Arizona’s Direct Democracy

What is direct democracy?—Direct democracy refers to a system where the citizens literally govern themselves rather than relying upon elected or appointed officials. Although some of America’s earliest towns operated on this basis, America’s Founders rejected direct democracy when they wrote the U.S. Constitution in 1787. They viewed it as both impractical and unwise. However, in the late 1890s the Progressive Movement was highly critical of state and local governments. Progressives believed that these governments were being controlled by corrupt party bosses, political machines, powerful corporations, and wealthy individuals. According to the Progressives the only way to restore honest government was to give the citizens more political power. Accordingly, they pushed for the adoption of the initiative (to allow citizens to bypass officials and enact their own statutes and constitutional measures), the referendum (to allow citizens to reject statutes and constitutional measures adopted by officials), and the recall (to allow citizens to remove officials from office before the end of their terms). In 1898, South Dakota became the first state to adopt the initiative and referendum; eight states quickly followed suit. Ten years later Oregon became the first to adopt the recall. Currently about two dozen states, mostly located in the west, have adopted some or all of these procedures.

Arizona adopts direct democracy after a struggle—Arizona became a state during the peak of the Progressive Movement in 1912. Most of the drafters of Arizona’s constitution were ardent Progressives, so it is no surprise that the state’s constitution included the initiative, referendum, and recall. However, President Taft—a staunch opponent of direct democracy—vetoed Arizona statehood because the state constitution permitted the recall of judges. Arizona was forced to eliminate the recall of judges in order to become a state. However, as soon as Arizona attained statehood it promptly restored judicial recall!

Direct democracy in practice: (1) the initiative—From the beginning Arizonans used their initiative procedures in significant, controversial, and sometimes fickle ways. For example, at the state’s very first election in 1912 the (all-male) voters used the initiative process to extend suffrage to women. Voters eliminated and then restored the death penalty (1916, 1918); approved and subsequently repealed Prohibition (1914, 1932). Major governmental changes have been made through the initiative process: the adoption of term limits (1992), merit selection for judges (1974), and the creation of a citizen redistricting commission (2000). In 1958, students used the initiative process to change the name of Arizona State College to Arizona State University after the legislature (which was partial to the U of A) refused. The state lottery was created through the initiative process (1980), and multiple animal rights measures have also been approved through this means (1994, 1998, 2006). Arizonans used the initiative process to raise taxes on cigarettes (1994, 2006), ban smoking in most public locations (2006), approve a medical marijuana and decriminalization measures (1996, 2010), increase the penalties for methamphetamine offenses (2006), raise the minimum wage (2006), restrict bilingual education (2000), deny benefits to undocumented immigrants (2004, 2006), and limit marriage to opposite sex couples (2008).

(2) The referendum by citizen petition—Citizen-triggered referenda to block laws approved by the Legislature are far rarer than initiatives. In fact, they have only been successfully used 17 times since statehood. Most controversially, this process was used to delay the recognition of a Martin Luther King, Jr. holiday (1988), and to prevent the Legislature from gutting a citizen marijuana initiative (1998). But the limited use of this device understates its importance: The mere threat of a citizen referendum has sometimes caused the Legislature to repeal a law on its own or to abandon a measure that it might have enacted but for the referendum threat.
Pros and Cons of Direct Democracy—Since President Taft worried that recall would intimidate judges, direct democracy has attracted critics. Some contend that the typical citizen is not adequately informed to make sound decisions on complex state laws and policies. Because citizen initiatives do not undergo any governmental review, they are often poorly drafted and generate costly legal challenges due to vagueness, conflicts with other laws, or unconstitutionality. In comparison to the regular lawmaking process, the initiative process does not allow for compromise and some measures are too extreme. (For example, an anti-abortion measure (1992) and a ban on same-sex marriages and domestic partnerships (2006) arguably failed because they were too sweeping.) Citizen measures sometimes target unpopular minorities such as homosexuals and immigrants and thereby exacerbate social tensions. Because the cost of collecting sufficient signatures and advertising an initiative can be prohibitive, the initiative process is often successfully used only by big businesses or the wealthy. In fact, on several occasion outsiders—individuals and businesses not resident in Arizona—have exploited the process to change the state’s laws. Finally, direct democracy takes power away from elected officials, often making it more difficult for them to govern in times of fiscal crisis. This is especially true with respect to citizen measures that limit the government’s ability to redirect funds that are earmarked by the voters for specific purposes (e.g., land preservation, childhood health.) In 2010, the voters refused to allow such funds to be redirected.

Defenders of direct democracy argue that it provides the only way to reform government since legislators are not likely to adopt measures that reduce their own powers or perks. Arizona’s campaign finance reforms, redistricting reforms, and term limits would not have passed except through the initiative process. It also gives citizens a way to counteract the effects of special interests that often hold sway over the legislature. It provides an avenue for powerless groups to “take their case” to the people, such as the Salt-River Pima-Maricopa Indians who used the process to win the right to operate casinos when officials said no. Finally, some argue that ballot measures promote a more engaged citizenry and healthier democracy. They make state and local elections more interesting, focus attention on issues as opposed to candidate personalities, allow social solutions to come from a broader pool of people, and provide a safety valve for angry and alienated citizens.