenue and Taxation Code, to read:

### Chapter 2.8. Oil Profits Tax

23480. We, the people of California, do hereby levy an energy surtax on the excess profits of oil companies operating within this state.

23481. The surtax shall apply to all energy businesses, except public utilities, whose principal activity is the obtaining, processing, distributing or marketing of oil, gas, coal, or uranium, but not of alternative sources of energy, as defined by the California Energy Commission such as solar, geothermal, wind, or biomass. Principal activity means more than fifty percent (50%) of sales as determined by the California Franchise Tax Board pursuant to Chapter 17 or 18 of the Bank and Corporation Tax Law.

23482. The surtax shall be imposed at the rate of ten percent (10%) on the business income from California sources.

23483. In determining the amount of business income from California sources subject to the surtax, the sum of five million dollars (\$5,000,000) shall be excluded from worldwide business income. However, the amount excluded shall be reduced by one dollar (\$1.00) for each one dollar (\$1.00) of worldwide business income in excess of five million dollars (\$5,000,000).

23484. A credit of fifty cents (\$.50) shall be allowed against this surtax for every dollar (\$1.00) invested in California after January 1, 1979, to increase the production or refining of California crude oil or gas over 1978 base levels. Credits for 1979 may be allowed under rules adopted by a two-thirds vote of the Legislature. In no case shall the tax credit allowed exceed fifty percent (50%) of the surtax due. Tax credits in excess of the fifty percent (50%) allowed may be carried over to subsequent years.

23485. Collection of the surtax shall be the responsibility of the California Franchise Tax Board. For purposes of applying the credit allowed under Section 23484, the California Energy Commission shall certify investments made to increase refining of California crude; the Division of Oil and Gas, of the Department of Conservation, shall certify investments made in new or increased production.

23486. All proceeds from the surtax shall be deposited in the Transportation Planning and Development Account: to fund increased bus and rail service for Californians and to develop alternative transportation fuels.

23487. The energy surtax and estimated surtaxes shall be paid at such time and in such manner as required by state law for other taxes due under the Bank and Corporation Tax Law.

Section 2. The Legislature, by a two-thirds vote of the members of each house, may strengthen but not weaken the provisions of this measure.

Section 3. This measure shall apply to income years beginning on and after January 1, 1980.

Section 4. Businesses subject to this surtax shall not pass this surtax on to the consumer.

Section 5. If any section, part, clause, or phrase hereof is for any reason held to be invalid or unconstitutional, the remaining sections shall not be affected, but shall remain in full force and effect.

**CIRCULATOR:** Please follow these instructions carefully.

1. You must be a registered voter.
2. Fill in county (or city and county) where petition is to be circulated on both sides of petition in spaces marked A and B. You may circulate petitions in any county, but each petition may be circulated in only one county.
3. Make sure the signers fill in all information completely and accurately in ink with ball point pens. (No felt tip pens, no ditto marks, no abbreviations).
4. AFTER each petition is filed, you must complete the "Declaration of Circulator" spaces (marked C, D, E, F, G, H, I, J and K). Be sure to give all requested information, including the county in which you are registered and the three dates requested.
5. While it is most helpful if all the signature spaces are filled with valid signatures, this petition is valid and important even if it contains only one signature. But remember, even with only one signature, you must still complete the "Declaration of Circulator," and all spaces, A, B, C, D, E, F, G, H, I, J and K must be filled in.

**CIRCULATOR:** Did you fill in all information requested in boxes A, B, C, D, E, F, G, H, I, J and K (including the date before G)?  
Did you fill in the proper county in spaces A, B and C? (B through K are on the front side)

EXAMPLE

EXAMPLE

1st Draft  
Typed (9/26, 27/79)

Masters

# WHILE YOU WERE OUT

To \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

M \_\_\_\_\_

of \_\_\_\_\_

Phone \_\_\_\_\_

Area Code

Number

Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL

Message \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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"WE CREATE COPIES OF YOUR ORIGINAL"

To: I/R&R Committee and LWVMN Board Members  
From: Ann Duff, Erica Buffington, and Harriette Burkhalter  
Re: I/R&R Consensus Report  
Date: June 10, 1980

The attached information is to be kept confidential. We will finalize our position on I/R&R and release it to the public after the Board meeting on June 17, 1980. Please consider what is here and convey your reactions, concerns, and most of all, assistance in interpreting their meaning to one of us before June 17.

Keep in mind, we want a position that will continue to serve the LWVMN over the next decade and not just reaction to the present opportunity to support or oppose the "so-called indirect" ballot measure. The decision on how to act during the fall campaign will be made after formulation of position.

Read the enclosed comments from Leagues; it is from them that we developed the proposed position statement. The numbers really don't tell us anything other than there is strong feeling on both sides and perhaps an indication that the opposition outweighs the support by a "TAD."

How do you read it? Let us know.

Again, these results are confidential, and we request you keep them under your hat at this time.

Our appreciation for your advice and hard work continues!

*Tom Scott*  
*Charlie Backstrom*  
*Ralph Fjelstad*  
*Research Group at Legislature*

CONSENSUS QUESTIONS

INITIATIVE, REFERENDUM AND RECALL

LWV of Minnesota - 57 Leagues

# of members who participated in discussion: 1334 - 38%

# of meetings held on I/R&R:  alot

Kinds of meetings (general membership, unit, other?):  all kinds

1. Should Minnesota adopt some form of	Yes	No	Undecided
<u>Autostate LWV's</u> 49% Initiative	42%	48%	10%
53% Referendum	46%	43%	11%
46% Recall	36%	53%	11%

2. Should Minnesota amend its Constitution to provide

a. the power of initiative on Constitutional Amendments?

Which type?	Yes	No	Undecided
Direct initiative	24%	67%	9%
Indirect initiative	6%	90%	4%
Advisory initiative	27%	69%	4%
	11%	84%	5%

Should Minnesota amend its Constitution to provide

b. the power of initiative on Statutes?

Which type?	Yes	No	Undecided
Direct initiative	35%	56%	9%
Indirect initiative	13%	81%	6%
Advisory initiative	42%	53%	5%
	10%	84%	6%

3. Should Minnesota amend its Constitution to provide

	Yes	No	Undecided
petition referendum on statutes	34%	57%	9%
optional referendum on statutes	21%	68%	11%
compulsory referendum on statutes	13%	76%	11%

4. Should the present power of compulsory referendum on constitutional amendments be retained?

Support

Yes	No	Undecided
91%	5%	4%

## 5. Should Minnesota amend its Constitution to provide recall of state officials?

	<u>Yes</u>	<u>No</u>	<u>Undecided</u>
constitutional officers	24%	66%	10%
judges	41%	48%	11%
members of Legislature	52%	71%	7%
and/or appointed officials	38%	52%	10%

*oppose*  
*no pos*  
*oppose*  
*no pos.*

## 6. If you favor limits on any of the above processes, indicate below:

The limits should be

	<u>strict</u>	<u>moderate</u>	<u>lenient</u>
a. Time span for collecting signatures	X →		
b. Persons eligible to sign petitions	X →		
c. Persons eligible to collect petitions	X →		
d. Percentage of signatures required	X →		
e. Geographic distribution of signatures	X →		
f. Verification of signatures	X →		
g. Size of vote required for passage	X →		
h. Procedure for repeal or amendment of a successful initiative/referendum	X →		
i. Other limits			

*strict*

*1. limits on Campaign Contributions*

## 7. Summarize 2 or 3 of the main reasons given at your meeting for support or opposition to I/R&amp;R. (Use space below or a separate sheet if necessary.)

Some things we see in these results:

1. Participation of members was about average - 38%.  
Participation of Leagues was excellent; only 8 Leagues did not submit consensus results.
2. Comments on study material and questions were most positive, although a number of Leagues indicated lack of understanding of terms "strict," "Moderate," and "lenient" in question 6.
3. Only 4 Leagues were completely one-sided, 2 favoring and 2 opposing I/R&R across the board.
4. Returns from all other Leagues were divided, with some members on each side.
5. The "undecideds" were a somewhat larger share than in past consensus reports, but they are consistent throughout reports from all Leagues, showing a few undecided in each League.
6. Consensus appears to exist in a few areas as follows:
  - a. LWVMN opposes initiative on constitutional amendments.
  - b. LWVMN opposes direct initiative and advisory initiative on statutes.
  - c. LWVMN opposes optional referendum and compulsory referendum on statutes.
  - d. LWVMN supports (overwhelmingly) compulsory referendum on constitutional amendments.
  - e. League members oppose recall for members of the Legislature and constitutional officers.

We would like your thoughts on wording a position statement to describe the results.

Consider the following comments gleaned from reports, and let me know what you think!  
Call Saturday 6/14/80 from 10:00 - 4:00; Sunday, 12:00 - 5:00 - 612-935-9855.

--- Harriette Burkhalter

7. Local Leagues written comments:

Urban Leagues:

Duluth - cons win - fear of emotional issue, favor representative government, fear special interests.

Minneapolis - trust the Legislature; expensive way; would focus attention on "flaky" people and issues beyond that which they deserve.

Rochester - criticism of Legislature's performance. Do not want I/R&R because of vested interests, lobbyists, one-issue people.

St. Cloud - general satisfaction with present system. Support Indirect Initiative as channel for those who feel no one in government is listening; oppose I/R&R - discourages bright from running, cumbersome, costly, special interests, minorities could lose rights.

St. Paul - a fear of oversimplification of the issues; the power of special interest groups; and the effect on minorities.

Suburban Leagues:

Anoka - single issue groups would get too much power, expensive, others not well informed.

Arden Hills - fear of cutting services, lobbyists, present system o.k. Yes I = solve issues too delicate to handle, advertising media will educate young voters.

Bloomington - Similar pros and cons and objections to consensus process.  
Brooklyn Center - yes = good balance to legislative process; yes, recall judges because so little publicity on election; yes, indirect initiative because legislative process would be preserved.  
Brooklyn Park - pressure groups will push for minority view.  
Chaska - same - judges and appointed officers, recall  
Columbia Heights - same - judges recall  
Crystal-New Hope - same - judges recall  
Edina - judges and appointed officers recall  
Excelsior-Deephaven - same reasons  
Fridley - recall judges and appointed officials, others very close  
Golden Valley - I&R would enhance and complement representative government; recall does not allow due process.  
Mahtomedi - recall all except legislators. Support I&R because chance to bring up subjects Legislature ignores.  
MEPH - difficult to handle complicated issues; Indirect = best of both worlds (people and Legislature).  
Mounds View - judges and appointed, yes.  
New Brighton - Indirect initiative takes too long a time; referenda waste of taxpayers' money; recall not necessary - we do at election time.  
Richfield - special interest groups, emotional issues, detracts from responsible and accountable action of Legislature.  
Robbinsdale - favor representative government and responsible Legislature.  
St. Louis Park - people need say, discipline Legislature.  
Shakopee - need to keep Legislative responsive.  
Wayzata - need to keep Legislature responsive - recall for judges and appointed Metropolitan Council.  
West Dakota - no (same).  
Westonka - recall judges and appointed officials; support concepts of I&R but not specific process.  
White Bear - oppose I&R but indirect initiative least harmful; recall judges.  
Woodbury - need citizen participation, moderation; decrease control by lobbyists and special interests.

Rural City/County - North:

Alexandria - recall judges  
Battle Lake - I&R lets public be heard, safety value, encourages individual debate, sends message to Legislature.  
Bemidji - not necessary in MN, fears special interests and single issues.  
Cass Lake - limit money; those who initiative I&R&R are unfamiliar to voters and therefore lack credibility.  
Crookston - MN has responsive Legislature, fear special interests, etc.  
Detroit Lakes - trust Legislature - recall judges and appointed  
Grand Rapids - need to protect minority rights, fear special interests, Legislature o.k. now, recall judges only  
Hibbing - fear special interests and large corporations; recall judges.  
Mid-Mesabi - current access o.k., fear special interests.  
Moorhead - protection against crooked Legislature; worry about possible abuse of recall.

Rural City/County - South

Austin - recall judges and appointed  
East Fairbault County - allows citizens to have input to Legislature, checks Legislature.  
Freeborn County - our legislators are responsive.  
Hutchinson - wording on ballot is important; recall Legislature and appointed, not sure about judges.  
Jackson - not sure about recall of constitutional officers and Legislature - others, yes.  
Mankato - will make ballot too long, special interests, allow Legislature to duck out of sensitive issues.

Marshall - generally against idea of initiative, but the most acceptable form if there is to be one is indirect initiative.  
New Ulm - might cause more problems than it solves, might affect desirable social programs, undermines legislative process.  
Owatonna - safety valve - politics get in way of legislative action.  
St. Peter - minority favors indirect initiative.  
Stevens County -  
Wilkin County - individuals should have freedom to vote directly on important issues.  
Willmar - support legislators  
Winona - as a populist group we tend to trust people - judges should be recalled, 10/10 for appointed officials  
Worthington - long ballot, need compromise, trust Legislature (confidence)

Leagues for (on approximately 60/40 basis) are:

Alexandria	East Faribault County	Rochester
Austin	Edina	St. Louis Park
Battle Lake	Excelsior-Deephaven	Stevens County
Bloomington	Hutchinson	Wayzata
Cass Lake	Jackson	
Columbia Heights	Northern Dakota County	
Detroit Lakes	Owatonna	

Leagues against (approximately 60/40 basis) are:

Anoka-Blaine-Coon	Golden Valley	New Ulm
Rapids	Grand Rapids	Richfield
Arden Hills-Shoreview	Mankato	Robbinsdale
Bemidji	Marshall	Roseville
Chaska	Mid-Mesabi	St. Cloud
Crystal-New Hope	Minneapolis	West Dakota County
Freeborn County	Mounds View	White Bear Lake
		Worthington
		Crookston

Leagues "on the fence" or close to it:

Fridley	Woodbury	Westonka	St. Paul
Duluth	Winona	Shakopee	Robbinsdale
Brooklyn Park	Willmar	St. Peter	New Brighton
Brooklyn Center	Hibbing	Mahtomedi	Moorhead
			MEPH



## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

January 28, 1980

The League of Women Voters of Minnesota (LWVMN) is pleased to present you with the attached copy of **DIRECT DEMOCRACY: CHOICES FOR MINNESOTA**, prepared as part of the League of Women Voters of Minnesota's citizen education project on initiative, referendum and recall for Minnesota.

This publication is a result of research and writing by a committee of League members from Duluth, St. Cloud, Bemidji, Rochester, and the metro area, working since June of 1979. It will serve as the kickoff for discussion by voters throughout the State of Minnesota. After study and consideration, LWVMN members will decide whether to support or oppose adding the processes of initiative, referendum and recall to the Minnesota Constitution. LWVMN's position will be announced by July, 1980.

These issues are currently under debate and discussion in the Legislature. The LWVMN publication does not encourage support or opposition but provides definitions of the terms, describes the uses of these processes in other states, and the procedures that could be set up to institute initiative, referendum and recall. A section of the publication discusses the good arguments both pro and con that center around these processes. Some of the questions raised by advocates and opponents are:

- . Does allowing voters to make laws directly conflict or complement our system of representative government?
- . Would initiative, referendum and recall detract from the effectiveness of the present law-making system in Minnesota?
- . Would initiative, referendum and recall increase citizen interest and confidence in government?
- . Would wealthy special interest groups dominate ballot campaigns?
- . Can minority interests be protected?
- . Do conservatives or liberals benefit from initiative, referendum and recall?

Partial funding of the study by grants from 3M and Champion International Corporation have made possible distribution of these publications for education of citizens. Contact the League of Women Voters of Minnesota for information about obtaining additional copies.

INITIATIVE AND REFERENDUM

NEWS ARTICLES

TO: Local League Government/Action Chairs  
FROM: Ellen Mork, LWVMN Government Co-chair  
DATE: October 27, 1980

REPRESENTATIVE GOVERNMENT FAVORED OVER INITIATIVE AND REFERENDUM  
by Ellen Mork, LWVMN Government Co-chair

The League of Women Voters of Minnesota (LWVMN) is opposed to Constitutional Amendment #4. This amendment would provide for initiative and referendum (I&R). It would give the public the chance to place a citizen initiated law on the ballot for approval or rejection by the voters (initiative). Laws passed by the Legislature and signed by the Governor could likewise be subject to repeal by the voters under this provision (referendum).

Why would the League oppose such an obviously "democratic" idea? Isn't the League supposed to be in favor of good government? The answer is "yes"; LWVMN is in favor of good government. That is the basic reason we oppose this amendment. Over the past year and a half our members studied and discussed the theory and practice, the pros and cons of I&R. Responses to that study resulted in the position statement under which LWVMN is opposing Amendment #4; our membership indicated strong opposition to direct initiative on statutes.

This detailed study of the issue revealed that I&R is an idea which is unnecessary in Minnesota and probably unwise also. Minnesotans currently enjoy government that is open, responsive, and effective. Our Legislature has been ranked among the top ten by the Citizen's Conference on State Legislatures. Historically, I&R were adopted in states where political scandal and corruption were synonymous with the word "legislature"; this is most certainly not true in Minnesota.

Besides the positive nature of our state government, there is a second reason that I&R are not needed. Citizens currently possess similar powers to those granted by initiative! Quoting from the House Information Office pamphlet, "How a Bill Becomes Law in Minnesota," "Anyone can propose an idea for a bill - an individual, a consumer group, corporation, professional association, a governmental unit, the governor..." and "Each bill must have a legislator to sponsor it." It would seem infinitely easier to convince a few legislators to introduce a bill than it would be to obtain the estimated 80,000-100,000 necessary signatures on a petition. Proponents will say that such a bill could easily be killed in committee, which is true. But an initiative might never receive the necessary signatures either.

Furthermore, under representative government, a bill undergoes scrutiny, discussion, public hearings, and, generally, amendment or compromise. Compromise is the basic strength of our government. It allows for input from and consideration of the varied interests that make up a pluralistic society. I&R allow no chance for public input prior to the election for which an issue qualifies unless one is a member of the sponsoring group. It is entirely possible for meetings at which the proposed legislation is discussed to remain private and closed to public view - a distinct difference from current legislative procedure.

(over)

The unwise nature of I&R is best represented by the threat it poses to the poor and other minority groups. Our current process allows minorities a voice when legislation is being considered. It would be prohibitively expensive for minorities to have to present their case before the entire electorate. Minority rights have fared well under the present system; there is no guarantee that they would fare as well if I&R were adopted. Would the public adopt a fuel assistance program for those in need during a time when their own fuel bills are skyrocketing?

The nature of the campaign for and against ballot issues is another reason we consider I&R to be unwise. The arguments are reduced to simplistic slogans; the campaigns are run by public relations firms; and the emotional nature of some issues is exploited. Advertising can sell us soap; do we want billboards selling us legislation?

These are only a few of many valid reasons LWVMN questions the need for or the wisdom of I&R for Minnesota. Our current system has checks and balances that work to provide equal treatment under the law. We urge citizens to consider the need for I&R and then to vote "No" on #4 on November 4!

-----

YOUR TURN

by Ellen Mork, I&R Chair, St. Cloud Area  
LWVMN Government Co-chair

"Shall the Minnesota Constitution be amended to provide for Initiative and Referendum?" This question will appear on the ballot on Nov. 4. The League of Women Voters of Minnesota (LWVMN) opposes this amendment; we urge you to join us in voting "no."

The ideas of initiative and referendum (I&R) sound good; voters would have the opportunity to approve laws initiated by fellow citizens (initiative) or to reject laws passed the the Legislature (referendum). However, a thorough study by members of the League convinced us that there are some basic flaws in the I&R idea. Specifically, LWVMN members strongly oppose the direct initiative on statutes. Our concern for representative government is our primary reason for opposing I&R.

Members' opinions of state government reflected those of the Citizen's Conference on State Legislatures. This group studied and ranked all 50 legislatures in 1970. They ranked Minnesota tenth overall and commented favorably on the openness and accessibility of its legislature. Minnesotans apparently agree; state level government was ranked higher than local or federal levels in a March, 1980 Minnesota poll. Most I&R provisions were added to state constitutions at a time in history when legislatures were known for their political scandal and corruption. Perhaps there was a need for I&R then, but there is no such need now - not in Minnesota.

Secondly, citizens currently possess the power to initiate legislation; this fact is probably not well recognized. The current procedure involves finding a sponsor in each house for a proposed law - the sponsors actually introduce the bill. The initiative process would require the collection of an estimated 80,000-100,000 signatures on a petition. Consider how much easier it is to convince a few legislators to sponsor a bill than it would be to collect all those signatures.

In the Legislature, bills are analyzed and discussed in committees and public hearings. They generally are amended in an attempt to compromise the positions of conflicting viewpoints. The League considers this process to be the basic strength of democracy. We view I&R as processes which would undermine this basic foundation of our form of government. Unless one is a member of the group sponsoring an initiative, a citizen has no chance to affect the content of the proposal. Citizen participation is limited to signing a petition and to voting "yes" or "no." Only very simple questions can be

adequately decided with a "yes-no" vote; ballot issues tend to be much more complicated. Considering the lack of opportunity for compromise, the closed nature of the drafting process, and the oversimplification of the "yes-no" choice, the League believes that I&R are unwise additions to our constitution.

League members expressed concern about the possible effect of I&R on minority groups. Representative government was designed to minimize the possibility that the institutions of society could be used to oppress minorities. Wealthy and powerful majorities could initiate laws that would jeopardize hard-won rights of racial minorities, the poor, or the handicapped. We all belong to some kind of minority group!

There are some effects that I&R would have on campaigns that are of concern also. In states having I&R, issue campaigns tend to be run using mass media advertising techniques. No one can doubt the effectiveness of these methods in selling us sugar-coated cereal for instance. But, the League questions the wisdom of law making using this process. Complicated arguments would be reduced to attention grabbing 30 second commercials. The emotional nature of some issues would be exploited. The current trend toward "single-issue" politics would be given official sanction and recognition by such ballot campaigns. This could lead to further polarization of our society.

Mass media campaigns are quite costly. Since 1974 in California the side spending the most has won five times out of six. This fact only emphasizes our concern for the poor and minorities; how much time and money do they have for placing their argument before the entire electorate? It is much easier and less costly to contact legislators.

Finally, we should like to point out that I&R would probably not remove the influence that special interest groups have on the legislative process. I&R would only be another tool for lobbying interests; instead of lobbying legislators, they would lobby the electorate!

If citizens are dissatisfied with government, if they believe they have no voice, the League of Women Voters urges them to learn more about how government works and how to make their voice heard - join the League! Join our organization and join us in voting "no" on initiative and referendum - amendment #4 - on Nov. 4.

## INITIATIVE AND REFERENDUM

To: Local League Presidents, Government and Action Chairs  
From: Ellen Mork, LWVMN Government Co-chair  
Date: January 22, 1981

The following is a recap of LWVMN's involvement in the Initiative and Referendum Campaign. Please share this piece with your Board members and, if space permits, print all or excerpts in your bulletin.

### LWVMN and the INITIATIVE AND REFERENDUM CAMPAIGN

Election Day, 1980, has come and gone. It took 24 hours, just like any other day. But the results of that day have taken a while to tabulate, to be confirmed and to be digested. Results on amendment #4 were a long time coming; it was close and we had to await the official pronouncement by the Secretary of State's office later in November.

Initiative and Referendum (I & R) received a majority of the votes cast on the issue but, as has happened twice in Minnesota's past, not a majority of those votes cast in the election. I & R lost by 68,865 votes. This was surprising considering that polls taken before the election indicated a substantial majority of Minnesotans favored I & R (75-80%). It is obvious that Citizens for Representative Government (the coalition in which LWVMN played a major role) had a big impact. They did so with less than half the financial backing of Minnesotans for Initiative and Referendum. Final spending amounts have not yet been reported but it is probable that "they" outspent "us" by a wide margin.

My congratulations to local Leagues for a job well done. We participated in a hard fought campaign but at the same time maintained the integrity of the League of Women Voters.

This is a good time, I believe, to recap and to clarify what perhaps is some misunderstanding regarding the LWVMN study-consensus-action process. Therefore, I will, first of all, review the process of position formulation and the subsequent action decision. Secondly, I will address some of the public statements made about the League and our actions.

The I & R committee tabulated consensus returns from the 59 local Leagues which participated in the study and consensus.

The first question was a very general one asking if Minnesota should adopt some form of initiative, referendum or recall. Results indicated no clear consensus on any of the specific proposals. The intent in asking this question was to gain an idea of the acceptance of the general philosophies of the three proposals - in other words, how did League members feel about direct democracy? The answer was "maybe yes, maybe no." Some Leagues reported that they used this as an introductory question and others used it as a wrap-up question.

Realizing such general questions are not helpful in formulating a position statement,

we used the responses to specific questions to formulate the position statement. It is standard procedure to include both types of questions. Sometimes general questions give us all we need to know, sometimes they do not; this time our general question did not give us enough information. The specific questions were more helpful.

The I & R committee, when analyzing the results of the specific questions, tabulated percentages of members responding yes, no, undecided and looked for areas where substantial agreement existed. Substantial agreement was deemed to have occurred only when 75% of those responding were in agreement and only a nominal number were undecided. Members were clearly opposed to the direct form of initiative on statutes (81% opposed; 6% undecided). They were fairly evenly divided in opinion on the indirect form (42% in favor; 53% opposed; 5% undecided).

On June 17, 1980, the LWVMN Board of Directors discussed and approved the position statement on I & R presented by the study committee. That position includes the following statement: "The League of Women Voters of Minnesota opposes direct initiative and advisory initiative on statutes; does not agree on indirect initiative on statutes." No decision on action to be taken, if any, was made at that time. Local Leagues were informed in the June Board Memo of the Board's decision and the new position.

The decision on a course of action regarding amendment #4 was very carefully made. The decision was delayed pending consideration of the final form of HF 2304 which contained the implementing provisions should the amendment pass. We also awaited rulings by various authorities as to whether the initiative form proposed was "direct" or "indirect." Publicity prior to passage of the proposed amendment and bill indicated that the form would be indirect. But the final bill bore little resemblance to the Governor's original proposal which had been for indirect initiative. Both the Secretary of State and the Revisor of Statutes gave us oral opinions that defined the initiative form as "direct." The House Research publication, Constitutional Amendments in the 1980 Election, June, 1980, p. 5, paragraph 5, put it in writing: "The amendment provides direct, not indirect, initiative..." Furthermore, the committee compared the bill to the definitions for direct and indirect initiative as they appeared in our LWVMN publication and decided that they were comfortable with a description of the proposal as providing direct initiative. Based on the above input the decision was made to oppose amendment #4. A memo was sent to all local League presidents July 23, 1980, reporting to them these decisions and the Board's intention to hold a news conference to announce LWVMN opposition to amendment #4.

During the campaign in all our public statements and in our literature, we tried to reflect the comments which local Leagues attached to their consensus forms (question #7). One of the most frequent comments was that Minnesota government works well and that therefore Minnesotans don't need I & R. Other comments mentioned well financed special interest or pressure groups and their use of media campaigns of questionable quality. These two arguments formed the basis of our public statements.

Following the decision to act, LWVMN decided to join a coalition of groups opposing I & R. It is not the only coalition we have ever joined. The Board is well aware of the pluses and minus of working in coalitions. Coalitions can provide greater visibility because there are larger numbers of workers and a much enhanced chance for press coverage. Coalitions also offer a much broader base for financing a campaign. Unfortunately there are drawbacks to being a part of a coalition also. All members of a coalition share a position on an issue but they do not necessarily share the reasons for taking action on the position. For instance, LWVMN opposed I & R because we believed Minnesota did not need these options. Other groups in the coalition might have opposed I & R for fear that initiative measures might be proposed that could harm their interests if passed. We hope that the public, the press, and our members don't think League falls into the latter category. (Some news editorials did accuse us of being a special interest group, one which feared the loss of its influence

on the Legislature. It is nice to know that someone thinks we have influence.)

It is a bit of a problem to retain our identity when speaking for a coalition but I believe LWVMN President Harriette Burkhalter did an excellent job of doing so. If other members of the coalition made statements that LWVMN would not agree with, Harriette made it clear that LWVMN did not share that viewpoint but did share certain others which she then listed.

I sincerely hope that the above explanations will answer those questions which LWV members have had about the process used to produce a position statement and to decide on a course of action. There are always problems involved in taking action on a controversial subject. The LWVMN Board was elected to wrestle with those problems. We believe that our decisions have met with the approval of the majority of the membership. A famous person once remarked that it is not possible to please all of the people all of the time. We remind members that League requires study and consensus not unanimity of opinion prior to taking action. We also remind members that membership does not negate a person's constitutional right to express a personal opinion or to act thereon. We only ask that members not agreeing with an LWV position not take action in the name of the League of Women Voters.

I will now address some of the comments made publicly which could be termed "attacks" on the League. Early in the campaign "The Minneapolis Daily American," published by Frances McGovern, accused the leadership of the LWV of misleading its members by giving false information on I & R in a Minneapolis VOTER insert on the constitutional amendments; this information described the initiative form as "direct." Margit Berg, LWV-Minneapolis president, responded to that accusation by making a clear distinction between direct and indirect initiative.

Also early in the campaign the St. Paul Dispatch printed an editorial questioning the method used by the League in conducting the study. This editorial was reprinted by various SUN newspapers. Pam Berkwitz and Harriette Burkhalter answered these questions asked in that editorial. Those answers were printed as a reply in most newspapers which printed the editorial. Copies of both editorials and the replies are available from the LWVMN office upon request.

In October, 1980, the St. Paul Pioneer Press included LWV in their list of "special interests" and implied that we spent large sums of money on high-powered lobbyists (LWVMN lobbyists take note: this is not fact!)

The Bemidji Pioneer in an editorial accused LWV of misrepresenting the organization as being a spokesperson for the general public. This editorial added that League members regarded themselves as "superior citizens" and labeled us as "elitist." The editorial was reprinted in the Laker, Mound, MN. Ann Thomas, LWV-Westonka, answered the accusations in a very capable manner, pointing out that if study of an issue made one "elitist," then we would not deny the label. We should always make it clear that our positions represent our members' thinking and not that of the general public, although the organization is open to all U.S. citizens of voting age. We may as well take advantage of adverse publicity to clarify exactly who and what we are; we may never have a larger or more interested audience!

Finally in the election post-mortem, Governor Quie seemed to "blame" LWVMN for defeat of I & R. We actually consider this to be high praise.

In conclusion, it is apparent that taking action on controversial issues can pose problems. The LWVMN Board of Directors does not believe that the membership wishes us to withhold action on issues where we clearly have consensus just because the issues are controversial. It is always important to remember (sometimes difficult in heated campaigns like the one just passed) that LWV action is not determined by political or partisan considerations but by positions reached through member study and consensus.

JUN 16 1980

June 13, 1980

Dear Harriette:

Hopefully, I'll get to a phone at the lake this week-end. If not, I set down some of my thoughts here.

This is not an "easy" one, with responses as indecisive as they seem to be. The "undecideds" complicate the problem further. I do agree with the conclusions made in last letter regarding those areas where consensus is clear.

While opposing direct and advisory initiative on statutes, initiative on constitutional amendments and redall for members of the legislature and constitutional officers, the LWVMN reaffirms its support of compulsory referendum on constitutional amendments while expressing satisfaction with the present process of representative government.

It would seem outstate leagues, perhaps with their greater distance from the Capitol, indicate a greater need for input from another process. The higher vote -yes- for adopting some form of referendum might coincide with the overwhelming vote for retaining the present power of compulsory referendum on constitutional amendments.

While not stressed at discussion, having an amendment already presented for ballot in Fall, may have been confusing, and having this one "sun-setting" in 1985 may have eased process concerns. Whatever our "position", it should not bind us in some narrow area. I see greater value in a position that allows us future flexibility to have greater input into future legislation.

Of equal concern to me goes beyond any position we take. For some "action" means being for or against. For others, myself included, education can be action too. Surely this latter should be considered. Looking at the number of Leagues either against or "on the fence" and representing one of the latter it very well might be best. Whatever is done, must be strongly supported as expression of member's view. What we do can be a "binding" together- or it can be a devisive exercise. Whatever is done, the committee is to be congratulated for its work-response to it in Duluth was not just positive, but enthusiastically positive. Wish we here could have been of more help.

Sincerely,

*Dorothy Blatnick*

Urban

May 14, 1980

League of Women Voters of Minnesota  
555 Wabasha  
St. Paul, Mn. 55343

Attention: Harriette Burkhalter, Gov't . Co-Chr.

Dear Harriette:

The vote on I/R&R is in from Duluth---

We accompany our report form on I/R&R consensus with this accompanying letter.

Since we did not feel this would be a controversial item, the local committee decided to print the Consensus Questions in the Duluth Voter and allow each member attending unit meetings to fill in her own form.

Discussions were active, and we feel the results are a bit different than had we used the usual "raising of hands" voting technique. Response from the members was warmly received. While it did mean a bit more work for the committee members, all were most enthusiastic with this approach also.

Attendance at all unit meetings but one found individual differences between the groups. With some, pro and con issues were discussed without identifying individual final vote, while in others, leadership voice clearly identified choice early on. This confirmed the value of individual choice, free from approval or disapproval by the larger group. Too often, the "naye" voice just abstains. We congratulate state committees emphasis on recording that minority voice.

As personal note--I was a bit surprised at the results especially as they referred to the recall section. Will our response be isolated one, or is it similar to statewide view? Some Leaguers are so concerned to speak the League voice. I think this a compliment to the unbiased material presented them.

We await the state results with great interest.

Cordially,

*Dorothy B. Blatnik*  
Dorothy B. Blatnik  
Lee Ball  
Bonnie Anstett  
Mary Evans  
Betty Monson  
Helen Seymor

I/R&R Committee



**LEAGUE OF WOMEN VOTERS  
OF MINNESOTA**

**PHONE (612) 224-5445**

**555 WABASHA • ST PAUL, MINNESOTA 55102**

**UNIT DISCUSSION AIDS**

**INITIATIVE, REFERENDUM, & RECALL**

To: Initiative, Referendum and Recall Chairs  
From: Harriette Burkhalter, Government Chair  
Re: Helps for Unit Discussion  
Date: November 26, 1979

PATTER TO ENLIVEN INITIATIVE, REFERENDUM, AND RECALL UNIT DISCUSSION - by Barb Reinert, LWV-St. Cloud

Well! Now that we (you have defined all forms of initiative and referendum), shall we run by this again? With illustrations?

**Initiative:**

Direct: Ham and Rye sandwiches for every Minnesotan. Yes or no

Indirect: Legislature, get us Ham on Rye sandwiches for every Minnesotan.

Advisory: We recommend Ham-on-Rye for every Minnesotan.

This limited option approach gets into trouble because pre-teen groups emerge demanding yucky white bread. Health food groups prefer ground hazelnut and sunflower bread. Religious groups point out that mandated ham is discriminatory. Wheat farmers decry the limiting to rye flour....etc. Legislature apt to say, "Let Them Eat Cake."

**Referendum:**

Petition ham-on-rye sandwiches. Yes or no

Optional referendum: "We're giving you ham-on-rye sandwiches; do you want them?"

Compulsory referendum: "Because we're giving you real ham in those ham-on-rye sandwiches, we have to ask you: 'Do you want the sandwiches or not?'"

Advisory referendum: "We think you should have ham-on-rye sandwiches; how about it?"

**Recall:**

Throw out the dumb nerd that suggested ham-on-rye sandwiches. (If you'd rather have bagels, you'll have to start over.)

Possibly unit leaders or those presenting I/R&R could think of using a local example for illustrative purposes. (Just don't spend all your prep time having fun with that...another caution is to not get bogged down with local problems of I/R&R.)

SUMMARY OF EXPERIENCES OF LWV WITH I/R&R IN OTHER STATES AND D.C.

LWVs were contacted in summer of 1979 and asked of their experience with initiative, referendum and recall. Replies received to date can be summarized as follows:

Arizona: Support of I&R, studied in 1975 and '76 with update in 1979. No position on recall.

(over)

California: "Support of effective operation of I&R."

Colorado: Have not studied I&R but used initiative process for reapportionment of Legislature.

D.C.: Neither support nor oppose but provided information on recent proposal to add I/R&R to charter.

Florida: Support for constitutional amendment by initiative but concerned about kinds of issues surfacing for addition to Florida Constitution.

Louisiana: Support for the principle of popular initiative.

Maryland: Support for reforms in state constitution...Petition process: The # of signatures required on a referendum should not exceed 5% of votes for Governor in last election. Standards for determining sufficiency of petitions should be established and set forth publicly by statute or public administrative action rather than included in Constitution (1977).

North Carolina: Considered topic (I/R&R) in 1975 and 1977-79 but did not study or lobby, as efforts were concentrated on campaign financing.

Nebraska: Support for provision of I&R.

North Dakota: Wants increase in number of signatures required on petition and the number stated in percentages.

Oklahoma: Support of the citizens' right to I&R and opposition to increasing present signature requirement.

Oregon: Support of I&R power for the people.

Rhode Island: Support for I&R (1977-78 study and consensus).

South Carolina: Support I&R for constitutional revision. "Skeptically looking into" extending position to include law-making at this time. No position on recall.

Washington: Support for right to place convention call on ballot by initiative.

LWVUS: Cannot support the federal initiative because (1) LWVUS has no position, and (2) seems a questionable procedure to add to national government because of complexity of issues at the national level and further weakening of ties between elected representatives and the people.

VOX POPULAE

OR

The Citizen as Legislator

INITIATIVE, REFERENDUM, RECALL

When Californians emerged from their voting booths in 1978 with a clear cut victory for Proposition 13, suddenly "initiative" and "referendum" became household words. Interest in these measures surfaced in Minnesota during the 1978 political campaigns, in which both candidates for governor supported the concepts.

These procedures are sometimes referred to as "direct legislation", because they give the voters of a state the power to affect legislation directly--either by enactment of laws (initiative) or by repeal of laws already enacted by the legislature (referendum). Though public opinion polls indicate popular support for the idea of "direct democracy", widespread understanding of these concepts seems to be lacking. A third measure, closely associated with them, the recall, shares the same problem.

This publication will define the three terms, review their history, describe procedural details, and relate the pros and cons.

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Definitions

Initiative - a process whereby a certain number of voters sign a petition to have a law or an amendment to the constitution placed on the ballot for approval or rejection by the voters. There are three types: direct, indirect, and advisory.

In the direct initiative, once the necessary signatures have been obtained, the proposed law or amendment is placed on the ballot.

In the indirect initiative, the completed petition is submitted to the legislature which then must enact the proposed measure or one substantially similar. If the legislature fails to act within a set time, the

question is put on the ballot

The advisory initiative is used as a non-binding reflection of public opinion.

Referendum - sometimes called a plebiscite - a process which allows the voters to accept or reject a statute or a constitutional amendment passed by the legislature. There are four types: petition, optional, compulsory and advisory.

Petition referendum is a means which opponents of an act of a legislature can use to veto the act. Signatures of a certain percent of the electorate are required before the question (law to be repealed) can be placed on the ballot. A time limit is set (usually ninety days) for gathering of petition signatures. The act in question may or may not be suspended while the signatures are being gathered. Certain issues (varies by state) are not subject to referendum. Laws passed by voter initiative may also be subject to repeal by petition referendum.

Constitutional referendum is the requirement by the state's constitution to submit certain matters to the voters. These matters are usually: constitutional amendments, bond issues, moving capitols, levying taxes, All states, except Delaware, require referendum vote on constitutional amendments proposed by the legislature or by convention.

Legislative referendum: "A referendum on a proposed law voluntarily submitted by the legislature to the electorate for approval or rejection or for its advice." Now more widely used than any other types of referendum. Legislature determines whether the referendum will be binding or advisory.

Recall - A process whereby the voters can remove a governmental official from office. Petitions signed by a specific percentage of the voters must bear charges against the officeholder who then may vacate the office "voluntarily". Should he or she fail to do so, then a formal recall election is held.

Constitutional - Statutory

Initiative, referendum and recall can be provided for in a state's constitution--the basic document adopted by the people of a state -- or by state laws passed by the legislature and known as statutes.

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HISTORY

The enactment of laws by popular vote can be traced back as far as the ancient Greek city-states, where each free male citizen took a direct part in making laws. The Roman republic held plebiscites (literally, decree of the common people) among the lower class plebians to determine public opinion on critical issues.

Switzerland has used the referendum in some cantons (political divisions corresponding to states) since the 16th century. In colonial times in the United States, the "whole body of free men" affirmed or rejected laws made by governing bodies. The New England type town meetings still survive in some places, but is not feasible for larger political entities.

One of the most marked features of the evolution of government in the United States was popular dissatisfaction with state legislatures during the late Nineteenth century. Adding to the surge in the populist or progressive reform movement was a series of articles appearing in England on the use of direct legislation in Switzerland.

The populist movement in the 1890s was a coalition of agrarian protesters who wanted national regulation to solve agricultural problems. Among their demands were political reforms, such as initiative and referendum, to strengthen political democracy. The Progressive movement, which followed the Populists, was set off by two specific circumstances--the agrarian failure of the early 1890s and the depression of 1893. Reformers demanded that the national government play a direct part in combatting the exploitation of the common people by industrialists, monopolists and political machines. They felt that injustice could be cured by giving power to the people, by letting them legislate directly rather than indirectly.

Initiative and Referendum ( I & R)

In 1898, South Dakota became the first state to adopt I & R. Although there were similar proposals in Minnesota, I & R amendments were twice defeated. In 1914 and again in 1916 the legislature submitted a constitutional amendment calling for the adoption of I & R. While those voting on the question overwhelmingly favored it both times, not everyone voted on the question. Consequently, those who approved the question were not a majority of those voting in the election.

After South Dakota in 1898, Oregon was the second state to adopt I & R, in 1902. Since then, twenty-six other states have adopted it in some form, most modeled on the Oregon provisions.

Legislative reluctance for self-reapportionment led citizens of some states to resort to initiatives, which led to action on reapportionment in both Michigan and Oregon in 1952. In 1957 the Washington state legislature defied a petition and substituted a bill of its own, which was significantly different. An appeal to the state supreme court brought by the League of Women Voters of Washington, which was behind the successful initiative of a year earlier, was turned down in a split decision.

Recall.

The concept of recalling public officials made its first statewide appearance in Oregon in 1908, followed by California in 1911--where the issue stirred severe controversy. The Republicans seriously split on the issue, recall of judges, and some called it "reform gone mad". However, voters passed the recall by 3 to 1.

By 1915 eleven other states had adopted recall, although it has been invoked only occasionally. IN Oregon two public utilities commissioners have been recalled, and in North Dakota a governor and two state officials. Mayors have been recalled in such cities as Los Angeles, Seattle, and Detroit. Judges were specifically exempted in three states and Kansas restricts recall to appointed officials only.

## THE WAY THINGS ARE IN MINNESOTA

The Amending Process (BOX)

In Minnesota either house of the legislature can initiate amendments to the constitution, and only one session of the legislature need consider the proposal. After both houses have passed a proposed amendment by a simple majority, the proposal will appear on the ballot at the next general election, since the state constitution does not provide for special elections for proposed amendments. To pass, a proposed amendment must be approved by a majority of those voting in the election.

How A Bill Becomes a Law (BOX)

In Minnesota anyone can propose an idea for a bill, although most proposals come from members of the legislature. Each bill must have at least one author ( a legislative sponsor) in the House and in the Senate. There may be other authors, but no more than a total of five in the House and three in the Senate.

Each bill is numbered and must have three readings on three separate days. After its first reading the bill is referred to the appropriate standing committee of the House or Senate for action. A committee may:

- recommend passage of a bill in its original form,
- recommend passage after amendment by the committee,
- make no recommendation, in which case a bill may die when the session ends.

All committee meetings are open for public attendance and testimony.

After acting on a bill, the committee reports to the House or Senate. Upon adoption of the report, the bill receives a second reading and goes on to "General Orders of the Day". In Committee of the Whole, legislators then discuss all bills on General Orders. They may debate, adopt amendments and present arguments on bills. They may then vote to:

- recommend that they "do pass,
- recommend postponement,
- recommend further committee action.

If it has been recommended "do pass", the bill then goes on the Calendar. At this point:

- a bill has its third reading;
- amendments to the bill must have the unanimous consent of the entire body;
- legislators vote on it for the final time.

By committee recommendation, non-controversial bills can by-pass General Orders and go directly to a "Consent Calendar", usually passing without debate. Every bill requires a majority vote of the full membership of the House and Senate to pass.

When the House and Senate both pass the same version of a bill, it goes to the governor for his approval or disapproval. If the House and Senate pass different versions, a conference committee of three to five senators and an equal number of representatives meets to reach an agreement. If both bodies then pass the bill in compromise form, it goes to the governor.

When a bill arrives at the governor's office, he may:

- sign it and the bill becomes a law;
- veto it and return it to the body where it originated;
- pocket veto the bill (after final adjournment of the legislature);
- exercise his right to line veto portions of appropriations bills.

If the governor does not sign or veto a bill within three days after receiving it, the bill becomes a law.

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#### I & R Action in the 1979 Legislative Session

Several I & R bills were introduced both in the House and in the Senate. The first committee to hear testimony was the Senate Judiciary Committee, chaired by Sen. Jack Davies (DFL-Minneapolis) on March 28th. Groups testifying in support of I & R included the Minnesota Public Interest Research Group, Concerned Taxpayers of Minnesota, Save Lake Superior, Minnesota Real Estate Taxpayers Association, American Association of Retired Persons, Bloomington Senior Citizens, Duluth Home Owners Association, and Minneapolis Neighborhood Improvement Association. On April 4, 1979 opponents testifying against I & R included the Citizens League, AFL-CIO, Minneapolis

Urban Coalition, Minnesota Soft Drink Association and the Minnesota Education Association.

Discussion of the several Senate bills continued on April 6th. At that time the committee decided to hold over any action on the bills until the next session. A motion by Senator Dieterich (DFL-St. Paul) was approved which set up interim hearings to look more carefully at SF 599 (McCutcheon, Gearty, Coleman, Strand, Ashbach) and SF 1018 (Chmielewski, Knutson, Rued, Bang - known as the Governor's bill).

SF 599 calls for an amendment providing for indirect initiative, giving the Legislature the first option to approve petitioned legislation before it is submitted to the people. SF 1018 calls for direct initiative, sending petitioned legislation directly to the voters.

Fewer I & R bills were introduced in the House than in the Senate and to date no House committees have heard any of the bills.

#### THE INITIATIVE PROCESS

The initiative process begins with a group of citizens who wish to propose a law or an amendment to the constitution. The group decides on the wording and scope of the initiative. It may be an already recognized group (such as the League of Women Voters) or it may assemble only for the purpose of drafting the proposed initiative.

An initiative, whether statutory or constitutional, is subject to various procedures and limitations. The following information applies to both direct and indirect forms, although the actual requirements from state to state may differ for the two forms.

#### Limitations as to Subject Matter

The sponsoring group may find itself under some restrictions as to the subjects it can address. Eleven states allow initiatives on any subject; thirteen states have some type of limitation on subject matter. Eight states prohibit proposals about

appropriations. Missouri specifies that an initiative cannot appropriate money unless new revenues are also created. Seven states limit initiatives to the same subjects permitted the legislature by state constitution. Three states prohibit initiative on taxes. Others exclude matters pertaining to the judiciary, religion and special or local legislation. Two states require each initiative to deal only with a single issue. Several states forbid reconsideration of measures initiated and rejected by the voters within the previous three years.

#### Precirculation Requirements

Various states have certain pre-circulation requirements. Generally they require sponsors to file an application containing the text of the proposed measure and a certain number of signatures, ranging from a low of one in Maine to a high of one hundred in Alaska and Wyoming. This procedure allows the state to avoid repetition. Some states limit the time allowed for getting signatures, to make sure there is current, active support for the proposal.

#### Preliminary Review

IN Massachusetts and California, which require a preliminary review before circulation of the petition, sponsors must file the proposal with the proper governmental authority. In California, the sponsors submit their proposal to the Attorney General who prepares a title and summary description. That must appear on each page of the signature petition.

(The National Municipal League's Executive Committee suggests that the attorney general issue a preliminary opinion as to the constitutionality of a proposed statutory measure. The opinion would be made public but could not prevent the sponsoring group from proceeding. Some states require such review only after the required signatures have been obtained and the petition found valid.)

### Signature Requirements

Most states have stringent requirements for the number of signatures needed to qualify a measure for inclusion on the ballot, usually a percentage of the number of voters participating in a prior general election. Most states specify a percentage of the total vote for the office of governor in the last election; some use a percentage of the total vote for the highest statewide vote-getter; others specify only a percentage of electors. Florida specifies the private presidential election. The actual requirements vary from 3% in Ohio and Massachusetts to 15% in Wyoming and Arizona. North Dakota is unique in that a set number of signatures qualifies an issue for the ballot.

There are usually differences between requirements for statutory and constitutional initiatives in those states permitting both kinds, the constitutional initiative requiring a higher percentage. This reflects the concern that a constitution is a basic document that should be expressed in general terms and should not contain much detail. Therefore, it follows that it should be more difficult to amend the constitution than to initiate legislation.

Most states permit "at-large" signatures. Seven states require that signatures be distributed geographically. Typical requirements provide that a designated percentage of the voters signing the petition must be residents of a designated percent of the election districts.

Two other concerns with respect to signatures should be noted. The first deals with who may sign; most states allow any "eligible voter" to sign. However, there can be confusion as to what constitutes an "eligible" voter. It can mean anyone over eighteen years of age or it can mean a "registered" voter. Unless the state specifies exactly what is meant, there may be problems in verifying signatures. Verification is the second concern; some states require it and specify the exact method, while other states do not specifically require verification or may do it on a sample basis. Such procedures, or lack thereof, could permit the inclusion of fraudulent signatures.

### Circulation of Petition

The existence of public relations firms that specialize in managing ballot issue campaigns has raised the issue of paid petition circulators. This practice is widespread in California and has been criticized by many as an attempt to buy support for a proposal. Consequently some states prohibit paid circulators. The obvious intent is to control the influence of monied interests. However, this prohibition is difficult to enforce and it also makes it hard for a small, less-organized group of sponsors to get signatures.

### Filing and Review

After getting the required number of signatures, the sponsoring group must file its petition. In states with pre-circulation requirements of review, there may be a designated time during which signatures may be obtained and a deadline for filing (in California it is one hundred fifty days). Generally, however, no absolute deadlines exist. For the direct initiative, the deadline is relative to the election at which the measure is submitted. For the indirect initiative, the deadline is relative to the date on which the legislature convenes. Failure to meet these deadlines merely delays the measure until the next election or legislative session, as the case may be. The usual deadline for directive initiatives is four months before the election in which it will appear on the ballot. But it may vary from ten days to four months and ten days. Oklahoma specifies no deadline at all. For indirect initiatives, some states require filing before the legislature convenes (ten to thirty days); one allows filing within fifteen days after convening; some have no deadlines at all, and Massachusetts specifies the first Wednesday in December. South Dakota permits legislative consideration whenever a measure is received during a session.

In states permitting special elections for direct initiatives, failure to meet the deadline does not necessarily delay the consideration of the measure until the next election. However, a special election can be called only by the governor or the legislature or by a petition signed by a set percentage of the voters.

Deadlines are intended to allow time for verification of signatures and validation of the petition. In those states not requiring pre-circulation review, the initiative may be reviewed after filing for proper legal form, clear wording, and constitutionality, generally by the Secretary of State and the Attorney General. California has a legislative analyst whose job is to estimate the cost of any proposal; that estimate goes on the ballot along with the proposal.

Review for wording can be extremely important. In many cases propositions have been worded so that a "yes" vote meant opposition to the measure and a "no" vote meant approval, which could result at the very least in voter confusion and at most in mis-cast votes. As examples of possible voter misunderstanding, consider a 1972 California proposition in which those in favor of farm labor had to vote against a collective bargaining measure supported by the growers, and a 1974 initiative in which a vote against the construction of a dam required a "yes" vote (supporting wild and scenic rivers).

#### Publicity

After filing the petition and having it declared valid, the sponsors do their best to ensure passage, which generally requires presenting their idea and the reasons for it to the voting public. The sponsoring group may hire firms specifically organized for the purpose to conduct publicity campaigns. In addition, many states distribute, at public expense, pamphlets containing descriptions of any proposed ballot measures. Some of them describe the impact of the proposals and arguments pro and con. (The National Municipal League's Executive Committee supports that idea and recommends that the pamphlets be mailed to "every household in the state which has one or more voters in residence."<sup>1</sup> California does so.)

#### Contribution Limits and Disclosure

The U. S. Supreme Court has ruled that it is unconstitutional to limit spending on ballot issues by corporations. By contrast, spending by governments for or against an issue can be prohibited. However, disclosure of contributions is allowable, even

1. "Indirect Initiative", National Civic Review (1979), p. 233.

without limits on amounts. Although the Internal Revenue Service is currently not permitting such contrivutions as "business expense" deductions, that regulation is being challenged.

Even tough campaign disclosure laws cannot identify all spending on ballot issues. For instance, the courts have ruled that a group whose main purpose is not lobbying cannot be required to disclose contributions to ballot issue campaigns. Sponsors must report the amount they receive but, since contributors need not disclose how much they give, it is not possible to verify amounts. There is much controversy as to the impact of campaign spending on the success of a ballot proposition. Disclosure of contributions is an issue to be considered.

#### Requirements for Passage

For direct initiative some states specify what vote is necessary for passage of a ballot issue. Most states require a simple majority of those voting on the question. A few require a simple majority of those voting for governor or the office attracting the highest number of votes. Massachusetts requires a simple majority provided that the number equals at least 30% of the total votes cast. Wyoming requires votes in excess of 50% of the vote cast in the preceding general election. Since ballot issues seldom attract votes on the same level as candidates for governor, and, indeed, frequently attract far fewer, a majority based on anything other than those voting on the issue can make passage more difficult.

In the special case of an indirect initiative that fails passage by the legislature, or is passed in changed form, various states follow three different procedures.

(1) In four states the original initiative and legislative alternatives are automatically placed on the ballot. (2) In South Dakota, whether the legislature passes a measure or not, it must be approved by the voters at the next election. (3) In three states, should the legislature fail to act, the sponsors are required to collect more signatures and re-file their proposal. The number of additional signatures required ranges from 1.5% of the total vote cast for governor in Massachusetts to 5% in Utah.

### Immunity from Veto

In twenty-one states, voter initiated measures are immune from executive veto. There is great variation among the initiative states in allowing legislative amendment<sup>and/</sup>or repeal. Florida and Illinois do not deal with the problem at all so there is some question as to immunity in those states - even respecting legislative powers of amendment and/or repeal.

Most states allow both amendment and/or repeal although some require a two-thirds or three-fourth majority in both houses to do so. Other states set a time limit, usually two or three years, within which voter initiated legislation is immune from legislative action. Only Arizona forbids legislative amendment or repeal in cases where an initiative was approved by a majority of the qualified, eligible voters. But the electorate may amend or repeal all measures at any time.

### Re-submission of a Failed Initiative

If the sponsors wish to resubmit a failed initiative, in some states they must wait from three to five years. Oklahoma allows resubmission within three years if more than 25% of the legal voters sign the petition. Most states have no such restrictions.

### Enabling Legislation

The enabling legislation may appear either in a state constitution as part of the original provision allowing the initiative, or it may be wholly or partially a statutory provision. For example, Utah and Idaho merely made allowance for the initiative in their constitutions, but left it to the legislature to spell out the details enabling its use. Then they had to wait nearly fifty years for that to happen! Some other states included every minute detail in their constitutions, Then when changes in procedure were desired, a constitutional amendment was necessary, which meant a constitutional amendment was necessary whenever even minor changes in procedure were required.

## USE OF REFERENDUM

The referendum, although a product of progressive thought in America and closely associated with the idea of "pure democracy" in Switzerland, is actually in itself neutral and is used by governments both democratic and totalitarian. Results can be both liberal and conservative. Hitler and many other dictators used referendum to legitimize their regimes and decisions. But except for Switzerland, Australia and some western states in the U. S., democracies seldom use it. It should be added that democratic governments which have used referenda as supplements to regular law-making have not experienced any dire consequences to their representative institutions.

While it would seem that a parliament or legislature could use the Referendum to "pass the buck" or to legitimize its decisions, there are pitfalls for democracies:

- the vote could overturn legislative decision
- it may be harder to convince an electorate than a legislature could
- a party or a government itself could be undermined if it became too closely connected with an issue which failed
- voters can make a decision but not reach a consensus (give, take, compromise)
- elected officials believe their power would be weakened.

As of 1978, there was no comprehensive collection of data on legislative referendum in the U. S. However, information collected from eighteen secretaries of state shows that legislative referenda on statutes are approved in about 60% of the cases, whereas initiatives are approved only 38% of the time<sup>2</sup> and the referenda are used more frequently. In California, a state that makes wide use of both initiative and referendum, most ballot issues are constitutional referenda. The petition referendum (perhaps because of the time limitation or the continual legislative session (see "Definitions")) has not been used since 1952.

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2. Ranney, Austin, "The United States of America.", in Referendums-A Comparative Study of Practice and Theory, David Butler and Austin Ranney ed. Washington, D. C.: American Enterprise Institute, 1978, p.81

### Procedure for Petition Referendum

After a legislature passes a law (excluding emergency measures) or approves a constitutional amendment, sponsoring groups may circulate petitions to place it on the ballot. The number of required signatures, varying by state, is usually lower than for an initiative. The figure is usually based on the number of votes cast for state officers in the most recent general election. North Dakota requires a set number of signatures rather than a percentage.

Some states require that a certain number of counties be represented by a stated percentage of the total signatures, while others set no geographical requirements. States vary as to who may circulate petitions (volunteers or paid circulators) and as to whose signatures will be counted (eligible voters only or all citizens). The minimum time for filing petitions before an election is commonly at least four months so that petitions may be checked for number and validity of signatures. If enough signatures are certified, the measure is placed on the ballot in the next special or general election.

Some states require that information on ballot issues and pros and cons be circulated statewide at public expense. Additional publicity may be distributed at the expense of the sponsors, proponents or opponents. The number of votes required to pass a referendum varies by state.

### Constitutional and Legislative Referenda

The requirements of a state constitution or a decision by its legislature determine whether and when such referenda appear on the ballot. For these categories citizen action involves only campaigning for or against and voting.

### RECALL

The recall originated in Switzerland in the nineteenth century and became popular in the United States during the "reform" movement in the early twentieth century. Los Angeles adopted it in its charter in 1903. In 1908 Oregon, by constitutional amendment, applied it to state officeholders. By 1920 ten other states had adopted

provision for the recall of state officials. Only Wisconsin and Alaska have been added since. Although it was first used for elected executive officers only, some states may recall appointed officials, especially judges.

States with Provision for Recall Elections for Elected Officials

Alaska	Kansas*	North Dakota
Arizona	Louisiana*	Oregon*
California	Michigan	Washington
Colorado	Nevada*	Wisconsin
Idaho		

\* All public officials, appointive and elective

Cities and counties in more than three-fourths of the states provide for local recall elections, and on that level it is frequently used. Statewide recalls are less frequent and less successful. However, in North Dakota in 1920, Governor Lynn Frazier, the attorney general and secretary of agriculture were all recalled. The next year Frazier was elected to the U. S. Senate!

Citizens may initiate a recall election by circulating petitions. After acquiring the necessary number of signatures, the sponsors file the petition with a specified official for verification of the number and legality of the signatures.

Three basic procedures exist for the conduct of recall elections: (1) voters first vote "Yes" or "No" on the question of recalling a specific official. If the majority vote for recall, a second election must be held to select a replacement. (2) The citizen who votes for recall also votes at the same time for someone to take the place of the person recalled. (3) The name of the incumbent against whom the petition has been filed is placed on the ballot, along with candidates to replace him or her. The voter then chooses from among all the names.

There are several reasons for not using recall. The prime reason may be the large number of signatures generally required, up to 25% of a state's voters. Other reasons are: (1) Legal restrictions on its use; commonly that an official must be in office for a certain period of time, usually six months, before proceedings may be begun; (2) an incumbent may not face a recall election more than once in a term of office. (3) Popular reluctance to use the recall is probably another factor.

# Incidence and Experience of Initiative, Referendum and Recall in the Fifty States

Since 1960 three states have added I & R to their constitutions -- Wyoming in 1968, Illinois in 1970, and Florida in 1972. The District of Columbia added initiative in 1977.

Table I summarizes the states by categories of Initiative, Referendum and Recall.

(See Definitions)

Recall (13)	Constitutional Amendment by Initiative (14)	Statutory Initiative		Statutory Referendum		
		Direct (19)	Indirect (8)	(24) Petition	(19) Legislative	Constitution Requirements (21)
Alaska	Florida	Alaska	Maine	Alaska	Arizona	California
Arizona	Illinois	Arizona	Mass.	Arizona	Colorado	Florida
California	Michigan	Arkansas	Michigan	Arkansas	Georgia	Georgia
Colorado	Ohio	California	Nevada	Calif.	Illinois	Iowa
Idaho	Missouri	Colorado	Ohio	Colorado	Maine	Kansas
Kansas*	Nebraska	Florida	S. Dakota	Kentucky	Maryland	Kentucky
Louisiana*	N. Dakota	Idaho	Utah	Maine	Michigan	Maine
Michigan	Arkansas	Illinois	Washington	Maryland	Missouri	Michigan
Nevada*	Oklahoma	Missouri		Mass.	Montana	N. Jersey
N. Dakota	Arizona	Montana		Michigan	N. Hampshire	N. Mexico
Oregon*	Colorado	Nebraska		Missouri	N. Jersey	New York
Washington	Nevada	N. Dakota		Montana	N. Carolina	N. Carolina
Wisconsin	California	Ohio		Nebraska	Oklahoma	Ohio
	Oregon	Oklahoma		Nevada	Oregon	Oklahoma
		Oregon		N. Dakota	S. Carolina	Pennsylvania
		Utah		Ohio	Vermont	Rhode Island
		Washington		Oklahoma	Virginia	S. Carolina
		Wyoming		Oregon	Washington	Virginia
		D.C.		S. Dakota	Wisconsin	Washington
				Utah		Wisconsin
				Wash.		Wyoming
				Wyoming		
				D.C.		

\* these states provide recall for appointed officials also.

The remaining type, Constitutional Referendum, is the most widely used type--used by all states except Delaware. Most states allow passage of amendments by a simple majority vote on the question, but Minnesota, Tennessee and Wyoming require a majority of votes cast in the election.

Florida in November, 1978 included on the ballot eight constitutional amendments proposed by the Constitutional Revision Commission and one petition to allow casino gambling in Miami. The electorate reacted to the lengthy ballot by defeating all proposals.

Arizona has had a wide range of initiative proposals on the general election ballot,

the last in 1976. The proposal would have required legislative approval of nuclear facilities, was defeated by a 70.1% negative vote, with 90% of those who voted, voting on the issue. In 1974 a constitutional amendment initiative proposing the appointment of judges and their retention or rejection in nonpartisan elections, passed by an 84.5% vote with 63.3% of those voting in the election also voting on the issue.

California is the only large, urban, industrial state using both constitutional amendment by initiative and direct statutory initiative. In fact, more people there use direct democracy than anywhere else in the world. Although constitutional amendments proposed by the Legislature outnumber the statutory initiatives on the ballot by three to one, initiative proposals are the order of the day, perhaps because of the weak political party system. From 1970 to 1976, seventeen initiative measures qualified for the ballot! There were ten in 1972 alone. In 1978 the now famous Proposition 13 appeared on the June primary ballot; the general election ballot included proposals on anti-smoking, barring homosexuals from school employment, and extension of the death penalty.

The groups using initiative are about the same as those who lobby the legislature. The public education that occurs in an initiative campaign, even in defeat, often arouses enough support to gain passage of similar legislation, i.e., the recent campaign to decriminalize marijuana.

Professional groups are often hired to circulate petitions and manage initiative campaigns. In 1978, five hundred thousand signatures were required within a one hundred fifty day period. The 1978 going rate was 50¢ per signature. Between 1972 and 1976, \$22,518,000.00 was spent on sixteen propositions. But spending did not necessarily mean victory. The side spending the most won one-half of the sixteen campaigns. Proposition 13 cost only \$28,000 because of extensive volunteer efforts.

Voter participation on initiative issues is high, about ninety per cent of those voting in an election. However, only about half of the citizens over eighteen years of age actually go to the polls. Voters usually make up their minds on election eve, although

Proposition 13 was an exception. In that case, surveys showed that ninety one per cent of the voters made up their minds early and possessed clear views backing their intentions.

The success of Proposition 13 will certainly stimulate the use of initiative in California. It is already deeply rooted in the political tradition. Efforts to abolish or modify it never see the light of day.

North Carolina, in the legislative sessions of 1973-1975 and 1977-79, tried but failed to add recall to the state's constitution. The most recent proposal would have required signatures on a recall petition equal to 25% of the votes cast in the last governor's election.

## INITIATIVE AND REFERENDUM

### PROS AND CONS

#### INTRODUCTION

Have you already decided whether you would support Initiative and Referendum for Minnesota? If so, your decision may be based on your general philosophy of government and your expectations of what might be enacted through the use of I & R rather than on an objective weighing of the arguments for and against. Pro and con arguments may be used mainly to confirm that opinion. Whether a particular argument is pro or con may depend on one's point of view. Almost any argument can be worded to reflect both a pro and a con perspective. For all these reasons, pros and cons on I & R may be superfluous for convincing others and useful only for information and conversation. An honest evaluation of one's own basis for making a decision on I & R may help one to understand why a neighbor or friend feels exactly the opposite.

However, if you are still undecided, you may want to study the arguments that have been put forth by proponents and opponents of I & R, grouped by subject matter.

There are philosophical arguments plus pragmatic concerns for the state legislative process, and the effect of I & R on voters, campaigns, elections, political parties and special interest groups.

### Philosophical Arguments

Direct democracy versus representative democracy is a basic argument used by both sides. In our system we elect representatives at all levels of government to make laws and operate government. The question is: does allowing voters to make laws directly conflict with or complement this representative system?

Proponents of I & R believe that direct democracy provides a safety valve against unresponsive and oppressive government; that it complements rather than replaces representative government. They point out that democratic government is based on the rule of the majority and that citizens should have the right to vote directly on important issues. Some proponents hope that I & R will enable the public to control the growth of government by counteracting the pressures for growth that come <sup>from</sup> within the government bureaucracy. They hope it will reduce government intervention in the private lives of individuals. They argue that most states have either initiative or referendum or both, and that none has ever repealed it.

Emotional issues are better settled by direct vote, proponents say, because, as in the election of a President, there is general acceptance of the voters' decision. They cite referendum as a legitimate and effective way for people to protest government action; if elected representatives act against the wishes of the general public, their action can be reversed.

Opponents of I & R maintain that direct legislation is contrary to the principle of representative government. They say it reduces the accountability of elected officials. They claim it will be used to hamper government, reduce revenues and limit spending. Opponents point out that representative government protects minorities from the tyranny of majorities, and they fear that programs which help the poor and minorities would suffer in the long run through direct legislation. They say that emotional issues tend to be submitted through I & R, the solution proposed may not solve the basic problem it is meant to address, and that permanent solutions to temporary problems may be enacted.

Those who oppose I & R also point out the public costs involved in checking petition signatures and note that signatures must be checked on many petitions that never qualify for the ballot. Minnesota opponents of I & R have stated that the present system of lawmaking in Minnesota works well and is responsive to the public. Changing it, they say, would not solve any specific problems and may create more problems than it would solve.

#### Minnesota's Legislative Process

Arguments about the effect of I & R on the state legislature apply more specifically to Minnesota than do the general philosophical arguments previously discussed.

Opponents of I & R for Minnesota declare that the state does not need I & R because the Minnesota legislature has been rated one of the best and most responsive in the nation; that we already have a satisfactory law-making system. They think I & R would detract from the effectiveness of the system. Opponents point out that the public has adequate access to the legislative process through committee hearings and talking with legislators who are highly sensitive to the views of their constituents. They find it fairly easy to get a bill introduced and to get a hearing on it. They believe I & R would reduce the power of the legislature and thus reduce interest in running for a legislative seat. They claim that I & R has had years of trial and is without evidence to prove that it has improved the legislative climate in states where it is used.

Opponents place importance on the give and take of discussion within the legislature and the compromise it produces on controversial issues. To them, that is a much better way to make laws than a yes-no vote on a single question that occurs when laws are made by direct legislation.

Advocates of I & R point to inadequacies they see in the present Minnesota legislative process. They cite problems of self-interest on issues that affect the legislature itself ( e.g., reapportionment and legislative salaries, per diems and pensions), and believe that I & R would provide an effective check on self-interest. They feel that the large size of the Minnesota legislature makes it difficult for a citizen

to exert much influence on state law. The trend to a full-time legislature, they say, may mean that legislators will tend to become part of the government bureaucracy and less responsive to citizen interests. As evidence of legislative insulation, they cite instances where the legislature has killed a bill in committee, or added significant amendments without adequate opportunity for public testimony.

Some proponents argue that there is a lack of openness in the legislative process as indicated by the fact that the Open Meeting Law does not apply to the state legislature.

Supporters of I & R have made the argument that there has been a power shift from local to state government particularly in revenue raising, and that this has created a need for I & R at the state level. However, opponents counter this argument by questioning whether and how I & R could deal with the issues raised by this power shift.

A final question is whether voting legislators out of office is an effective way of keeping the legislature responsive to public opinion. Those who support I & R say that voting on laws directly is less cumbersome and may be more fair to an otherwise popular legislator than throwing him out of office because of his stand on a particular issue.

### The Voters

Another disagreement about I & R is the effect it would have on voter attitudes toward government, voter education and voter turnout at elections.

Advocates believe that I & R would help to alleviate loss of confidence in government by giving citizens more responsibility and more opportunity to be active in the political process. They say that having issues on the ballot educates voters and that experience shows voters are discriminating when they vote on issues. They point out that polls in Minnesota indicate that a majority of people favor I & R. Both candidates for governor supported it during the 1978 campaign.

Those opposing I & R do not agree that a change in the structure of government would reduce voter frustration and alienation from the political process. They say voters may not inform themselves on the technical implications of ballot issues and that voter judgments may be too hasty and subject to emotional appeals. They suspect that many people lack interest in issues that do not have a direct impact on them.

Studies disagree on whether ballot issues have an effect on turnout at elections. Some show that voter turnout would be improved if voters were interested in ballot issues, while others indicate that highly publicized ballot issues have little effect in increasing the number of voters.

### Campaigns and Elections

In discussions of campaigns and elections, the arguments focus on campaign spending, the use of mass media and the wording of ballot issues.

Opponents fear that the I & R process favors those with the most money to spend on a campaign, regardless of the merits of an issue. They see a need for effective limits on campaign spending. They are also concerned that the wording of an issue may have a significant impact on the vote because issues must be framed as a yes-no question; no compromise is possible. They believe that use of the mass media tends to oversimplify issues and may mislead voters unless some checks on veracity are provided. Further, placing issues on the ballot may create an overly long ballot with more items than a voter can intelligently consider.

Some think that in Minnesota the combination of election-day registration and I & R might cause many people to register simply to vote on a particular question. A further concern is that issues on a ballot may lessen interest in candidates. Conflicting issues on the same ballot may create problems; a method for resolving such problems is needed.

Proponents of I & R counter these arguments by pointing out that the side that spends the most money on an issue campaign does not always win. They see no significant differences between campaigns for candidates and campaigns for issues because the

same advertising methods are used. To advocates, it is an advantage that campaigns and issues interact, so that a candidate sometimes is forced to take a stand on an issue that he/she would rather avoid. Some maintain that the use of I&R should be restricted to general elections only, so that the vote will truly reflect majority opinion.

#### Political Parties and Interest Groups

The effect of I&R on political parties and special interest groups is also debated. Those who favor I&R believe its use would help fill the gap in interest on issues resulting from a decline in political party strength. They think referenda would reduce the influence of special interest groups on the legislature by providing public recourse against legislation favoring such groups. They say legislators would have more freedom to ignore the pressures from single interest groups because issues could be placed on the ballot; the interest group could circulate a petition rather than directing its efforts toward defeating the legislators at the next election. Advocates also point out that I&R would allow general interests to prevail over special interests on such issues as consumer legislation and environmental protection.

Opponents of I&R, on the other hand, believe it would increase the power and dominance of wealthy special interest groups. They fear it would have an adverse effect on political parties and party platforms by encouraging the further development of single interest groups. They are concerned that it may be used to reduce the human rights of minority groups as, for example, in recent votes on gay rights. In their opinion, minorities have greater access to the legislative process through the legislature than they would through I&R.

A final point of disagreement is the kind of laws that tend to be enacted through the I&R process. In the eyes of some, I&R is a conservative tool, used to cut taxes, limit government powers, and repeal unpopular human rights laws. Others say I&R is a liberal tool, used to enact laws on consumer protection and environmental quality, gun control, and equal rights. A study of issues on the ballot in various states shows that I&R has been used for all types of issues

Which groups or political persuasions have benefited from direct legislation (initiative and petition referendum) since 1945?

"Liberal positions on economic questions...generally won, conservative positions on social issues...won, while environmentalists broke even with the advocates of economic growth on nuclear power issues."<sup>3</sup>

Support for I&R comes from both conservative and liberal groups; the same is true of opposition. In several states the League of Women Voters supports I&R at the state level, and other state Leagues are studying the issue. In the Minnesota Legislature, bills proposing I&R have been introduced by both DFL and Republican members.

#### RECALL --PRO/CON

Recall arguments pro and con center on whether it is a necessary protection for the public or an opportunity for unnecessary harassment of public officials.

The principal argument in favor of recall is that it provides a means for the public to remove an official without waiting for the completion of his/her term. Proponents say it will increase the accountability of those in public office. Because the threat of recall will always be present, officials will be unable to thwart the will of the general public.

Objections to recall are that it may intimidate public officials or serve as a tool for special interest groups to threaten those who oppose their interests. Opponents point out that recall is not necessary to remove a corrupt official because other legal methods are available to punish malfeasance in office. Opponents of recall are also concerned about the costs of a recall election.

While arguments pro and con on recall may be fewer than for I&R they all deal with the same basic issue, should there or should there not be more direct democracy. This issue crosses political and philosophical lines; pros and cons provide no easy answer. The evidence is mixed in a representative form of government.

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LEAGUE OF WOMEN VOTERS OF MINNESOTA

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## MEMO

TO: Sally / B.A. DEC 18 1979

FROM: Harriette B.

SUBJECT: Committee Guide for I/R+R

DATE: 12/17/79

(second)  
Enclosed is draft of I/R+R committee guide -  
✓ Please type (sorry its so-long) and send to  
main I/R+R committee members (you have  
list of those who worked on pub) with  
attached memo from me! By the end of  
this week if possible? Thanks.  
(over)

✓ Also enclosed in Memo for Erica  
Please put in her folder — Thanks!

✓ Also enclosed copy of Bylaws —  
they must be the latest as they  
have the "Minnesota admendment on  
membership."

Happy Holidays to all!

✓ P.S. Send the Committee guide to  
Rosenblatt — thanks —

FACTS AND ISSUES

INITIATIVE, REFERENDUM AND RECALL

League of Women Voters of Minnesota

January, 1980

DIRECT DEMOCRACY: CHOICES FOR MINNESOTA

When Californians emerged from their voting booths in 1978 with a clear-cut victory for Proposition 13, suddenly "initiative" and "referendum" became household words. Interest in these measures surfaced in Minnesota during the 1978 political campaigns, in which both major candidates for governor supported the concepts.

These procedures are sometimes referred to as "direct legislation" because they give the voters the power to affect legislation directly--either by enactment of laws (initiative) or by repeal of laws already enacted by the governing body (referendum). Though public opinion polls indicate popular support for the idea of "direct democracy," widespread understanding of these concepts seems to be lacking. A third measure, closely associated with them, the recall, shares the same problem.

This publication will discuss state-level initiative, referendum and recall by defining the terms, reviewing their history, describing procedural details, and relating the pros and cons.

DEFINITIONS

Initiative

Initiative is a process whereby a certain percentage of the voters signs a petition to have a law (statutory initiative) or a constitutional amendment (constitutional initiative) placed on the ballot for approval or rejection by the voters. There are three types: direct, indirect and advisory.

In the direct initiative, once the necessary signatures have been obtained, the proposed law or amendment is placed on the ballot, bypassing the legislative process. In the indirect initiative, the completed petition is submitted to the legislature, which then must enact the proposed measure or one substantially similar. If the legislature fails to act within a set time, the question is put on the ballot. The advisory initiative is used as a nonbinding reflection of public opinion.

## Referendum

Referendum, sometimes called a plebiscite, is a process which allows the voters to accept or reject a statute or constitutional amendment passed by the legislature. There are four types: petition, optional, compulsory and advisory.

The petition referendum may be used when a state's constitution provides that laws passed, except emergency measures, will not go into effect for a specified period, usually 90 days. During this time, petitions may be circulated calling for the law to be referred to the people at a special election or at the next general election. If the required signatures are obtained, the law is held in abeyance pending the outcome of the election. An optional referendum allows a legislature to call for a referendum on any measure it has passed. The compulsory referendum is required by some state constitutions. Certain types of legislation, such as constitutional amendments, levying of taxes, bond issues, moving state or county capitals, must be referred to the people. The advisory referendum is like the advisory initiative except measures are proposed by the governmental body.

## Recall

Recall is a process whereby the voters can remove a governmental official from office. Petitions signed by a specific percentage of the voters must state the charges against the officeholder, who then may vacate the office "voluntarily." Should he or she fail to do so, then a formal recall election is held.

Initiative, referendum and recall can be provided for in a state's constitution--the basic document adopted by the people of a state--or by state statutes passed by the legislature.

## HISTORY

The enactment of laws by popular vote can be traced back as far as the ancient Greek city-states, where each free male citizen took a direct part in making laws. The Roman republic held plebiscites (literally, decree of the common people) among the lower class plebians to determine public opinion on critical issues.

Switzerland has used the referendum in some cantons (political divisions corresponding to states) since the sixteenth century. Hitler and many other dictators used referenda to legitimize their regimes and decisions. Except for Switzerland, Australia, and some western states in the U.S. (see Table), democracies seldom use it. In colonial times in the United States, the "whole body of free men" affirmed or rejected laws made by

governing bodies. The New England-type town meetings still survive in some places but are not feasible for larger political entities.

One of the most marked features of the evolution of government in the United States was popular dissatisfaction with state legislatures during the late nineteenth century. The Populist movement in the 1890s was a coalition of agrarian protesters who wanted national regulation to solve agricultural problems. Among their demands were political reforms, such as initiative and referendum, to strengthen political democracy. The Progressive movement, which followed the Populists, was set off by two specific circumstances--the agrarian failure of the early 1890s and the depression of 1893. Reformers demanded that the national government play a direct part in combating the exploitation of the common people by industrialists, monopolists and political machines. They argued that injustice could be remedied by giving power to the people, by letting them legislate directly rather than indirectly.

In 1898 South Dakota became the first state to adopt initiative and referendum. Initiative and referendum amendments have been twice defeated in Minnesota. In 1914 and again in 1916, the Legislature submitted a constitutional amendment calling for the adoption of initiative and referendum. While those voting on the question overwhelmingly favored it both times, not everyone voted on the question. Consequently, those who approved the question were not a majority of those voting in the election, as required by the Minnesota Constitution to pass a constitutional amendment. Recently three states have added initiative and referendum to their constitutions--Wyoming in 1968, Illinois in 1970, and Florida in 1972. The District of Columbia added initiative in 1977. (See Table.)

The concept of recalling public officials made its first statewide appearance in Oregon in 1908, followed by California in 1911, where the issue of recalling judges stirred severe controversy. Some called it "reform gone mad." However, voters instituted recall by a three-to-one margin.

By 1915 11 other states had adopted recall, although it has been invoked statewide only occasionally. (See Table.) In Oregon two public utilities commissioners have been recalled; and in North Dakota, a governor and two state officials. On the local level, mayors have been recalled in Los Angeles, Seattle and Detroit. Recently a municipal judge was recalled in Wisconsin. Judges were specifically exempted in three states, and Kansas restricts recall to appointed officials only.

#### BACKGROUND - MINNESOTA LAW

The processes of initiative, referendum and recall are available to some citizens in Minnesota on the local level, as some form is provided by the charters of 74 home rule cities. However, on the state level the only process presently available to citizens is that of compulsory constitutional referendum.

Initiation of amendments to the Minnesota Constitution can be by either house of the Legislature. Such amendments need be considered by only one session of the Legislature. Both houses must pass any amendments, which then appear on the ballot. In order for a proposed amendment to pass, it must be approved by a majority of those voting in the election.

Minnesotans may not call a special election under the Constitution to vote on a proposed amendment. All proposed amendments are submitted at the next general election.

Although Minnesota has no provision which would allow the voters to end the terms of state office holders, the Constitution does provide a means for the Legislature to do so. Each house may expel one of its members by the concurrence of two-thirds of the membership and, in fact, used this mechanism in 1979. In addition, the Legislature has impeachment powers similar to those of the U.S. Congress.

#### Initiative, Referendum and Recall Action in the 1979 Legislative Session

Several initiative and referendum bills were introduced both in the House and Senate. The first committee to hear testimony was the Senate Judiciary Committee, chaired by Senator Jack Davies (DFL-Minneapolis) on March 28. Groups testifying in support of initiative and referendum included the Minnesota Public Interest Research Group, Concerned Taxpayers of Minnesota, Save Lake Superior, Minnesota Real Estate Taxpayers Association, American Association of Retired Persons, Bloomington Senior Citizens, Duluth Home Owners Association, and Minneapolis Neighborhood Improvement Association. On April 4, 1979, opponents testified against initiative and referendum, including the Citizens League, AFL-CIO, Minneapolis Urban Coalition, Minnesota Soft Drink Association, and the Minnesota Education Association.

Discussion of the several Senate bills continued on April 6th. At that time, the committee decided to hold over any action on the bills until the next session. A motion by Senator Dieterich (DFL-St. Paul) was approved which set up interim hearings to look more carefully at SF 599 (McCutcheon, Gearty, Coleman, Strand, Ashbach) and SF 1018 (Chmielewski, Knutson, Rued, Bang--known as the Governor's Bill). SF 599 calls for a

constitutional amendment to provide for a form of indirect initiative, giving the Legislature the first option to approve petitioned legislation before it is submitted to the people. SF 1018 calls for direct initiative, sending petitioned legislation directly to the voters.

No interim hearings were scheduled on the initiative and referendum bills introduced in the House. HF 512, introduced by Rep. John T. Clawson (DFL-Center City) provides for the recall of any elective officer. This bill states that recall would be initiated by petition signed by eligible voters. The number of signatures required would be at least 25% of the vote cast in the last election for the office from which the officer is to be recalled. No officer could be recalled before one year of service had been completed. A special election would be held, and the officer to be recalled could be a candidate unless he/she chose to resign. The bill remained in the Committee on General Legislation and Veterans Affairs without hearing.

#### THE INITIATIVE PROCESS

##### Procedure for Initiative

The initiative process begins with a group of citizens who wish to propose a law or a constitutional amendment. The group decides on the wording and scope of the initiative. It may be an already organized group (such as the League of Women Voters), or it may assemble only for the purpose of drafting the proposed initiative.

An initiative, whether statutory or constitutional, is subject to various procedures and limitations. The following information applies to both direct and indirect forms, although the actual requirements from state to state may differ for the two forms.

##### Limitations as to Subject Matter

The sponsoring group may find itself under some restrictions as to the subjects it can address. Eleven states allow initiatives on any subject; 13 states have some type of limitation on subject matter. Eight states prohibit proposals about appropriations. Missouri specifies that an initiative cannot appropriate money unless new revenues are also created. Seven states limit initiatives to the same subjects permitted the Legislature by state constitution. Three states prohibit initiatives on taxes. Others exclude matters pertaining to the judiciary, religion and special or local legislation. Two states require each initiative to deal only with a single issue. Several states forbid reconsideration of measures initiated and rejected by the voters within the previous three years.

### Precirculation Requirements

Various states have certain precirculation requirements, steps that must be followed before petitions are circulated for signing. Generally they require sponsors to file an application containing the text of the proposed measure and a certain number of signatures, ranging from a low of one in Maine to a high of 100 in Alaska and Wyoming. This procedure allows the state to determine that the same measure or one similar to it has not been recently submitted to the voters; Massachusetts attempts to limit the expense of frequent duplications of effort in this manner. Another reason for such precirculation requirements is to limit the amount of time allowed for gaining signatures; the intent is to insure active support for the proposal.

### Preliminary Review

In Massachusetts and California, which require a preliminary review before circulation of the petition, sponsors must file the proposal with the appropriate governmental authority. In California the sponsors submit their proposal to the attorney general, who prepares a title and summary description that must appear on each page of the signature petition.

The National Municipal League's Executive Committee suggests that as part of any state's initiative process the attorney general issue a preliminary opinion as to the constitutionality of a proposed statutory measure. The opinion would be made public but could not prevent the sponsoring group from proceeding. Some states require such review only after the required signatures have been obtained and the petition found valid.

### Signature Requirements

Most states have stringent requirements for the number of signatures needed to qualify a measure for inclusion on the ballot, usually a percentage of the number of voters participating in a prior general election. Most states specify a percentage of the total vote for the office of governor in the last election; some use a percentage of the total vote for the highest statewide vote-getter; others specify only a percentage of electors. Florida specifies the prior presidential election. The actual requirements vary from 3% in Ohio and Massachusetts to 15% in Wyoming and Arizona. North Dakota is unique in that a specific number of signatures qualifies an issue for the ballot--2% of the population according to the last decennial census.

There are usually differences between requirements for statutory and constitutional initiatives in those states permitting both kinds, the constitutional initiative requiring a higher percentage. This reflects the fact that a constitution is a basic document, and some think it should be more difficult to amend the constitution than to initiate legislation.

Only seven states require that signatures be distributed geographically. Typical requirements provide that a designated percentage of the voters who sign the petition must be residents of a designated percent of the election districts.

Two other requirements with respect to signatures should be noted. The first deals with who may sign; most states allow any "eligible voter" to sign. However, there can be confusion as to what constitutes an "eligible" voter. It can mean anyone over 18 years of age, or it can mean a "registered" voter. Unless the state specifies exactly what is meant, there may be problems in verifying signatures. Verification is the second requirement; some states require it and specify the exact method, while other states do not specifically require verification or may do it on a sample basis. Such procedures are intended to prevent the inclusion of fraudulent signatures.

#### Circulation of Petition

The existence of public relations firms that specialize in managing ballot issue campaigns has raised the issue of paid petition circulators. This practice is widespread in California and has been criticized by many as an attempt to buy support for a proposal. Consequently, some states prohibit paid circulators. The obvious intent is to control the influence of monied interests. However, this prohibition is difficult to enforce, and it also makes it hard for a small, less-organized group of sponsors to get signatures.

#### Filing and Review

After getting the required number of signatures, the sponsoring group must file its petition. In states with precirculation requirements of review, there may be a designated time during which signatures may be obtained and a deadline for filing (in California it is 150 days). Generally, however, no absolute deadlines exist. For the direct initiative, the deadline is relative to the election at which the measure is submitted. For the indirect initiative, the deadline is relative to the date on which the legislature convenes. Failure to meet these deadlines merely delays the measure until the next election or legislative session, as the case may be. The usual deadline for a direct initiative is four months before the election in which it will appear on the ballot. But it may vary from 10 days to four months and 10 days. Oklahoma specifies no deadline at all. For indirect initiatives, some states require filing before the legislature convenes (10 to 30 days); one allows filing within 15 days after convening; some have no deadlines at all, and Massachusetts specifies the first Wednesday in December. South Dakota permits legislative consideration whenever a measure is received during a session.

In states permitting special elections for direct initiatives, failure to meet the deadline does not necessarily delay the consideration of the measure until the next regular election. However, a special election can be called only by the governor or the legislature or by a petition signed by a set percentage of the voters.

Deadlines are intended to allow time for verification of signatures and validation of the petition. In those states not requiring precirculation review, the initiative may be reviewed after filing for proper legal form, clear wording, and constitutionality, generally by the secretary of state and the attorney general. California has a legislative analyst whose job is to estimate the cost of any proposal; that estimate goes on the ballot along with the proposal.

Review for wording can be extremely important. In many cases, propositions have been worded so that a "yes" vote meant opposition to the issue and a "no" vote meant approval, which could result at the very least in voter confusion and at most in miscast votes. As examples of possible voter misunderstanding, consider a 1972 California proposition in which those in favor of farm labor unions had to vote against a collective bargaining measure supported by the growers, and a 1974 initiative in which a vote against the construction of a dam required a "yes" vote (supporting wild and scenic rivers).

#### Publicity

After filing the petition and having it declared valid, the sponsors do their best to ensure passage, which generally requires presenting their idea and the reasons for it to the voting public. The sponsoring group may hire firms specifically organized for the purpose to conduct publicity campaigns. In addition, many states distribute, at public expense, pamphlets containing descriptions of any proposed ballot measures. Some of them describe the impact of the proposals and arguments pro and con. The National Municipal League's Executive Committee supports that idea and recommends that the pamphlets be mailed to "every household in the state which has one or more voters in residence."<sup>1</sup> California does so.

#### Contribution Limits and Disclosure

The U.S. Supreme Court has ruled that it is unconstitutional to limit spending on ballot issues by corporations. By contrast, spending by governments for or against an issue can be prohibited. However, requiring disclosure of contributions is allowable. Although the Internal Revenue Service is currently not permitting such contributions

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<sup>1</sup>"Indirect Initiative," National Civic Review (1979), p. 233

as "business expense" deductions, that regulation is being challenged.

Even strict campaign disclosure laws cannot guarantee identification of all spending on ballot issues. For instance, the courts have ruled that a group whose main purpose is not lobbying cannot be required to disclose contributions to ballot issue campaigns. Sponsors must report the amount they receive, but since contributors need not disclose how much they give, it is not possible to verify amounts.

#### Requirements for Passage

For direct initiative some states specify what vote is necessary for passage of a ballot issue. Most states require a simple majority of those voting on the question. A few require a simple majority of those voting for governor or the office attracting the highest number of votes. Massachusetts requires a simple majority provided that the number equals at least 30% of the total votes cast. Wyoming requires votes in excess of 50% of the total vote cast in the preceding general election.

In the special case of an indirect initiative that fails passage by the legislature or is passed in changed form, various states follow three different procedures. (1) In four states the original initiative and legislative alternatives are automatically placed on the ballot. (2) In South Dakota, whether the Legislature passes a citizen-initiated measure or not, it must be approved by the voters at the next election. (3) In three states, should the legislature fail to act, the sponsors are required to collect more signatures and re-file their proposal in order to get it on the ballot. The number of additional signatures required ranges from  $\frac{1}{2}$  of 1% of the total vote cast for governor in Massachusetts to 5% in Utah.

#### Immunity From Veto, Amendment and Repeal

In 21 states voter-initiated measures are immune from executive veto. There is great variation among the initiative states in allowing legislative amendment and/or repeal. Most states allow both amendment and/or repeal, although some require a two-thirds or three-fourths majority in both houses to do so. Other states set a time limit, usually two or three years, within which voter-initiated legislation is immune from legislative action. Only Arizona forbids legislative amendment or repeal in cases where an initiative was approved by a majority of the qualified, eligible voters, but the electorate may amend or repeal all measures at any time.

#### Resubmission of a Failed Initiative

If the sponsors wish to resubmit a failed initiative, in some states they must wait from three to four years. Oklahoma allows resubmission within three years if more than 25% of the legal voters sign the petition. Most states have no such restrictions.

### Enabling Legislation

The enabling legislation may appear in the original provision for initiative of a state constitution, or it may be wholly or partially a statutory provision. For example, Utah and Idaho merely made allowance for the initiative in their constitutions but left it to the legislature to spell out the enabling details (50 years later). Some other states included minute detail in their constitutions, and when minor changes in procedure were desired, a constitutional amendment was necessary.

## THE REFERENDUM PROCESS

### Procedure for Petition Referendum

After a legislature passes a law (excluding emergency measures), sponsoring groups may circulate petitions to place it on the ballot. The number of required signatures, varying by state, is usually lower than for an initiative. The figure is usually based on the number of votes cast for state officers in the most recent general election.

Some states require that a certain number of counties be represented by a stated percentage of the total signatures, while others set no geographical requirements. States vary as to who may circulate petitions (volunteers or paid circulators) and as to whose signatures will be counted (eligible voters only or all citizens). The minimum time for filing petitions before an election is commonly at least four months so that petitions may be checked for number and validity of signatures. If enough signatures are certified, the measure is placed on the ballot in the next special or general election.

Some states require that information on ballot issues and pros and cons be circulated statewide at public expense. Additional publicity may be distributed at the expense of the sponsors, proponents or opponents. The number of votes required to pass a referendum varies by state.

### Procedure for Optional and Compulsory Referenda

The requirements of a state constitution or a decision by its legislature determine whether and when such referenda appear on the ballot. For these categories, citizen action involves only campaigning for or against and voting.

As of 1978 there was no comprehensive collection of data on legislative referenda in the U.S. However, information collected from 18 secretaries of state shows that legislative referenda on statutes are approved in about 60% of the cases, whereas initiatives are approved only 38% of the time<sup>2</sup> and the referenda are used more frequently.

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<sup>2</sup>Butler, David, and Ranney, Austin, "The United States of America," in Referendums - A Comparative Study of Practice and Theory, David Butler and Austin Ranney, eds., Washington, D.C.; American Enterprise Institute, 1978, p. 81.

In California, a state that makes wide use of both initiative and referendum, most ballot issues are constitutional referenda. The petition referendum (perhaps because of the time limitation or the continual legislative session--see "Definitions") has not been used since 1952. Many elements of the referendum process parallel those of the initiative process described earlier.

## RECALL

### Procedure for Recall

Citizens may activate a recall election by circulating petitions. After acquiring the necessary number of signatures, the sponsors file the petition with a specified official for verification of the number and legality of the signatures.

Three basic procedures exist for the conduct of recall elections: (1) Voters first vote "yes" or "no" on the question of recalling a specific official. If the majority vote for recall, a second election must be held to select a replacement. (2) The citizen who votes for recall also votes at the same time for someone to take the place of the person recalled. (3) The name of the incumbent against whom the petition has been filed is placed on the ballot, along with candidates to replace him or her. The voter then chooses from among all the names.

Cities and counties in more than three-fourths of the states provide for local recall elections, and on that level it is frequently used. Statewide recalls are less frequent and less successful.

There are several reasons why recall is not frequently used. The prime reason may be the large number of signatures generally required, up to 25% of a state's voters. Other reasons are: (1) legal restrictions on its use; commonly an official must be in office for a certain period of time, usually six months, before proceedings may be begun; (2) an incumbent may not face a recall election more than once in a term of office; (3) popular reluctance to use the recall is probably another factor.

### Recent Experiences with Initiative, Referendum and Recall

Florida, in November, 1978, included on the ballot eight constitutional amendments proposed by the Constitutional Revision Commission and one petition to allow casino gambling in Miami. The electorate reacted to the lengthy ballot by defeating all proposals.

Arizona has had a wide range of initiative proposals on the general election ballot, the last in 1976. The proposal which would have required legislative approval of nuclear facilities was defeated by a 70.1% negative vote, with 90% of those who voted voting

on the issue. In 1974 a constitutional amendment initiative proposing the appointment of judges and their retention or rejection in nonpartisan elections passed by an 84.5% vote, with 63.3% of those who voted in the election also voting on the issue.

California is the only large, urban, industrial state using both constitutional amendment by initiative and direct statutory initiative. In fact, California uses direct democracy more than any other place in the world. Constitutional amendments proposed by the Legislature outnumber the statutory initiatives on the ballot by three to one. From 1970 to 1976, 17 initiative measures qualified for the ballot. There were 10 in 1972 alone. In 1978 the non-famous Proposition 13 appeared on the June primary ballot; the general election ballot included proposals on anti-smoking, barring homosexuals from school employment, and extension of the death penalty.

The groups using initiative are the same as those who lobby the Legislature. The public education that occurs in an initiative campaign, even in defeat, often arouses enough support to gain passage of similar legislation, e.g., the recent campaign to decriminalize marijuana.

Professional groups are often hired to circulate petitions and manage initiative campaigns. In 1978, 500,000 signatures were required within a 150-day period. The 1978 going rate was 50¢ per signature. Between 1972 and 1976, \$22,518,000 was spent on 16 propositions. But spending did not necessarily mean victory. The side spending the most won one-half of the 16 campaigns. Proponents of Proposition 13 spent only \$28,000 because of extensive volunteer efforts.

The tobacco industry spent \$6.4 million in killing the anti-smoking initiative, and the proponents spent only \$660,000. An oil company spent \$860,000 in defeating an attempt to block construction of an oil terminal in Long Beach, California. The losing side spent \$17,000.

In California voter participation on initiative issues is high; about 90% of those voting in an election vote on the ballot initiatives. However, only about half the eligible voters actually go to the polls.

North Carolina, in the legislative sessions of 1973-1975 and 1977-1979, tried but failed to add recall to the state's constitution. The most recent proposal would have required signatures on a recall petition equal to 25% of the votes cast in the last governor's election.

## INITIATIVE AND REFERENDUM

PROS AND CONSIntroduction

Have you already decided whether you would support initiative and referendum for Minnesota? If so, your decision may be based on your general philosophy of government and your expectations of what might be enacted through the use of initiative and referendum rather than on an objective weighing of the arguments for and against. Pro and con arguments may be used mainly to confirm that opinion. Whether a particular argument is pro or con may depend on one's point of view. Almost any argument can be worded to reflect both a pro and a con perspective. For all these reasons, pros and cons on initiative and referendum may be superfluous for convincing others and useful only for information and conversation. An honest evaluation of one's own basis for making a decision on initiative and referendum may help one to understand why a neighbor or friend feels exactly the opposite.

Following are some of the arguments that have been put forth by proponents and opponents of initiative and referendum, grouped by subject matter. There are philosophical arguments plus pragmatic concerns for the state legislative process and the effect of initiative and referendum on voters, campaigns, elections, political parties and special interest groups.

Philosophical Arguments

Direct democracy versus representative democracy is a basic argument used by both sides. In our system we elect representatives at all levels of government to make laws and operate government. The question is: does allowing voters to make laws directly conflict with or complement this representative system?

PROPONENTS of initiative and referendum believe that direct democracy provides a safety valve against unresponsive and oppressive government; that it complements rather than replaces representative government. They point out that democratic government is based on the rule of the majority and that citizens should have the right to vote directly on important issues. Some proponents hope that initiative and referendum will enable the public to control the growth of government by counteracting the pressures for growth that come from within the government bureaucracy. They hope it will reduce government intervention in the private lives of individuals. They argue that most states have either initiative or referendum or both, and that none has ever repealed it.

Emotional issues are better settled by direct vote, proponents say, because, as in the election of a President, there is general acceptance of the voters' decision. They cite referendum as a legitimate and effective way for people to protest government

action; if elected representatives act against the wishes of the general public, their action can be reversed.

OPPONENTS of initiative and referendum maintain that direct legislation is contrary to the principle of representative government. They say these measures reduce the accountability of elected officials. They claim initiative and referendum will be used to hamper government, reduce revenues and limit spending. Opponents point out that representative government protects minorities from the tyranny of majorities, and they fear that programs which help the poor and minorities would suffer in the long run through direct legislation. They say that emotional issues tend to be submitted through initiative and referendum, the solution proposed may not solve the basic problem it is meant to address, and that permanent solutions to temporary problems might be enacted.

Those who oppose initiative and referendum also point out the public costs involved in checking petition signatures and note that signatures must be checked on many petitions that never qualify for the ballot. Minnesota opponents of initiative and referendum have stated that the present system of lawmaking in Minnesota works well and is responsive to the public. Changing it, they say, would not solve any specific problems and might create more problems than it would solve.

#### Minnesota's Legislative Process

Arguments about the effect of initiative and referendum on the state Legislature apply more specifically to Minnesota than do the general philosophical arguments previously discussed.

OPPONENTS of initiative and referendum for Minnesota declare that the state does not need initiative and referendum because the Minnesota Legislature has been rated one of the best and most responsive in the nation; that we already have a satisfactory lawmaking system. They think initiative and referendum would detract from the effectiveness of the system. Opponents point out that the public has adequate access to the legislative process through committee hearings and talking with legislators who are highly sensitive to the views of their constituents. They find it fairly easy to get a bill introduced and to get a hearing on it. They believe initiative and referendum would reduce the power of the Legislature and thus reduce interest in running for a legislative seat. They claim that initiative and referendum have had years of trial, and there is no evidence to prove that they have improved the legislative climate in states where they are used.

Opponents place importance on the give and take of discussion within the Legislature and the compromise it produces on controversial issues. To them, that is a much better way to make laws than the yes-no vote on a single question that occurs when laws are made by direct legislation.

ADVOCATES of initiative and referendum point to inadequacies they see in the present Minnesota legislative process. They cite problems of self-interest on issues that affect the Legislature itself (e.g., reapportionment and legislative salaries, per diems and pensions), and believe that initiative and referendum would provide an effective check on that self-interest. They think that the large size of the Minnesota Legislature makes it difficult for a citizen to exert much influence on state law. The trend to a full-time Legislature, they say, may mean that legislators will tend to become part of the government bureaucracy and less responsive to citizen interests. As evidence of legislative insulation, they cite instances where the Legislature has killed a bill in committee or added significant amendments without adequate opportunity for public testimony.

Some proponents argue that there is a lack of openness in the legislative process, as indicated by the fact that the Open Meeting Law does not apply to the state Legislature.

Supporters of initiative and referendum have made the argument that there has been a power shift from local to state government, particularly in revenue-raising, and that this has created a need for initiative and referendum at the state level. However, opponents counter this argument by questioning whether and how initiative and referendum could deal with the issues raised by this power shift.

A final question is whether voting legislators out of office is an effective way of keeping the Legislature responsive to public opinion. Those who support initiative and referendum say that voting on laws directly is less cumbersome and may be more fair to an otherwise popular legislator than throwing him/her out of office because of his/her stand on a particular issue.

#### The Voters

Another disagreement about initiative and referendum is the effect they would have on voter attitudes toward government, voter education and voter turnout at elections.

ADVOCATES believe that initiative and referendum would help to alleviate loss of confidence in government by giving citizens more responsibility and more opportunity to be active in the political process. They say that having issues on the ballot educates

voters and that experience shows voters are discriminating when they vote on issues. They point out that polls in Minnesota indicate that a majority of people favor initiative and referendum. Both major candidates for governor supported these measures during the 1978 campaign.

THOSE OPPOSING initiative and referendum do not agree that a change in the structure of government would reduce voter frustration and alienation from the political process. They say voters may not inform themselves on the technical implications of ballot issues and that voter judgments may be too hasty and subject to emotional appeals. They suspect that many people lack interest in issues that do not have a direct impact on them.

Studies disagree on whether ballot issues have an effect on turnout at elections. Some show that voter turnout is improved if voters are interested in ballot issues, while others indicate that highly publicized ballot issues have little effect in increasing the number of voters.

#### Campaigns and Elections

In discussions of campaigns and elections, the arguments focus on campaign spending, the use of mass media and the wording of ballot issues.

OPPONENTS fear that the initiative and referendum processes favor those with the most money to spend on a campaign, regardless of the merits of an issue. They see a need for effective limits on campaign spending. They are also concerned that the wording of an issue may have a significant impact on the vote because the issue must be framed as a yes-no question; no compromise is possible. They believe that use of the mass media tends to oversimplify issues and may mislead voters unless some checks on veracity are provided. Further, placing issues on the ballot may create an overly long ballot with more items than a voter can intelligently consider.

Some think that in Minnesota the combination of election-day registration and initiative and referendum might cause many people to register simply to vote on a particular question. A further concern is that issues on a ballot may lessen interest in candidates. Conflicting issues on the same ballot may create problems; a method for resolving such problems is needed.

PROPONENTS of initiative and referendum counter these arguments by pointing out that the side that spends the most money on an issue campaign does not always win. They see no

significant differences between campaigns for candidates and campaigns for issues because the same advertising methods are used. To advocates, it is an advantage that campaigns and issues interact, so that a candidate sometimes is forced to take a stand on an issue that he/she would rather avoid. Some maintain that the use of initiative and referendum should be restricted to general elections only so that the vote will truly reflect majority opinion.

#### Political Parties and Interest Groups

The effect of initiative and referendum on political parties and special interest groups is also debated.

THOSE WHO FAVOR initiative and referendum believe their use would help fill the gap in interest on issues resulting from a decline in political party strength. They think referenda would reduce the influence of special interest groups on the Legislature by providing public recourse against legislation favoring such groups. They say legislators would have more freedom to ignore the pressures from single interest groups because issues could be placed on the ballot; the interest group could circulate a petition rather than directing its efforts toward defeating the legislators at the next election. Advocates also point out that initiative and referendum would allow general interests to prevail over special interests on such issues as consumer legislation and environmental protection.

OPPONENTS of initiative and referendum, on the other hand, believe they would increase the power and dominance of wealthy special interest groups. They fear initiative and referendum would have an adverse effect on political parties and party platforms by encouraging the further development of single interest groups. They are concerned that these measures might be used to reduce the human rights of minority groups as, for example, in recent votes on gay rights. In their opinion, minorities have greater access to the legislative process through the Legislature than they would through initiative and referendum.

#### Recall - Pro/Con

Recall arguments pro and con center on whether it is a necessary protection for the public or an opportunity for unnecessary harassment of public officials.

The principal argument IN FAVOR of recall is that it provides a means for the public to remove an official without waiting for the completion of his/her term. Proponents say it increases the accountability of those in public office. Because the threat of recall is always present, officials are unable to thwart the will of the general public.

OBJECTIONS to recall are that it may be used to harass public officials or serve as a tool for special interest groups to threaten those who oppose their interests. Opponents point out that recall is not necessary to remove a corrupt official because other legal methods are available to punish malfeasance in office. Opponents of recall are also concerned about the costs of a recall election.

A FINAL POINT OF DISAGREEMENT is the kind of laws that tend to be enacted through the initiative and referendum processes. In the eyes of some, initiative and referendum are conservative tools, used to cut taxes, limit government powers, and repeal unpopular human rights laws. Others say initiative and referendum are liberal tools, used to enact laws on consumer protection and environmental quality, gun control, and equal rights. A study of issues on the ballot in various states shows that initiative and referendum have been used for all types of issues.

Which groups or political persuasions have benefited from direct legislation (initiative and petition referenda) since 1945?

"Liberal positions on economic questions...generally won, conservative positions on social issues...won, while environmentalists broke even with the advocates of economic growth on nuclear power issues."<sup>3</sup>

Support for initiative and referendum comes from both conservative and liberal groups; the same is true of opposition. Bills proposing initiative and referendum have been introduced by both DFL and <sup>IR</sup>Republican members.

#### INITIATIVE, REFERENDUM AND RECALL FOR MINNESOTA?

All these arguments, pro and con, deal with the same basic issue--should there or should there not be more direct democracy within the representative form of government. Opinions on these issues cross political and philosophical lines; weigh in the pros and cons provides no easy answers. Have you made your choice?

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<sup>3</sup>Ranney, Austin, Referendums - A Comparative Study of Practice and Theory, p. 84

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Prepared by the League of Women Voters of Minnesota  
Published by the League of Women Voters Education Fund

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St. Paul, MN 55102  
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TABLE - TYPES OF INITIATIVE, REFERENDUM AND RECALL IN THE U.S.

Recall of Elected Officials (13)	Constitutional Amendment by Initiative (14)	Statutory Initiative		Statutory Referendum		
		Direct (19)	Indirect (8)	Petition (24)	Optional (19)	Compulsory** (21)
Alaska	Florida	Alaska	Maine	Alaska	Arizona	California
Arizona	Illinois	Arizona	Massachusetts	Arizona	Colorado	Florida
California	Michigan	Arkansas	Michigan	Arkansas	Georgia	Georgia
Colorado	Ohio	California	Nevada	California	Illinois	Iowa
Idaho	Missouri	Colorado	Ohio	Colorado	Maine	Kansas
Kansas*	Nebraska	Florida	South Dakota	Idaho	Maryland	Kentucky
Louisiana*	North Dakota	Idaho	Utah	Kentucky	Michigan	Maine
Michigan	Arkansas	Illinois	Washington	Maine	Missouri	Michigan
Nevada*	Oklahoma	Missouri		Maryland	Montana	New Jersey
North Dakota	Arizona	Montana		Massachusetts	New Hampshire	New Mexico
Oregon*	Colorado	Nebraska		Michigan	New Jersey	New York
Washington	Nevada	North Dakota		Missouri	North Carolina	North Carolina
Wisconsin	California	Ohio		Montana	Oklahoma	Ohio
	Oregon	Oklahoma		Nebraska	Oregon	Oklahoma
		Oregon		Nevada	South Carolina	Pennsylvania
		Utah		North Dakota	Vermont	Rhode Island
		Washington		Ohio	Virginia	South Carolina
		Wyoming		Oklahoma	Washington	Virginia
		D.C.		Oregon	Wisconsin	Washington
				South Dakota		Wisconsin
				Utah		Wyoming
				Washington		
				Wyoming		
				D.C.		

\*These states provide recall for appointed officials too.

\*\*Other than constitutional amendments.

The remaining type, Compulsory Referendum on constitutional amendments, is used by all states except Delaware. Most states allow passage of amendments by a simple vote on the question; but, in addition to Minnesota, Tennessee and Wyoming require a majority of votes cast in the election.

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 and communications with LWVs of North Carolina, Rhode Island, and Florida.



## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

August 7, 1980

The Editor  
SUN NEWSPAPERS  
Roseville, Shoreview, Arden Hills  
1698 North Lexington  
Roseville, MN 55113

TO THE EDITOR:

In reply to the question raised in the editorial you reprinted from the St. Paul newspaper on August 6, there is one primary reason for the League of Women Voters of Minnesota's (LWVMN) opposition to the proposed constitutional amendment on initiative: the results of our year-long study and consensus on initiative, referendum and recall show our members oppose direct initiative on statutes.

We would like to answer the other questions in the editorial. In order, they are:

- . "Who ordered the study?" Every two years League members in Minnesota suggest topics for study by the organization for the next two-year period. Early in 1979 members suggested a study of initiative, referendum and recall as an important and timely addition to the LWVMN's program. State convention delegates in June, 1979, adopted a study of the processes of initiative, referendum and recall.
- . "Who conducted it? What was studied?" A volunteer committee of League members was formed and began meeting in the summer of 1979 to research and prepare a publication entitled FACTS AND ISSUES, DIRECT DEMOCRACY: CHOICES FOR MINNESOTA. A draft of the publication was reviewed by authorities in the field of political science. Minnesota businesses contributed funds to assist in printing and distributing 7,000 copies of the publication to the public and each of 3,501 League members in January, 1980.

The publication included the history of initiative, referendum and recall, definitions of the 3 types of initiative, 4 types of referendum and recall, the procedures for using the processes, recent experiences in other states, the bills introduced in the Legislature in 1979, and the good arguments both pro and con on initiative, referendum and recall.

The study committee recommended to local Leagues that they consider a number of other sources of information on the subject, and a set of questions was prepared for each local League to use as their members met to discuss and reach consensus on the topic. These consensus questions asked if the Minnesota Constitution should be amended to add any of 3 types of initiative on

statutes, any of three types of referendum on statutes, and whether the present power of compulsory referendum on amendments should be retained.

- "Was the membership polled? What were the vote totals?" Fifty-eight local Leagues began the consensus process in early 1980. This unique process - defined by the dictionary as general agreement, harmony, or majority of opinion - has been used since the League was formed in 1920 to arrive at positions on all the various issues that comprise our program. It is not just an opinion poll or a totaling of votes. It is a process by which all League members, after reviewing background information, have the opportunity to meet for inquiry, discussion, and debate of the topic.

The results of those discussion meetings including answers to the consensus questions were compiled by each local League and reported to the LWVMN Board of Directors. Those results showed members in support of continuing the power of referendum on constitutional amendments, opposed to most forms of voter initiative and referendum on statutes, and opposed to recall of members of the Legislature and constitutional officers. The results also showed members did not reach consensus on indirect initiative on statutes or petition referendum on statutes; therefore, the League has no position on those types of initiative and referendum. These results were formulated into a position and announced by the LWVMN Board of Directors in June, 1980.

Then and only then did the League consider the proposed constitutional amendment. Since this amendment will provide the direct form of initiative on statutes and in order to comply with the direction of its members, the LWVMN announced opposition to the proposed amendment on July 28.

We agree with the editor that "it is important for the electorate to be aware of this item" and would welcome the opportunity for continuing the debate of the merits of initiative and referendum for Minnesota. We would be glad to present the reasons LWVMN members cited for opposing direct initiative whenever space is available to us.

Sincerely,

*Pamela Berkowitz*  
Pamela Berkowitz  
President

*Harriette Burkhalter*  
Harriette Burkhalter  
Government Co-Chair

B/B:M



## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

February 9, 1981

The Honorable Elmer L. Andersen  
Rosedale Towers  
1700 West Highway 36  
St. Paul, MN 56113

Dear Governor Andersen:

When we met last week in Hopkins, you asked about the League's stand on a possible amendment providing for referendum. I have checked the LWVMN position reached after our recent study of Initiative, Referendum and Recall for Minnesota.

During that study we discussed three types of referendum on statutes: petition, optional, and compulsory. Our members oppose the optional and compulsory forms and ~~did~~<sup>do</sup> not agree on petition referendum. As you know, when our members don't agree, we cannot act as an organization for or against an issue. We can, of course, provide impartial information about those issues for all voters.

Our position also includes support of strict procedural limits on any form of initiative, referendum or recall considered for Minnesota. I would certainly like to see any proposals for referendum; until we know the details of a specific proposal, we cannot evaluate whether the League's course of action would be opposition or voter information.

Sincerely,

Harriette Burkhalter  
President

B:M

UNIT DISCUSSION AIDS  
INITIATIVE, REFERENDUM, & RECALL

To: Initiative, Referendum and Recall Chairs  
From: Harriette Burkhalter, Government Chair  
Re: Helps for Unit Discussion  
Date: November 26, 1979

PATTER TO ENLIVEN INITIATIVE, REFERENDUM, AND RECALL UNIT DISCUSSION - by Barb Reinert, LWV-St. Cloud

Well! Now that we (you have defined all forms of initiative and referendum), shall we run by this again? With illustrations?

Initiative:

Direct: Ham and Rye sandwiches for every Minnesotan. Yes or no

Indirect: Legislature, get us Ham on Rye sandwiches for every Minnesotan.

Advisory: We recommend Ham-on-Rye for every Minnesotan.

This limited option approach gets into trouble because pre-teen groups emerge demanding yucky white bread. Health food groups prefer ground hazelnut and sunflower bread. Religious groups point out that mandated ham is discriminatory. Wheat farmers decry the limiting to rye flour....etc. Legislature apt to say, "Let Them Eat Cake."

Referendum:

Petition ham-on-rye sandwiches. Yes or no

Optional referendum: "We're giving you ham-on-rye sandwiches; do you want them?"

Compulsory referendum: "Because we're giving you real ham in those ham-on-rye sandwiches, we have to ask you: 'Do you want the sandwiches or not?'"

Advisory referendum: "We think you should have ham-on-rye sandwiches; how about it?"

Recall:

Throw out the dumb nerd that suggested ham-on-rye sandwiches. (If you'd rather have bagels, you'll have to start over.)

Possibly unit leaders or those presenting I/R&R could think of using a local example for illustrative purposes. (Just don't spend all your prep time having fun with that...another caution is to not get bogged down with local problems of I/R&R.)

SUMMARY OF EXPERIENCES OF LWV WITH I/R&R IN OTHER STATES AND D.C.

LWVs were contacted in summer of 1979 and asked of their experience with initiative, referendum and recall. Replies received to date can be summarized as follows:

Arizona: Support of I&R, studied in 1975 and '76 with update in 1979. No position on recall.

(over)

California: "Support of effective operation of I&R."

Colorado: Have not studied I&R but used initiative process for reapportionment of Legislature.

D.C.: Neither support nor oppose but provided information on recent proposal to add I/R&R to charter.

Florida: Support for constitutional amendment by initiative but concerned about kinds of issues surfacing for addition to Florida Constitution.

Louisiana: Support for the principle of popular initiative.

Maryland: Support for reforms in state constitution...Petition process: The # of signatures required on a referendum should not exceed 5% of votes for Governor in last election. Standards for determining sufficiency of petitions should be established and set forth publicly by statute or public administrative action rather than included in Constitution (1977).

North Carolina: Considered topic (I/R&R) in 1975 and 1977-79 but did not study or lobby, as efforts were concentrated on campaign financing.

Nebraska: Support for provision of I&R.

North Dakota: Wants increase in number of signatures required on petition and the number stated in percentages.

Oklahoma: Support of the citizens' right to I&R and opposition to increasing present signature requirement.

Oregon: Support of I&R power for the people.

Rhode Island: Support for I&R (1977-78 study and consensus).

South Carolina: Support I&R for constitutional revision. "Skeptically looking into" extending position to include law-making at this time. No position on recall.

Washington: Support for right to place convention call on ballot by initiative.

LWVUS: Cannot support the federal initiative because (1) LWVUS has no position, and (2) seems a questionable procedure to add to national government because of complexity of issues at the national level and further weakening of ties between elected representatives and the people.

Filed



LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102

PHONE: (612) 224-5445

MEMO

TO: Board Members

FROM: Harriette

SUBJECT: Governor's Phone Survey

DATE: July 28, 1980

Isn't this a laugh - the Governor's Office contacted LWVs in other states to ask about their support for I&R. We took credit for being unique here in Minnesota and pointed out the autonomy of state LWVs and our good system here in Minnesota as being one we want to continue.

The question is -- now should we poll Governors in other states to see if they support I&R?

The survey result was released to media during our News Conference on I&R -- by the way!

W

Phone survey of Leagues of Women Voters in 20 states with  
initiative and referendum

An effort was made on July 25 to reach by telephone State League Presidents in 23 states (and Washington, D.C.) that have initiative and referendum. Contacts were made in the following states:

Arkansas (adopted in 1910)  
California (1911)  
Colorado (1910)  
Illinois (Initiative only, 1970)  
Maine (1908)  
Massachusetts (1918)  
Michigan (1913)  
Missouri (1908)  
Montana (1911)  
Nebraska (1912)  
Nevada (1912)  
North Dakota (1889)  
Ohio (1912)  
Oklahoma (1907)  
Oregon (1902)  
South Dakota (1889)  
Utah (1900)  
Washington (1912)  
Washington, D.C. (1977)  
Wyoming (1968)

## Results:

The survey revealed strong and consistent positive views toward I&R among Leagues in states that allow these processes.

- LOWV have been active in initiative and/or referendum campaigns in 19 of these states. (The 20th, Washington D. C.; prepared pro and con statements for the only question on the ballot since I&R was adopted in 1977.)
- LOWV have started or been the main impetus behind initiatives or referendums in 9 of these states (Arkansas, Colorado, Massachusetts, Michigan, Montana, Nebraska, Oklahoma, Washington, Wyoming).
- The overwhelming majority view I&R positively; when asked to characterize the League's view of I&R, the following responses were given:

positive	16
neutral	4
negative	0
- None of the Leagues surveyed have ever made any effort to repeal I&R; none have taken formal positions against I&R; 8 have taken formal positions for some form of I&R (California, Illinois, Massachusetts, Missouri, Nebraska, N. Dakota, Oklahoma, Oregon).



LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102

PHONE: (612) 224-5445

MEMO

TO: Local League Presidents

FROM: Ann Duff and Harriette Burkhalter

SUBJECT: Questions from the Media

DATE: June 26, 1980

The attached release will be going to local papers and media throughout the state. Pay close attention to the paragraph (page 2) indicating areas of non-agreement.

This is the one you may get questions about from your local press - in the middle of dinner or as you just get home from work, or whenever.

We do not have consensus for those forms of I/R&R. Members voiced strong opinion both for and against, so the LWV as an organization will not be taking a position. We have not decided about the fall campaign yet and are proceeding slowly and carefully to be sure our action truly represents your decision.

Keep us posted - if you do get questions, let us know.

## INITIATIVE, REFERENDUM AND RECALL

LWVMN POSITION: Support of the continuation of legislative initiative and compulsory voter referendum on constitutional amendments; opposition to most forms of voter initiative and referendum on statutes; opposition to recall by voters of members of the Legislature and state constitutional officers; support of strict procedural limits on any process of initiative, referendum or recall.

### Details:

#### The League of Women Voters of Minnesota

- . supports the continued initiation of constitutional amendments by the legislative branch; opposes all forms of voter initiative of such amendments (direct, indirect or advisory).
- . supports the continuation of compulsory voter referendum on constitutional amendments.
- . opposes direct initiative and advisory initiative on statutes; does not agree on indirect initiative on statutes.
- . opposes optional and compulsory referendum on statutes; does not agree on petition referendum on statutes.
- . opposes voter recall of members of the Legislature and state constitutional officers; does not agree on voter recall of judges or appointed officials.
- . supports strict procedural limits on any form of initiative, referendum or recall considered or adopted in Minnesota, including restrictions on:
  - time span for collecting signatures;
  - eligibility requirements for persons signing and collecting petitions;
  - percentage of signatures required, geographic distribution of signers, and verification of signatures;
  - size of vote required for passage;
  - procedure for repeal or amendment of a successful initiative or referendum;
  - contributions to and spending for ballot issue campaigns.



**LEAGUE OF WOMEN VOTERS  
OF MINNESOTA**

PHONE (612) 224-5445  
555 WABASHA • ST PAUL, MINNESOTA 55102

# news release

FOR FURTHER INFORMATION, CONTACT:

Harriette Burkhalter - 935-9855  
or 224-5445

For release July 1, 1980

The Board of Directors of the League of Women Voters of Minnesota announced today the League's position on initiative, referendum and recall for Minnesota. However, the Board has not yet decided whether the organization will oppose or be neutral and work to educate the citizens on the pros and cons of the proposed Initiative Amendment. The Amendment, which would allow voter initiative on statutes, was passed by the Legislature and will appear on the November, 1980, ballot.

According to League President Pamela Berkwitz, "The proposal has been defined as both 'direct' and 'indirect' initiative. The definition is significant to the League and all citizens of Minnesota. We are awaiting the 'purpose and effect' statement required by law from the Attorney General's office in early July. We hope his statement will help clarify the issue." What form of action the League will take on the ballot question depends on the directors' decision as to whether the type of initiative proposed is direct or indirect. A decision is expected from the League by late July.

The League opposes amendment of the Minnesota Constitution to add either direct or advisory forms of initiative on statutes. Members agree that the present legislative process, in which debate and compromise occur and citizens have the opportunity to participate, has worked well. The direct form of initiative would allow circumventing of this worthwhile process.

Other conclusions of the League's year-long study of what is often characterized as "direct democracy" are that:

1. the present system of legislative initiative and compulsory voter referendum on constitutional amendments should be continued. It allows both the Legislature, which initiates constitutional amendments, and the citizens who have the opportunity to vote yes or no at the ballot box, to participate in the important process of amending the state Constitution.
2. the Minnesota Constitution should not be amended to add either compulsory or optional referendum on statutes. League members saw these forms of referendum as undermining the Legislature's ability to deal with tough issues.

(more)

3. they oppose recall of members of the Legislature and the constitutional officers in Minnesota, as the next election serves as a sufficient mechanism for removing unpopular legislators or state officers.

The above position reflects consensus among members of the 58 local Leagues throughout the state, who studied and discussed the various forms of initiative, referendum and recall during the past year. Members were almost evenly divided on several questions; therefore, the League has no position on them. Members did not agree on:

1. adding the indirect form of initiative on statutes to the state Constitution.
2. adding petition referendum to the state Constitution.
3. allowing recall of judges or appointed officials.

For definitions of the various forms of initiative, referendum and recall, see Direct Democracy: Choices for Minnesota, published by the League and used by members during the study. The publication is available for the cost of mailing from the League of Women Voters of Minnesota office, 555 Wabasha, St. Paul, MN 55102, (612) 224-5445.

# # # # #

LWVMN 6/13/80

To: Harriette Burkhalter

From: Karen Anderson

Re: I/R&R Position Statement

The following is one suggestion for wording of the I/R&R position statement, developed with the following concerns in mind:

- that the words reflect those words and terms used in the consensus questions, and not make assumptions beyond those words
- that the wording be consistent with (and in the same form as) other LWVMN position statements
- that areas of disagreement as well as agreement be reported in the statement

*in 3 details*  
LWVMN Position - Support of the continuation of compulsory referendum on constitutional amendments <sup>or</sup> and the initiation of amendments by the Legislature rather than the voters; opposition to most forms of voter initiative and referendum on statutes; opposition to recall by voters of members of the Legislature and state constitutional officers; support of strict limits on any process of initiative, referendum or recall proposed for adoption in Minnesota.

- supports ~~the continuation of~~ compulsory referendum on constitutional amendments and the initiation of <sup>such</sup> amendments by the legislative branch
- opposes all forms of voter initiative of constitutional amendments (direct, indirect and advisory)
- opposes direct initiative and advisory initiative on statutes; does not agree on indirect initiative on statutes
- opposes optional and compulsory referendum on statutes; does not agree on petition referendum on statutes
- opposes voter recall of members of the Legislature and state constitutional officers; does not agree on voter recall of judges and/or appointed officials
- supports strict procedural limits on any form of initiative, referendum or recall proposed for adoption in Minnesota, including restrictions on:
  - time span for collecting signatures
  - eligibility requirements for persons signing and collecting petitions
  - percentage of signatures required, and geographic distribution of those signatures ~~and verification of signatures~~
  - size of vote required for passage ~~and verification of signatures~~
  - procedure for repeal or amendment of a successful initiative/referendum

*limits on Campaign Contributions*

PROPOSED CONSENSUS QUESTIONS  
I/R&R

LWV of \_\_\_\_\_

Mail by June 1, 1980, to 555 Wabasha,  
St. Paul, MN 55101

# of members participation in discussion \_\_\_\_\_

# of meetings held on I/R&R \_\_\_\_\_

Kinds of meetings \_\_\_\_\_

	<u>Yes</u>	<u>No</u>	<u>Undecided</u>
I. Should Minnesota adopt some form of Initiative?	_____	_____	_____
of Referendum?	_____	_____	_____
of Recall?	_____	_____	_____
II. Should Minnesota amend its Constitution to provide (answer yes or no):	On Constitutional <u>Amendment</u>	On <u>Statute</u>	
direct initiative?	_____	_____	
indirect initiative?	_____	_____	
advisory initiative?	_____	_____	
petition referendum?	(not applicable)	_____	
optional referendum?	(not applicable)	_____	
recall of state constitutional officials?		_____	

Should the present power of compulsory referendum on  
constitutional amendments be retained? Yes \_\_\_\_\_ No \_\_\_\_\_

Should the power of compulsory referendum on  
statutes be added? Yes \_\_\_\_\_ No \_\_\_\_\_

III. If you favor limits on any of the above processes, indicate below:

The limits should be	<u>strict</u>	<u>moderate</u>	<u>lenient</u>
a. Time span for collecting signatures	_____	_____	_____
b. Persons eligible to sign petitions	_____	_____	_____
c. Persons eligible to collect petitions	_____	_____	_____
d. Percentage of signatures required	_____	_____	_____
e. Geographic distribution of signatures	_____	_____	_____
f. Verification of signatures	_____	_____	_____
g. Size of vote required for passage	_____	_____	_____
h. Procedure of repeal or amendment of successful initiative/referendum	_____	_____	_____
i. Other:	_____	_____	_____

IV. Summarize the main reasons given at your meeting for support or opposition to  
I/R&R.

COMMITTEE GUIDE

Initiative, Referendum and Recall Study

January, 1980

*suggest times!*

I. The Program item adopted at June, 1979, LWVMN Convention was:

A study of the process of initiative, referendum and recall for Minnesota.

Consensus deadline: June 1, 1980

A copy of the consensus questions is included in this packet. Also included is a memo containing some instructions for reporting your consensus results to LWVMN.

II. Background Information for study committee and/or LWV members on I/R&R can be obtained from the following sources:

1. LWVMN FACTS AND ISSUES - I/R&R - "Direct Democracy: Choices for MN" (mailed directly to all LWVMN members)
2. Articles and publications listed in the September, 1979, LWVMN BOARD MEMO.
3. Basic political science textbooks available in your library.
4. "Handouts" at the fall workshops.

III. Important issues to be considered during discussion of I/R&R:

The consensus questions are designed to elicit opinions about the I/R&R process. It is important that meeting participants understand the definitions of all terms and the differences between the specific processes. With those facts clearly in mind, the following questions can be used to generate discussion of the issue:

Is the I/R&R power appropriate to state level government? to local? to federal?

Should the power of I/R&R be provided to the people through the Constitution or by the Legislature?

Should constitutions contain details of procedure or provide only the power of I/R&R?

Is I/R&R an appropriate tool to deal with a reluctant or unresponsive legislature?

As you talk about this last question, there are some things to keep in mind. Historically, much initiative effort has dealt with reapportionment. The LWV spearheaded successful reapportionment initiatives in Oregon and Michigan in the 50s and 60s. Much of the argument in this area centers around the assessment of the job done by the Minnesota Legislature. Following is one "rating" of Minnesota's Legislature:

RATINGS OF STATE LEGISLATURES

"In early 1970 the Citizens Conference on State Legislatures (CCSL) rated the legislatures of all fifty states. They concentrated on the fundamentals of the legislative process. They analyzed legislative structure and procedure. They did not attempt to examine any actual legislation or to evaluate it.

"They rated each state legislature on the following five basic objectives of an ideal democratic legislature: 1) the ability to function effectively; 2) the ability to account to the public for its actions; 3) the ability to gather and use information; 4) the ability to avoid undue out-

side influence; and 5) the ability to represent its people.

"As of mid-1970 Minnesota ranked tenth in overall standings. It ranked 27th in functionality, 7th in accountability, 13th in being informed, 23rd in being independent, and 12th in being representative. The CCSL report stated that Minnesota's outstanding feature is general openness and the accessibility of its process and activities. Minnesota received the lowest grade in the "functional" category. Specifically noted as drawbacks were the relatively large size of the legislature, its small staff, and the limitation of biennial sessions. Since the time of the report, staffing has increased, and interim sessions have been added. Therefore, it is possible that Minnesota has risen in the rankings. Although other states could have made comparable gains, it is doubtful that Minnesota could have dropped much if at all. One ought to assume that Minnesota still ranks in the top 20% in 1979."

(Source: Burns, John. Citizens Conference on State Legislatures. The Sometimes Governments, New York: Bantam Books, 1979, pp. 7 and 52-53.)

The following description of "How a Bill Becomes a Law" in Minnesota may also be helpful as you consider the "need" for I/R&R:

"In Minnesota anyone can propose an idea for a bill. Most often ideas come from members of the Legislature. Each bill must have a House and a Senate sponsor. There may be other authors as well but no more than a total of five in the House and three in the Senate. The Revisor of Statutes puts bill proposals into the proper legal form.

"When a bill is introduced in either house, it is given a number that indicates its chronological order of introduction in that body. Each bill, according to the Minnesota Constitution, must have three readings, on three separate days. After its first reading, the Speaker of the House and the President of the Senate refer the bill to the appropriate standing committee for action. A committee may:

- recommend passage of a bill in its original form;
- recommend passage after amendment by the committee;
- make no recommendation, in which case a bill may die when the session ends.

"All committee meetings are open to the public, and people may testify at committee hearings.

"After acting on a bill, the committee sends a report to the House or Senate, stating its actions and recommendations. After the committee report has been adopted, the bill receives a second reading, and the bill goes to 'General Orders of the Day.' In Committee of the Whole, legislators then discuss all bills on General Orders. Possible actions are: debate, adopt amendments, present arguments on the bills; and they may vote to:

- recommend that a bill 'do pass';
- recommend postponement;
- recommend further committee action.

"The Calendar is a list of bills that the Committee of the Whole recommends to pass. At this point:

- a bill has its third reading;
- amendments to the bill must have the unanimous consent of the entire body;
- legislators vote on it for the final time.

"By committee recommendation, non-controversial bills can bypass General Orders and go directly to a 'Consent Calendar,' usually passing without debate. Every bill requires a majority vote of the full membership of the House and Senate to pass.

"When the House and the Senate both pass the same version of a bill, that bill goes to the Governor for his approval or disapproval. If the House and Senate do not agree, a conference committee of three to five senators and an equal number of representatives meets to reach an agreement. If both bodies then pass the bill in compromise form, it goes to the Governor.

"When a bill arrives at the Governor's office, he may:

- sign it, and the bill becomes law;
- veto it and return it to the body where it originated;
- pocket veto the bill (fail to act until after final adjournment of the Legislature);
- exercise his right to line veto portions of appropriations bills."

Some additional questions which could be used to generate discussion are:

- Is initiative/referendum likely to safeguard "the public good" better than, or at least as well as, legislative action can?
- Can initiative/referendum protect low income and racial minority rights better than, or at least as well as, the Legislature can?
- With initiative/referendum, will the decision-making process be stronger than, or at least as strong as, the legislative process?
- Is not the next election a sufficient recall mechanism?

You could use the following questions to generate discussion in order to respond to part i of question V on limits to the processes:

- Should the Legislature be required to submit to the vote of the people laws dealing with certain matters?
- Should some measures be exempt from I&R?
- Should contributions to ballot campaigns be limited? disclosed?
- Should the constitutionality of an issue be determined before it is placed on the ballot?
- Should petitions on similar issues be consolidated before going on the ballot? How and by whom?

#### IV. Clarification of the limits of discussion.

1. We're talking about I/R&R for the STATE of Minnesota. The use or lack of use at the local level will be interesting, but do not allow the discussion to center around what's happening locally.
2. We're also talking about the PROCESS of I/R&R. The merits or shortcomings of the process, not particular issues, are the topic. Do not allow the discussion to center around the issues themselves, such as:
  - whether to build more nuclear power plants or not?
  - acceptance of the building code in your county or not?
  - the recall of a city official or not?

#### V. The relationship of LWV positions to I/R&R.

The question has come up again and again that perhaps the study of I/R&R is un-

necessary, as there are already LWV positions on the issue. In considering this aspect, keep in mind the following:

The principles of the LWV state the LWV believes in representative government and democratic government's dependence on informed, active citizen participation. Participation can be defined as casting a vote, and it would seem our principles support both representative and direct democracy.

Other LWV positions that have a relationship to discussion of I/R&R are included in LWVMN PROGRAM FOR ACTION's Government Section. They are concerned with: election laws, campaign practices, open meetings and open records, organization of the Legislature, and improving the process of amending the Minnesota Constitution.

Familiarity with these positions is important in assessing the need and desirability of I/R&R.

Recognition of the fact that LWV's history is intimately involved with specific ballot campaigns is also important.

Present efforts for ERA spring from early efforts in behalf of suffrage--and the suffrage campaigns were state referenda in many cases. For decades the LWV worked for Home Rule Charters which included I/R and sometimes recall on the local level. We have supported Direct Primaries, Short Ballots, and Constitutional Revision. It might be easy to interpret positions in these areas to indicate support or opposition to I/R&R, but study has reinforced the decision of Convention to consider the processes of I/R&R for Minnesota based on their own merits and current conditions.

VI. In order to prepare for lively, informative discussion meetings that will attract new members and excite continuing members, we suggest you check the following for helpful hints (they should be on file in your LWV - check with your president):

- Meaningful Meetings: The Role of the Resource Committee, LWVUS #319
- Planning Program: From Choice Through Action, LWVUS #410
- Reference Packet for LWV Research/Study Committees, July, 1979, LWVMN
- \*- Model Discussion Outline, LWVMN, September, 1965
- \*- How to Make Meetings Click, LWV-St. Louis Park, 1958

\*On file in the state office; request by phone if you wish copies.

The opportunity is yours to design the meeting (or meetings) to appeal to your members. You have the publication of the LWVMN study committee, "Direct Democracy: Choices for Minnesota," to serve as a starting point.

The answers to the consensus questions should be the end point, and the middle part is up to you. Use the best material to meet your needs--bulletin articles, visual aids, mock debates--whatever grabs you! The issue is timely and most immediately significant. Interest across the state is intense--so go to it.

Have a good meeting!

*examples of street & seminar in  
quest II.*

To: Local Leagues  
From: Harriette Burkhalter, Government Co-chair, LWVMN  
Re: Instructions for reporting I/R&R Consensus  
Date: December 19, 1979

Please refer to "Reference Packet for LWV Research/Study Committees", LWVMN, July, 1979. The sections involving consensus are #7, 8, and 9.

The I/R&R state study committee and the LWVMN Board recommend that a method of membership voting be used in conjunction with the traditional sense-of-the-meeting method. In other words, you will probably want to fill out one consensus report form for each discussion meeting and indicate some numbers in the space provided for yes/no/undecided answers, i.e., "10 yes, 5 no, 3 undecided."

You might prefer to indicate in terms of percentages, i.e., "80% no; 10% yes; 10% undecided."

Be sure to elicit opinions from all members present, and definitely record any minority voices - no matter how small.

It is then your local study committee's and/or local Board's responsibility to compile results from discussions in your League and report to the state Board on one report form the consensus of your League with some indication of the strength of opinion in your League.

It is possible that minority opinion in several Leagues will coincide, and it will be important to have some numbers or percentages as we compile results for the whole LWVMN.

Therefore, if you are loathe to raise hands to vote at your meetings, then don't use that process, but be sure to estimate numbers or percents to us, as there will be no way to go back later and assess the strength of opinion from your League.

*even if 1st answers no - do others!*

NOV 19 1979

COMMITTEE GUIDE

THE INITIATIVE PROCESS

\$1.00

LEAGUE OF WOMEN VOTERS OF ILLINOIS  
67 EAST MADISON ST., CHICAGO 60603

NOVEMBER, 1979

## PREFACE

At the 1979 state convention of the League of Women Voters of Illinois, the delegates voted to adopt a new item: a study of the process of the public initiative, referendum and recall. It was expected that the study and consensus could be completed within a one-year time frame. Research into the proposed project indicated that this was an impossible schedule. The state board voted, at its September meeting, to divide the study into a two-year project, with the study of the initiative to be completed the first year and referendum and recall to be done the second year. Therefore, consensus on initiative will be due back in the state League office by March 15, 1980. The material and committee guide for referendum and recall will be sent out to local Leagues soon after, with consensus due back in the state League office some time in early 1981.

The publication on initiative, referendum and recall will be delayed. The initiative study will proceed without this publications. This committee guide includes information you will need to study the initiative process. However, by early spring of 1980, the publication will be ready for distribution and that will aid local Leagues in the second year of the study.

## INTRODUCTION

Our system of government expresses the reluctance of the founding fathers to establish unlimited democracy; that is, the people exercising government in person. To them the prospect of citizens meeting together to deliberate and debate, to legislate, judge and administer was an invitation to anarchy and mob rule. The solution to anarchy and mob rule, our founding fathers decided, was best achieved by a representative republican form of government.

The Tenth Amendment to our federal constitution, a part of the Bill of Rights, seems to ensure the basic tenet of the Declaration of Independence, "consent of the governed." The Tenth Amendment insures that our representative government adheres to basic democratic principles: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Yet this does not allow direct citizen initiative. Citizens have input to Congress only through their elected Representatives and Senators.

On the state level the situation is different. The device of initiative enables the people themselves to take part and express a voice in matters of governmental policy. Initiative entitles any qualified voter or voters to originate or propose legislation. This device gives the voting public a role in framing and approving legislation in order to correct what some people felt to be shortcomings of representative democracy.

The idea of initiative is as old as the ancient Greek city-state, the fourteenth century Swiss canton, the seventeenth century New England town meeting.

During the nineteenth century, public confidence in the state legislatures declined dramatically. Corruption in government, questionable lobbying influences, and judicial action which led to charges of "legislation by the courts" contributed to the public demand for measures permitting direct participation in the legislative process. The initiative movement developed to supplement the work of the legislature, but not to supplant it.

The public clamoring for reform led to the Populist movement in the late 1800's and early 1900's. The Populist party platform in 1892 called for initiative, referendum and women's suffrage. South Dakota was the first state to adopt the initiative process, amending its state constitution in 1898 to provide for an indirect initiative. In 1900 Utah approved both direct and indirect initiative, and in 1902 Oregon approved the use of initiative for constitutional amendments and legislation. Over the next sixteen years sixteen more states, mostly west of the Mississippi River, adopted the use of initiative. The "direct democracy" idea lost its impetus after 1918 until a small revival began in the late 1950's and early 1960's. Since 1959 four more states have added some form of initiative to their constitutions.

## DIRECT LEGISLATION

Direct legislation includes three electoral devices: initiative, referendum and recall. All these innovations came into being in the opening decades of the twentieth century. All are used today in various states and municipalities.

Initiative. The initiative is a political device through which the electorate may by petition propose a statute or an amendment to a constitution. It is put into operation through a petition, which must be signed by the number of qualified voters that is required by the constitution. A measure so initiated may go first to the legislature (indirect initiative) for its consideration and possible adoption, with the further provision that should the legislature fail to adopt the proposal it will be submitted to the people for approval or rejection at a forthcoming election. Constitutions frequently provide that a measure so proposed by petition may be referred directly to the voters without prior consideration by the legislature (direct initiative). In rare cases the initiative may be used as a device solely to obtain an expression of opinion by the electorate on an important question of policy. However, it is employed more frequently as a protection against an unrepresentative legislative or party system. The initiative quite often is coupled with the referendum.\*

Referendum. The referendum is an issue submitted to a popular vote. The issue may be the adoption of an amendment to a state constitution or of a law or of a bond issue at the state level, or of a local enactment or bond issue in a city, or county, or school district election. The somewhat technical use of the term referendum applies to a procedure brought about when petitions signed by the requisite number of voters require that a legislative enactment be submitted to a popular vote.\*\*

Recall. The recall is a term applied to an election for removing a public official before the end of his term of office. Procedure provisions involve initial steps similar to those for the initiative and the referendum: petitions signed by the required number of voters and deemed valid by the election authorities then require a recall election. Recall serves the political purpose of removing an official from public office or allowing said official to finish out his term, should he win the recall election. One should remember that a recall election should not be confused with other types of removal from office such as impeachment. The idea of recall may or may not involve guilty conduct; certainly the outcome of the recall election, even if unfavorable, carried no stigma of disability for further office holding.\*\*\*

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\* Quoted from a Dictionary of the Social Sciences, 1964.

\*\* Quoted from the Encyclopedia Americana, International Edition, 1979.

\*\*\*Quoted from the Encyclopedia Americana, International Edition, 1979.

## INITIATIVE - ITS VARIOUS FORMS

Through direct legislation (and this guide is only concerned with the initiative), one can readily see that voters may enact laws or adopt constitutional amendments without action by the legislature. The two devices discussed in this guide are the direct and the indirect initiative, statutory and constitutional.

Direct initiative is the procedure that provides that once the proper number of signatures have been obtained on the petitions and said petitions are deemed valid (as provided for in the proper statute or constitution), the proposed law or amendment is placed on the ballot for passage or rejection by the electorate. This method bypasses the legislature. Fifteen states have adopted some form of direct initiative.

Indirect initiative is the procedure that provides that once the proper number of signatures have been obtained on the petitions and said petitions are deemed valid (as provided for in the proper statute or constitution), the proposed law or amendment is submitted to the legislature which must enact the proposed measure or one SUBSTANTIALLY similar. If the legislature fails to act upon the measure within a set time, or rejects the measure, the question is placed on the ballot. (In three states, if the legislature rejects the measure, additional signatures must be collected to place the measure on the ballot.) This procedure enables a popularly supported measure to become a law or an amendment without the expense of placing it on the ballot. In other words, the legislature has the opportunity to legislate and not be bypassed as in the direct initiative. Five states use the indirect initiative, three others use both procedures. (See map.)

Statutory initiative is any initiative procedure, either direct or indirect, which affects the written law or acts passed by the legislature. South Dakota was the first state to adopt statutory initiative in 1898. Twenty-one states now provide for this procedure.

Constitutional initiative is any initiative procedure, either direct or indirect, which affects the state constitution (amending it). Oregon was the first state to use constitutional initiative in 1902. Sixteen states now provide for constitutional initiative.

Several areas which were affected by initiative are very indicative of the historical period in which they passed. For example, states passed the following measures early in this century, all by the initiative process: women's suffrage, public utility regulations and shorter working hours for women and children. The Depression era saw reforms occur at the state level in relief measures for citizens who were in need. Other measures passed in the three decades since World War II include state government reorganization, taxes, daylight saving time, and the coloring of oleomargarine. Nebraska has a unicameral legislature; California's Fair Housing Act was repealed; the legislatures of California, Michigan, Oregon and Washington were reapportioned; all because of initiative. California's Proposition 13 is the timeliest example of initiative.

Why then don't all states provide for initiative in some form? And conversely, why do some states have it? What are its drawbacks and assets? Critics point to the following:

1. It asks the electorate to make decisions out of their realm of understanding and competence.
2. The ballot propositions may lead the electorate to act emotionally rather than on reason and knowledge.
3. Legislatures should legislate. Initiatives supplant the representative system.
4. Well-heeled interest groups may promote legislation that might not be in the public interest.
5. Complex questions usually cannot be answered by a simple yes or no vote.
6. It provides for a too-long ballot. The electorate may abstain from voting on initiative measures.
7. Government costs could increase. The cost of printing and distributing ballot measures may be high. Also, expensive programs might be passed which would cause taxes to be raised.

Supporters state the following assets:

1. It is the purest form of democracy. The people can achieve measures that meet their needs and desires.
2. The electorate can circumvent pressure groups that have blocked legislation in the General Assembly.
3. Reforms and programs desired by the electorate can be enacted when the legislature has failed to enact or the governor has vetoed such programs.
4. The legislature is prodded into action it might not take otherwise.
5. It creates public interest and action in the affairs of government.
6. Public knowledge is increased.

Direct legislation is not a panacea assuring democratic government as some proponents claim, nor is it a prophecy of doom as its critics claim. It has encouraged responsiveness upon the part of government.

## THE INITIATIVE PROVISION IN THE ILLINOIS CONSTITUTION

Article XIV of the Illinois Constitution is the Constitutional Revision Article. It provides various means by which the Constitution may be amended --- 1) the calling of a constitutional convention, 2) amendments passed by the General Assembly and then submitted to the voters at a general election or, 3) by constitutional initiative for the legislative article.

The last means, constitutional initiative, became available in 1970 with passage of the new Constitution. Illinois citizens until that time had no right to citizen initiative. The current provision reads:

Article XIV. Section 3. Constitutional Initiative for Legislative Article. Amendments to Article IV of this Constitution may be proposed by a petition signed by a number of electors equal in number to at least eight percent of the total votes cast for candidates for Governor in the preceding gubernatorial election. Amendments shall be limited to structural and procedural subjects contained in Article IV. A petition shall contain the text of the proposed amendment and the date of the general election at which the proposed amendment is to be submitted, shall have been signed by the petitioning electors not more than twenty-four months preceding that general election and shall be filed with the Secretary of State at least six months before that general election. The procedure for determining the validity and sufficiency of a petition shall be provided by law. If the petition is valid and sufficient, the proposed amendment shall be submitted to the electors at that general election and shall become effective if approved by either three-fifths of those voting on the amendment or a majority of those voting in the election.

This provision for direct initiative, therefore, allows the Illinois electorate a limited constitutional initiative; Illinois voters have no right to statutory initiative. They are limited to using the initiative procedure to amend only the Legislative Article (Article IV) of the Constitution, not any of the other 13 articles (such as articles on suffrage, the executive, the judiciary, etc.\*). The rationale is that the General Assembly should not be able to bottle up changes in the article directly affecting them, should the citizens wish to make changes.

### No Attempts Yet Successful

In the nearly 10 years since the 1970 Constitution has been in effect, no amendment has gone on the ballot through the initiative process. There have been attempts; none has yet been successful.

For instance, a petition drive for single member districts, which was led by the Committee for Legislative Reform and the League of Women Voters of Illinois in 1974, failed to secure a sufficient number of signatures.

\*This is why, for instance, the League of Women Voters is working for passage of the constitutional amendment for merit selection of judges in the General Assembly. That particular amendment amends the Judicial Article, and the people may not use the initiative for that Article.

In 1975, the Coalition for Political Honesty spearheaded a petition drive which would have added three amendments to the Legislative Article relating to double-dipping (the receiving of remuneration by legislators from more than one governmental agency at the same time), conflict of interest in voting, and the drawing of the salary of allowances by legislators in advance of the session for which these payments were due. Sufficient signatures were collected to place the questions on the ballot.

However, a legal suit was filed by citizens who had been delegates to the Constitutional Convention, questioning the validity of these amendments and trying to block their placement on the November ballot. The court case that resulted pointed up how extremely limited is the initiative provision in our Illinois Constitution.

#### What the Suit Said

The court case, The Coalition for Political Honesty v. State Board of Elections and its companion case, Gertz v. State Board of Elections are the first decisions to interpret the Illinois popular initiative provision. In Gertz, Illinois taxpayers alleged that three proposed amendments did not follow the constitutional prescriptions governing use of the initiative. The trial court forbade the referendum on the proposals and the Illinois Supreme Court affirmed.\* The plaintiffs argued that "this limitation (in Article XIV) requires that any amendments proposed under Section 3 must be to effect changes in both the structure and procedure of subjects in Article IV, the existing legislative article, and that none of the proposals satisfied this requirement."\*\* The court held that the proposed initiative amendments did not meet the requirements of the initiative provision and could not be submitted to the electorate for approval.

The Coalition for Political Honesty, therefore, was denied the right they felt was allowed for their citizen initiatives.

What all this means is that any proposed citizen initiative petition must deal with both structure and procedure provisions in the legislative article, and not just structure or procedure. The Gertz case also means that the court may forbid referenda on amendments proposed by the voters if the proposals fail to comply with restrictions on the use of the initiative.

Several organized groups are currently conducting another petition drive to put the issue of single member districts on the ballot for the 1980 general election. If indeed the sufficient number of petitions are collected by May of 1980, that initiative provision also may be subject to challenge.

#### Group is Developing Proposal for Statutory Initiative in Illinois

In recent months, however, several groups have met to propose an initiative to allow for statutory initiative in Illinois. A copy of the proposed "Lincoln Amendment" is included in the appendix for discussion purposes. The "Lincoln Amendment Committee" (made up of individual members from the IVI-IPO, the Illinois Conservative Union, the Coalition for Political Honesty, LWVIL, the IPAC among others) believes that their proposed amendment meets the Illinois Supreme Court test of structure and procedure as outlined in Article 14, section 3.

\*Law Forum, Illinois Supreme Court Review, p. 123 and 133.

\*\*Ibid.

## IN CONCLUSION

Other state Leagues are looking at the initiative process. The League of Women Voters of New York State reached consensus on an indirect initiative and have been involved in action to get it adopted in their state. We have enclosed a model bill they drafted and got introduced into the New York Assembly. The bill did not come up for a vote this past legislative session. The chart that follows shows initiative as it exists around the nation today.

We have an interesting and difficult task before us. Do we wish to extend the initiative process in Illinois? This study will help us decide.

## APPENDICES

- |            |   |
|------------|---|
| Appendix A | States with Initiative Procedures (Table)   |
| Appendix B | Dates of State Adoption of Initiative Procedures (Map)                                      |
| Appendix C | Lincoln Amendment (copy of sample petition for proposed amendment to Illinois Constitution) |
| Appendix D | New York legislation (copy of resolution)   |
| Appendix E | Bibliography  |

## Appendix A

### STATES WITH INITIATIVE PROCEDURES

Key: (D) - direct; (I) - indirect; (B) - both direct and indirect

		<u>Statutory</u>	<u>Constitutional</u>
Alaska	(D)	10% voters last general election, resident 2/3 election districts	.....
Arizona	(D)	10% qualified voters	15% votes for Governor
Arkansas	(D)	8% voters last general election for Governor	10% votes for Governor last election; 5% in each of 15 counties
California	(D)	5% votes for Governor	8% votes for Governor
Colorado	(D)	8% votes last general election for Secretary of State	Same
Florida	(D)	.....	8% total votes cast in 1/2 congressional district and 8% total votes in state last election for presidential electors
Idaho	(D)	10% votes for Governor last general election	.....
Illinois	(D)	.....	8% votes for Governor last election
Maine	(I)	10% votes for Governor	.....
Massachusetts	(I)	3% votes for Governor	3% votes last gubernatorial election; no more than 1/4 any one county
Michigan	(I)	8% votes for Governor	10% voters last gubernatorial election
Missouri	(D)	5% voters in each of 2/3 Congressional districts	8% votes for Governor in each of 2/3 congressional districts in state
Montana	(D)	5% voters in each of at least 1/3 legislative districts; total must equal 5% total qualified voters	10% voters of state; 10% in each of 2/3 legislative districts
Nebraska	(D)	7% votes last general election for Governor	10% votes for Governor; 5% each of 2/5 counties

		<u>Statutory</u>	<u>Constitutional</u>
Nevada	(I)	10% voters in last general election in 75% of the 17 counties	Same
North Dakota	(D)	10,000 electors	20,000 electors
Ohio	(B)	3% of electors	.....
Oklahoma	(D)	8% total vote for state office receiving largest vote in last general election	15% votes for state office receiving largest number votes last general election
Oregon	(D)	6% total vote for Governor in last general election	8% total vote for Governor in last general election
South Dakota	(I)	5% votes last general election for Governor	.....
Utah	(B)	10% voters (direct); 5% from majority counties (indirect)	.....
Washington	(B)	8% vote for Governor in last general election	.....
Wyoming	(D)	15% vote in last general election, resident in at least 2/3 counties in the state	15% votes; 2/3 counties in the entire state

This chart was prepared by the Initiative and Referendum Committee of the League of Women Voters of New York State under the chair of Edna Olevnic. Their committee guide is on file in the state office and gives much information on the states that have initiative procedures. If any of you would like more information, contact the state office and we will be glad to share the information with you. We thank the League of Women Voters of New York State for the research and writing that they have shared with us.

# Appendix B

## STATES WITH THE RIGHT OF INITIATIVE



## States with the right of initiative

### Adoption Date

### State

1898	South Dakota
1900	Utah
1902	Oregon
1907	Oklahoma
1908	Maine
1910	Arkansas
	Colorado
	Missouri
	Montana
1911	Arizona
1912	California
	Idaho
	Nebraska
	Nevada
	Ohio
	Washington
1913	Michigan
1914	North Dakota
1918	Massachusetts
1959	Alaska
1968	Florida
	Wyoming
1970	Illinois

Appendix C

"LINCOLN AMENDMENT"

PETITION FOR AMENDMENT TO THE CONSTITUTION OF THE STATE OF ILLINOIS

We, the undersigned, being qualified electors of the State of Illinois who have affixed our signatures in our own proper person to this Petition subsequent to January 1, 1979, do hereby petition, pursuant to Section 3 of Article XIV of the Constitution of the State of Illinois, that there be submitted to the qualified electors of this State, for adoption or rejection at the General Election to be held on Tuesday, the Fourth Day of November, A.D. 1980, in the manner provided by law, a proposition to amend Section 1, Subsections 2(c)(d), Section 4, and Subsections 8(a) and 8(b) of Article IV of the Constitution of the State of Illinois, the amended Sections and Subsections to read as follows:

Section 1. Legislature--Power and Structure

The legislative power is vested in a General Assembly consisting of a Senate and a House of Representatives elected by the electors from 59 Legislative Districts, and a Delegate at Large who shall be a member of, and appointed by, the Senate and House of Representatives. The Delegate at Large shall represent the power reserved by the People, called the initiative, to propose laws to the General Assembly and to enact or reject the same at a general or primary election. The limitations expressed in this constitution on the power of the General Assembly to pass laws, with the exception of the veto power of the Governor, shall be deemed limitations on the power of the People to enact laws.

Section 2. Legislative Composition

(c) The Delegate at Large, shall be appointed by the Senate and House of Representatives for one six year term, by a vote of three-fifths of the members elected to each house, within 30 days of the date on which the General Assembly is convened in odd-numbered years, commencing in the year 1981. The Delegate at Large may be removed for cause by a similar vote of both houses. Compensation for the Delegate at Large shall be established by law separate from compensation for elected members.

The Delegate at Large shall advise and counsel electors who wish to petition the General Assembly to enact proposed laws. The Delegate at Large shall introduce in both houses of the General Assembly, and in addition provide testimony on behalf of, laws proposed by electors whose petitions have been determined to be valid and sufficient by the Secretary of State. The Delegate at Large shall possess all the privileges and immunities provided to every other member of the legislature, except the right to vote on issues before the General Assembly.

(d) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. If the vacancy is in the office of Delegate at Large, a new appointment by the Senate and House of Representatives shall be made, within 30 days of the date the vacancy occurs, for the remainder of the term. The Secretary of State shall serve in the capacity of Delegate at Large during any period of time that a vacancy exists. An appointee to fill a vacancy except for the office of Delegate at Large shall be a member of the same political party as the person he succeeds.

Section 4. Election and Appointment

Members of the General Assembly, except for the Delegate at Large, who shall be appointed, shall be elected at the general election in even numbered years.

## Section 8. Passage of Bills and Laws

(a) The enacting clause of the laws of this State shall be: "Be it enacted by the People of the State of Illinois, represented in the General Assembly," but the enacting clause of laws proposed and enacted by the People through the initiative power shall be: "Be it enacted by the People of the State of Illinois."

(b) The General Assembly shall enact laws by bill or as is otherwise provided in this subsection only. Bills may originate in either house, but may be amended or rejected by the other. Laws may be proposed through the initiative power by a petition signed by a number of electors equal in number to at least six percent of the total votes cast for candidates for Governor in the preceding gubernatorial election.

A petition shall be confined to one subject and shall contain the text of the proposed law and the date of the election at which the proposed law is to be submitted. Petitions shall have been signed by the petitioning electors not more than 14 months preceding that election and shall be filed with the Secretary of State at least 7 months before that election. The procedure for determining the validity and sufficiency of a petition shall be provided by law, but the validity and sufficiency of a petition shall be determined not more than 30 days after the filing with the Secretary of State.

Within 14 days of determination that a petition is valid and sufficient, the Delegate at Large shall introduce the complete text of the proposed law in both houses of the General Assembly and provide testimony on its behalf. The General Assembly shall have 45 days in which to enact or reject the proposed law without change or amendment. If the proposed law is enacted by the General Assembly, (Section 10 notwithstanding) it shall take effect on the first day of the succeeding year, unless by its own terms the law provides for its own effective date.

If the General Assembly fails to act or rejects the proposed law, the proposed law shall be submitted to the electors for approval or rejection at the election specified in the initiative petition. The General Assembly may reject any law proposed by initiative petition and propose a different measure upon the same subject, and in such event both measures shall be submitted to the electors for approval or rejection at the election specified in the initiative petition.

A proposed law submitted to the electors shall take effect if approved by a majority of votes cast thereon. If both the electors' proposed law and the General Assembly's measure shall be approved at the same election by a majority of votes cast thereon, the one receiving the highest number of affirmative votes shall prevail.

A law enacted by the electors pursuant to the initiative power shall take effect on the first day of the succeeding year, unless by its own terms the law provides for its own effective date. No law enacted by the electors or the General Assembly pursuant to the initiative power shall be subject to the veto power of the Governor. No law enacted by the electors or the General Assembly pursuant to the initiative power may be amended or repealed by the General Assembly for a period of two years after its effective date except by a three-fifths vote of both houses of the General Assembly.

If in any judicial proceeding, the provisions of two or more laws enacted pursuant to the initiative power at the same election are held to be in conflict, the provisions of the law receiving the highest number of affirmative votes shall prevail.

# STATE OF NEW YORK



4290

1979-1980 Regular Sessions

## IN ASSEMBLY

March 1, 1979

Introduced by M. of A. GORSKI—Multi-Sponsored by—M. of A. BEHAN, BIANCHI, BOYLAND, BURROWS, COCHRANE, FLACK, FLANAGAN, GRABER, HARENBERG, HAWLEY, HOWARD, KENNEDY, H. M. MILLER, MURPHY, ORAZIO, PERONE, PROUD, ROSS, SANDERS, SHEFFER II, SPANO, VELELLA, WILSON—read once and referred to the Committee on Judiciary

### CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to the constitution, in relation to providing for initiative petitions for electors

1 Section 1. Resolved (if the Senate concur), That article twenty of the  
2 constitution be renumbered to be article twenty-one and a new article twenty is  
3 added to read as follows:

#### ARTICLE XX INITIATIVE

4  
5  
6 *Legislative power shall be vested in the senate and assembly, but the people reserve*  
7 *to themselves the power to propose laws and amendments to the constitution and to*  
8 *adopt or reject them at the polls if after submitting the same according to the method*  
9 *provided herein to the legislature that body fails to take positive action. This reserved*  
10 *power is the initiative.*

11 Section 1. An initiative petition shall set forth the full text of the law or  
12 amendment, hereinafter designated as the measure, which is proposed by the petition.

13 § 2. No measure may be proposed which is beyond the reach of the state legislature  
14 itself; or the operation of which is restricted to a particular town, city, or other  
15 political subdivision which is not statewide; or naming any person to hold public  
16 office; or appropriating specific sums of money from the treasury.

17 § 3. An initiative measure embracing more than one subject may not be submitted  
18 to the attorney general or have any effect.

19 § 4. An initiative petition shall be proposed by at least one hundred fifty sponsors  
20 who are registered voters in the state of New York. One sponsor shall be designated  
21 chairperson by the petitioning committee and shall represent the committee. No  
22 sooner than January first, of the year preceding the convening of the legislative  
23 session in which the measure will be introduced, the proposal shall be submitted to the  
24 attorney general. The attorney general shall render an opinion as to its constitution-

EXPLANATION — Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

1 nality if a statute, or its effect upon other provisions of the constitution if an  
 2 amendment and also render his advice as to the form of the proposed measure and as  
 3 to its suitability to accomplish its purpose. He shall also certify that the measure is  
 4 not substantially the same in content or intent as any measure which has been  
 5 qualified for submittal to the voters in like manner at either of the two preceding  
 6 biennial state elections, and that it contains only subjects not excluded from the  
 7 popular initiative. The attorney general's determination shall be made within thirty  
 8 days after receipt of same. The measure shall then be submitted to the secretary of  
 9 state for approval of form and preparation of a petition title representing the intent  
 10 of the proposal. The secretary of state shall prepare, in consultation with the  
 11 chairperson of the sponsoring committee, an unbiased, non-argumentative summary  
 12 of the proposal not to exceed one hundred words which shall appear on the petitions.  
 13 The secretary of state shall provide blanks containing the summary of the proposed  
 14 measure for the use of subsequent signers. Action by the secretary of state shall be  
 15 completed within thirty days of receipt of the petition from the attorney general.

16 § 5. The petitioning committee assumes full responsibility for the circulation of  
 17 the petitions. Only registered voters of New York state may carry or sign petitions.  
 18 Petition bearers shall carry a copy of the full text of the initiative. Petitions shall be  
 19 circulated to obtain signatures of electors equal in number to five percent of the  
 20 electors who voted for governor in the last gubernatorial election if the measure is a  
 21 statute, or eight percent if the measure amends the constitution. No more than five  
 22 percent of the required number of signatures shall come from any one county of the  
 23 state. The petitions shall be filed with the secretary of state at least ten days before the  
 24 legislature convenes at the beginning of its annual session. The secretary of state  
 25 shall submit the measure to both houses of the legislature within twenty days of  
 26 receipt of same, following certification of signatures in a like manner as employed in  
 27 certifying those of an independent candidate for statewide office.

28 § 6. If the measure introduced by initiative is a statute and is passed by both  
 29 houses of the legislature and signed by the governor it becomes law, however, the  
 30 governor may veto the measure. Both houses of the legislature must pass the measure  
 31 within six months after receipt of the measure from the secretary of state or override a  
 32 gubernatorial veto of the measure within the same time period. If both houses fail to  
 33 do so the secretary of state shall submit the measure to the voters at the next general  
 34 election. If the measure is amended by the legislature and passes both houses both the  
 35 amended measure and the original measure shall be put on the ballot. The electors  
 36 may choose one or reject both.

37 § 7. If the measure is a constitutional amendment it may be adopted by the normal  
 38 legislative process. If both houses of either legislature in its two year term fail to pass  
 39 the measure in its original form the petitioning committee shall present to the  
 40 secretary of state within ninety days of a negative vote on the proposed measure or  
 41 upon adjournment without action on the proposed measure an additional number of  
 42 signatures equal to four percent of those voting in the last gubernatorial election, with  
 43 no more than five percent of these coming from any one county of the state. Upon  
 44 receipt of the additional signatures the secretary of state shall have fifteen days to  
 45 certify their validity. He shall then submit the measure to the voters at the next  
 46 general election, provided that the said election is to be held more than four weeks  
 47 following filing of the additional signatures to the secretary of state.

48 § 8. Once an initiative petition has become law, the governor shall have no power of  
 49 veto. Initiative measures may not be repealed by the legislature for a period of three  
 50 years except by a two-thirds vote of both houses.

51 § 9. If in the opinion of the attorney general, any two initiative measures approved  
 52 by the people in the same election are in conflict, the one having the higher number of  
 53 affirmative votes at such election shall govern. A constitutional amendment approved  
 54 at any election shall govern any law approved at the same election.

1 § 10. An initiative measure approved by a majority of the votes cast thereon shall  
 2 take effect one day after the date of the official declaration of such vote by the  
 3 secretary of state unless the measure provides otherwise.

4 § 2. Resolved (if the Senate concur), That the foregoing amendment be  
 5 referred to the first regular legislative session convening after the next  
 6 succeeding general election of members of the assembly, and, in conformity with  
 7 section one of article nineteen of the constitution, be published for three months  
 8 previous to the time of such election.

9

10

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NOTE: There are many articles and information on the initiative process. It requires research in your local libraries. The sources listed here are just a few of the more important ones that were used in the development of the committee guide. The single most important source you need in this study is the Constitution of the State of Illinois. One cannot study a constitutional issue without it. Free copies can be obtained from the Secretary of State's Office, Springfield, IL 62706. Ask for the Handbook of Illinois Government.

CONSENSUS MATERIALS

## PREPARING FOR THE CONSENSUS MEETING

### Background Material

Since this is the third consensus meeting on a state item for this year, your League has probably developed the consensus techniques quite well. But because of turnover of personnel, it might be helpful to list the reference materials that you should have in League files.

If you cannot find your copies, and need the publications in a hurry, call the state office to see if we have some on hand to sell to you from here. We do not ordinarily stock LWVUS publications, but have a few left from regionals. If we have them on hand, we will be glad to sell them to you from here; if not, the LWVUS publications number and price is listed so you can order from National.

Consensus Available only from LWVIL for 10 cents plus 6 percent tax. This is a one-sheet explanation of the steps to consensus, and will be most helpful to your League committee for this study.

Planning Program: From Choice Through Action LWVUS Pub. No. 410 50¢ plus 6 percent tax. Six page publication describing the development of a committee, how to design discussion meetings, how to arrive at consensus and how to develop a position.

Meaningful Meetings: The Role of the Resource Committee LWVUS Pub. No. 319, 40 cents plus 6 percent tax. This is a basic tool for making a meeting productive, beginning with the responsibility of your board, your committee leadership, your resource committee, your discussion leader.

These will help you get off to a good start. Then provide your members with some information before your meeting on citizen initiative. You may use some material from this guide, or from the bibliography in Appendix E.

### Handling the Questions

The consensus questions are geared to determining whether your League likes the current provision for initiative in the Illinois Constitution or whether you prefer a change and, if so, what kind. The following discussion questions will help bring out some of the points that should be discussed, and are only suggestions to your resource committee. You may think of others:

- .Do you want the type of voter initiative for Illinois that exists in California?
- .Does the Gertz decision put too many restrictions on popular initiatives to change the Illinois legislature?
- .Is Illinois ready for direct legislation by its citizens?
- .Are the drawbacks to initiative greater than its benefits?
- .Would your League be willing to work for adoption of the initiative expansion if we reached consensus to do so?
- .What would be the advantages of statutory initiative in Illinois? Could you see a Bottle Bill passing in Illinois as it did in Michigan, for example?

CONSENSUS QUESTIONS ON INITIATIVE

LWV OF \_\_\_\_\_

CONSENSUS DUE: MARCH 15, 1980

Return to: LWV of Illinois, 67 East Madison St., Chicago, Illinois 60603

---

1. The Illinois Constitution (Article 14, Section 3) provides for a direct citizen initiative limited to changing the legislative article. Does your League favor any change?
2. If you favor a change, which of these do you support? (If your League favors any limits on any of the types of initiative described below, or has any other comments to make, please use the space provided.)
  - a. Direct initiative for statutory change?
  - b. Direct initiative for constitutional change?
  - c. Indirect initiative for statutory change?
  - d. Indirect initiative for constitutional change?
  - e. Other?

Number of members \_\_\_\_\_

Number participating in consensus \_\_\_\_\_

PROJECT REQUEST FORM

TO: LEAGUE OF WOMEN VOTERS EDUCATION FUND  
1730 M Street, N.W.  
Washington, D.C. 20036

Date September 10, 1979

FROM: Name Sally Sawyer, Executive Director

League of Women Voters of Minnesota

Address 555 Wabasha

St. Paul, MN 55101

Proposed project:

Publication of one or two "FACTS AND ISSUES" on "Initiative, Referendum, and Recall". This is a lively issue in Minnesota at the present time and has been adopted as the 1979-81 LWVMN study.

Details of the project to be considered, including plans for execution:

We plan a non-partisan, objective public information publicatin, covering history and background, experience in other states, and pro and con arguments. We anticipate a 8½" x 11" format, approximately 12 pages long, or else two publications, one 4 pages and one 8 pages long.

Donor(s): To be solicited

Proposed budget for the use of the grant (including 5% overhead due Education Fund):

<u>Income</u>	<u>Expenditures</u>	
	Education Fund charge	\$ 500
\$10,500	8000 copies of 12 pp. Facts and Issues	2500
	Distribution costs (some bulk mail)	750
	Office Overhead	1900
	Staff time	3500
	Promotion	150
	Volunteer Committee expenses	1200
		<u>\$10500</u>

Distribution plans for printed material (if such material is part of the project):

All LWVMN members will receive copies (4000). In addition, we hope to reach Minnesota legislators, state University and Community Colleges, public school curriculum directors and social studies teachers, and members of the general public.



## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

*Herruth*

March 12, 1980

Mr. Carlos W. Luis  
Vice President, Public Affairs  
General Offices/3M  
220-14W 3M Center  
St. Paul, MN 55101

Dear Mr. Luis:

This letter is to confirm our telephone conversation of yesterday.

We are so pleased with the willingness of 3M to contribute an additional \$1,000 through the League of Women Voters Education Fund to reprint and distribute another 3,000 copies of our Initiative, Referendum and Recall study.

The League of Women Voters of Minnesota has been very happy with the positive response of the public to our publication. It has been much in demand, as I told you, with less than 600 copies now remaining of our original printing of 8,000. Your generous support will enable us to meet the requests local Leagues and our state office are continuing to receive for this clear, objective information. As the Legislature moves closer each day to making the issue a constitutional amendment on the November, 1980, ballot, the League's citizen education project is needed more than ever.

I am enclosing another copy for you so that you have one of your own to read!

Again, the sincere thanks of the League of Women Voters of Minnesota for the continuing support of 3M.

Sincerely,

*Emily Schmitz*  
Emily Schmitz  
Development Chair

S:M  
Enclosure

Mailed first class (.28) to all 33 dailies including specially addressed copies to George McCormack, Mpls. Tribune; Austin Wehrwein, Mpls. Star; John Finnegan and George Rice, Pioneer Press/Dispatch: St. Paul; and 34th copy to Lori Sturdevant, Mpls. Tribune. Enclosed this letter within copy of IR/R

*Harvest*



## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

February 5, 1980

TO MEMBERS OF THE NEWS MEDIA

The League of Women Voters of Minnesota (LWVMN) is pleased to present you with the attached copy of DIRECT DEMOCRACY: CHOICES FOR MINNESOTA, prepared as part of the League of Women Voters of Minnesota's citizen education project on initiative, referendum and recall for Minnesota.

This publication is a result of research and writing by a committee of League members from Duluth, St. Cloud, Bemidji, Rochester, and the metro area, working since June of 1979. It will serve as the kickoff for discussion by voters throughout the State of Minnesota. After study and consideration, LWVMN members will decide whether to support or oppose adding the processes of initiative, referendum and recall to the Minnesota Constitution. LWVMN's position will be announced by July, 1980.

These issues are currently under debate and discussion in the Legislature. The LWVMN publication does not encourage support or opposition but provides definitions of the terms, describes the uses of these processes in other states, and the procedures that could be set up to institute initiative, referendum and recall. A section of the publication discusses the good arguments both pro and con that center around these processes. Some of the questions raised by advocates and opponents are:

- . Does allowing voters to make laws directly conflict or complement our system of representative government?
- . Would initiative, referendum and recall detract from the effectiveness of the present law-making system in Minnesota?
- . Would initiative, referendum and recall increase citizen interest and confidence in government?
- . Would wealthy special interest groups dominate ballot campaigns?
- . Can minority interests be protected?
- . Do conservatives or liberals benefit from initiative, referendum and recall?

Partial funding of the study by grants from 3M and Champion International Corporation have made possible distribution of these publications for education of citizens. Contact the League of Women Voters of Minnesota for information about obtaining additional copies.



**LEAGUE OF WOMEN VOTERS  
OF MINNESOTA**

**PHONE (612) 224-5445**

**555 WABASHA • ST PAUL, MINNESOTA 55102**

**UNIT DISCUSSION AIDS**

**INITIATIVE, REFERENDUM, & RECALL**

To: Initiative, Referendum and Recall Chairs  
From: Harriette Burkhalter, Government Chair  
Re: Helps for Unit Discussion  
Date: November 26, 1979

PATTER TO ENLIVEN INITIATIVE, REFERENDUM, AND RECALL UNIT DISCUSSION - by Barb Reinert, LWV-St. Cloud

Well! Now that we (you have defined all forms of initiative and referendum), shall we run by this again? With illustrations?

**Initiative:**

Direct: Ham and Rye sandwiches for every Minnesotan. Yes or no

Indirect: Legislature, get us Ham on Rye sandwiches for every Minnesotan.

Advisory: We recommend Ham-on-Rye for every Minnesotan.

This limited option approach gets into trouble because pre-teen groups emerge demanding yucky white bread. Health food groups prefer ground hazelnut and sunflower bread. Religious groups point out that mandated ham is discriminatory. Wheat farmers decry the limiting to rye flour....etc. Legislature apt to say, "Let Them Eat Cake."

**Referendum:**

Petition ham-on-rye sandwiches. Yes or no

Optional referendum: "We're giving you ham-on-rye sandwiches; do you want them?"

Compulsory referendum: "Because we're giving you real ham in those ham-on-rye sandwiches, we have to ask you: 'Do you want the sandwiches or not?'"

Advisory referendum: "We think you should have ham-on-rye sandwiches; how about it?"

**Recall:**

Throw out the dumb nerd that suggested ham-on-rye sandwiches. (If you'd rather have bagels, you'll have to start over.)

Possibly unit leaders or those presenting I/R&R could think of using a local example for illustrative purposes. (Just don't spend all your prep time having fun with that...another caution is to not get bogged down with local problems of I/R&R.)

SUMMARY OF EXPERIENCES OF LWV WITH I/R&R IN OTHER STATES AND D.C.

LWVs were contacted in summer of 1979 and asked of their experience with initiative, referendum and recall. Replies received to date can be summarized as follows:

Arizona: Support of I&R, studied in 1975 and '76 with update in 1979. No position on recall.

(over)

California: "Support of effective operation of I&R."

Colorado: Have not studied I&R but used initiative process for reapportionment of Legislature.

D.C.: Neither support nor oppose but provided information on recent proposal to add I/R&R to charter.

Florida: Support for constitutional amendment by initiative but concerned about kinds of issues surfacing for addition to Florida Constitution.

Louisiana: Support for the principle of popular initiative.

Maryland: Support for reforms in state constitution...Petition process: The # of signatures required on a referendum should not exceed 5% of votes for Governor in last election. Standards for determining sufficiency of petitions should be established and set forth publicly by statute or public administrative action rather than included in Constitution (1977).

North Carolina: Considered topic (I/R&R) in 1975 and 1977-79 but did not study or lobby, as efforts were concentrated on campaign financing.

Nebraska: Support for provision of I&R.

North Dakota: Wants increase in number of signatures required on petition and the number stated in percentages.

Oklahoma: Support of the citizens' right to I&R and opposition to increasing present signature requirement.

Oregon: Support of I&R power for the people.

Rhode Island: Support for I&R (1977-78 study and consensus).

South Carolina: Support I&R for constitutional revision. "Skeptically looking into" extending position to include law-making at this time. No position on recall.

Washington: Support for right to place convention call on ballot by initiative.

LWVUS: Cannot support the federal initiative because (1) LWVUS has no position, and (2) seems a questionable procedure to add to national government because of complexity of issues at the national level and further weakening of ties between elected representatives and the people.

COMMITTEE GUIDE  
Initiative, Referendum and Recall Study

Harriette Burkhalter, LWVMN Government Chair  
5 West St. Albans Road  
Hopkins, MN 55343  
(612) 935-9855  
January, 1980

I. The Program item adopted at June, 1979, LWVMN Convention was:

"A study of the process of initiative, referendum and recall for Minnesota."

Consensus deadline: June 1, 1980.

A copy of the consensus questions is included in this packet. Also included is a memo containing instructions for reporting your consensus results to LWVMN and an example of an initiative petition.

II. Background Information for study committee and/or LWV members on I/R&R can be obtained from the following sources:

1. LWVMN FACTS AND ISSUES - I/R&R - "Direct Democracy: Choices for MN"  
(mailed directly to all LWVMN members in January, 1980)
2. Articles and publications listed in the September, 1979, LWVMN BOARD MEMO.
3. Basic political science textbooks available in your library.
4. "Handouts" at the fall workshops.

III. Clarification of the limits of discussion.

1. We're talking about I/R&R for the STATE of Minnesota. The use or lack of use at the local level will be interesting, but do not allow the discussion to center around what's happening locally.
2. We're also talking about the PROCESS of I/R&R. The merits or shortcomings of the process, not particular issues, are the topic. Do not allow the discussion to center around the issues themselves, such as:
  - whether to build more nuclear power plants or not?
  - acceptance of the building code in your county or not?
  - the recall of a city official or not?

IV. Important issues to be considered during discussion of I/R&R:

The consensus questions are designed to elicit opinions about the I/R&R process. It is important that meeting participants understand the definitions of all terms and the differences between the specific processes. With those facts clearly in mind, the following questions can be used to generate discussion of the issue:

Is the I/R&R power appropriate to state level government? to local? to federal?

Should the power of I/R&R be provided to the people through the Constitution or by the Legislature?

Should constitutions contain details of procedure or provide only the power of I/R&R?

Is I/R&R an appropriate tool to deal with a reluctant or unresponsive legislature?

As you talk about this last question, there are some things to keep in mind. Historically, many initiative efforts have dealt with reapportionment. The LWV

spearheaded successful reapportionment initiatives in Oregon and Michigan in the '50s and '60s. Much of the argument in this area centers around the assessment of the job done by the Minnesota Legislature. Following is one "rating" of Minnesota's Legislature:

RATINGS OF STATE LEGISLATURES

"In early 1970 the Citizens Conference on State Legislatures (CCSL) rated the legislatures of all fifty states. They concentrated on the fundamentals of the legislative process. They analyzed legislative structure and procedure. They did not attempt to examine any actual legislation nor to evaluate it.

"They rated each state legislature on the following five basic objectives of an ideal democratic legislature: (1) the ability to function effectively; 2) the ability to account to the public for its actions; 3) the ability to gather and use information; 4) the ability to avoid undue outside influence; and 5) the ability to represent its people.

"As of mid-1970 Minnesota ranked tenth in overall standings. It ranked 27th in functionality, 7th in accountability, 13th in being informed, 23rd in being independent, and 12th in being representative. The CCSL report stated that Minnesota's outstanding feature is general openness and the accessibility of its process and activities. Minnesota received the lowest grade in the "functional" category. Specifically noted as drawbacks were the relatively large size of the legislature, its small staff, and the limitation of biennial sessions. Since the time of the report, staffing has increased, and interim sessions have been added. Therefore, it is possible that Minnesota has risen in the rankings. Although other states could have made comparable gains, it is doubtful that Minnesota could have dropped much if at all. One ought to assume that Minnesota still ranks in the top 20% in 1979."

(Source: Burns, John. Citizens Conference on State Legislatures. The Sometimes Governments, New York: Bantam Books, 1979, pp. 7 and 52-53.)

The following description of "How a Bill Becomes a Law" in Minnesota may also be helpful as you consider the "need" for I/R&R:

"In Minnesota anyone can propose an idea for a bill. Most often ideas come from members of the Legislature. Each bill must have a House and a Senate sponsor. There may be other authors as well but no more than a total of five in the House and three in the Senate. The Revisor of Statutes puts bill proposals into the proper legal form.

"When a bill is introduced in either house, it is given a number that indicates its chronological order of introduction in that body. Each bill, according to the Minnesota Constitution, must have three readings, on three separate days. After its first reading, the Speaker of the House and the President of the Senate refer the bill to the appropriate standing committee for action. A committee may:

- recommend passage of a bill in its original form;
- recommend passage after amendment by the committee;
- make no recommendation, in which case a bill may die when the session ends.

"All committee meetings are open to the public, and people may testify at committee hearings (according to the rules of the '79-80 session).

"After acting on a bill, the committee sends a report to the House or Senate, stating its actions and recommendations. After the committee report has been adopted, the bill receives a second reading, and the bill goes to 'General Orders of the Day.' In Committee of the Whole,

legislators then discuss all bills on General Orders. Possible actions are: debate, adopt amendments, present arguments on the bills; and they may vote to:

- recommend that a bill 'do pass';
- recommend postponement;
- recommend further committee action.

"The Calendar is a list of bills that the Committee of the Whole recommends to pass. At this point:

- a bill has its third reading;
- amendments to the bill must have the unanimous consent of the entire body;
- legislators vote on it for the final time.

"By committee recommendation, non-controversial bills can bypass General Orders and go directly to a 'Consent Calendar,' usually passing without debate. Every bill requires a majority vote of the full membership of the House and Senate to pass.

"When the House and the Senate both pass the same version of a bill, that bill goes to the Governor for his approval or disapproval. If the House and Senate do not agree, a conference committee of three to five senators and an equal number of representatives meets to reach an agreement. If both bodies then pass the bill in compromise form, it goes to the Governor.

"When a bill arrives at the Governor's office, he may:

- sign it, and the bill becomes law;
- veto it and return it to the body where it originated;
- pocket veto the bill (fail to act until after final adjournment of the Legislature);
- exercise his right to line veto portions of appropriations bills."

Some additional questions which could be used to generate discussion are:

- Is initiative/ referendum likely to safeguard "the public good" better than, or at least as well as, legislative action can?
- Can initiative/referendum protect low income and racial minority rights better than, or at least as well as, legislative action can?
- With initiative/referendum, will the decision-making process be stronger than, or at least as strong as, the legislative process?
- Is not the next election a sufficient recall mechanism?
- Should the Legislature be required to submit to the vote of the people laws dealing with certain matters?
- Should some measures be exempt from I&R?
- Should contributions to ballot campaigns be limited? disclosed?
- Should the constitutionality of an issue be determined before it is placed on the ballot?
- Should petitions on similar issues be consolidated before going on the ballot? How and by whom?

#### V. Clarification of consensus question #6.

This question asks about limits you might wish to place on the processes of I/R&R if they are adopted for Minnesota. It is important for all members of the discussion group to consider this question as well as previous ones. Members opposing

I/R&R may be willing to lend support to the processes if the restrictions or limits are strict enough.

The limits used in other states are described in the publication, "Direct Democracy: Choices for Minnesota." The last section of the question (i) asks for "other" limits you might want to suggest. Those in use in other states (and also described in the publication) include things such as:

- limits on subject matter, certain matters must be or may not be placed on the ballot;
- limits on contributions to ballot campaigns, who can contribute and what amounts are allowed;
- limiting similar issues appearing on the same ballot;
- etc.

You are asked to indicate if you prefer strict, moderate, or lenient limits. A strict limit on the time for collecting signatures would mean the time span allowed would be short, making it difficult to obtain the necessary number of signatures and therefore difficult to use the process. A lenient limit would mean allowing a long time span for gathering signatures, making it easier to use the process.

- VI. Attached to this Study Guide is an initiative petition reprinted from the LWV of California's October-November VOTER for your use as an example. LWV members in California were asked to clip the "mini" petition with room for three signatures and mail to the coalition sponsoring the initiative drive. 345,116 signatures were needed by November 29, 1979, to qualify proposals for the June, 1980, ballot. The petition is included with this material only to give you an opportunity to understand the mechanics of the initiative process. Notice, the title and summary as prepared by the attorney general on the front and the fuller text on the back along with instructions to circulators. This example petition could serve as a "visual aid" for your discussion meeting.

- VII. The relationship of LWV positions to I/R&R.

The question has come up again and again that perhaps the study of I/R&R is unnecessary, as there are already LWV positions on the issue. In considering this aspect, keep in mind the following:

The principles of the LWV state the LWV believes in representative government and democratic government's dependence on informed, active citizen participation. Participation can be defined as casting a vote, and it would seem our principles support both representative and direct democracy.

Other LWV positions that have a relationship to discussion of I/R&R are included in LWVMN PROGRAM FOR ACTION's Government Section. They are concerned with: election laws, campaign practices, open meetings and open records, organization of the Legislature, and improving the process of amending the Minnesota Constitution.

Familiarity with these positions is important in assessing the need and desirability of I/R&R.

Recognition of the fact that LWV's history is intimately involved with specific ballot campaigns is also important.

Present efforts for ERA spring from early efforts in behalf of suffrage--and the suffrage campaigns were state referenda in many cases. For decades the LWV worked for Home Rule Charters which included I/R and sometimes recall on the local level. We have supported Direct Primaries, Short Ballots, and Constitutional Revision. It might be easy to interpret positions in these areas to indicate support or opposition to I/R&R, but study has reinforced the decision of Convention to consider the processes of I/R&R for Minnesota based on their own merits and current conditions.

VII. In order to prepare for lively, informative discussion meetings that will attract new members and excite continuing members, we suggest you check the following for helpful hints (they should be on file in your LWV - check with your president):

- Meaningful Meetings: The Role of the Resource Committee, LWVUS #319
- Planning Program: From Choice Through Action, LWVUS #410
- Reference Packet for LWV Research/Study Committees, July, 1979, LWVMN
- \*- Model Discussion Outline, LWVMN, September, 1965
- \*- How to Make Meetings Click, LWV-St. Louis Park, 1958

\*On file in the state office; request by phone if you wish copies.

The opportunity is yours to design the meeting (or meetings) to appeal to your members. You have the publication of the LWVMN study committee, "Direct Democracy: Choices for Minnesota," to serve as a starting point.

The answers to the consensus questions should be the end point, and the middle part is up to you. Use the best material to meet your needs--bulletin articles, visual aids, mock debates--whatever grabs you! The issue is timely and most immediately significant. Interest across the state is intense--so go to it.

Have a good meeting!

## INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

**TAXATION. INITIATIVE STATUTE.** Levies a 10% surtax on the business income from California sources of energy businesses (except public utilities) whose principal activity is the obtaining, processing, distributing or marketing of oil, gas, coal, or uranium. Allows a tax credit against surtax of \$.50 for every dollar invested in California after January 1, 1979 to increase the production or refining of California crude oil or gas over 1978 base levels. Requires that surtax proceeds be used to fund increased bus and rail service for Californians and to develop alternative transportation fuels. Prohibits businesses from passing surtax on to consumers. Financial impact: Increase in state revenues of \$125 million to \$400 million depending upon extent to which tax credit is utilized. No significant impact on state expenditures. No impact on local government revenues or expenditures.

THIS COLUMN FOR OFFICIAL USE ONLY	<b>CIRCULATOR:</b> See instructions on other side <b>SIGNER:</b> Please fill in all information by hand in ink. Use only ball point pens. (Do not use felt tip pens). No ditto marks. No abbreviations. All signers of this petition must be registered in _____ <input type="checkbox"/> B <input type="checkbox"/> county.	THIS COLUMN FOR OFFICIAL USE ONLY
	<b>1</b> SIGNATURE AS REGISTERED _____ ADDRESS AS REGISTERED _____ PRINT YOUR NAME AS REGISTERED _____ CITY _____ ZIP _____	
	<b>2</b> SIGNATURE AS REGISTERED _____ ADDRESS AS REGISTERED _____ PRINT YOUR NAME AS REGISTERED _____ CITY _____ ZIP _____	
	<b>3</b> SIGNATURE AS REGISTERED _____ ADDRESS AS REGISTERED _____ PRINT YOUR NAME AS REGISTERED _____ CITY _____ ZIP _____	
	<b>CIRCULATOR:</b> All signature spaces <b>do not</b> need to be completed for this petition to be valid.	

## DECLARATION OF CIRCULATOR (To be completed AFTER above signatures have been obtained.)

I am registered to vote in the County (or City and County) of ☐ C ☐ . Each of the signatures to this petition was signed in my presence. Each signature of this petition is, to the best of my knowledge and belief, the genuine signature of the person whose name it purports to be. All signatures to this document were obtained between ☐ D ☐ , 1979 and ☐ E ☐ , 1979. I certify (or declare under penalty of perjury) that the foregoing is true and correct.

X \_\_\_\_\_ ☐ F ☐ \_\_\_\_\_ ☐ G ☐ \_\_\_\_\_ ☐ H ☐  
 Signature of Circulator Date Address as Registered  
 \_\_\_\_\_ ☐ I ☐ \_\_\_\_\_ ☐ J ☐ \_\_\_\_\_ ☐ K ☐  
 Print Name City (in full) Zip

BE SURE TO SIGN THIS DECLARATION AT "X" BEFORE SENDING IN (Notarization not necessary)

## INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

**TAXATION. INITIATIVE STATUTE.** Levies a 10% surtax on the business income from California sources of energy businesses (except public utilities) whose principal activity is the obtaining, processing, distributing or marketing of oil, gas, coal, or uranium. Allows a tax credit against surtax of \$.50 for every dollar invested in California after January 1, 1979 to increase the production or refining of California crude oil or gas over 1978 base levels. Requires that surtax proceeds be used to fund increased bus and rail service for Californians and to develop alternative transportation fuels. Prohibits businesses from passing surtax on to consumers. Financial impact: Increase in state revenues of \$125 million to \$400 million depending upon extent to which tax credit is utilized. No significant impact on state expenditures. No impact on local government revenues or expenditures.

To the Honorable Secretary of State of California:

We, the undersigned, registered, qualified voters of California, residents of ☐ County (or City and County), hereby propose amendments to the Revenue and Taxation Code, relating to taxation of excess oil profits and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to the general election or otherwise provided by law. The proposed statutory amendments (full title and text of the measure) read as follows:

Section 1. Chapter 2.8. (commencing with Section 23480) is added to Part 11 of Division 2 of the Revenue and Taxation Code, to read:

### Chapter 2.8. Oil Profits Tax

23480. We, the people of California, do hereby levy an energy surtax on the excess profits of oil companies operating within this state.

23481. The surtax shall apply to all energy businesses, except public utilities, whose principal activity is the obtaining, processing, distributing or marketing of oil, gas, coal, or uranium, but not of alternative sources of energy, as defined by the California Energy Commission such as solar, geothermal, wind, or biomass. Principal activity means more than fifty percent (50%) of sales as determined by the California Franchise Tax Board pursuant to Chapter 17 or 18 of the Bank and Corporation Tax Law.

23482. The surtax shall be imposed at the rate of ten percent (10%) on the business income from California sources.

23483. In determining the amount of business income from California sources subject to the surtax, the sum of five million dollars (\$5,000,000) shall be excluded from worldwide business income. However, the amount excluded shall be reduced by one dollar (\$1.00) for each one dollar (\$1.00) of worldwide business income in excess of five million dollars (\$5,000,000).

23484. A credit of fifty cents (\$.50) shall be allowed against this surtax for every dollar (\$1.00) invested in California after January 1, 1979, to increase the production or refining of California crude oil or gas over 1978 base levels. Credits for 1979 may be allowed under rules adopted by a two-thirds vote of the Legislature. In no case shall the tax credit allowed exceed fifty percent (50%) of the surtax due. Tax credits in excess of the fifty percent (50%) allowed may be carried over to subsequent years.

23485. Collection of the surtax shall be the responsibility of the California Franchise Tax Board. For purposes of applying the credit allowed under Section 23484, the California Energy Commission shall certify investments made to increase refining of California crude; the Division of Oil and Gas, of the Department of Conservation, shall certify investments made in new or increased production.

23486. All proceeds from the surtax shall be deposited in the Transportation Planning and Development Account: to fund increased bus and rail service for Californians and to develop alternative transportation fuels.

23487. The energy surtax and estimated surtaxes shall be paid at such time and in such manner as required by state law for other taxes due under the Bank and Corporation Tax Law.

Section 2. The Legislature, by a two-thirds vote of the members of each house, may strengthen but not weaken the provisions of this measure.

Section 3. This measure shall apply to income years beginning on and after January 1, 1980.

Section 4. Businesses subject to this surtax shall not pass this surtax on to the consumer.

Section 5. If any section, part, clause, or phrase hereof is for any reason held to be invalid or unconstitutional, the remaining sections shall not be affected, but shall remain in full force and effect.

**CIRCULATOR:** Please follow these instructions carefully.

1. You must be a registered voter.

2. Fill in county (or city and county) where petition is to be circulated on both sides of petition in spaces marked A and B. You may circulate petitions in any county, but each petition may be circulated in only one county.

3. Make sure the signers fill in all information completely and accurately in ink with ball point pens. (No felt tip pens, no ditto marks, no abbreviations).

4. AFTER each petition is filed, you must complete the "Declaration of Circulator" spaces (marked C, D, E, F, G, H, I, J and K). Be sure to give all requested information, including the county in which you are registered and the three dates requested.

5. While it is most helpful if all the signature spaces are filled with valid signatures, this petition is valid and important even if it contains only one signature. But remember, even with only one signature, you must still complete the "Declaration of Circulator," and all spaces, A, B, C, D, E, F, G, H, I, J and K must be filled in.

**CIRCULATOR:** Did you fill in all information requested in boxes A, B, C, D, E, F, G, H, I, J and K (including the date before G)?  
Did you fill in the proper county in spaces A, B and C? (B through K are on the front side)

To: Local Leagues  
From: Harriette Burkhalter, Government Co-chair, LWVMN  
Re: Instructions for reporting I/R&R Consensus  
Date: January 22, 1980

Please refer to "Reference Packet for LWV Research/Study Committees," LWVMN, July, 1979. The sections involving consensus are #7, 8, and 9.

The I/R&R state study committee and the LWVMN Board recommend that a method of membership voting be used in conjunction with the traditional sense-of-the-meeting method. In other words, you will probably want to fill out one consensus report form for each discussion meeting and indicate some numbers in the space provided for yes/no/undecided answers, i.e., "10 yes, 5 no, 3 undecided."

Be sure to elicit opinions from all members present, and definitely record any minority voices - no matter how small.

It is then your local study committee's and/or local Board's responsibility to compile results from discussions in your League and report to the state Board on one report form the consensus of your League with some indication of the strength of opinion in your League.

It is possible that minority opinion in several Leagues will coincide, and it will be important to have numbers as we compile results for the whole LWVMN.

Therefore, if you are loathe to raise hands to vote at your meetings, then don't use that process, but be sure to estimate numbers in reporting to us, as there will be no way to go back later and assess the strength of opinion from your League.

MAIL BY JUNE 1, 1980, to 555 Wabasha, St. Paul, MN 55102

CONSENSUS QUESTIONS  
INITIATIVE, REFERENDUM AND RECALL

LWV of \_\_\_\_\_  
# of members who participated in discussion: \_\_\_\_\_  
# of meetings held on I/R&R: \_\_\_\_\_  
Kinds of meetings (general membership, unit, other?): \_\_\_\_\_

	<u>Yes</u>	<u>No</u>	<u>Undecided</u>
1. Should Minnesota adopt some form of Initiative	_____	_____	_____
Referendum	_____	_____	_____
Recall	_____	_____	_____

2. Should Minnesota amend its Constitution to provide  
a. the power of initiative on Constitutional Amendments?

	<u>Yes</u>	<u>No</u>	<u>Undecided</u>
Which type?	_____	_____	_____
Direct initiative	_____	_____	_____
Indirect initiative	_____	_____	_____
Advisory initiative	_____	_____	_____

Should Minnesota amend its Constitution to provide

	<u>Yes</u>	<u>No</u>	<u>Undecided</u>
b. the power of initiative on <u>Statutes</u> ?	_____	_____	_____
Which type?	_____	_____	_____
Direct initiative	_____	_____	_____
Indirect initiative	_____	_____	_____
Advisory initiative	_____	_____	_____

	<u>Yes</u>	<u>No</u>	<u>Undecided</u>
3. Should Minnesota amend its Constitution to provide	_____	_____	_____
petition referendum on statutes	_____	_____	_____
optional referendum on statutes	_____	_____	_____
compulsory referendum on statutes	_____	_____	_____

	<u>Yes</u>	<u>No</u>	<u>Undecided</u>
4. Should the present power of compulsory referendum on constitutional amendments be retained?	_____	_____	_____

(continued)

5. Should Minnesota amend its Constitution to provide recall of state officials?

	<u>Yes</u>	<u>No</u>	<u>Undecided</u>
constitutional officers	_____	_____	_____
judges	_____	_____	_____
members of Legislature	_____	_____	_____
and/or appointed officials	_____	_____	_____

6. If you favor limits on any of the above processes, indicate below:

The limits should be	<u>strict</u>	<u>moderate</u>	<u>lenient</u>
a. Time span for collecting signatures	_____	_____	_____
b. Persons eligible to sign petitions	_____	_____	_____
c. Persons eligible to collect petitions	_____	_____	_____
d. Percentage of signatures required	_____	_____	_____
e. Geographic distribution of signatures	_____	_____	_____
f. Verification of signatures	_____	_____	_____
g. Size of vote required for passage	_____	_____	_____
h. Procedure for repeal or amendment of a successful initiative/referendum	_____	_____	_____
i. Other limits	_____	_____	_____

7. Summarize 2 or 3 of the main reasons given at your meeting for support or opposition to I/R&R. (Use space below or a separate sheet if necessary.)

February 6, 1980

The League of Women Voters of Minnesota (LWVMN) is pleased to present you with the attached copy of DIRECT DEMOCRACY: CHOICES FOR MINNESOTA, prepared as part of the League of Women Voters of Minnesota's citizen education project on initiative, referendum and recall for Minnesota.

This publication is a result of research and writing by a committee of League members from Duluth, St. Cloud, Bemidji, Rochester, and the metro area, working since June of 1979. It will serve as the kickoff for discussion by voters throughout the State of Minnesota. After study and consideration, LWVMN members will decide whether to support or oppose adding the processes of initiative, referendum and recall to the Minnesota Constitution. LWVMN's position will be announced by July, 1980.

These issues are currently under debate and discussion in the Legislature. The LWVMN publication does not encourage support or opposition but provides definitions of the terms, describes the uses of these processes in other states, and the procedures that could be set up to institute initiative, referendum and recall. A section of the publication discusses the good arguments both pro and con that center around these processes. Some of the questions raised by advocates and opponents are:

- . Does allowing voters to make laws directly conflict or complement our system of representative government?
- . Would initiative, referendum and recall detract from the effectiveness of the present law-making system in Minnesota?
- . Would initiative, referendum and recall increase citizen interest and confidence in government?
- . Would wealthy special interest groups dominate ballot campaigns?
- . Can minority interests be protected?
- . Do conservatives or liberals benefit from initiative, referendum and recall?

Partial funding of the study by grants from 3M and Champion International Corporation have made possible distribution of these publications for education of citizens. Contact the League of Women Voters of Minnesota for information about obtaining additional copies.

VOTE

NO

ON

AMENDMENT

4

**Consider the Effects.**

Before you go to the polls, on November 4th, for the Minnesota General Election, consider the possibilities:

- Initiative and Referendum could undermine the rights of minority interests.
- Initiative and Referendum could place control of law-making in the hands of well-financed, special interest groups.
- Initiative and Referendum could reinforce the trend toward "single issue" politics, further polarizing our society.
- Initiative and Referendum could weaken the law-making process by blurring political accountability of legislators.
- Initiative and Referendum could erode the present lawmaking procedures of the committee system of representative government as we now know it.

Paid & Prepared by  
League of Women Voters  
Ballot Issues Fund  
Georgeann Hall, Treasurer  
555 Wabasha, St. Paul, MN



Representative

government

works. . . .

Initiative &

Referendum

will cripple

representative

democracy.

### **Minnesota's reputation of progressive government could be lost to "single issue" politics!**

Minnesota's political climate enjoys a national and worldwide reputation. People know of Minnesota government as responsive, effective, and progressive—and above all, clean and free of any suggestion of scandal or special interest excess.

### **Initiative and Referendum is a tool of the powerful and wealthy!**

The positive nature of representative democracy, throughout this nation, has suffered a serious setback through the rise of special interest, single issue politics. Individuals bind together with a single political target—whether social, fiscal, domestic, or international in focus—and willingly discard all other considerations in the arena of public policy. The result has been a serious erosion in the ability of public bodies to function in response to the total public good.

Initiative and Referendum (I & R) is a reflex reaction to the unique and unwholesome effects of single issue political behavior. I & R becomes the manipulative tool of the wealthy and the powerful. Affluent groups with access to the levers of power will be able to force their goals on the people of Minnesota.

### **Emotionalism could overrule common sense approaches.**

Initiative and Referendum may seem like an acceptable outlet for voter frustration, but it destroys the idea of representative democracy and the necessary accountability of elected officials. There are many social and economic issues—among others—that would immediately be subjects for initiative. **How would your issue fare?** It depends on who has the most money to promote their cause. One thing is for certain: the minority viewpoint, no matter how valid, and how well presented in the councils of representative government, could be wiped out by the vote of the majority—no matter how slim that majority might be!

### **American traditions are built on representative government and minority rights.**

"The tyranny of the majority" was the great fear of this country's founding fathers. That's why the foundations of American government have rested on representative democracy. It is the one form of basic democracy where the institutions of the society cannot be used for the oppression of a minority group. To encourage a division within our society through a proposition like I & R, where special majorities can make public policy affecting minorities, is contrary to the American traditions of "fair play" and equal treatment under the law.

### **The organized monied, special interests will have their voices heard with I & R.**

It is a known fact that voter participation in general elections is on an increasing decline. The drop-off of those voting on referendum issues in an election is substantial. Even among those who do vote, large percentages have not taken the time to study the issues put forth on the ballot. The result is a majority opinion by less than a majority of the population making decisions on matters in which they have been primarily influenced by a slick media advertising campaign. Such an information effort merely reduces complicated issues to emotional, attention-grabbing, 30-second television commercials. This is not the way to permit our laws to be made and the future of our children to be set.

### **Representative government allows the airing of all viewpoints as well as intense study of the issues.**

The committee structure of a representative form of government permits the public—regardless of their viewpoint—to make their voice heard on issues under consideration in the public arena. This same form of government assures the citizens of this state that a matter will be analyzed, debated and discussed through a series of public hearings in both houses of the Legislature before coming to a floor vote and then to the Governor for signature. It is a system of checks and balances that has served all of the people of Minnesota since the earliest days of statehood.