Involvement in Government

Inquire: How Can Americans Impact Public Policy?

Overview

Voting is the main way people participate in the political process, but are there other ways the American people can impact public policy? And, are there identifiable factors that lead to greater participation?

Lastly, is participation necessary? Is it a civic duty? Or, is non-participation a passive way of approving the status quo?

Big Question: What impacts Americans’ participation in politics?

Watch: To Smoke or Not to Smoke?

How much direct democracy is too much? When citizens want one policy direction and the government prefers another, who should prevail?

Consider recent laws and decisions about marijuana. California was the first state to allow the use of medical marijuana, after the passage of Proposition 215 in 1996. Just a few years later, however, in Gonzales v. Raich (2005), the Supreme Court ruled that the U.S. government had the authority to criminalize the use of marijuana. In 2009, Attorney General Eric Holder said the federal government would not seek to prosecute patients using marijuana medically, citing limited resources and other priorities. Perhaps emboldened by the national government’s stance, Colorado voters approved recreational marijuana use in 2012. Since then, other states have followed. 23 states and the District of Columbia now have laws in place that legalize the use of marijuana to varying degrees. In a number of these cases, the decision was made by voters through initiatives and direct democracy.

So, what is the problem? First, while citizens of these states believe smoking or consuming marijuana should be legal, the U.S. government does not. The Controlled Substances Act (CSA), passed by Congress in 1970, declares marijuana a dangerous drug, and selling it a prosecutable act. Despite Holder’s statement, a 2013 memo by James Cole, the deputy attorney general, reminded states that marijuana use is still illegal.

Direct democracy has placed the states and its citizens in an interesting position. States have a legal obligation to enforce state laws and state constitutions, yet they also must follow the laws of the United States. Citizens who use marijuana legally in their state are not using it legally in their country. This leads many to question whether direct democracy gives citizens too much power.
Direct democracy has other drawbacks. One is that direct democracy requires more of the voters. Instead of voting based on party, the voter is expected to read and become informed to make smart decisions. Initiatives can fundamentally change a constitution or raise taxes. Recalls remove politicians from office. These are not small decisions.

So, is direct democracy too much democracy, or do we leave too much in the hands of too few with too much money? Are the negatives outweighed by the people’s freedom to have more control over their government? These discussions are not new, and will continue, as America continues to move into the future.

Read: Direct Democracy - Citizens Impacting Public Policy

Direct Democracy vs. Indirect Democracy

The majority of United States elections are held to facilitate indirect democracy. Elections allow the people to pick representatives to serve in government and make decisions on their behalf. Representatives pass laws, implement taxes, and carry out decisions. Although direct democracy had been used in some of the colonies, the framers of the Constitution granted voters no legislative or executive powers because they feared the masses would make poor decisions and be susceptible to whims. During the Progressive Era, however, governments began granting citizens more direct political power. States that formed and joined the United States after the Civil War often assigned their citizens some methods of directly implementing laws or removing corrupt politicians. Citizens now use these powers at the ballot to change laws and direct public policy in their states.

Direct Democracy Defined

Direct democracy occurs when policy questions go directly to the voters for a decision. These decisions include funding, budgets, candidate removal, candidate approval, policy changes, and constitutional amendments. Not all states allow direct democracy, nor does the United States government. Direct democracy takes many forms; it may occur locally or statewide. Local direct democracy allows citizens to propose and pass laws that affect local towns or counties. Towns in Massachusetts, for example, may choose to use town meetings, which is a meeting comprised of the town’s eligible voters, to make decisions on budgets, salaries, and local laws.

Statewide direct democracy allows citizens to propose and pass laws that affect state constitutions, state budgets, and more. Most states in the country’s western half allow citizens all forms of direct democracy, while most states on the eastern and southern regions allow few or none of these forms. States that joined the United States after the Civil War are more likely to have direct democracy, possibly due to the influence of Progressives during the late 1800s and early 1900s. Progressives believed citizens should be more active in government — a hallmark of direct democracy.

Referendum, Initiative, and Recall

There are three forms of direct democracy used in the United States: referendum, initiative, and recall. A referendum asks citizens to confirm or repeal a decision made by the government. A legislative referendum occurs when a legislature passes a law or a series of constitutional amendments and presents them to the voters to ratify with a yes or no vote. A judicial appointment to a state supreme court may require voters to confirm whether the judge should remain on the bench. Popular referendums occur when citizens petition to place a referendum on a ballot in order to repeal legislation enacted by their state.
government. This form of direct democracy gives citizens a limited amount of power, but it does not allow them to overhaul policy or circumvent the government.

The most common form of direct democracy is the **initiative**, or proposition. An initiative is normally a law or constitutional amendment proposed and passed by the citizens of a state. Initiatives completely bypass the legislatures and governor, but are subject to review by the state courts if they are not consistent with the state or national constitutions. Passing an initiative is not an easy process, and it varies from state to state. Most states require that a petitioner, or the organizers supporting an initiative, file paperwork with the state and include the proposed text of the initiative. This allows the state or local office to determine whether the measure is legal, as well as estimate the cost of implementing it. This approval may come at the beginning of the process or after organizers have collected signatures. The initiative may be reviewed by the state attorney general, as in Oregon’s procedures, or by another state official or office. In Utah, the lieutenant governor reviews measures to ensure they are constitutional.

Next, organizers gather registered voters’ signatures on a petition. The number of signatures required is often a percentage of the number of votes from a past election. In California, for example, the required number is five percent (for a law) and eight percent (for an amendment) of the votes in the last gubernatorial election. This means through 2018, it will take 365,880 signatures to place a law on the ballot and 585,407 signatures to place a constitutional amendment on the ballot.

Once the petition has enough signatures from registered voters, it is approved by a state agency or the secretary of state for placement on the ballot. Signatures are verified by the state or a county elections office to ensure that signatures are valid. If the petition is approved, the initiative is then placed on the next ballot, and the organization begins to campaign to voters.

While the process is relatively clear, each step can take a lot of time and effort. First, most states place a time limit on the signature collection period. Organizations may have only 150 days to collect signatures, as in California, or as long as two years, as in Arizona. For larger states, the time limit may pose a dilemma if the organization is trying to collect more than 500,000 signatures from registered voters. Second, the state may limit who may circulate the petition and collect signatures. Some states, like Colorado, restrict what a signature collector may earn, while Oregon bans payments to signature-collecting groups. Additionally, the minimum number of signatures required affects how many ballot measures a state usually has. Arizona had more than 60 ballot measures on the 2000 general election ballot because the state requires so few signatures to get an initiative on the ballot. Oklahomans see far fewer ballot measures because the number of required signatures is higher.

Another consideration is that voters in primaries are more ideological and more likely to research the issues. Measures that are complex or require a lot of research, such as a lend-lease bond or changes in the state’s eminent-domain language, may do better on a primary ballot. Measures that deal with social policy, such as laws preventing animal cruelty, may do better on a general election ballot when more of the general population comes out to vote. Proponents for the amendments or laws will take this into consideration as they plan.

Finally, the **recall** is one of the more unusual forms of direct democracy; it allows voters to decide whether to remove a government official from office. All states have ways to remove officials, but removal by voters is less common. The recall of California Governor Gray Davis in 2003, and his replacement by Arnold Schwarzenegger, is perhaps one of the more famous recalls. The recent attempt by voters in Wisconsin to recall Governor Scott Walker shows how contentious and expensive a recall can be. Walker spent over $60 million in the election to retain his seat.
Reflect: Political Participation Factors

Poll
Having learned about political participation and the factors that impact political behavior, which of these factors do you think is most important?

- Education
- Age
- Racial and Ethnic Group
- Gender

Expand: Political Participation - A Civic Duty?

Introduction
People may participate in politics in many ways. They can write their representative or senator, work for a candidate or political party, make presentations to their local school board or city council, or call the police to complain about a neighbor’s dog. Partly because of our federalist system, people have many opportunities to participate in democracy on the federal, state, and local levels. Some forms of participation are more common than others, and some citizens participate more than others, but almost everyone has a voice in government.

This leads to two questions. First, who participates, and why? Second, as participation declines in the U.S., is this a bad sign or an indication of satisfaction?

Who Participates and Why?
Experts have found several social and economic characteristics to be strongly associated with high levels of political participation:

- **Education:**
  The single most important characteristic of a politically active citizen is a high level of education. Generally, the more education an individual has, the more likely he or she is to vote. Why? Perhaps because the well-educated understand complex issues better, or maybe they have learned the importance of civic responsibility. Or, it could just be that their occupations are more flexible in allowing them to take time to go to the polls. Others argue that since educated people tend to be wealthier, they have more at stake in the political process.

- **Age:**
  Despite the big push in the early 1970s to allow 18 year olds to vote, 18-24 year olds have consistently held the lowest rate of voting. In fact, in recent years, their older siblings, ages 25-34, don't do much better. The highest percentages of eligible voters who actually vote are in the age groups 45 and above.

- **Racial and Ethnic Group:**
  If only race and ethnicity are considered, white voters have higher voting rates than black and Latino voters. However, this is somewhat deceptive. Some studies that control for income and education levels have found that the voting rates are about the same for white, black, and Latino voters.
Gender:
For many years, women were underrepresented at the voting booths, but in recent elections, they have turned out in at least equal numbers to men. In fact, in 1992 and 1996, turnout among women actually exceeded that of men.

Declining Voter Turnout - Bad? Good? Who Knows?
Since the beginning of the 20th century, American voter turnout has been on the decline. Less than 50% of eligible voters went to the polls during the 1996 presidential election. Smaller percentages are routinely reported for congressional elections, and even fewer Americans bother to vote for their local representatives. The United States ranks near the bottom of modern democratic nations who measure voter turnout.

There are many factors that could contribute to low voter turnout. Many analysts cite growing alienation among voters. The scandals of the past several decades have engendered a cynicism that has led to a decrease in political interest, particularly among the nation's younger voting populations. There tends to be a correlation between self-efficacy — or the belief that an individual can actually make a difference — and voting. Some observers believe the decline in voter turnout indicates that Americans feel less certain that they make an impact than Americans felt during the 19th century.

Other analysts disagree; they argue that American nonvoting may be a passive vote of confidence. Since many Americans are pleased with economic progress, they may feel reluctant to make a change, and thus stay home on Election Day. Also, American participation in political activities other than voting exceeds that of other modern democracies. More Americans report the willingness to participate in community projects, attend school board meetings, or contact their representatives directly than European citizens.

Participation takes many forms. The American democracy enables its people to join a political party, work on a campaign, or contribute money toward a political cause. More locally, citizens form action groups, draw up petitions, and send mail to their representatives. Although American voter turnout has been declining, these other avenues of participation remain strong.

Lesson Toolbox

Additional Resources and Readings
Public Opinion: Crash Course Government and Politics #33
- A Crash Course video covering public opinion in the U.S.
  - https://www.youtube.com/watch?v=WJLDgb8m3K0

Democracy - A short introduction
- A short video explaining democracy and its history
  - https://www.youtube.com/watch?v=u6jgWxkbR7A

Direct Democracy
- A short video explaining direct democracy and its pros and cons
  - https://www.youtube.com/watch?v=CSzTHJdsDnU&t=92s
Lesson Glossary

direct democracy: a form of government where people participate directly in making government decisions instead of choosing representatives to make government decisions for them

referendum: a yes or no vote by citizens on a law or candidate proposed by the state government

initiative: law or constitutional amendment proposed and passed by the voters and subject to review by the state courts; also called a proposition

recall: the removal of a politician or government official by the voters

Check Your Knowledge

1. The three forms of direct democracy are referendum, initiative, and recall.
   A. True
   B. False

2. Individuals who are well educated understand complex issues better, or perhaps have learned the importance of civic responsibility and therefore are more likely to not participate in politics.
   A. True
   B. False

3. Why are individuals who have had more education more likely to participate in politics?
   A. They understand the importance of civic responsibility.
   B. Their occupations are more flexible and allows them to go to the polls.
   C. They have more at stake in the political process since they tend to be wealthier.
   D. all of these

Answer Key:
1. A  2. B  3. D

Citations

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