



Initiatives, Recalls, and Referendums



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Direct Democracy in Action

The ballot initiative has drawn praise and condemnation in California, for through this process voters exert great influence over California’s political landscape. Ballot initiatives allow citizens to design potential legislation (such as limits on legislators’ terms in office) to be put before the electorate. It is precisely this sort of significant political influence that concerned Californians sought in 1911 when, under progressive Governor Hiram Johnson, the California legislature adopted a state constitutional amendment that allowed for the ballot initiative. Focused on addressing political corruption at a time when many saw state legislators as too cozy with big business, California progressives found great popularity during the early years of the twentieth century. As a sect within the Republican party and then as an independent political party in the 1910s, progressives strove to put more political power in the hands of the average citizen to enact laws that responded to the interests of “the people.”

California was the tenth state to adopt the direct initiative, and is today one of twenty-one states that allows for the direct citizen participation in the lawmaking process. In order to qualify a statewide initiative for the ballot, proponents must gather a sufficient number of voter signatures indicating support for the issue. Currently, the required number of signatures is 623,212 for a typical initiative, or 997,139 for an initiative that would create an amendment to the state constitution. This year’s election includes seven statewide ballot measures that include such measures as guaranteeing abortion rights

in the state’s constitution, dedicated funding for arts and music education, and legalizing sports betting. In addition, the initiative exists at the county and city level as well, with measures designed to impact that particular jurisdiction (such as zoning and land use).

With all its influence, the initiative process prompts questions in each election about what it means for “the people” to pass laws through the initiative process. Whose ideas are represented in the initiative? Who pays for it? Who benefits from it? Through the initiative process, Californians have enacted extremely influential legislation over the years, including a 1978 limit on property taxes and an initiative that created the California Coastal Commission to regulate development and conservation along the state’s prized coastline. Changing laws through statewide ballot initiatives is not a sure way to bring about change, however. In the 100+ years since the initiative began in California, more than 2,100 statewide initiatives have been titled and circulated for petition to be eligible to be placed on the ballot, but only 396 initiatives have qualified for the ballot. Of this smaller number, only 136 initiatives were approved by voters and adopted into California law. While this is a small success rate, it does reflect regular voter input over the past century in the creation of statewide legislation.

Over the years the ballot initiative has created an industry unto itself in California. Proponents of an initiative often hire trained consultants to create slogans and campaigns in hopes of increasing the

Direct Democracy in Action

likelihood of success. This requires substantial money, however - an issue that some progressives voiced back in 1911 out of concern that the large number of signatures required on a ballot petition would favor special interest groups that had the means to coordinate such an effort. Certainly special interest groups have found success through the initiative, leading some to argue that the original intent of the ballot initiative - to give “the people” a voice in the law making process - has been compromised. In the same 1911 election, the definition of “the people” itself was expanded to grant women the right to vote. More than one-hundred years later,

the initiative system remains popular among California voters, and during each general election we see evidence of California voters taking an active role in the governance of their state.

Three Types of Ballot Propositions also known as Ballot Measures

Initiative

An initiative is a proposal by state residents for a new law or a constitutional amendment. In order to qualify for the ballot, it must be popular enough among other voters to receive hundreds of thousands of signatures of support.

Recall

A recall is a proposal by state residents to remove from office an elected state or local official. In order to qualify for the ballot, it must be popular enough among other voters to receive hundreds of thousands of signatures of support.

Referendum

A referendum is a proposal by state residents to repeal a law, or part of a law, that was previously enacted by the legislature. In order to qualify for the ballot, it must be popular enough among other voters to receive hundreds of thousands of signatures of support.

Initiative to Law

Steps for an Initiative to become Law

1. Write the text of the proposed law (initiative draft).
2. Submit initiative draft to the Attorney General for official title and summary.
3. Initiative petitions are circulated to collect enough signatures from registered voters.
4. Signatures are turned into county election officials for verification.
5. Initiative will either be Qualified for Ballot or be failed by the Secretary of State, after verifications and deadline dates.
6. California voters will approve or deny the qualified Ballot Initiative.

From <http://oag.ca.gov/initiatives>

Initiatives that Transformed California

Proposition 13: The Jarvis - Gann Initiative

California took headline news across the country in June 1978 when voters passed Proposition 13. The *Jarvis - Gann Initiative*, most commonly called Prop 13, was designed to restrict property taxes to 1% of the property's value and thereby lower the amount of property tax a homeowner or business paid to the government. The initiative passed with the support of 65% of California voters, indicating the vast amount of voter discontent over taxes and how the government used this money. Part of the appeal of Prop 13 was that California had some of the highest property taxes in the country, but there were other factors as well that led voters to deliver a landslide victory for the initiative. First, inflation had eaten away at the real income of Californians in the 1970s.

Compounding this was the state's dramatic cost of living increase over the previous decade. Meanwhile, state taxes were increasing at a rate greater than inflation. On top of all this, the state was sitting on a large budget surplus - \$3.5 billion - at a time when many Californians were dissatisfied with government services and perceived a good deal of government waste and inefficiency. The motivations varied across the state and among voters, but at least some voters also disagreed with the amount of tax dollars being spent on social services and were willing to cut funding to public schools as the state's youth represented an increasingly diverse population. All of these concerns and interests converged to make Prop 13 a successful ballot measure.

Proposition 13 - The Jarvis - Gann Initiative

So, what did Prop 13 accomplish? For current property owners (in 1978), the measure rolled back a property's assessed value to its 1975 value (which decreased its property tax); capped property taxes to 1% of the property's base year value (a property's base year value is updated only when a property changes owners, or new construction occurs); and restricted the increase of a property's assessed value to no more than 2% per year. Homeowners found that their property taxes were generally cut in half after Prop 13, which made it much easier for homeowners on fixed incomes (the elderly in particular) to retain ownership of their homes. In general, those who owned homes in 1978 enjoyed a monetary benefit from this proposition. The majority of homeowners in 1978 were white residents who had not been subjected to the same housing discrimination and redlining practices that kept many people of color from realizing home ownership. In addition to individual homeowners, large businesses that owned extensive properties enjoyed considerable tax relief; the Southern Pacific Railroad, for instance, saved over \$20 million a year in taxes, and Standard Oil over \$47 million.

Prop 13 meant a substantial loss in property tax revenue, which was soon compounded by a national recession. In the first few years after Prop 13 the state paid out about \$1 billion more in services than it collected in tax revenue. Before long, California's infrastructure went into decline. Roads, bridges, and public buildings deteriorated and California fell to 49th among states for spending on new streets and highways. Spending on public education dropped significantly as well. By 1983, California's national education ranking fell from

17th to 35th for per pupil spending. Prop 13 also led to a shift in power between the state and local governments. As cities and counties suffered from reduced revenue they had to turn to the state for economic support. Government power became more centralized at the state level as the state took over decisions that had previously belonged to more local authorities, such as in what proportions tax money went to schools, to roads, or to other services provided by the county or city. In this way, school funding is no longer tied to a county's or city's wealth to the same extent as before Prop 13 so that all schools, regardless of their community's wealth, can count on similar amounts of base state funding.

California was in the forefront of a larger tax revolt throughout the country. By the late 1980s the majority of states had passed some sort of measure to lower or stabilize taxes. Since then, a study of these anti-tax measures provides insight into the factors that drove voters to support such measures. It appears that a majority of proponents experienced at least some of the following frustrations: felt cut off from the political decision-making process; disappointed in political leadership; troubled by high taxes that appeared wasted by the government; and/or concerned by a lack of responsiveness by their government. These frustrations bear some similarity to the concerns raised by the progressives in the early twentieth century, which resulted in new state agencies and efforts to reform political, economic and social policies. In 1978, California voter frustration created Prop 13 that limited government capacity by reducing the part of the budget that is funded by property taxes.

Proposition 20: Coastal Zone Conservation Act, 1972

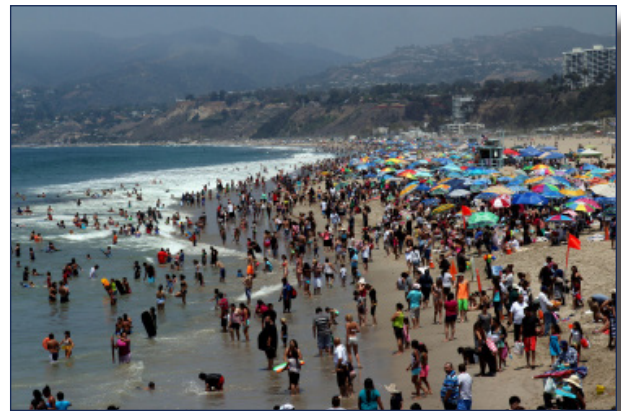
California's 1,100-mile coastline has been called the geographic soul of the state. It is certainly a prized natural resource that encompasses coveted real estate, popular recreation sites of great value to the state's tourist industry, and habitat for abundant wildlife and vegetation. But population pressure, especially in the three decades following WWII, threatened this resource through residential and commercial development, disappearing wetlands, eroding beaches, and new marinas. Moreover, private development and other restrictive land uses meant that by 1970 only 200 of the state's 1,100 miles were available for public use. These conditions, coupled with concern over the newly proposed freeways and nuclear plants, and the 1969 Santa Barbara oil spill, all helped galvanize many Californians to call for regulations to guide land management along the coast.

State legislators proposed multiple coastal-preservation bills in this era, but when none

passed voters took the issue into their own hands and in 1971 formed the Coastal Alliance. This alliance eventually included 1,500 member organizations, such as the Sierra Club, the Planning and Conservation League, and the League of Women Voters. The Coastal Alliance was responsible for placing on the 1972 ballot the *Coastal Zone Conservation Act*, known as Proposition 20, to create a state agency to regulate coastal development and conservation. Certain groups stood opposed to such a state agency. PG&E, Gulf Oil, real estate developers, and other large corporations sponsored a well-funded anti-Proposition 20 campaign. They warned of higher costs if Proposition 20 passed, but the majority of Californians were more concerned about instituting comprehensive coastal land use regulation that would, not incidentally, help to keep the beaches beautiful and open to the public. In the end, Proposition 20 passed with an 800,000 vote margin.



*Industrial area on the Pacific Coast,
near Los Angeles, California*



*Santa Monica Beach,
Packed on July 4th, 2015*

Proposition 20: Coastal Zone Conservation Act, 1972

The passage of Proposition 20 was certainly not a foregone conclusion in California. The people of the state had long shown a proclivity for local jurisdiction for zoning and land use controls, and hence weak state regulations. But local policies could not address federal oil leases that threatened more oil spills or tackle larger regional pollution; comprehensive coastal protection required the power of the state. The success of the Coastal Zone Conservation Act spurred the creation of a temporary California Coastal Commission, subject to legislative approval within four years. In 1976 the California legislature passed the state's Coastal Act, making the California Coastal Commission a permanent state agency, with a mission to "protect and enhance California's coast and ocean for present and future generations." The challenge then became how to regulate development along the coastline. Some local leaders called for local control over development, while some environmentalists, particularly in the Sierra Club, wanted the often pro-development local authorities to have limited control.

The Coastal Act reflects a compromise. Local governments follow state guidelines to develop their own coastal land management programs with the input of the local population. The Coastal Commission then reviews the plan for compliance with *the Coastal Act*. Once the Commission certifies a county's land use plan, the county can assume control of coastal regulation within its jurisdiction. Every county lying within the coastal zone must develop a land use plan. As coastal counties developed their land use plan, some of Proposition 20's critics' points did come to pass. For instance, the new permitting process for home development turned into such a lengthy procedure

that it increased the cost of development, making the coastline even more likely to house only the wealthy. Some land use plans, such as that governing Big Sur, limit the environmental impact of residential development by requiring large minimum lot sizes - 40 acres per single house on the western side of Highway One. Such lot size requirements have contributed to the increased cost of home ownership along some stretches of the California coastline. But these restrictions also help secure a broader stretch of unmarred coastline for the public to enjoy, including tourists who fuel an important part of the state's economy.

While some argue that private property rights are compromised when a landowner faces development restrictions, others argue that the public good is served by such restrictions (in the form of securing open space, for instance). Despite the sometimes conflicting opinions about the work of the Coastal Commission, *the Coastal Act's* goal to protect the ocean and beaches resonates with Californians, over 90% of whom report that the conditions of these resources are personally important to them.¹ Statewide surveys also reveal that more Californians would like to see stricter, rather than more lenient, regulations controlling coastal development.² The California coastline holds great significance to the state and its people, and the Coastal Commission is an indicator that residents believe in the importance of comprehensive management of this valuable resource.

1 Mark Baldassare, Public Policy Institute of California Statewide Survey, February 2006, "Californians and the Environment," 22.

2 Ibid.

The Power of Action

Primary Source Investigation

Running on a platform to clean up politics, Governor Hiram Johnson took office in 1911 and in his inaugural address called for the adoption of the initiative.

Hiram Johnson's First Inaugural Address, January 3, 1911

How best can we arm the people to protect themselves hereafter? If we can give to the people the means by which they may accomplish such other reforms as they desire, the means as well by which they may prevent the misuse of the power temporarily centralized in the Legislature...then all that lies in our power will have been done in the direction of safeguarding the future...

And while I do not by any means believe the initiative, the referendum, and the recall are the panacea for all our political ills, yet they do give to the electorate the power of action when desired, and they do place in the hands of the people the means by which they may protect themselves...

The opponents of direct legislation and the recall, however they may phrase their opposition, in reality believe the people can not be trusted. On the other hand, those of us who espouse these measures do so because of our deep-rooted belief in popular government, and not only in the right of the people to govern, but in their ability to govern...

<http://governors.library.ca.gov/addresses/23-hjohnson01.html>



Gov. Johnson of Cal

- 1) How did Hiram Johnson envision the initiative benefitting California politics?
- 2) How did Johnson believe the initiative would benefit the people of California?
- 3) Why did Johnson want to give the people this sort of political influence?

Learning about Initiatives

Classroom activities

The following activities are intended to deepen students' understanding of the initiative process in California. They are designed as distinct, stand alone activities to be tailored to your specific classroom needs.

Proposition 31: Uphold the Ban on Flavored Tobacco Products

Proposition 31 is a referendum, not an initiative, meaning that it seeks to overturn an earlier law. In this case, the law in question is one that the state legislature passed in 2020 that prohibits the sale of some flavored tobacco products. The law was in response to the fact that tobacco is harmful to health and is also addictive, and many young people who start smoking are first drawn to tobacco through flavored products. This law has yet to go into effect, however, because soon after the law passed tobacco companies worked to gather support for a referendum which has qualified for the upcoming ballot. A “yes” vote upholds the current law to not allow the sale of flavored tobacco products; a “no” vote would strike down the law and allow the sale of flavored tobacco products.

Click on the following two sources to learn more about the proposition:

LAist

CalMatters

- 1) Do you believe Prop 31 should pass or not?
- 2) What are the advantages, and who will benefit, if more voters vote “yes” on Prop 31?
- 3) What are the disadvantages, and who will feel these disadvantages, if voters reject Prop 31?

Proposition 1: Constitutional Right to Reproductive Freedom

California voters are being asked to amend the state constitution with regards to reproductive freedom. This proposition came to be as a response to the June, 2022, U.S. Supreme Court decision in *Dobbs. v. Jackson*. In this controversial ruling, the majority held, “‘The permissibility of abortion, and the limitations, upon it, are to be resolved like more important questions in our democracy: by citizens trying to persuade one another and then voting.’ That is what the Constitution and the rule of law demand.” What does this say about states’ responsibilities, and therefore voters’ influence, in deciding the legality of an individual’s right to an abortion?

Proposition 1 reads:

The state shall not deny or interfere with an individual’s reproductive freedom in their most intimate decisions, which includes their fundamental right to choose to have an abortion and their fundamental right to choose or refuse contraceptives. This section is intended to further the constitutional right to privacy guaranteed by Section 1, and the constitutional right to not be denied equal protection guaranteed by Section 7. Nothing herein narrows or limits the right to privacy or equal protection.

- 1) If enacted by voters, what would Proposition 1 do?
- 2) How does Proposition 1 relate to the excerpt from the *Dobbs* decision?
- 3) Proposition 1 is being considered by voters in 2022, but how does its existence on the ballot have a history that stems from 1911?
- 4) What similarities and what differences do you see in the initiative process that Governor Hiram Johnson described in 1911 and Proposition 1?

Learning about Initiatives

Classroom activities

The following activities are intended to deepen students' understanding of the initiative process in California. They are designed as distinct, stand alone activities to be tailored to your specific classroom needs.

A Look at Local Politics

What initiatives and measures are up for vote in your city and county? How will these potentially impact you, your school, your parks, your family, etc.? Begin by looking at who is currently in office for a number of positions - mayor, city council, school board, county supervisor, and chart what their accomplishments have been. Who wants to unseat them, with what campaign promises?

The following two resources will help you learn more about your local election:

Secretary of State, County Elections Office

Voter Information - Vote 411

California's History of Initiatives

Students can examine the following charts in order to learn more about the state's history of initiatives, asking such questions as: are there any patterns that can be detected regarding successful or unsuccessful initiatives? What issues/concerns span multiple generations, and what issues/concerns seem concentrated in a certain time period? Which issues have received the highest percentage of approval, and why do you think that is?

Secretary of State Office, election history

Resources for further research:

Initiative Totals by Title and Summary Year (PDF) charts the number of initiatives, receiving a title and summary, which qualified, failed, or were withdrawn from the process.

Initiatives Voted into Law (PDF) charts all the initiatives that have been voted into law, along with the percentage by which they were approved.

Initiatives by Title and Summary Year (PDF) charts the proposed initiative measures that received a title and summary each year and shows which initiatives qualified or failed to qualify for the ballot, and once qualified, if they were approved or rejected by voters.

Would your Initiative Pass?

Classroom activities

In this activity you will create your own initiative, collect signatures, and hold a vote.

Step One: Write the text of the proposed law (this is the draft of your initiative). Topics can include school issues, such as whether to institute a later start time for school or to provide the best parking spaces for those who carpool to school. (Remember that an initiative cannot be unconstitutional). Then consider who would likely support or oppose this initiative. Is your particular demographic (students in your school) reflective of other groups across the state? Is your initiative likely to have widespread appeal?

Step Two: Submit the initiative draft to the Attorney General, who will assign an official title and summary. (Perhaps the teacher or a nominated student could take on this role.)

Step Three: Format your petition with a heading, the circulating title and summary, and text of the proposed initiative measure. Detailed formatting and submission information can be found at the [website for the California Secretary of State](#).

Statewide Initiative Guide: <http://www.sos.ca.gov/elections/ballot-measures/how-qualify-initiative/initiative-guide/>

Step Four: Circulate initiative petition with the goal of collecting enough signatures from registered voters (in this case, your class or school mates) to qualify. A California statewide ballot initiative requires at least 5% of total number of voters in the most recent gubernatorial election. (Your class can determine the minimum vote required for this activity).

As you collect signatures think critically about the process. Was it difficult to convince people to sign, or does this seem like an easy way to spread an idea for change? Would having a different amount of time have made a difference? Would you change anything about this process?

Step Five: Turn signatures into county election officia for verification. (Designate someone, students or teacher, to make sure all the signatures match the class or school list).

Step Six: Find out if your initiative will either be ‘qualified for ballot’ or be failed by the Secretary of State. (Again, this role could be filled by the teacher or a student).

Time to Vote!

Links

Summary of Types of Ballot Measures

<http://www.easyvoterguide.org/wp-content/pdf/FastFacts-BallotMeasures.pdf>
<http://www.sos.ca.gov/elections/ballot-measures/initiative-and-referendum-status/>

How to Qualify an Initiative

<https://oag.ca.gov/initiatives>
<http://www.sos.ca.gov/elections/ballot-measures/how-qualify-initiative/>
<https://oag.ca.gov/initiatives/qualified-for-ballot>
<https://oag.ca.gov/initiatives/active-measures>
<http://oag.ca.gov/initiatives/inactive-measures>

The Power of Action

<http://governors.library.ca.gov/addresses/23-hjohnson01.html>

Learning About Initiatives

<http://www.latimes.com/local/political/la-me-pc-california-plastic-bag-ban-20150223-story.html>
<http://elections.cdn.sos.ca.gov/pdfs/initiative-totals-summary-year.pdf>
<http://elections.cdn.sos.ca.gov/ballot-measures/pdf/approval-percentages-initiatives.pdf>
<http://elections.cdn.sos.ca.gov/ballot-measures/pdf/initiatives-by-title-and-summary-year.pdf>

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Cover Art by Alexandra Doerschlag

Industrial area on the Pacific Coast, near Los Angeles, California
 Courtesy of Library of Congress, Highsmith Collection
<http://hdl.loc.gov/loc.pnp/highsm.17052>

Santa Monica Beach , Packed on July 4th, 2015
 Courtesy of Prayitno
<https://flic.kr/p/uDwY41>

Gov. Johnson of Cal
 Courtesy of Library of Congress
<http://hdl.loc.gov/loc.pnp/ggbain.12094>

About

About *Teach the Election*


Teach the Election puts the 2016 Election in its historical context with classroom-ready explanations of the electoral process, relevant issues, and suggestions to incorporate the election cycle into the regular curriculum. *Teach the Election* also helps students engage with informational text and primary sources to help them make the evidence-based arguments required by California's Standards.

Teach the Election is a publication of the [California History-Social Science Project](#), a statewide network, headquartered at the University of California, Davis, and dedicated to improving student literacy and learning. Copyright © 2016, Regents of the University of California, Davis campus. All rights reserved.

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