For the Many or the Few?

Jenna Spinelle: Democracy does not have a singular definition. This is one of the things that makes it so interesting to me to cover as a journalist. I don't have a PhD in political science or theory, but I've done hundreds of interviews with people about how they view democracy, exercise it, imagine it, many with at the McCourtney Institute for Democracy. In that time, I've developed a working definition for myself. It's at the heart of this show.

Spinelle: To me, democracy is about the fair allocation of power among all people. Yes, there are norms and institutions and processes that systematize how the government works, but the distribution of power is at the heart of it. Ballot initiatives are one way to harness that power, sometimes in ways that strengthen democracy and sometimes in ways that weaken or undermine it. We've heard examples of both in this series.

Spinelle: Ballot initiatives are not perfect, but despite their flaws and shortcomings, I'm bullish on their ability to break through the gridlock that plagues so much of politics, and their potential to bypass our failure of imagination and deliver a solution to what's wrong with democracy. I think I'm not the only one who feels this way. In this episode, we'll meet people who are thinking about the future of initiatives and how they can continue to transform politics. This is When the People Decide, I'm Jenna Spinelle.

Spinelle: I've said this already. I grew up and still live in a state without citizen led ballot initiatives. I of course heard about ballot enacted laws like Three Strikes as a kid, but the first time I remember making the connection between policies and ballot initiatives, was when marijuana legalization passed in Colorado in 2012. I had graduated a few years before and was working in college admissions, a job where frankly, we avoided talking about politics as much as we could. I remember thinking, wow, that's cool, when it came to the marijuana legalization initiative, but then I didn't give it much thought. It wasn't until I started working for the McCourtney Institute, that I began to meet so many more people who'd been directly involved with ballot initiatives, and I came to be truly impassioned and inspired by them.

Spinelle: Like me, Chris Melody Fields Figueredo, had to think hard about the first time she became aware of what a ballot initiative could do. Chris is the executive director of BISC the Ballot Initiative Strategy Center. It's a nonprofit progressive organization that

works with local, state, and national leaders, to analyze and support the use of ballot measures around the country. So it's a little wild to realize she didn't grow up with them either.

Chris Melody Fields Figueredo:

I grew up in Texas, so ballot measures is not something that as a Texan you really know about, we don't have the statewide initiative process. So I think the first time I really started to learn about initiatives was really around marriage equality. Obviously it was getting a lot of national attention. I remember Prop 8 in California.

NPR clip: It's called Proposition Eight, and if passed, the measure will overturn last May's court ruling, and once again ban same sex marriage. It's provoked a heated battle for and against, which is now-

Spinelle: That's an NPR clip from 2008 when California's Prop 8 was on the ballot. It was a constitutional amendment that defined marriage as being between a man and a woman, and it passed, 52 to 48%. Banning same sex marriage in The Golden State. People all over the state came out to protest the result.

Protesters Clip: What do we want? Equal rights! When do we want it? Now! What do we want? Equal rights! When do we want it? Now!

Fields Figueredo:

And as a queer woman, like seeing the attacks on the queer community, you started to see a shift. What I think was really impactful for me is how the narrative started to change around marriage equality, and really you saw these messages about somebody you love is impacted by this.

Spinelle: Prop 8 was eventually overturned after lots of legal battles by the federal courts, and California allowed same sex marriage again in June 2013. Two years later, a Supreme Court ruling made same sex marriage legal nationwide. As usual, California was the battleground for what would become a nationwide conversation. Like we heard in episode two, it's America fast forward. From where she was, Chris appreciated the role of the ballot initiative in sparking that debate.

Fields Figueredo:

For someone who grew up Catholic, who grew up in the south, in the Latinx community, where these were not conversations you could easily have, I saw the impact ballot measures really had on shifting conversations.

Spinelle: The second time she really got to thinking about ballot initiatives, was when she was involved in the voting rights restoration campaign in Florida. We talked with Desmond Meade in episode six, he was one of the key figures behind Amendment IV. Amendment IV was the ballot measure that restored voting rights in Florida to many formerly incarcerated folks, returning citizens like Desmond.

Fields Figueredo:

I saw how that really brought a lot of communities together that may not necessarily agree on a lot of issues, but everybody understood second chance. That people deserve second chances. I saw the power of how about measures are really coalitional, and the power when the most impacted folks and like the folks who were out in the field and leading Amendment IV were formerly incarcerated folks, the folks impacted about losing your voting rights.

Spinelle: Equity became a central component of her work at BISC.

Fields Figueredo:

Humans are funny people. We're funny. We're just like we want a lot of different and opposing things often, and for us as an organization, it is critical for equity to be at the center of these efforts of any policy, any strategy, there are race, power and privilege choices that folks have to make. Sure, ballot measures are incredibly expensive to run. That is why at least part of our theory of change is thinking about a couple of things. The full life cycle of a ballot measure, not just the campaign itself, really thinking from the start, who gets to make the decision, of what makes it, of what moves forward? How is the committee gonna be governed? What does the coalition look like? Is the policy developed with the most impacted communities?

Spinelle: Chris grew up in Texas with a Venezuelan mother who did domestic work and a white father who was a maintenance manager at a printing company.

Fields Figueredo:

I remember helping my mom through her citizenship, helping her practice for her test that she had to take to become a US citizen. I remember helping her to register to vote.

Spinelle: Chris says she was never a stranger to injustice. From an early age, she noticed how she'd be treated when she was out with her mom.

Fields Figueredo:

We would be followed. If my dad wasn't around, we'd be followed in stores. We didn't have as much money as people I grew up with. And I could see how we were treated because that race in class was always very prevalent.

Spinelle: So equity became a central part of Chris's work, including of course at BISC. In 2018, right before Amendment IV passed, Chris took the lead role at the organization.

Fields Figueredo:

I saw an opportunity to, as a queer woman of color, lead an organization in a time where voices like mine were really important, and really important in steering the direction of what we want this country to be. Because in all honesty, this country, and this democracy was not built for me. It was not built for a queer Latinx immigrant. It was not built for that. And so it felt like it was what I was supposed to do to ensure that my people, yes, queer Latinx people, but also just my community and the people that I love from all walks of life, had a voice and a choice in the direction we wanted to go to in our country. And for me,

ballot measures are like the purest form of democracy, right? What is more direct than taking issues before voters themselves and they get to have a say?

Spinelle: And she thinks political organizing, like the kind she does, should be joyful.

Fields Figueredo:

Let's make ballot measures love letters to our people. How different would the world be if we approach, especially in what has been an incredibly difficult month, an incredibly difficult year, two years, four years and lifetime for very many people who've been excluded and marginalized in this country, especially, but also in the world? So for me, I am deeply proud that as an organization, we center our people in our community and that is the approach that we take, which I think you talk to most people in politics are like, what you're talking about, love? What is that? But that is ultimately what we seek as human beings, is love and belonging, and so why wouldn't we start from that place?

Spinelle: If you think back to some of the successful initiative campaigns we've heard about in this series, reforming Three Strikes in California, the fight for voting rights in Florida, redistricting in Michigan, they all followed this playbook. Organizers met people where they were and appealed to common values and a shared sense of humanity. That is what inspires me about initiatives and why I'm still optimistic about their potential to create change. Initiatives, help us move past the failure of imagination and politics. It's something Chris mentioned, how initiatives provide a way to talk to folks about something or someone they share in common with others. It reminded me of something Sayre Reece said. They're the organizer who advocated for LGBTQ rights in Cincinnati, who we heard from in episode three, and now senior strategist at the National LGBTQ Task Force. Their campaign focused on enshrining workplace protections for LGBTQ people in the Cincinnati city charter in 2004.

Sayre Reece: So, there were people there who understood that we needed a diverse campaign, racially, ethnically, based politics, right, Republicans, Dems, and Independents, Libertarians. So there were folks who lived that in their heart and in their gut, and there were people who lived that in their head. So whether they were there to do it strategically or because it was the right thing to do, everyone understood that this had to be a campaign that reflected the diversity of Cincinnati in all the ways.

Spinelle: Of course, building coalitions is easier said than done. What Chris has learned firsthand through years of organizing ballot initiative campaigns, John Matsusaka has spent decades researching. Like nearly everyone I talked to for this series, I started by asking John how he got interested in ballot initiatives.

John Matsusaka: In some strange way, I was always interested. I found, even as a kid in, how do groups of people make their decisions? I've always found it really fascinating.

Spinelle: This makes sense. He grew up in Washington, a state where laws do get made via initiative today. John directs the Initiative and Referendum Institute at the University of Southern California, where he teaches business and law and has written two books on ballot initiatives. One of them is the result of 10 years of research and is called, For the Many or the Few. In it, John asks a question I feel like we've been dancing around during the series. Do ballot initiatives serve the many or the few? What I like about John's

book, is he sets out to supply an answer based on data. He says so much of the existing literature on ballot initiatives is subjective. Either folks hate it and say it subverts the will of the many and is a vehicle for special interests, or folks love it and say it can only weaken the influence of special interests.

Spinelle: He instead looked at policy spending over the hundred years that the initiative has existed in different states and cities, to see what impact initiatives had. He compared that to what the majority wanted and figured out that initiatives have given the majority of the US population policies that they approved of. He wrote, "For every policy I am able to examine, the initiative pushes policy in the direction a majority of people say they want to go." He does make the point that there are a lot of things to consider here, including whether the majority rule takes into account the rights of people who are in the minority. He also tackles the common criticism of initiatives, that they're not truly representative of the will of the people, because they're so hard to understand.

Matsusaka: So the question often comes down to, well, why should we do this process if people can't really read it? So the fact that people aren't reading it in detail, which they're not, makes a lot of people nervous. But we understand a couple reasons why we shouldn't be concerned by that.

Spinelle: One John said, is that legislators don't really read what they vote on either.

Matsusaka: What they do is they have trusted advisors who actually can understand the nuances of that, who share their interests, who they can then consult with and say, "Is this okay? Is there anything I should be concerned about?" Well, it turns out voters are able to do that pretty well. Basically they listen to recommendations from interest groups. They listen to newspapers. There's various experts that they can tap into.

Spinelle: So for example, when there's a proposal to cut down a forest, voters can read the recommendation of the Sierra Club, if they're concerned about the environment and vote accordingly.

Matsusaka: So it turns out that voters are very good at navigating through this environment of what political scientists call cues, what other people might just call endorsements or advice. And as long as there are enough cues out there, the research suggests that people can actually find their way to vote in a very intelligent way.

Spinelle: I will admit, throughout the series we heard a lot of rosy language about the power of initiatives, but I do want to address some of the cons. From my research, the objections to initiatives often include, one, that they increase polarization among voters by forcing them to choose one position or another and eliminating the potential for compromise. Two, that the process can erode trust in governments. If they're asked to weigh in on an issue, voters might wonder, why haven't my elected officials fix this problem? Many initiative campaigns, answer that question by vilifying legislators as corrupt and untrustworthy. That might earn votes, but it's not necessarily great for people's trust in government.

Spinelle: And three, that all of this takes a lot of money and a lot of time, including when someone wants to fight back against an initiative, they disagree with. A regular citizen can lobby the legislature, though as we've heard in previous episodes, citizens often resort to ballot initiatives because the legislature wasn't taking action on something

they cared about. They can try to put a counter measure back on the ballot, like we heard about with California's Three Strikes in episode two, but this takes a lot of work, money, and careful planning. They can object to an initiative in the courts, which happens a lot. It's also worth noting that ballot initiatives are more likely to be overturned by the courts than traditional legislation. But all of these pathways take time and money, and that restricts people's access to direct democracy. And yet direct democracy is the norm in most of the world. John said in our interview, people don't look at places with direct democracy internationally like Germany, the UK, or here in the US, in California, Florida, Massachusetts, and say...

Matsusaka: Oh, those are terrible places to live. Nobody ever wants to go to those horrible places. Oh, those are undemocratic places, those are terrible places. They don't protect people's liberties and rights.

Spinelle: Quite the contrary. John said the US is a, "Weird outlier on the international stage for not letting citizens vote on national issues."

Matsusaka: We are completely outta step with the way democracy is done in the world.

Spinelle: And he proposed that we should push ourselves to imagine having a national referendum, maybe even start out with a non-binding version that lets people express their opinions on certain issues.

Matsusaka: When people say they're frustrated about American democracy, a lot of it is focused on the federal government. People are much happier with their state governments and their local governments, and there's a lot of direct participation in decisions at those levels. It's the federal government where people feel they have no control.

Spinelle: John feels the ballot initiative could be a way to update our institutions to better reflect today's realities and make them more democratic. I think of them as a welcome leap of the imagination to come up with new ways to solve political gridlock and these feelings of not being represented by the government.

Matsusaka: I think we have to continue to have a spirit of innovation and experimentation. We're in a kind of a democracy deprived state with our federal government, and people just don't realize how deprived we are. So I think part of it is just to get people to realize it doesn't have to be like this. It's not like this anywhere else in the world.

Spinelle: I asked Chris at the Ballot Initiative Strategy Center, the question John grappled with in his book. We're really wrestling with the question of, do ballot initiatives serve the many or the few?

Fields Figueredo:

I think they can serve the many. Currently, a lot of folks do not think government and politics serves the many, it serves the few. I think if you ask most people, they don't see themselves represented and reflected and heard or listened to. And that's a problem because democracy is supposed to be a forum by the people, and folks don't see that and

they don't feel that right now, especially. So I think they can, if they are rooted in people and community, if we do take a coalitional approach to them, if it's a one single person that has a lot of money trying to run a thing, that's limited, right? But if we are doing this in what I believe at the core ballot measures were created to do, to be citizens led, to be driven by us, the people, then, yeah, I think it serves the many.

And listen, in democracy, not everyone's going to be happy, we're all different. We are all different. We all want different and opposing things. But I think at the root, again, to bring it back to love and belonging, if that is at the core, then actually you do serve much more.

Spinelle: In my mind, this series has always been about two connected things. What happens when people vote directly on issues and what happens when people decide to take a more active role in their politics. If organizations like BISC have anything to do with it, ballot initiatives could play a big role in strengthening our democracy. As we record this in summer 2022, initiatives on hot button issues like reproductive rights and marijuana legalization will be on the ballot around the country.

Spinelle: I hope you walk away from this series, understanding how much dedication goes into the initiative process. It's one thing to complain on social media about how the system is broken or that politicians are corrupt. I know I can get caught up in this kind of online echo chamber really easily, but it's something else entirely to decide to do something about it. There are so many more stories I want to tell about what happens when people decide to take an active role in our democracy. If you have ideas for season two of the show or people you think we should be talking to, please get in touch with us on our website, thepeopledecide.show or on Twitter @PeopleDecidePod.

Spinelle: When the People Decide is produced by LWC Studios for the McCourtney Institute for Democracy at Penn State. The podcast is reported and hosted by me, Jenna Spinelle. Our producer is Paulina Velasco. Monica Lopez edited this episode. Erica Huang mixed this episode. Fact checking by Mark Betancourt. Special thanks to Jen Chien, Jimmy Gutierrez, Veralyn Williams and Cedric Wilson, for their contributions to the series. Thanks also to Joshua J. Dick and Edward L. Lasher Jr. for providing essential background for this episode. Follow When the People Decide on social media @PeopleDecidePod, and leave us a review so more people can find us. I'm Jenna Spinelle, thanks for listening.

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