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Initiatives and Referendums

Ideally, initiatives and referendum enhance democracy by allowing citizens to become more directly involved with making policy decisions in their states. The experience to date suggests that this is not necessarily the case.

Types of Initiatives and Referendums

Initiatives allow citizens to place a proposed statute on a ballot, by gathering a required number of petition signatures. Referenda are propositions placed on the ballot by legislators, requiring voter approval to become law. States vary with regard to their initiatives and referendum procedures:

As noted earlier, the Supreme Court ruled in that states could not limit business spending on ballot initiatives and referenda.

(435 U.S. 765, 1978)

Recently, the Supreme Court has further limited the states' ability to regulate the initiative and referendum process. On January 12, 1999, in (97 U.S. 930), the Supreme Court rejected Colorado's effort to restrict the process of getting initiatives on the ballot, stating that the regulations impeded on the 1st Amendment value of uninhibited "communication with voters" (Greenhouse, 1999). The three provisions rejected by the Supreme Court were:

- that people who circulate petitions must be registered Colorado voters
- that circulators must wear badges of identification
- that sponsoring organizations employing paid petition circulators must include in the monthly and final reports, the name, address, and compensation of each worker

This ruling has implications for the many states using initiatives and referenda on ballots. At least half of the 24 states allowing initiatives have a requirement that petition circulators be registered voters (NCSL, 1999).

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Updated April 29, 1999 by Chad Ryan, Stacey Kupperman and Anthony Turi (from a report originally produced by Ben Sternthal and Anne Casey in 1998)