

Initiative, Referendum and Constitutional Amendment Task Force Testimony – Rob Timm, Chiesman Center for Democracy:

Madam Chair, members of the committee, thank you for the opportunity to testify before you today. My name is Rob Timm and I am the President/CEO of the Chiesman Center for Democracy. Our organization's non-partisan mission is relatively simple - to promote civic education and engagement. We do so through a variety of programs and efforts that each have at their core the premise that democracy does matter at all educational levels and at all ages.

My fellow South Dakotans, as you have learned from yesterday and through your studies prior to the convening of this committee, by the late nineteenth century, average Americans felt excluded from our representative system which they saw as having become a plutocracy, controlled by the wealthy and the corporate elite. As result, the initiative process was born.

Since then, according to the Initiative and Referendum Institute at the University of Southern California, 24 states have had at least one initiative during the period of 1904-2016, totaling more than 2,547 state-level initiatives on the ballot at a 41% approval rate.

([http://www.iandrinstitute.org/docs/IRI%20Initiative%20Use%20\(2017-1\).pdf](http://www.iandrinstitute.org/docs/IRI%20Initiative%20Use%20(2017-1).pdf))

We agree that direct democracy may have its problems, and as a speaker yesterday stated “messy”. However, direct democracy's positive effects out-weigh those:

- Recent research by Radcliff and Shufeldt in 2015 (Notre Dame & University of Illinois at Urbana-Champaign) (<https://www.usnews.com/news/articles/2016-01-25/direct-democracy-may-be-key-to-a-happier-american-democracy>) has shown that direct democracy has a positive psychological effect on voters – making them feel that they have an impact on policy outcomes.
 - This holds true even if they may not like, and thus vote against, a particular ballot measure.
- This same research shows that, by allowing people literally to be the government, they develop higher levels of political efficacy.

- In the same vein of thought, research conducted by Caroline Tolbert of Kent State University (2004) (<http://www.nonprofitvote.org/documents/2010/11/ballot-measure-and-citizen-interest-in-2005.pdf>) found that ballot initiatives educate citizens, increasing both civic engagement and in turn political participation, especially in low-information electoral contexts.
- When we crunch the numbers we find through the research that:
 - Ballot measures increase voter turnout by stimulating interest in the election.
 - This research is bolstered by a comparison of voter turnout between initiative and non-initiative states. The most recent reliable data (Tolbert, Grummel and Smith in 2001) (<http://journals.sagepub.com/doi/abs/10.1177/1532673X01029006005?journalCode=aprb>) estimates that in midterm elections, in initiative states, the turnout was 7% to 9% higher than in non-initiative states. While turnout in presidential elections was 3% to 4.5% higher than non-initiative states.
 - Empirical evidence suggests that states with frequent usage of citizen initiatives have higher voter turnout over a 26-year period than non-initiative states in both presidential and midterm elections.
 - This research states that the presence and usage of the citizen initiative process are related to high citizen participation over time. (e.g. the more you use the process the more likely voters will come to the polls) (Ibid., Tolbert, Grummel and Smith, 2001)
 - Yesterday you spoke of economic factors involved with initiatives.
 - A study conducted by Wellesley College in 2001 looked at the impact of voter initiatives on economic activity from 1969-1996 and observed that states with voter initiatives wasted between 20 to 30 percent fewer resources than non-initiative states – resulting in better economic performance in terms of GDP growth. The research also stated that by having initiatives it positively affected the allocation of government resources towards more productive

purposes. (<http://www.iandrinstute.org/docs/Blomberg-Hess-and-Weenapan-Fiscal-Impact-of-Initiatives-IRI.pdf>)

But do our citizens really know what they are voting on when they go to the polls? Are they informed? Are they even aware?

The research conducted in 2015 also maintains that campaign advertising increases levels of interest and knowledge among citizens. While consumption of online news increases political knowledge, interest and discourse as well. Bottom line, while rife with both informational and emotional content, ballot measure campaigns spark public interest in politics, contributing to a more attentive citizenry.

This is a far cry from the nationwide Pew Research Center survey conducted in October 2004 which explored the voting public's awareness of ballot measures on the upcoming November ballot that year in the voter's state. They found that only 56% of voters (overall) were aware of the measures on their ballot. (<http://www.people-press.org/2004/10/20/race-tightens-again-kerrys-image-improves/>)

We can all agree that South Dakota citizens should be informed not only regarding the candidates on their ballot, but just as importantly about various ballot measures that could fundamentally change our state's laws and constitution. As stated earlier in my testimony, voters rely on campaign advertising, online news and at times their local paper to become informed. Yet, I submit to you that the media, the non-profit as well as our public sector have not done a very good job of informing the citizenry of ballot measures, particularly in a an un-biased, purely informative way.

So where does this all lead us? What does this all mean?:

- From a voter turnout perspective, the more ballot measures the higher the likelihood of voter turnout, especially during midterm elections
 - Creating barriers to bring initiatives to the ballot may not only reduce voter turnout it may also reduce civic participation and engagement

- Midterm election turnout is already paltry at 44.6% in 2014 and 52.2% in 2010, creating more processes or criteria for ballot measures may reduce these poor numbers (www.sdsos.gov)
- Citizens need more information – but not just more information - more accurate information, some ideas include:
 - Mailing the voter guide to registered voters - 20 states do so already at varying levels of cost, based on the number of registered voters (https://ballotpedia.org/Features_of_official_voter_guides,_compared_by_state)
 - Develop a frequently asked questions (FAQ) guide for each ballot measure that includes un-biased questions and responses along with contact information for the measure’s sponsor and opponents – so they can answer additional questions directly
 - Holding numerous facilitated town hall discussions throughout the state to review one or more key ballot initiatives, or maybe just constitutional measures – allowing not only sponsors and opponents to provide arguments but also creating opportunities for the general public to ask questions
 - Take this one step further, and implement a process that is used in Oregon, Arizona, Massachusetts, Colorado and California. These states utilize an independent Citizens Initiative Review® (<https://healthydemocracy.org/cir/>) that engages a randomly selected, demographically balanced “jury” of citizens who take testimony and then deliberate for 2-3 days, drafting a statement highlighting the most fact-based pro and con findings about a measure (usually a constitutional amendment). Which is then placed in the voter guide.

All in all, the research shows that citizens don’t want less democracy. They want accurate, un-biased information that’s not obscured by misleading statements and advertisements from either side of an issue.

We have a duty as South Dakotans to ensure that our citizenry have the tools they need to make informed decisions. We also have the responsibility to respect those decisions, even when they may be contrary to our own.

One must admit that South Dakotans were pretty smart back in 1898, being on the cutting edge of democracy, when they created the initiative and referendum processes and then again in 1972 in regard to our constitution. Today, our fellow citizens continue to be sensible, willing participants in the very fabric of our state.

On behalf of the Chiesman Center for Democracy, I thank you for your service these past two days and for your steadfast commitment to the great state of South Dakota.

I will stand by for any questions you may have.