

OPINION BALLOT: AMENDMENT 36

1. _____ Colorado voters should vote against Amendment 36 because our state will lose influence in presidential elections. Candidates will be less likely to visit Colorado or address our concerns.
2. _____ Amendment 36 provides for the fairest allocation of our electoral votes. It doesn't matter that presidential candidates will spend their time in key states.
3. _____ Amendment 36 will give too much power to third party candidates. This is a threat to the two party system that is the very core of our political system.
4. _____ Amendment 36 will increase voter turnout because people will think their vote has more weight.
5. _____ Colorado should continue to expand opportunities for direct citizen involvement in the democratic process. Historically Colorado has been the leader in expanding direct participation in government and we should continue the tradition. (i.e., granting women's suffrage before the ratification of Amendment 19 to the US Constitution; imposing term limits on elected officials, etc.).

THE INITIATIVE PROCESS: PROS AND CONS

Reasons for and against the use of the initiative process to create public policy are listed below. Select the 3 best arguments for and against the use of the initiative process.

FOR

AGAINST

<ol style="list-style-type: none">1. Voter turnout is higher when initiatives are on the ballot—in both presidential and non-presidential elections.3. The source of good public policy should be the people, not their rulers.4. We can trust the collective judgment of our citizenry to decide what is best for the common good.5. Representative democracy is undermined by powerful, selfish interests beyond the control of the voter. Initiatives are a better method of promoting the common good.6. The initiative process is less corrupted by money and special interest than the elected representatives in our state legislatures.7. The initiative process provides a much needed check on the power of state legislatures.8. The initiative process promotes more citizen involvement in government.	<ol style="list-style-type: none">1. The initiative process doesn't allow for deliberation of important ideas. People get their information about ballot initiatives from biased TV commercials and other media. Representative democracy provides for a more deliberative process.2. People vote selfishly on initiatives; they cannot be trusted.3. Law-making by popular vote was not what the Framers had in mind. Initiatives can create a tyranny of the majority.5. People are likely to vote for policies that are unconstitutional.6. Voters don't really understand the details of what they voting on. They are too uniformed about the issues.7. The initiative process only benefits partisans and special interest groups.8. Many initiatives crowd the ballot and are just plain bad ideas.
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Some History About Colorado's Initiative Process....

(excerpted from: Initiative and Referendum Institute, University of Southern California
<http://www.iandrinstitute.org/Colorado.htm>)

Coloradoans set their state's record for initiative use the first year it was available, in 1912, by putting 22 initiatives and 6 popular referendums on the ballot. Among these were laws or amendments establishing an eight-hour work day for workers employed in underground mines, smelters, mills and coke ovens; giving women workers an eight-hour day; providing pensions for orphans and for widows with children; establishing juvenile courts in major cities and counties; and granting home rule to cities and towns.

A scan of the initiatives through the decades reveals that Coloradoans have voted directly on a wide range of social issues. Of the 178 issues placed before the voters, 35% passed. In the early 1970s, Coloradoans passed an environmentalist-backed initiative to keep the Winter Olympics from being held in their state (1972) and to prohibit underground nuclear explosions except with prior voter approval (1974). In 1984 Colorado became the first state to pass an initiative banning the use of state funds for abortion.

Voters have also changed the structure of democracy through the initiative process. In 1984 citizens passed the "Motor Voter" initiative, which set up a system of voter registration at driver's licensing bureaus. This highly successful program increased the number of registered voters in Colorado by 12.4 percent. Colorado voters started the Term Limits movement in 1990 by placing term limits on members of the state legislature. Placing term limits on members of Congress from Colorado was, however, declared unconstitutional by the US Supreme Court.

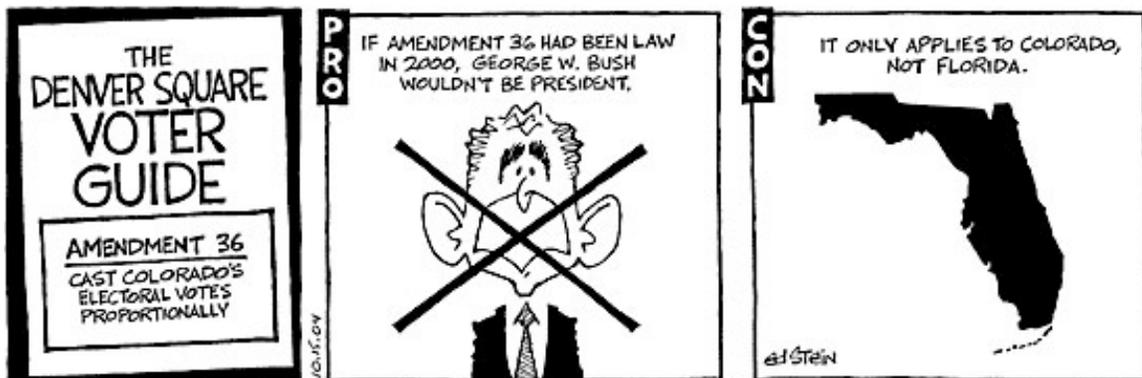
A National Perspective: Initiatives, Referenda and the 2004 Election....

(<http://www.npr.org/rundown.php?prgDate=29-Sep-2004&prgld=5>)

On November 2, citizens in many states primarily in the American West are making policy decisions as well selecting political leaders. In a number of states voters will bypass legislatures and vote directly on over 150 referenda and ballot initiatives.

From stem cell research to the Electoral College, initiatives are included on many state ballots and competing for voters' attention. In 12 states, voters will decide whether or not to amend their constitutions by defining marriage as a union between one man and one woman. Legalized gambling is on the ballot in 13 states. California has 16 ballot initiatives on their ballot, including one to allow the state to borrow \$3 billion to spend on embryonic stem cell research and one to soften the provisions in their "Three Strikes and You're Out Law." Arizona has a measure to require people to verify their citizenship to receive state services.

Mike Keefe, The Denver Post. September 26, 2004. Used with permission.



Used with permission. Ed Stein, Rocky Mountain News, Oct. 15, 2004.

Selected Statewide Initiatives

Excerpted from: The Initiative and Referendum Institute, University of Southern California
(<http://iri.usc.edu>)

Year	Subject	Description	Pass/Fail
1912	Alcohol Regulation	Providing for statewide prohibition	Failed
1914	Judicial Reform	Providing for a 3/4 jury verdict in civil cases and permitting women to serve on juries if they desire	Failed
1914	Alcohol Regulation	Providing for statewide prohibition	Passed
1918	Welfare	Relief for blind adults	Passed
1926	Business Regulation	Amending law to permit dentist licensed in other states to practice in Colorado without examination.	Failed
1932	Alcohol Regulation	Repealing statewide prohibition, subject	Passed
1936	Welfare	Providing for public assistance to indigent tubercular residents.	Passed
1944	Veteran Affairs	Providing for preference to honorably discharged veterans and their widows in the civil service of the state and its political subdivisions	Passed
1952	Gaming	Legalizing slot machines except where prohibited by local ordinance	Failed
1960	Daylight Savings Time	Providing for and establishing Daylight Saving Time.	Failed
1966	Administration of Government	Provide for 35 member senate and 65 member house.	Passed
1972	Taxes	Prohibit the state from levying taxes and appropriating or loaning funds for the purpose of aiding or furthering the 1976 Winter Olympic Games.	Passed
1974	Education	Prohibit the assignment or the transportation of pupils to public educational institutions in order to achieve racial balance of pupils at such institutions.	Passed
1976	Nuclear weapons/facilities/waste	An amendment requiring approval two thirds of each House of the General Assembly prior to any construction or modification of a nuclear power plant or related facility.	Failed
1976	Environmental Reform	Requires a minimum deposit refund value for beverage containers for malt liquor, including beer, and carbonated soft drinks manufactured, distributed, or sold for use in this state.	Failed
1984	Business Regulation	Regulate the sale of wine in grocery stores.	Failed
1984	Abortion	Ban the state funding of abortion.	Passed
	Election Reform	To provide for additional voter registration of qualified electors applying for a driver's license.	Passed
1988	Administration of Government	English as official language.	Passed
1990	Gaming	Legalizing limited gaming.	Passed
1990	Term Limits	Term limits for elected officials. State legislature and Congress	Passed
1992	Taxes	Voter approval of tax revenue increases	Passed
1992	Animal Rights	Prohibit taking of black bears.	Passed
1992	Civil Rights	Repeal local laws passed to ban discrimination based on sexual orientation and prevent similar new laws.	Passed
1992	Education	Vouchers for school funding.	Failed
1998	Abortion	Would require parents be notified prior to a physician performed abortion.	Passed
1998	Animal Rights	Establish regulations for commercial hog farms	Passed
2000	Drug Policy	Legalizes marijuana for medical purposes	Passed
2000	Gun Regulation	Require background checks for guns purchased at gun shows.	Passed

Statements Regarding the Initiative and Referendum Process

(The Initiative and Referendum Institute, University of Southern California (<http://iri.usc.edu>))

Since the founding of our nation, the issue of citizen participation in the lawmaking process has been hotly debated. Following is a variety of statements from prominent individuals regarding their views on citizen lawmaking and the initiative and referendum process.

1. "We are cleaning house and in order to clean house the one thing we need is a good broom. Initiative and referendum are good brooms?"
President Woodrow Wilson
2. "I believe in the Initiative and Referendum, which should be used not to destroy representative government, but to correct it whenever it becomes misrepresentative."
President Teddy Roosevelt
3. "I know of no safe repository of the ultimate power of society but the people..."
Thomas Jefferson
4. "As the people are the only legitimate fountain of power, and it is from them that the constitutional charter, under which the several branches of government hold their power, is derived, it seems strictly consonant to the republican theory to recur to the same original authority... whenever it may be necessary to enlarge, diminish, or new-model the powers of government."
James Madison
5. "I most strongly urge, that the first step in our design to preserve and perpetuate popular government shall be the adoption of the Initiative, Referendum, and Recall."
Hiram Johnson, Governor of the State of California
6. "Twenty years ago, citizens of California were being taxed out of their homes by an out-of-control property tax system. While elected officials did little but talk about the problem, the voters acted. Using the initiative process they passed Proposition 13, a citizen's law which cut and capped the property tax."
Joel Fox, Past President of the Howard Jarvis Taxpayers Association
7. "Initiative and Referendum is the citizen activist's 'ace in the hole'."
Ralph Nader
8. "One big difference between initiatives and elected representatives is that initiatives do not change their minds once you vote them in."
Grover Norquist, President of Americans for Tax Reform
9. "At the very heart of the democratic process is our Constitutionally given right to change, throughrepresentation or by Constitutional amendment, the laws which govern us. In states across the country, the initiative and referendum process has become a necessary key to unlocking this democratic process in such a way that true democratic decision-making occurs."
Hal Daub, Mayor of Omaha, Nebraska
10. "The initiative and referendum process is an important means to bypass legislatures who refuse to vote on crucial issues. Initiative and Referendum reminds us the citizens of our republic are the rulers and elected officials are the servants."
Kirk Fordice, Governor of the State of Mississippi
11. "Having this electoral ability [the initiative and referendum process] is a critical 'safety valve' for effective citizenship."
Edwin Meese, III, former U.S. Attorney General under Ronald Reagan

12. "I was born in North Dakota. We had I&R. I thought everyone did. I think everyone should? It is very difficult to get good new ideas to be considered by Legislative bodies. New ideas have to be taken to the people. That's why we need the initiative process."
Dick Armey, Majority Leader, U.S. House of Representatives
13. "In an era when politicians have rigged the system to guarantee 95 percent reelection rates and are increasingly disdainful of the will of the people, the need for initiative and referendum has never been greater. I&R strikes fear in the hearts of bureaucrats and politicians alike, because it implies self-government, hence reducing their importance."
Ed Crane, President of the Cato Institute
14. "The PIRGs have been a leading practitioner of the citizens initiative process to pass environmental, consumer protection, and good government measures. We will continue to use the process and will work to promote and defend the process itself."
Gene Karpinski, Executive Director of U.S.PIRG
15. "America's political systems have served us well, but are hopelessly archaic for dealing with the complex issues of the future. Because the establishment is incapable of implementing (or even perceiving) the needed reforms, I&R is the people's tool for change."
Dennis Polhill, Chairman of the Initiative & Referendum Institute
16. "Without initiatives and referendums, elites would barely bother at all to take note of public opinion on issues they disdained - from supermajority requirements to raise taxes to term limits. They serve as a reminder that the experts' sometimes have to pay attention to good old common sense."
John Fund of *The Wall Street Journal*
17. "The citizen initiative process is today the political life-blood of the people. Without initiative and referendum the politicians can ignore the people and monopolize power. Some may prefer all decision-making to take place in the backrooms of the Capitol, but I say let we the people vote on the issues that impact our lives. That's what freedom is all about."
Paul Jacob, Senior Fellow of U.S. Term Limits
18. "For 15 years I taught my classes that the Initiative and Referendum wouldn't work. I can prove it now-- but the trouble is they do!"
President Woodrow Wilson
19. "...the will of the majority should always prevail."
Thomas Jefferson
20. "Men by their makeup are naturally divided into two camps: those who fear and distrust the people and wish to draw all powers from them into the hands of higher classes; and those who identify themselves with the people, have confidence in them, cherish and consider them the safest and most honest, if always the wisest repository of the public interest. These two camps exist in every country, and wherever men are free to think, speak, and write, they will identify themselves."
Thomas Jefferson
21. "The world is spattered with unrest: rebel forces, civil disobedience, war, civil war, tyranny, and genocide. Any place average citizens have no voice or are losing ground in the fight to control their own lives is one place too many. If we believe in liberty, if we believe in the dignity of the human spirit, if we believe in justice for all, then Citizen Lawmaking is as essential to the future as it was to the past. This process is terribly important to the well being of this country. It must accompany us into the new century. By reviewing and honing the process, and most importantly by understanding and using

these tools of democracy, we can preserve and even expand every citizen's right to have a voice in the government."

William J. Janklow, Governor of the State of South Dakota

22. "The right of citizens to propose changes in government must be protected. Our country was founded with the revolutionary idea that people could govern themselves. As governments grow larger and career politicians flourish, the preservation of the Founding Father's legacy of selfgovernment must be guarded and enhanced. I believe many of the problems we face as a nation could be resolved with more direct input from America citizens."

Kirk Fordice, Governor of the State of Mississippi

23. "There is nothing more sacred to a free people than the right to govern themselves and take matters into their own hands when their elected officials have failed them. When the very government which the people have created to secure their liberty and domestic tranquility imposes restraints on their freedom, the people have a duty to try to break the shackles themselves. I, along with many of you assembled here this weekend, have responded to that high calling and have utilized the initiative or referendum processes when representative government becomes despotic either by negligence or design? In defense of liberty and in opposition to tyranny, I pray that we continue to empower the American people to mold and shape their own future and the long-term prosperity and pursuit of happiness for generations to come."

Ward Connerly, Chairman of the American Civil Rights Coalition

24. "Those states that have the initiative and referendum process have tended to have less scandals and more honest state government than those states without that process. "

Paul Weyrich, President of the Free Congress Foundation 22

25. "The initiative and referendum process is a wonderful tool for citizens. It embodies a fundamental right of self-government that is at the very core of democracy. Every community, state and the federal government should provide for some form of direct democracy. "

Doug Phelps, Chairman of U.S.PIRG 23

26. "I&R is a critical tool for taxpayers in the fight against unaccountable government and it has been the single most important factor behind the rise of constitutional limits on state and local taxes. I&R enables citizens to make a real difference in how they are governed and thus can reverse the twin problems of rising cynicism and declining participation."

John Berthoud, President of the National Taxpayers Union 24

27. "The further the departure from direct and constant control by the citizens, the less has the government the ingredient of republicanism."

Thomas Jefferson

28. "George Bush and I Congratulate you on your efforts to attain, for the people of New Jersey, the right to initiative and referendum. We urge you to keep up your fight and we endorse your efforts."

President Ronald Reagan 26

29. "This initiative and referendum proposal is a cornerstone of our effort to ensure that the voices of all the people of New York are heard. This fundamental reform will empower all New Yorkers by enabling them to become an integral part of the lawmaking process and giving them the power to propose and approve new laws. By reforming the democratic process, we renew our allegiance to the sacred principle that all power ultimately rests in the hands of the people."

George Pataki, Governor of the State of New York

30. “[We] have the initiative and referendum in Nebraska; do not disturb them. If defects are discovered, correct them and perfect the machinery ... make it possible for the people to have what they want ... we are the world’s teacher in democracy; ... the world looks to us for an example. We cannot ask others to trust the people unless we ourselves are willing to trust them.”

William Jennings Bryan

- 1 Quoted in *Equity Magazine*, January 1913, page 18.
2 “Charter of Democracy” speech to the 1912 Ohio constitutional convention.
3 In a letter to James Madison, December 20, 1787. Reprinted in Richard Hofstadter, ed., *Great Issues in American History* (New York: Vintage Books, 1958), p.115.
4 Federalist 49.
5 January 4, 1911 Inaugural speech as Governor.
6 In a letter to M. Dane Waters, President of the Initiative & Referendum Institute, 1998.
7 Endorsement from back cover of David Schmidt’s book *Citizen Lawmakers* (Temple University Press).
8 In a letter to M. Dane Waters, President of the Initiative & Referendum Institute, 1998.
9 Ibid., 1999.
10 Ibid.
11 Ibid.
12.
13 Ibid., 2000.
14 Ibid.
15 Ibid., 1998.
16 Ibid.
17 Ibid.
18 Quoted in *Equity Magazine*, January 1913, page 18.
19 In a letter to James Madison, December 20, 1787. Reprinted in Richard Hofstadter, ed., *Great Issues in American History* (New York: Vintage Books, 1958), p.115.
20.
21 Ibid.
22 Ibid.
23 Ibid.
24 Ibid.
25 Ibid.
26 Ibid.
27 In a letter to James Taylor, 1816.
28 In a telegram to Sam Perelli of the United Taxpayers of New Jersey. October 23, 1980.
29 In a March 12, 2002 press release announcing his support for an initiative and referendum constitutional amendment.
30 In his address to the Nebraska Constitutional Convention in 1920.