



The Invisible Third Party of Reform

The polarization that exists in U.S. politics has some voters questioning the integrity of our two-party system—whose interests are the politicians really representing? Ballot initiative organizers claim that they are building new coalitions that transcend party lines, and unite voters on their values, not their partisan affiliations. In doing so, they echo progressive reformers of the past, who created big changes and prompted observers to call their work part of an “invisible third party of reform.” Ballot initiatives that are largely popular with everyday citizens, like Medicaid expansion and voting rights restoration, but that are seen by politicians as too progressive for bipartisan support, are finally reaching voters at the ballot box. In this episode, Jenna Spinelle examines how the current era

of political reformers ushers in alternatives to stalled legislation by going beyond party lines and bringing the issues straight to voters, and asking the question, what do ballot initiatives say about the kind of political system we want in the U.S.?

Jenna Spinelle: My parents will tell you that I have always marched to the beat of my own drum. I read every book in my kindergarten classroom, spent a year on the soccer team that mostly consisted of dancing around on the field, and watched Monty Python and Eddie Izzard when most other girls my age were obsessed with Dawson's Creek and The Gilmore Girls. When I was editor of my high school newspaper, we ran a story about underage drinking that pretty much ensured I would never be part of the popular crowd. And I didn't mind one bit.

Spinelle: I gravitate toward people who stand out from the crowd and see new ways of doing things. They're my favorite people to spend time with as friends and colleagues, and my favorite stories to tell as a reporter, which brings me to politics. For the most part, it's all about fitting in with the crowd and not ruffling too many feathers. It frustrates me pretty much on a daily basis. And I know I'm not alone.

Spinelle: In my work at the McCourtney Institute for Democracy, I've learned about communities of political reformers around the country, academics and experts, nonprofit leaders, and everyday people who volunteer their time to work for a healthier democracy. There are kindred spirits like me, who don't accept the traditional narratives about how politics should work and who want to make politics work for them. Ballot initiatives are one tool they're using to form new coalitions that transcend political convention, and in some cases go beyond the two party system in the US.

Spinelle: They're proof that finding common cause can bypass the polarization that plagues US politics and deliver concrete wins to the people living in states across the country. This is when the people decide.

Spinelle: I'm Jenna Spinelle. In this episode, we'll learn about how grassroots reformers in Florida and Idaho are using ballot initiatives and participating in what some have called a modern democracy rebellion.

Spinelle: Desmond Meade has always had a passion for the law.

Desmond Meade: Good evening. Oh, we have to try that again. Good evening.

Crowd: Good evening.

Spinelle: This is Desmond giving a lecture when he won the Brown Democracy Medal from the McCourtney Institute for Democracy in 2021. The award is given each year to people who are doing innovative work in democracy. Desmond went on to become a 2021 MacArthur fellow for his work restoring voting rights to formerly incarcerated citizens like himself. At the event, he spoke about his journey to becoming a respected civil rights activist, because it wasn't an easy one.

Meade: In August of 2005, I was standing in front of railroad tracks, waiting on a train to come so I can jump in front of it. That day, I stood there. I was a very broken man. I was homeless. I was addicted to crack cocaine. I was unemployed. I was recently released from prison. And the only thing I owned were the clothes that was on my back.

Spinelle: Desmond wrote about this in his book, Let My People Vote.

Meade: And I stood there and I waited and I waited, but God had other plans, and that train didn't come. And I ended up crossing those tracks, and I checked myself into a drug treatment facility. And after four months of in treatment, in house treatment, I was able to successfully complete that. And I moved into a homeless shelter. While at the homeless shelter, I enrolled in a local community college and was able to do real well to eventually get accepted into law school, and in May of 2014, graduating with a law degree.

Spinelle: Desmond told the crowd how during his time in recovery, Rosa Parks died. And he was watching all the people that paid their respects to her on TV and thought, "I want that to be what my funeral would look like."

Meade: She did something that had a positive impact on people's lives. And that was very important for me because what it did, it allowed me to think about taking all of that pain and that suffering, that low self-esteem that led me to those tracks, and use it in such a way to help others so they wouldn't have to go to those railroad tracks.

Spinelle: It was in the process of finding his purpose that he stumbled upon the Florida Rights Restoration Coalition or FRRRC. The mission of the FRRRC is to end disenfranchisement and discrimination against returning citizens or people who have been convicted of crimes. I've talked to Desmond multiple times, including for this series.

Meade: I was introduced to the Florida Rights Restoration Coalition in August of 2006. It was my first convening, first time ever being involved in the coalition. And we're at the business meeting portion of the convening, and someone in their wisdom decided to nominate me to be the steering committee secretary. With no type of experience or dictation experience or none of that. And I had my job as the secretary was to be on every

call to ensure that I'm able to transcribe the minutes for the next calls. And on these calls, you had some of the leading experts in felon disenfranchisement.

Meade: It was an hour long call each month. And what I would tell folks is that while they would get an hour worth of knowledge, I would end up getting eight hours worth of knowledge because I couldn't type fast. So I had to record the meeting. So I'm always playing back the recordings, so I can ensure that I know the proper minutes for the next meeting.

Spinelle: Within a few years, Desmond became the executive director of the coalition and a leading voice in a campaign to reinstate the right to vote for formerly incarcerated citizens, just like him.

Meade: Me being a returning citizen and not being able to vote and not having my civil rights restored, there was a level of pain that I had that others didn't. And because of that intimacy with the pain, then there is a level of commitment to end the pain that have the potential of being unmatched as well.

Spinelle: After years of roadblocks and setbacks from the courts and the governor's office, the coalition decided to take the matter directly to voters with the help of the Brennan Center for Justice, a nonpartisan law and policy institute.

Meade: I think that there's no greater indicator of citizenship than being able to vote. And that is something that is extremely valuable. And to think that a handful of politicians had the power to decide which American citizen would get the vote and which won't get the vote, I thought was way too much power for any politician to have in their hands, whether they're Democrat or Republican, it didn't matter. Because when politicians are making those decisions, there's a likelihood that partisanship would play a role in deciding who get the vote and who don't. With the citizens initiative, with a ballot initiative, then this one we're going to the people instead of the politicians.

Spinelle: That ballot initiative was Florida's amendment for a grassroots campaign to restore voting rights to most of the nearly 1.5 million people in Florida with past felony convictions. Desmond highly values the grassroots part. He said this is the way he looks at the opportunity of a ballot initiative.

Meade: We put you politicians in charge, to help make our communities and our governments, whatever, a better place to live. And in one particular area, you failed. And so it seems like you can't get the job done, so we're going to do it for you. And one thing I loved about our campaign is that we did not rely on any politician to, number one, run our campaign. Number two, support our campaign. We didn't want them anywhere near our campaign because it was an organic, grassroots movement. And we wanted to keep the pureness of it.

Spinelle: And part of being grassroots was making sure that the conversation starters and the way the issue was framed was done by people who knew what they were talking about from the bottom up.

Meade: You're talking about a very controversial subject when you talk about restoring voting rights to people with felony convictions. You're talking about doing it in a controversial state, such as Florida, and during a controversial time where there was so

much division and fear. And so you would think that you would have to be real complex in engaging folks, but the reality was it wasn't complicated at all. And the conversations were very basic conversations, which started out with a question. And that question was, do you know anyone who you love who's ever made a mistake? And that was it.

Spinelle: Amendment Four passed in Florida with nearly 65% of the vote in 2018. The FRRC campaign had supporters ranging from Senator Bernie Sanders to the Christian Coalition of America and the Libertarian Party of Florida, over two dozen organizations and officials.

Meade: When we passed Amendment Four, we had support from Democrats, Republicans, independents, young, old, white, black, Latino. It didn't matter. We had people from all walks of life, all political persuasions that came together to vote yes on Amendment Four. And I like to tell folks that those votes that we got was not based on hate or fear, but rather there were votes that was based on love, forgiveness, and redemption. That we showed that we can take an issue and elevate it above partisan politics, even implicit racial biases, and demonstrate that love can in fact win the day.

Spinelle: Desmond said he was fighting for the right to vote for everyone, Democrats, Republicans, independents, because the right to vote is sacred to him. And he felt that the first time he got to use a ballot box.

Meade: What democracy means to me is what I experienced when I went to vote for the first time in over 30 years and when I voted in my very first presidential election. Walking into that voting booth, realizing that I was standing on hallowed ground because of the blood that was shed so I could have the right to vote. And recognizing that me actually voting, I was committing a sacred act, because of the sacrifices. And as I was voting, what I felt was what I was doing transcended politics, partisan politics, it transcended the racial anxieties. And it took me to a place, I thought, that said something simple yet powerful. Said that I am. Said I count, that I matter. I'm a citizen of this country, and my voice matters. And I realized that when I was voting, I wasn't voting as a Democrat. I wasn't voting as the Republican. I was committing an act as a human being. This was the act of validation of my humanity.

Spinelle: Desmond is still fighting for the right to vote for Floridians. We'll come back to him at the end of the episode. You could say he's part of a larger movement seeking to protect voting rights across the country, from conservative led efforts to restrict access to the ballot box. It's easy to see the reasoning behind Desmond's belief that politicians get in the way of voting rights. Republicans led a wave of voting restrictions across several states, and members of both parties stalled the bills that would protect voting rights in Congress. The tug of war between average folks in the US and the politicians they elect has a long history, just like the ballot initiative.

Spinelle: To touch on it, I want to return to the early 1900s, when the idea of a referendum or citizens initiative became a favorite tool of political reformers. I see them as the precursors to modern day Desmond.

Jon Grinspan: I always like the stuff that people have completely forgotten.

Spinelle: This is Jon Grinspan. He's a curator of political history at the Smithsonian's National Museum of American History. He studies what he calls "the deep history of American democracy."

Grinspan: Our frame of reference for American politics is pretty short. And we have this incredibly long history of one of the oldest constitutions, some of the oldest political parties in the world. And very often I find that the moments that are most relevant to what we're going through today happened in the 1800s.

Spinelle: In this case, I reached out to Jon to tell me what he knows about the progressive era, which is the turn of the 20th century, early 1900s, when reformers started using the ballot initiative or referendum to pass progressive legislation like women's right to vote or regulations on child labor. Jon said he became interested in this period's politics when he saw something curious about voter turnout.

Grinspan: Turnout was really high in the 19th century. And it was just one of those simple statistics that clearly had so much human experience and cultural baggage and everything built into the turnout statistics, which were really high from 1840 to 1900, and then crashed.

Spinelle: He began to see a correlation to progressive reforms and ended up with some pretty big questions about our political history.

Grinspan: All these things we really like about our democracy, that we're pretty happy we have as innovations for the last 100, 120 years, come about at the same period that engagement and public attention in many ways falls off. And so, there's this paradox in this question of what does a good democracy look like? Do we want people in the streets, or do we want really a few, smaller number of really informed voters going to the polls? Do we want activists? Do we want random people from the saloon? What do we want our politics to look like?

Spinelle: Jon explained the reformers making those changes that we're generally happy about today, they were responding to the era of politics before them, the gilded age, an era he described as "public, partisan, and passionate."

Grinspan: It's really high engagement by working class populations. This is an era when people who are less educated are more likely to go to the polls.

Spinelle: Of course, that was mostly white men. Women couldn't vote, and the votes of black men were violently suppressed. Native Americans weren't even citizens yet. Politics was messy and it was in the public sphere. Strangers talked politics on steamboats, in saloons. Giant political machines like Tammany Hall ruled cities like New York.

Grinspan: The critics in the early 20th century, the biggest thing they often saw was how stupid those elections were. They're often violent, poorly informed. There's fraud. There's vote buying. There's use of alcohol to swing elections. They're pretty ugly, but they're also pretty engaging.

Spinelle: Jon said the parties didn't really distinguish themselves by policy. It was more about if you belong to a particular ethnicity or culture or race, you vote for X party. It's just a fact. For example, in the late 19th century, in a dozen states in the Northeast and Midwest, 70% of Catholics and 80% of Irish Catholics voted for the Democratic party.

Grinspan: And the parties are so powerful. You can't just go up against them, but you can find ways around them because things like referenda, they don't take 80% of the franchise population to go vote. A lot of these innovations help mobilize a really active, small core to make big change.

Spinelle: That big change ushered in the progressive era, nonpartisan politics that John described as "private, independent, and restrained." It changed how we thought about the role politics should play in a regular person's life. No more politics at the dinner table or in the saloon.

Grinspan: In the early 20th century, you see this new sense, this new cultural sense, especially among educated people in America, that politics should be driven by ideology. And you should read the different sides. You should read the pamphlets. You should understand how the parties feel about the tariff or about money or about whatever. And this is the era when you get all these progressive reforms.

Spinelle: These progressives created what has been called an invisible third party of reform. Jon imagined this is what they were thinking.

Grinspan: If there's anything, any stupid, unthinking thing holding us back, it's this iron partisanship that's keeping people from passing legislation we would agree on. You get... More than change growing from one party or the other, you get this, what they called an invisible third party of reform that isn't working solely through one party. Isn't just Democratic, isn't just Republican, but is able to build chunks and factions of each party and of voters to really make a difference.

Grinspan: And these elections, as I said, I think are really close. So you only need a tiny portion of the electorate to make big change. The closer the elections, and we have really close elections again today, the smaller the number of people you need to have any influence.

Grinspan: It's interesting that we've hit this moment that feels, in a way, a lot like 1900 again, in good ways and bad ways. Good ways with the reform, bad ways with this question of voter suppression.

Spinelle: I also see lots of parallels with the way we see politics today, especially how we think of parties as blocking meaningful change. I heard this from Desmond in Florida and from the next campaign we'll talk about that happened in the same year, miles away from Desmond in Idaho.

Spinelle: In 2018, grassroots organizers in Utah, Nebraska, and Idaho bypassed their state legislatures to successfully expand Medicaid, a pretty progressive issue for these conservative states. And you guessed it, they did it with ballot initiatives. In Idaho, a scrappy group of friends led a campaign for what would become Proposition 2. Their names were Luke Mayville, his friend Garrett Strizich, and Garrett's wife, Emily. Together they formed Reclaim Idaho.

Spinelle: Luke went on Boise State Public Radio while the campaign for Medicaid was ongoing and talked about the origin story of Reclaim Idaho. He said it all started with his friends in their hometown of Sandpoint and a fight for \$17 million in funding for their

local school district. The district was asking voters to approve attacks known as a school levy.

Luke Mayville: A bunch of us learned that there was a school levy that was desperately needed, not to improve the schools, but just to keep them open. So a number of us came together and we organized a door knocking campaign around that school levy.

Spinelle: The levy passed by a margin of two to one. Luke told the host of the local radio show that they saw the direct impact of their door knocking. It seemed to have increased voter turnout.

Mayville: We step back and we thought, "Wow, that was inspiring. We think we really made a difference."

Radio Host: So what can we do next at this point?

Mayville: Yeah. What can we do? And what can we do statewide?

Spinelle: Luke and his friends, Garrett and Emily, decided the equivalent crisis at the state level was access to Medicaid.

Spinelle: A quick bit of history on Medicaid expansion before we get back to Luke's story. When the Affordable Care Act passed in 2010, it called for expanding Medicaid coverage to nearly all American adults with incomes up to 138% of the federal poverty level. But states challenged this expansion, leading to a Supreme Court decision in 2012 that found it was unconstitutional for the federal government to force states to adopt the expansion requirements.

Spinelle: If you've been listening to this show, you can probably guess where this is going. With no support from the legislature or the courts, people who wanted to expand Medicaid had to take matters into their own hands. And many of them, like Luke and his counterparts in Utah and Nebraska did it through ballot initiatives.

Spinelle: So Luke and his Reclaim Idaho buddies began campaigning for Proposition 2, to expand Medicaid eligibility to about 60,000 Idahoans who were being left out of the system. This is Luke in that Boise State Public Radio interview.

Mayville: We have to turn this issue into a spectacle that will make people pay attention. So we painted a camper bright green, and we put the words "Medicaid for Idaho" across the side of it, as if Medicaid were a statewide candidate running for office, like a governor candidate or something like that.

Spinelle: They drove their bright green camper van south from their hometown of standpoint, hitting 20 towns. Here's Luke talking one on one with me now, a few years after his campaign. He has good memories of that camper band.

Mayville: Whenever we were able to organize an event, we would do some kind of event in the town. But more often, we would just show up in a busy grocery store parking lot, including in some of the most conservative towns, probably anywhere in the country. And we would start a conversation with people, generally by saying something like, "Just have a quick question for you. What do you think of getting healthcare in Idaho? Has it

been a good experience? Have you been able to get the healthcare you need?" And that was a really strong conversation starter. People almost universally would say, "No. No."

Spinelle: Luke told me he remembers feeling like most people really wanted to engage with their conversation starter.

Mayville: Okay. It always felt like enough people were willing to talk to us, that it was worthwhile what we were doing. And that was before we even launched the signature campaign. We were warming up to it. And what we did prior to having an actual petition to get signatures on, is we carried around Sharpies and we had people sign our camper, physically sign the outside of the camper, if they believed in what we were doing, trying to expand the Medicaid program. And then if they signed the camper, it was a really easy ask to then say, "Hey, could you also sign this sheet and sign up for our email newsletter?"

Spinelle: Luke and his colleagues used this long list of supporters when the time came to get signatures to put the proposition on the ballot. Like Desmond in Florida, Luke's conversations with voters appealed to a shared humanity rather than a specific issue.

Mayville: But we were just showing up in very conservative places and going to grocery store parking lots and walking up to people at random, no matter what they looked like or no judgment of whatsoever, and just asking them about healthcare and then asking them... And then our final question was specifically about what they thought of the idea of expanding Medicaid. And it was just overwhelming that people generally were warming up to that idea and that there was very little opposition to it. And even when people told us they were opposed to it, they weren't that angry, actually. They were just... They would give some reason why they thought it was a bad idea, but they weren't at our throats. They weren't yelling at us or anything. So we had, just from face to face conversations, we had a great deal of confidence that it was very popular.

Spinelle: Proposition 2 received wide support when it was in the signature gathering phase. Reclaim Idaho had to get signatures from 6% of voters in at least 18 of Idaho's 35 legislative districts. They met the criteria in 21 districts, turning in more than 75,000 signatures.

Mayville: But it's really important for us to always recognize that our progressive issues are actually popular progressive issues. So there are issues that have shown themselves to be popular in red states, which is something that I think many people falsely assume just isn't... Just can't be the case, but what we found when you, especially when you focus on these bread and butter issues of basic quality of life, you can build a majority coalition around issues that are typically considered progressive.

Spinelle: Proposition 2 passed in November 2018 with 60% of the vote. The measure had support from Idaho's Republican governor, organizations including the Idaho Medical Association, and the Idaho chapter of the American Heart Association. And they won the majority of the vote in 35 out of 44 counties. Remember the camper van? It was there on election night.

Mayville: Several of us were in a green camper, doing a giant loop of probably about 600 miles total around the entire state and ending on election night, back in our hometown. So we're celebrating this victory in a brew pub, in the same place where we launched the whole thing.

Spinelle: The ballot initiative was the tool Luke was able to use to achieve his victory, how he was able to create an invisible third party of reform within his home state.

Mayville: And that's one of the great things about ballot initiatives that we found, is people don't immediately place ballot initiatives in the same compartment in their mind that they place parties and candidates. So our initiative campaigns, if we do our work, they come across as just good-natured, well-intentioned civic enterprises. And that's been powerful for us.

Spinelle: Luke said they knew there was opposition to the initiative. The state Republican party pushed back against Medicaid expansion. In 2019, Idaho's legislature tried to add a work requirement for many of the new Medicaid recipients, but the federal government did not approve it. But there was another part of the backlash that Luke did not expect.

Mayville: Instead, the big threat turned out to be that some powerful legislators decided to come after the initiative process itself. Initially, if I remember, we were in a state of disbelief when we first saw their bill, because it was so blatantly just an attack on a constitutionally protected initiative right that we have in the state.

Spinelle: Our next episode will dive deeper into attacks on the initiative in Idaho and other states.

Spinelle: Are ballot initiatives really as removed from partisan politics as campaign organizers think they are or would like them to be? The parties aren't all bad, and let's face it, the two party system probably isn't going anywhere any time soon. Politicians too aren't going to give up their jobs in favor of folks like Desmond or Luke.

Spinelle: For Desmond back in Florida, legislators got in the way of the implementation of his ballot initiative. After Amendment Four passed to restore voting rights to formerly incarcerated citizens, legislators in Florida decided to add a condition. These citizens would have to prove that they'd paid all court fines or restitution associated with their cases before they could vote. In other words, someone's voting rights would not be automatically restored as soon as they completed their sentence. The legislation was passed along party lines, and Desmond said it was very disappointing.

Meade: The first thing that came to my mind was just the arrogance of politicians. They were just arrogant. I liken it to a short story that I tell about a family, and of course this is fictional, but it happened in real life.

Meade: You have this family that's homeless, and they're living in the streets. Rain, sleet, and snow comes, and politicians would walk past that family every single day for years and not lift a finger to help that family out. Then all of a sudden, the community decides to come together and say, "Well, if the politician is not going to help the family out, we are." And the community comes together and they build this family a home. As soon as the home is built, here comes the politicians wanting to dictate how the house is furnished.

Meade: When you have the executive and the legislative branch combining against you, there's not much you can do but roll up your sleeves and try to get in there and hope you can minimize the damage.

Spinelle: I saw a lot of parallels between the period Jon Grinspan studies and the work people like Desmond and Luke are doing. So I asked John to listen to some clips from my reporting, to see if he could draw lessons or parallels from the era he studies.

Grinspan: I can say a few things that you see from this era that maybe would be useful. One of them, and this is just the biggest, boldest thing, is that reform really is possible.

Spinelle: And reform is possible, even when voters are split between the politicians they support and the changes they actually want to see in government, just like back at the progressive era.

Grinspan: There's a sense, there's a popular sense that politicians and parties are standing in the way. I hear that from a lot of people. And I hear that frustration. But I do think it's also true that behind those parties are voters who are keeping those politicians acting the way they are.

Spinelle: He said it's not as easy to pull apart the players. It's not as simple as the people versus the politicians. A Pew Research study from 2020 found that even when taking independence partisan leanings into account, 93% of voters identify with or lean toward either the Democratic or Republican party.

Grinspan: Referenda and those kind of things are a good way to get people to think outside the box of that restrictive tribalism. And that's really wonderful. And at times of locked in partisanship, that might just be the crowbar you need, the wedge you need to break things up. A state level referendum, or something paying attention really closely to one issue, to healthcare, to insurance, to gun rights, to whatever it might be, is a way around the big obstruction in the center of American life.

Spinelle: And this tool is under threat across the country by politicians hoping to limit the ability of citizens like Luke or Desmond to propose policy changes directly to the people. That's the topic of the next episode.

Spinelle: When the People Decide is produced by LWC Studios for the McCourtney Institute for Democracy at Penn State. Thank you to Boise State Public Radio for the archival clips of Luke Mayville you heard in this episode. Thank you to David Daley for putting Luke and Desmond Meade on my radar in his book, *Unrigged*. You'll hear from David in the next episode. Finally, thank you to Hedrick Smith for his excellent PBS special, *The Democracy Rebellion*, which was one of my inspirations for making this series.

Spinelle: Follow When the People Decide on social media at People Decide Pod, and leave us a review so more people can find us. I'm Jenna Spinelle. Thanks for listening.

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