



What Happens When the People Decide?

A campaign in Michigan to end partisan gerrymandering in 2018, is part of a legacy of ballot initiatives dating back to the 1800s. After becoming disillusioned with the results of the 2016 election, Katie Fahey took to Facebook to gauge the interest of grassroots mobilization amongst her colleagues, friends and family. Now the executive director of a nonpartisan voter reform organization, Fahey shares how the ballot initiative excited everyday people about becoming active in politics, including its 10,000 volunteers, and how they were inspired to make political changes in their communities. In this episode, Jenna lays out the basics of the initiative, the history

of how it caught on in the United States, and the pros and cons that she will explore throughout the series.

Jenna Spinelle:

My idea of politics starts in a bingo hall in Pottsville, Pennsylvania. I went to bingo with my grandma every Thursday night when I was a kid. Her name was Barbara, but everyone called her Barbie. We'd go to a church basement line with rows of tables and women of all ages sitting there marking their bingo cards, as the priest called out each number from the stage. He'd be sitting next to a light up board with numbers and that cylindrical contraption that shuffles the number balls around. The smell of fried food flowed from the kitchen. I'd come home every week, smelling like cigarette smoke and french fries, and barely got the smell out of my clothes before going back the next week.

Spinelle: And I loved it. I loved listening to the conversations that women had while they marked their cards with those little dabber things. They talked about work. Barbie worked in a textile factory that made airline, bus, and train seat covers. And some of her coworkers would join her for the game and the conversation. They talked about their kids and their grandkids, and they talked about politics.

Spinelle: One major topic was the Black Lung Benefits that many widows of coal miners in the area received, and how they spent hours on the phone trying to claim and keep them. And I remember a lot of the discussion was about our local representative at the time, Tim Holden, and what he was or wasn't doing for his constituents.

Spinelle: My grandma dropped out of high school in 10th grade, so she could get a job. She earned her GED 30 years and six kids later. She was a union member and had strong opinions

about the importance of working together to stand up to people in charge. She was not shy about speaking her mind.

Spinelle: And every week at bingo, I took it all in the power of people coming together to talk about real issues, settled into my brain, just like the cigarette smoke and french fry smell did on my clothes. Barbie isn't with us anymore. But the inspiration she gave me still is. Those nights at bingo always felt so much more real to me than anything I would hear a politician say on TV, or even later when I became a reporter and would interview them.

Spinelle: Everyday people who step up to make a difference, they make me excited about politics. Their stories inspired the research for this series about one way that people can control political decisions. And that's the ballot initiative. It's a way for citizens to propose a change to their laws. First, by gathering signatures for a petition. And if they get enough signatures presenting the proposed change directly for voters to say yes or no to during an election. They're also called ballot measures, propositions, citizens or voters initiatives.

Spinelle: This is When The People Decide. I'm Jenna Spinelle. This episode, an introduction to ballot initiatives through a modern story and a bit of history.

Spinelle: Katie Fahey never imagined she'd become a professional democracy entrepreneur. Like me, Katie would not describe her family as political per se.

Katie Fahey: We did a lot in the community just based on our faith. And then my Dad worked in downtown Detroit with veterans. And so I think our lives were really tied to service, but we didn't really talk about politics.

Spinelle: Katie is the executive director of The People, a nonpartisan political reform organization. It helps Americans access the tools they need to engage in the political process, like helping them launch ballot initiatives. Her work founding The People comes from her own experience running a ballot initiative campaign in her home state of Michigan, back in 2017 and 2018. But she wasn't always this involved, especially in her early days as a voter.

Fahey: I made sure my friends are registered to vote. I maybe like signed some of those like pledges online that were like, hey, I really want some politician to care about renewable energy or whatever. But I really hadn't ever volunteered on a campaign. The actual party politics aspect really, it did not resonate with me. I really cared about more the person who was being elected and most of the volunteer opportunities that I got exposed to were, Hey, come help this Democrat or come help this Republican win. And I just didn't, that didn't really appeal to me.

Spinelle: After college, Katie started her professional life. She got a job as a program administrator for the Michigan Recycling Coalition. The Flint water crisis happened, and that was a big influence on her. She says she began to really see how removed politicians were from the concerns of average people. One day, something in the news caught her attention.

Fahey: They were talking about how, even though more people in Michigan voted for... When I was first starting to vote, it was more people were voting for Democrats. They got like 60% of the vote, yet actually the Republicans in the state had a super majority. They were controlling the state of politics.

Fahey: That's when I started being like, oh, interesting, and also started thinking about, oh, our votes don't line up with like the election results necessarily. And some journalists who were talking about that said one of the only ways we could fix this is, we don't think the legislature is going to give themselves less power. So if you want to fundamentally fix some of this, citizens will have to be the ones who step up and use the ballot initiative process. They were kind of saying if we want election results to actually be responsive to what the people in Michigan want, then you have to fix gerrymandering. I did not think I would be the one to really kick off doing that.

Spinelle: Gerrymandering is manipulating boundaries of electoral districts to gain advantage for one side. The idea is to divide your opponents into different districts so they're always in the minority. Politicians used gerrymandering to win elections, so they weren't going to do anything about it. Katie said the way to fix it was to bypass the legislature and go directly to the voters.

Fahey: I was driving in my car. I think I was going to work. And this like light bulb just went off of like, oh, what's that? We don't have to just be miserable. Like listening to how politics is going every single day. This is exciting.

Spinelle: Then in 2016, Donald Trump is elected president. A poll by the Pew Research Center, a few months before his election, found that participants' views of the opposing party were much more negative than in the poll's nearly 25 year history. Katie was seeing this partisanship in her own immediate circles.

Fahey: After the 2016 election, I saw a lot of my friends and family who for the very first time had voted. Automatically, if their candidate didn't win, they jumped into despair and oh well, the world's over for the next couple years. Or if their candidate did win, they were jumping into like, yay, everything's solved. And now I don't have to worry about it. But I was like, wait, hold on. There's actually a lot of issues that go on at the local level that still need your attention. And for me, I was like, well, redistricting, I think could help what I'm hearing. Both my friends and family really want, which is more accountability from the government and more responsiveness.

Spinelle: She put together people's lack of faith in politics and what she heard in that news story, and shared her feelings with her coworker at the recycling coalition, Kelly Shelter.

Fahey: We were both kind of feeling like, man, we are so frustrated, or we were both really sad and distressed at how sad and distressed our networks were. And our friends were after this election. And so we're like, we've got to give people something that they can like work together on. And we both cared about gerrymandering. I more wanted to kind of see like, Hey, do I have some friends who also care about this? And maybe we can go volunteer together.

Spinelle: Two days after the election, Katie went to share her and Kelly's thoughts, where else, on Facebook.

Fahey: So I make this Facebook post that says, hey, I want to end gerrymandering in Michigan. Do you want to help, let me know. Smiley face.

- Fahey: It's like eight in the morning. Actually it must have been like 7 in the morning. I go off to work. Don't think anything about it. I make plenty of Facebook posts. And by lunchtime, I start seeing that there's actually a bunch of comments. And a bunch of people have like private messaged me saying, I've cared about this issue for a long time. Sign me up. I'm ready to help you.
- Fahey: Kelly was in the office with me. And I was like, oh my gosh, this is real. And I was like, should we do something about this? And she's like, we have to do something about this. And that's when kind of panic started. And I was like, I don't actually know how to end gerrymandering.
- Spinelle: Katie says she basically Googled how to do ballot initiatives in Michigan. It's one thing to identify a problem, but something else entirely to come up with a solution. And that's what an initiative campaign requires, that you create something concrete for voters to react to. Katie took her post and created a Facebook group. That group became an organization that eventually called itself Voters Not Politicians. Their pitch: voters should pick their politicians, not the other way around. After a lot of research and surveying Voters Not Politicians crafted a proposal to establish an independent commission to draw voting districts in Michigan. From the get go, putting the proposal on the November 2018 ballot in Michigan faced challenges.
- Spinelle: First, they filed their petition with the state and waited for state officials to approve the language in it before they started gathering signatures.
- Fahey: What we had been told to expect with getting our petitions approved was a 24 to 48 hour process. It actually ended up taking them like several months.
- Spinelle: And then the real boots on the ground work. They had 180 days to gather a minimum of 315,654 registered Michigan voters to sign the petition to put the initiative on the ballot.
- Fahey: We were immediately met with skepticism, just so much skepticism. We could tell right off the bat, we were not doing things how we were normally done. For example, we didn't already have what our constitutional language would be. We wanted to go and tour around the state and ask thousands of people, what kind of process they thought would be fair when it came to redistricting. Normally a group comes, they already have their language, they're done with that. We were planning to gather all of those signatures with volunteers, which is another thing that is completely unheard of. Normally in Michigan, everybody pays for their signatures, at least partially. And so that was another thing that people are just immediately like, you guys have no idea what you're doing. There's no way this is going to be successful.
- Spinelle: Voters Not Politicians depended on its volunteers.
- Fahey: When we finally decided to file our paperwork, we did a news conference like a, we did like a Facebook Live. We also had in person to that reporters came to. But we were opening our bank account the same day we were doing that press conference. And so all the reporters were like you need millions of dollars to do this. And we didn't have that. Most campaigns have like a paid full time campaign manager, which I eventually could become for our campaign. But in the beginning, like I had the New York Times calling my work

office. They had to like, then be like, oh, actually I've got to go outside on my lunch break and I can call you back.

Spinelle: It was grassroots all the way.

Fahey: We had no money. We were just an online Facebook group. A group of strangers. We had no idea we were doing. Thankfully we got a couple volunteers who had worked many years in government. And so we started a policy research team. We had a bunch of people sign up for whatever, if they were interested in like education or fundraising or policy. We had volunteers going to like tractor pull contests and cheeseburger festivals and standing outside of the post office. Thanksgiving is the day with the travel in Michigan and the day before Thanksgiving. And so we camped people out at rest stops with their tables and chairs during Thanksgiving, to stop people and talk about gerrymandering.

Spinelle: Katie told me she had many moments where she needed reminding, I'm allowed to do this. This was her right, enshrined in the state's constitution. Citizens in Michigan can use initiatives to propose legislation, invoke a referendum, and make changes to the state constitution. That's what Katie was doing. And the more Katie talked to ordinary people and created relationships with them, the more her confidence grew in the power of they were doing.

Fahey: For me personally, stopping folks on the street, I often started with, are you happy with the state of politics? And pretty much a lot of people were like, no, I'm not happy with the state of politics. And then we could transition into, well, here's a way we might be able to actually fix that. A lot of people felt like there's nothing we can do to improve politics. They were kind of like I see that you're really excited about this. I appreciate you talking to me about this issue, but I'm just not sure that anything's going to work.

Fahey: But I think part of what helped us, actually, is that they then saw that there were so many. There were thousands of people just volunteering, taking their free time to try and talk to their neighbors about this issue. And that made a difference.

Spinelle: Part of what made a difference too, was how transparent Katie and her coalition were with anyone joining their cause.

Fahey: All of us who started this together, we didn't work in politics. So if we were going to work on something, we wanted to do it in a way that we can be proud of. Because part of why we were dedicating hours and hours of our life, and basically like having no free time at all for two years, was because we wanted to believe in politics again. We wanted it to actually work and reflect the will of the people. And so it felt like what we were fighting for, we needed to also follow those values. So like we let people know, hey, here are our goals. And here's where we're at financially. And trying to like instill those values we were also fighting for. And I actually think people were really hungry for that. I think that's why we able to have over 10,000 volunteers, when most campaigns, even if they are for an issue a lot of people support, don't always get that kind of traction.

Spinelle: This desire for politics to quote, reflect the will of the people, it started with the Declaration of Independence. And we've been trying to figure out how to make it a reality ever since.

The guy credited with really pushing the idea of a ballot initiative into the public consciousness, did it in the late 1800s. His name was J.W. Sullivan.

Spinelle: JW, or James William Sullivan was born in 1848. He lived through the Gilded age and saw that elected officials were acting in ways that benefited themselves and their wealthy, powerful friends. Historian Steven Piott describes the political atmosphere in the late 1800s.

Steven Piott: And it's kind of like now. You complain that the system is, there's too much partisanship, there's legislative gridlock. Nothing seems to get done. Special interests have too much influence. Money plays such a big role in what happens legislatively.

Spinelle: Steven is the author of *Giving Voters a Voice: The Origins of the Initiative and Referendum in America*. He's studied this era extensively. J.W. Sullivan spent several years collecting information about ballot initiatives. In 1888, he took a leave of absence from his job as editor of a labor publication and set out to the Mecca of this democratic idea, Switzerland. I was surprised to hear Switzerland, and not say Ancient Greece. But in fact, Switzerland's practice of direct democracy dates back to the middle ages, and was enshrined in their constitution when it became a federal state in the mid 1800s. Swiss citizens can propose initiatives to amend their constitution. They have to gather signatures and support to make direct decisions in governments. And they do this at the federal and local levels. Needless to say, J.W. Sullivan was inspired.

Piott: And he was just blown away. He thought that this was like the American town meeting. This could work here.

Spinelle: And once he came back to the US, he put it all down in writing.

Piott: So in 1892, he wrote this little it's really a pamphlet. It's like a hundred pages long. And I actually think he set the type for the book himself and he called it *Direct Legislation*. And he tried to explain to people that this wasn't some farfetched idea. That we had always kind of, people voted on constitutional amendments at the state level. They decided where they wanted their capital to be or where they wanted the university to be established. So it wasn't just foolhardy.

Spinelle: Sullivan's book was called *Direct Legislation by the Citizenship Through the Initiative and Referendum*. It argued that America was not a true democracy, but a plutocracy. In other words, a country dominated by the rich and powerful. And that people needed to take the tools of governance up with their own hands. The book sold 10 to 15,000 copies per year in its first three years, it went 19th century viral. After it came out, Sullivan went on a speaking tour across the country, giving lectures on the initiative and referendum. A few years later, seizing on the momentum of his work and the opportunities he saw for initiatives to help the labor movement, Sullivan started his own newsletter, *Direct Legislation Record*. Even more people saw the ideas and a movement to make initiatives a reality in America took shape.

Piott: When you look at the early movement, it seems to be related to the populists. And it seems to have a strong agrarian push in the beginning. And I don't know whether the populous read Sullivan or not, but they, as early as 1892, they understood the concept.

Spinelle: Twenty two states passed some version of the initiative and referendum by 1918, almost all of them west of the Mississippi river. At the time the American west had at an aura of self-reliance and egalitarianism, people making things happen for themselves rather than relying on political elites. Eastern states were preoccupied with elitism and wanted decisions to be made by well educated high minded citizens. In the south, they were preoccupied with racism. One account, I read said, "Many conscientious southerners oppose direct legislation because they fear this process of government would increase the power of the Negro and therefore increase the danger of Negro domination."

Spinelle: Here's a quick list of the ways ballot initiatives were used in those early days in various states. They helped end child labor. They raised taxes on big businesses. They were used in women's suffrage. And they banned poll taxes. Lots of early progressive legislation had some tie to initiatives. Even then, Steven says there were concerns about how initiatives could be used.

Piott: Are people competent to make these kinds of decisions? Are they going to be informed enough to make these kinds of decisions? Do you want to exclude certain topics from any kind of direct vote, like taxation? Should that be something that's off the board. And in many states, what they did is they passed the law, but they attached what was called an emergency clause to the law. And this said, that's certain laws that were in the public peace, the public health or the public safety, very vague, but those laws would be excluded from the use of the initiative and referendum.

Spinelle: As the right to propose a ballot initiative spread across states, leaders tried to limit its reach by how they set the percentage of registered voters that had to sign on, or where petitioners had to sign an initiative, or how many days you could use to collect signatures, that kind of thing. Then starting around the 1920s, the number of initiatives proposed around the country fluctuated. They didn't really come back again in full force until the seventies. We can't say that any one thing caused this, but I do think it's safe to say that initiatives can take a backseat when there are larger nationwide concerns.

Spinelle: During those 50 years, the US fights in two world wars, the country goes through the Great Depression and the Civil Rights Movement. The ballot initiative doesn't really come back into the public eye until 1978, with the infamous Prop 13, an initiative in California that limited property taxes for homeowners. There's a lot more history to ballot initiatives that we'll cover throughout the series. But for now, what you need to know is, today citizens in 26 states and the District of Columbia have the ability to put matters to their fellow voters in varying forms of the ballot initiative process.

Spinelle: Some states that don't, New York, Texas, and my home state of Pennsylvania. And it's become a billion dollar industry. I wonder if J.W. Sullivan ever imagined that happening. In 2020 initiative campaigns had 1.2 billion in contributions. The tension in ballot initiatives, what really excites me about them, and what inspired me to make a podcast about them, is that they have to keep the people front and center. While also getting support from power players like media and elected officials. In the end, you need both to win.

Fahey: There were a lot of national funders who had been watching our story and wanted to help support us. As well as over 16,000 in individual donors across the state who had been donating.

Spinelle: Katie Fahey gathered all the support she could get in Michigan in 2018 for her ballot initiative to establish a citizen-led commission for redistricting. But even with this injection of funding, and national and grassroots support, it took a lot of work to overcome the opposition. First opponents tried to get the entire proposition thrown out in court. That didn't work.

Fahey: Once we were kept on the ballot, that's when I think the opposition kind of panicked and was like, oh no, we need to raise a lot of money really quickly. And so they raised a bunch of money, and they started putting out false radio ads and TV ads about our petition. Saying that we were like this secret front group for the Democratic party, and making up lies about like how the commission would work to try and scare people.

Spinelle: This made signature gathering more difficult.

Fahey: We started seeing, when we were knocking up people's doors, telling them about the initiative, that's when we started getting doors slammed in our face. That's when we started having people be angry at us because they thought we were lying to them.

Spinelle: But the very grassroots nature of Katie's campaign is what ended up working in their favor.

Fahey: And I think that long-term relationship building, and the fact that we had people from like every community in the state who are part of this campaign, I think that's what helped insulate losing as many people as we could have. Because I think that's when people are like, well I have this party or my maybe personal State Senator, who's telling me that I should be afraid of this campaign, or that it's full of lies, or it's not going to do what it says it does. Yet my neighbor I've been talking to you for over a year about this, and I trust my neighbor and I have a different relationship with my neighbor.

Spinelle: And they did it, the effort to put the initiative on the ballot in Michigan in November 2018 was successful. They finished before the deadline, and got more signatures than they needed. More than 400,000 total.

Fahey: We went to every part of the state. We went to each congressional district at least twice. We have 14 congressional districts in Michigan. And we are one of the very few campaigns, if not the only campaign, we haven't been able to go back and verify every campaign, but that got signatures from all 83 counties in Michigan. That's not a requirement, but we were able to do that too.

Spinelle: And the day of the election, they got their victory.

Fahey: And what was really cool to see and hear is, you saw volunteers who were like, that's my county and where I live. I am so glad that I went door knocking. Or like, I am so glad that I was able to help make a difference. Because once we saw the official results, in some counties, you could actually see we "won" by like two or three votes. Which probably was conversations that our volunteers had had with those folks,

Spinelle: Michigan voters, this fall, 2022 will be electing representatives in districts drawn by the independent commission that Katie's initiative created. But Katie says it's still too hard to run a campaign like this.

Fahey: One of the things that really stuck with me was just how little help there was in figuring out how to do that. There was clearly many, any of us who have this strong passion to genuinely want to do something, but we had to figure out everything from scratch, from where to start. And there were so many little things along the way that, if we would've missed a filing deadline or if we would have like not read the campaign finance compliance laws, and like asked for an extra interpretation, we could have been fined like a bunch of money. All because we just like didn't know what we were doing, not because we were intentionally trying to break the law.

Spinelle: And this process can cost excessive amounts of money. Something not a lot of average citizens have lying around.

Fahey: You shouldn't have to have millions of dollars and thousands of people in order for people to get accountability from their government. If we wouldn't have had thankfully some really rich people who found us and were able to donate several million dollars to us, we would've lost. Not because people didn't like this idea, but because we were either drowned out by other people who could raise more money in opposition against us or because not enough people would've known about what this idea even is. We had over 33 times more individual small dollar donors than any other campaign in the state. Yet it still only equated to about \$2 billion. And we ultimately needed \$17 million to win. And because we were just everyday people and I didn't happen to be a secret millionaire, like our chances were so much worse off because of that.

Spinelle: But it's everyday people who are at the center of the ballot initiative process. Katie said this again and again in our interview, "We'd be nowhere without our volunteers." And this initiative was all about the will of the people, not the politicians. This is something I imagine J.W. Sullivan felt way back in the 1800s. Today we're reading Facebook posts instead of pamphlets. But the ballot initiative remains a tool for people to enact the changes they want to see.

Fahey: The ballot initiative process, it's such a huge responsibility, but it is such an exciting tool that we have, as the people of this country, to create the country we want. It was possible for us because thousands of people took their time, energy, money, talent, creativity, and said, you know what? I'm going to try.

Spinelle: When the People Decide is produce by LWC Studios and the McCourtney Institute for Democracy at Penn State. The podcast is reported and hosted by me, Jenna Spinelle. Our producer is Paulina Velasco. Jen Chien and Veralyn Williams edited this episode. Cedric Wilson mixed this episode. Jimmy Gutierrez contributed. And fact checking by Mark Betancourt. Special thanks to the Cumberland County Historical Society for the information on J.W. Sullivan, and to Dennis Johnson and the Ballot Initiative Strategy Center for helping me understand the bigger picture on ballot initiatives. Follow When the People Decide on Apple Podcasts, Spotify, or wherever you listen to your favorite podcasts. This will make sure you get notified about the rest of the series, where we will explore the many ways

people will try to, like Katie says, create the country we want through ballot initiatives. I'll be talking to people using initiatives for three strikes in California, LGBTQ protections in Ohio, voting rights in Florida, and many more issues across the country. I'm Jenna Spinelle. Thanks for joining us.

CITATION:

Spinelle, Jenna, host. "What Happens When the People Decide?" *When The People Decide*, The McCourtney Institute for Democracy, June 13, 2022. <https://www.thepeopledecide.show>.

Produced by

