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The Dilemma of Direct Democracy

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I. Introduction

Democracy demands much of its citizens. Democracy asks them to hold office, to assess facts as jurors, to provide testimony in public hearings, to select dozens of public officials at all levels of government, and to approve public policy directly through popular initiatives, constitutional amendments, and bond measures. While there are questions about the ability of citizens to perform all of these activities, there is particular consternation regarding vote choice, which is fundamental to a well-functioning democracy.¹ Although scholars have long studied voters' decisions about candidates to determine whether they can live up to the demands of democracy, Daniel Lowenstein has been a pioneer in the study of direct democracy. Much of his work over the past three decades has focused on institutions that govern the process of qualifying initiatives for the ballot, ballot measure campaigns, and voting on propositions.² His empirical

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¹ See, e.g., Angus Campbell, Philip E. Converse, Warren E. Miller & David E. Stokes, *The American Voter* (1960); Walter Lippmann, *Public Opinion* (1922); Philip E. Converse, *The Nature of Belief Systems in Mass Publics, in Ideology and Discontent* (D.E. Apter ed., 1964); Larry M. Bartels, *Uninformed Votes: Information Effects in Presidential Elections*, 40 Am. Pol. Sci. Rev. 194 (1996).

² See, e.g., Daniel Hays Lowenstein, *Campaign Spending and Ballot Propositions: Recent Experience, Public Choice Theory and the First Amendment*, 29 UCLA L. Rev. 505 (1982); Daniel H. Lowenstein, *California Initiatives and the Single-Subject Rule*, 30 UCLA L. Rev. 936 (1983).

work has shown how and when voters can make reasoned policy choices.³ Lowenstein has argued that a “consideration of the rules of the initiative game is central to the great normative and policy questions surrounding the process.”⁴ He has also forcefully articulated the concern that voters who rely on voting cues, provided by campaign communications such as slate mailers, are susceptible to manipulation by savvy political consultants hired by moneyed interests.⁵ Lowenstein’s empirical analysis grounds his proposals to reform direct democracy so that initiatives and referenda can better serve the goal of empowering ordinary citizens and grassroots movements.⁶

Drawing on Lowenstein’s work, as well as on other scholarship assessing voting shortcuts, we seek to measure empirically what people know when they vote on a typical California initiative. Lupia’s influential paper on voting cues and voter competence in initiative elections has shown that voters can learn from endorsements publicized during initiative campaigns.⁷ Lupia studied five initiatives concerning auto insurance reform appearing on a single ballot in 1988; aggressive and well-funded campaigns involving the insurance industry, trial lawyers, and consumer activists preceded the votes on these measures. Lupia found that voters who knew the insurance industry’s position on the initiatives demonstrated voting patterns similar to those voters who had factual knowledge of the ballot measures. Voters who knew nothing about the initiatives, however, displayed different voting patterns.

³ See, e.g., Shanto Iyengar, Daniel H. Lowenstein & Seth Masket, *The Stealth Campaign: Experimental Studies of Slate Mail in California*, 17 J. L. & Pol. 295 (2001).

⁴ Caroline J. Tolbert, Daniel H. Lowenstein & Todd Donovan, *Election Law and Rules for Using Initiatives*, in *Citizens as Legislators: Direct Democracy in the United States* 27, 53 (S. Bowler, T. Donovan & C.J. Tolbert eds., 1998).

⁵ See, e.g., Iyengar, Lowenstein & Masket, *supra* note 3, at 330-32.

⁶ See, e.g., Daniel Hays Lowenstein & Robert M. Stern, *The First Amendment and Paid Initiative Petition Circulators: A Dissenting View and a Proposal*, 17 Hastings Const. L.Q. 175 (1989).

⁷ Arthur Lupia, *Shortcuts versus Encyclopedias: Information and Voting Behavior in California Insurance Reform Elections*, 88 Am. Pol. Sci. Rev. 63 (1994).

Lupia and McCubbins detail the conditions for trust, persuasion, learning, and reasoned choice.⁸ Their work invites further study, including empirical analysis, to determine when initiative and referendum campaigns satisfy the conditions for learning and how often voters take advantage of trustworthy endorsements to make reasoned choices. Lupia based his conclusions on the study of one, arguably unusual initiative campaign. Many initiative campaigns involve complex policy issues. Voters often have little or no direct experience with these policies, and the cue-giving information environment may be quite sparse. In this article, we provide an additional empirical test of the efficacy of voting cues, using the results of an exit poll concerning California's Proposition 7 on the statewide ballot in November 2008.⁹ Proposition 7 would have required public utilities to generate at least 50 percent of their energy output from renewable energy sources by 2025.

Analysis of our exit poll yields three main findings. First, we agree with Lupia's conclusion: voters who report knowing an information shortcut (e.g., who knew that the electricity utilities opposed Proposition 7) make decisions that are indistinguishable from voters who have knowledge of a set of basic facts about the measure (i.e., who could answer a short list of function questions about the proposed policy). Lupia's analysis – and subsequent research on direct democracy – assumes, but never tests, how uninformed individuals will vote vis-à-vis informed voters. Surprisingly, we discover that knowledge *does not matter*, and, in this instance, knowledge is not power. Whether or not voters knew the set of facts we asked regarding Proposition 7 and whether or not voters knew the voting cue of the utility companies' position,

⁸ Arthur Lupia & Mathew D. McCubbins, *The Democratic Dilemma: Can Citizens Learn What They Need to Know?* (1998). Lupia and McCubbins extended, formalized, and tested Lupia's theory experimentally and found additional support for his empirical results.

⁹ For a description of Proposition 7, including its text, see Secretary of State, Official Voter Information Guide for the California General Election on November 4, 2008, *available at* <http://voterguide.sos.ca.gov/past/2008/general/title-sum/prop7-title-sum.htm>.

they were equally able to make vote choices that aligned with their stated policy preferences. Hence, our second finding is that most voters – even those ignorant of credible voting cues or certain details of the ballot proposition – cast their votes in a manner consistent with their stated policy preferences regarding the state’s energy policy.¹⁰ The equivalence of voters across levels of information stands in stark contrast to findings concerning votes in candidate elections.¹¹ Third, our results support Bowler and Donovan’s conclusion that voters, no matter what their policy preferences are, may choose to cast a “no” vote as a defense against complicated ballot measures.¹² In particular, we discover that a significant number of individuals who expressed support for renewable energy voted against the measure; consequently, voters who did not support renewable energy had fewer voting errors than those who supported renewable energy.

Following Lowenstein’s example, our empirical results form the basis of proposed reforms to the institutional structure of direct democracy in California. Specifically, we discuss how the ballot could contain more information, thereby increasing the chance that voters will use trustworthy cues. In our estimation, additional information on the ballot would provide voters with more facts at the “point of sale”; even for knowledgeable voters, it reminds them to use the information they already have. Although we find that most voters, no matter what their level of knowledge, vote consistently with their preferences, there are still significant numbers of voters who do not reach this objective. Including crucial information on the ballot could improve the

¹⁰ We use the terms “reasoned voting,” “consistent voting,” and “competent voting” to mean the same thing in this article, namely, that voters “cast the same votes they would have cast had they possessed all available knowledge about the policy consequences of this decision.” Elisabeth R. Gerber & Arthur Lupia, *Voter Competence in Direct Democracy*, in *Citizen Competence and Democratic Institutions* 147, 149 (S.L. Elkins & K.E. Soltan eds., 1999). See also Craig M. Burnett & Mathew D. McCubbins, *Informed Democracy?* 11 (unpublished manuscript 2009) (“[I]ndividuals practice consistent voting when they select a policy outcome that is in agreement with their stated policy preference.”).

¹¹ Bartels, for example, finds that voters who have less knowledge of presidential candidates make decisions that are more often inconsistent with their policy preferences more often than informed voters. Bartels, *supra* note 1, at 209, 221.

¹² Shaun Bowler & Todd Donovan, *Demanding Choices: Opinion, Voting, and Direct Democracy* 33-35 (1998).

decision-making of these voters. In making these recommendations, we are aware that information provided on the ballot itself may carry with it disproportionate power to set the agenda. Accordingly, we also propose to change the process of ballot titling in California to reduce the influence of partisan political actors and transfer responsibility to nonpartisan, expert entities. Lastly, we discuss the possible general-equilibrium effects of changing the ballot.

These proposed reforms, however, are preliminary. Our empirical results are suggestive, but additional research is necessary to assess whether improving the information environment will have a positive impact on how often voters can deploy helpful cues to make decisions. If, for example, additional research shows that voters are reluctant to use additional trustworthy information even if the ballot provides it, we may need to reconsider whether democracy should ask voters to evaluate and decide complicated policy measures directly.

This article proceeds as follows. In Part II, we provide a brief discussion of the previous theoretical, experimental, and empirical scholarship regarding voter competence and direct democracy. We also formulate a set of hypotheses based on that scholarship. In Part III, we describe our data and the proposition that we studied. In Part IV, we outline our research design and methods. In Part V, we present our results. We conclude in Part VI with discussion of what our results mean for direct democracy, and we offer, in a tentative way, reforms that may help improve voter competence in low-information elections.

II. Voting Cues and Voter Competence: A Brief Review

Political scientists have observed that ordinary citizens do not know much about candidates, politics, or policy.¹³ Voters therefore vote with seemingly insufficient information to make informed choices that will correspond with their policy preferences. Voters know even

¹³ See, e.g., Michael X. Delli Carpini & Scott Keeter, *What Americans Know About Politics and Why It Matters* (1996); Philip E. Converse, *Voting Systems and the Representation of Public Opinion*, in *Handbook of Political Science* 79 (F.I. Greenstein & N.W. Polsby eds., 1975); Bartels, *supra* note 1.

less about the relevant facts and arguments concerning most ballot measures than they do about candidates (at least those candidates at the top of the ticket who capture the attention of most scholars). Moreover, propositions do not provide voters with the most effective voting cue found on the ballot in candidate elections: partisan affiliation.¹⁴ Other cues occasionally available on the ballot with respect to candidates – including gender, ethnicity and, in some states, occupation¹⁵ – are similarly absent for ballot measures. Thus, voters who enact direct legislation or constitutional amendments do so in a low-information environment without the aid of cues that exist in even low-salience candidate races.

States attempt to provide some information to citizens, including some prominent voting shortcuts, through voter information guides sent out before an election.¹⁶ In California, these guides contain the official title and summary of the measure drafted by the Attorney General;¹⁷ a substantive analysis and fiscal impact statement prepared by the Legislative Analyst; results of legislative votes, if the state legislature has referred the measure to the people; arguments for and against the measure, with names of supporters and opponents;¹⁸ and the text of the proposed law. Much of this information is not available on the ballot itself – which contains only the ballot title, a brief summary, and a summary of the fiscal analysis – although some voters may bring voter

¹⁴ For work discussing the strength of the party cue in candidate elections, see, e.g., Campbell, Converse, Miller & Stokes, *supra* note 1; Anthony Downs, *An Economic Theory of Democracy* (1957); Gary C. Jacobson, *The Politics of Congressional Elections* Chapter 5 (2008); David G. Lawrence, *On the Resurgence of Party Identification in the 1990s*, in *American Political Parties: Decline or Resurgence?* 30 (J.E. Cohen, R. Fleisher & P. Kantor eds., 2001).

¹⁵ See Samuel L. Popkin, *The Reasoning Voter: Communication and Persuasion in Presidential Campaigns* 60-65 (1991) (“Demographic facts provide a low-information shortcut to estimate a candidate's policy preference (though not to evaluating past public performance). Characteristics such as a candidate's race, ethnicity, religion, gender, and local ties (hereinafter, “localism”) are important cues because the voter observes the relationship between these traits and the real-life behavior as part of his daily experience.”); Monika L. McDermott, *Race and Gender Cues in Low-Information Elections*, 51 *Pol. Res. Q.* 895 (1998); Monika L. McDermott, *Candidate Occupations and Voter Information Shortcuts*, 6 *J. Pol.* 201 (2005).

¹⁶ E.g., Cal. Elect. Code § 9086 (providing contents of ballot pamphlet).

¹⁷ See *id.* at § 9004. See also *infra* text accompanying notes 81 through 83 (describing how the ballot title and summary are drafted).

¹⁸ See Cal. Elect. Code § 9067 (providing rules for selecting arguments if more than one is submitted, prioritizing as follows: members of legislature (for legislatively-submitted measures), proponents of the petition, associations of citizens, and individuals).

information pamphlets to the polls to consult when they vote. As more Californians vote by mail,¹⁹ they will have easier access at the crucial moment of voting to information guides, as well as campaign material and other news through the Internet.

Ballot measure campaigns also generate information that may help inattentive voters make competent decisions. Slate mailers and broadcast advertisements often contain endorsements by political parties, well-known groups, or politicians with reputations for ideological positions and partisan affiliations. Disclosure rules require that election communications display the primary sources of funding, which can provide additional information about key supporters and opponents of the initiative. California releases statewide campaign spending information on the Internet, and intermediaries, such as the press, may publicize these facts. Yet, a vigorous two-sided campaign that may catch the eye of uninterested voters does not accompany all state ballot measures, and rarely occurs with propositions on the local level.

Finally, the design of the ballot minimizes the cognitive costs of decision-making for voters. Although initiatives and referenda often present complex policy trade-offs, the ballot asks voters to make a simple binary choice either to keep the status quo or to change it in a particular way.²⁰ There is no opportunity for amendment, compromise, or partial enactment of an initiative or referendum. Thus, the format of the policy choice takes account of the low-

¹⁹ The percentage of voters who mail in their ballots in California has been increasing significantly since 1990, reaching over 60% in the 2009 primary election and over 40% in general elections in 2006 and 2008. See California Secretary of State – Elections and Voter Information – Absentee Voting, *available at* http://www.sos.ca.gov/elections/hist_absentee.htm (last visited Dec. 28, 2009).

²⁰ This binary format leads to various social choice problems, including sequential elimination agendas, that make it difficult for voters to reach their preferred policy outcomes on all ballot measures in the aggregate even if they vote competently on each individual measure. See, e.g., Thad Kousser & Mathew D. McCubbins, *Social Choice, Crypto-Initiatives and Policymaking by Direct Democracy*, 78 S. Cal. L. Rev. 949, 963-66 (2005); Elizabeth Garrett & Mathew D. McCubbins, *When Voters Make Laws: How Direct Democracy is Shaping American Cities*, 13 Pub. Works Mgmt. & Pol'y 39, 39-40 (2008).

information environment characterizing virtually all initiatives and referenda, and it simplifies the decisions facing voters.

Not all the information provided to voters through official channels or material generated by campaigns can serve as effective voting cues. Scholars have produced theoretical, experimental and empirical work designed to identify when shortcuts provided in the context of initiatives can enhance voter competence. Lupia and McCubbins provide a theoretical framework for determining when voters can learn from endorsements and can therefore substitute this cue for personal knowledge and experience.²¹ Their work, based in large part on experimental tests, details the circumstances under which a voter can learn from a policy endorsement given by a knowledgeable and trusted endorser. An endorser is trustworthy if one (or a combination) of four conditions are met: 1) the voter and endorser know each other and have common interests; 2) there is a threat of verification imposed on the endorser; 3) the endorser faces penalties for lying; or 4) there is observable and costly effort on the part of the endorser to bring the message to the voter.²²

Institutions can establish some of the conditions for trust by imposing penalties for lying, by providing credible methods of verification, or by disclosing the expenditures of groups seeking to communicate their positions. An endorser must satisfy the conditions for trust with a specific audience. The audience, however, need not include the individual who is observing the interaction. If the individual is an observer, she can learn only if she understands the relationship between the endorser and the audience and knows that the speaker has met the conditions for

²¹ Lupia & McCubbins, *supra* note 8.

²² *Id.* at Chapter 2.

trust in that relationship.²³ In that situation, the individual benefits as a “fly on the wall,” knowing that the conditions for trust are present in the observed conversation, so that a knowledgeable endorser can provide credible cues, thereby facilitating learning.

Thus, under some conditions, endorsements by knowledgeable and trustworthy groups or individuals can provide voters effective cues for initiatives and referenda. For example, knowing the position of a group with well-known ideological commitments or economic interests, such as the National Rifle Association, the Sierra Club, the American Association of Retired Persons, the insurance industry, tobacco companies, or labor unions, can provide a shortcut. If a voter knows that her interests are aligned or discordant with the group, she can cast her ballot without substantial knowledge about the underlying policy. In addition, if she knows how much money the group is spending in the campaign, she can observe the groups’ costly effort and sense the intensity with which the group and its members hold their views.²⁴

In some cases, learning from an endorsement results in voters rejecting the position advocated. For example, in a 1994 initiative campaign in California, many voters decided to oppose a so-called “anti-smoking” initiative after learning that Philip Morris had spent \$13 million in favor of the measure.²⁵ Lupia’s seminal study on voting cues in the context of the 1988 auto insurance measures tested whether voters could learn from credible endorsements by the insurance industry, which had easily-ascertainable economic interests at stake in the election.²⁶ Without accounting for baseline policy preferences,²⁷ Lupia found that voters armed

²³ Cheryl L. Boudreau, Arthur Lupia, Mathew D. McCubbins & Daniel B. Rodriguez, *What Statutes Mean: Interpretive Lessons from Positive Theories of Communication and Legislation*, 44 San Diego L. Rev. 957, 979-81 (2007).

²⁴ For a discussion of such cues, see Elizabeth Garrett, *Direct Democracy*, in Research Handbook in Public Choice and Public Law ___, ___, (D.A. Farber & A.J. O’Connell eds., forthcoming 2010).

²⁵ Bowler & Donovan, *supra* note 12, at 61. Other cues were available in that campaign, including the widely publicized opposition to the measure of former Surgeon General C. Everett Koop.

²⁶ See Lupia, *supra* note 7.

²⁷ See *infra* footnotes 53 and 55 discussing consequences of this research design.

with that cue perceived that their interests were contrary to the economic objectives of the insurance industry and voted accordingly.

Most tests of the conditions for trustworthy communication and voter learning have been experimental. In their comprehensive study, Lupia and McCubbins use experiments with undergraduates to demonstrate that, under the conditions derived from their theoretical framework, “reasoned choice required neither principals with complete information about their actions nor statements from speakers whom they knew well.”²⁸ Boudreau has conducted a series of similar experiments to show that multiple voting cues can sometimes increase voter competence.²⁹ The interaction of multiple cues is complex, however, and may not always empower people to vote according to their policy preferences. For example, Boudreau finds that poll results, which do not convey any expertise, can often overwhelm information provided by knowledgeable and trustworthy endorsers.³⁰

Not only is good information sometimes overcome by bad information, Burnett and McCubbins have found that voters who have access to credible cues often do not use them. They studied voting on several California propositions in 2008, including four measures concerning gaming on Indian reservations, an initiative requiring parental notification before a minor could receive an abortion, and the highly publicized ballot proposition that would outlaw same-sex marriage in the state.³¹ In all contests, voters had access to cues provided by knowledgeable and trustworthy sources: Governor Schwarzenegger took public positions on the Indian gaming

²⁸ Lupia & McCubbins, *supra* note 8, at 148.

²⁹ Cheryl Boudreau, *Are Two Cues Better than One? An Analysis of When Multiple Cues Improve Decisions* (unpublished manuscript 2009), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1368562.

³⁰ Cheryl Boudreau, *Gresham's Law of Cue-Taking: How Bad Cues Drive Out Good Ones* (unpublished manuscript 2009), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1017977.

³¹ Burnett & McCubbins, *supra* note 10. The gaming measures were Propositions 94, 95, 96, and 97 on the February 2008 presidential primary ballot. The other two measures appeared on the November 2008 general election ballot; Proposition 4 concerned parental notification for abortions in the case of minor women, and Proposition 8 repealed the right to same-sex marriage that had been accorded to Californians by the state supreme court.

measures; Planned Parenthood provided a cue for the abortion initiative; and major political parties publicized their positions on the same-sex marriage question in voter guides and elsewhere. Burnett and McCubbins found that a very small proportion of voters who knew these helpful cues used them to make a reasoned choice.³²

Simply put, voters face a complex information landscape. Do voters, when facing complex decision environments, choose to “just vote no”? Bowler and Donovan believe that they do, and argue that the “defensive no” is the default position for voters who they assume are generally risk averse. “This reference point [of the default of defensively voting ‘no’] allows voters to conserve cognitive resources and avoid ‘mental strain’ while providing a basis for making evaluations of any proposition on the ballot,” they explain. “Moreover, it is sensitive to the risk associated with uncertainty.”³³

Although there has been no direct test of this hypothesized default response, sophisticated political actors in the initiative process appear to believe that many voters react to confusion and conflicting messages by rejecting proposed ballot questions. One common strategy to defeat an initiative is to qualify a competing initiative on the same topic and increase the noise and complexity of the campaign, attempting to jam the information environment. To be sure, the group placing the second measure on the ballot might be pleased for it to pass; however, the group is likely satisfied if the confusion created by conflicting measures on the same ballot results in defeats for both. Consider, for example, Propositions 78³⁴ and 79³⁵ on the November 8, 2005, California special election ballot. Both propositions offered discount programs for prescription medications. Drug companies sponsored Proposition 78 in response to Proposition

³² In fact, they found voters used cues on only one out of fourteen possible voting situations. *Id.* at 23.

³³ Bowler & Donovan, *supra* note 12, at 34-35.

³⁴ See Secretary of State, Official Voter Information Guide for the 2005 Special Statewide Election, *available at* http://vote2005.sos.ca.gov/voterguide/prop78/title_summary.shtml.

³⁵ *Id.* at http://vote2005.sos.ca.gov/voterguide/prop79/title_summary.shtml.

79, which consumer groups had supported. Proposition 78, which qualified for the ballot first, created a voluntary discount program for prescription drugs that did not give the government the power to compel drug companies to set certain prices. By contrast, Proposition 79 made “prescription drug profiteering” unlawful and provided the government monopsony power.

By qualifying an alternative proposition on the ballot, the pharmaceutical companies placed a second complicated policy issue before the voters; they then ensured a cacophony of information through a substantial media campaign. Their expenditures to support the passage of Proposition 78 – the legislation they sponsored – and to defeat Proposition 79 totaled more than \$66.3 million for broadcast and cable television advertisements and over \$21.9 million for literature and campaign mailings (including slate mailers).³⁶ The drug companies hoped to increase the vote share for their proposition that requested voluntary participation and to minimize the vote share for the opposing proposition that required mandatory participation. Under state law, if both propositions had passed, the measure with the most votes would take precedence (because both could not have taken effect without conflict).³⁷ In fact, the pharmaceutical companies may well have preferred for neither to pass and for the status quo to prevail, and that was indeed the eventual outcome. Proposition 79 failed, with only 39.3 percent of the vote approving; Proposition 78 also failed, with 41.5 percent of the vote approving.³⁸

With this background in mind, we formulate a set of hypotheses about knowledge and voting. We pursue a pattern-matching design based on the extant literature’s predictions and provide four hypotheses:

³⁶ See Secretary of State, Pharmaceutical Research and Manufacturers of America California Initiative Fund, 2005 and 2006, *available at* <http://cal-access.ss.ca.gov/Campaign/Committees/Detail.aspx?id=1274444&session=2005&view=expenditures>.

³⁷ Cal. Const. Art. 2, § 10(b).

³⁸ See Secretary of State, Special Statewide Election, November 8, 2005, Returns of State Ballot Measures, *available at* <http://vote2005.sos.ca.gov/Returns/prop/00.htm>.

- First, as Lupia and Lupia and McCubbins have shown, knowing a cue can equal knowledge of the facts in the sense that voters can make a reasoned choice either way. We therefore hypothesize that voters with knowledge of a voting cue will vote consistently with their stated policy preference about as often as voters who have knowledge regarding key facts related to the proposed policy.
- Second, if voting on ballot measures and voting on partisan offices are similar, then according to research by Converse and Bartels, voters who have knowledge of the facts will be more capable of making reasoned choices than voters who lack such knowledge. Thus, we hypothesize that individuals who have knowledge about a ballot measure will be able to vote more consistently with their policy preferences than voters who have neither knowledge nor a trustworthy voting cue.
- Third, by combining the first and second predictions, we expect that voters who have knowledge of a voting cue will be more likely to make reasoned decisions than uninformed voters. Hence, we hypothesize that individuals who have knowledge of a voting cue will vote more consistently with their policy preferences than voters who lack both knowledge and a trustworthy voting cue.
- Finally, if it is true that individuals become confused when they face a significant uncertainty, then voters will be prone to casting “defensive no” votes, regardless of their underlying policy preferences. Accordingly, we hypothesize that individuals who disfavor a proposed policy will be able to vote with less error on average than voters who favor a proposed policy.

These hypotheses, of course, hold all other factors constant. In our pattern-matching design, if we reject any of the above predictions, we need to rethink the existing theories concerning how voters make decisions regarding ballot measures.

III. Surveying Voters' Knowledge about California's Proposition 7

We use data from interviews undertaken during the November 4, 2008, general election to test our four hypotheses. We conducted the survey in San Diego, California, at thirteen polling locations that covered nineteen precincts. We gathered responses from voters as they exited their voting location from the opening (7:00 am) to the closing (8:00 pm) of the polls. Student volunteers asked every other departing voter to participate in an interview in order to randomize our sample.³⁹ We asked 2,053 voters to participate; 1,002 complied, for a response rate of 49.9 percent. While not a representative sample, we are confident that this sampling structure allows us to assess our hypotheses using a within-subjects design. In other words, we do not have any reason to suspect that our sampling structure correlates with our treatment variables. Moreover, we are not concerned with the generalizability of our results, although we have no reason to believe that our San Diego sample differs substantially from other cities in California.

We asked respondents to answer questions about California's Proposition 7.⁴⁰ Proposition 7 was a complicated policy proposal that, due to its potentially large effects on each household, provided a particularly promising avenue to examine voter knowledge about a typical statewide initiative. Proposition 7 would have transformed California's existing energy

³⁹ We trained our student volunteers about how to conduct interviews about a week before the election. Each student volunteer worked a three and one-half hour shift; our volunteers received extra credit for their effort.

⁴⁰ The official title, summary, and voter information guide provided by the Secretary of State are available here: <http://voterguide.sos.ca.gov/past/2008/general/title-sum/prop7-title-sum.htm>.

regulatory framework, setting ambitious benchmarks regarding the use of renewable energy by the state's public utilities. In particular, the initiative required California's public utility companies to generate at least 50 percent of their energy output from renewable sources by 2025. To meet the benchmarks, Proposition 7 allowed for the public utilities to purchase electricity from private suppliers, seek an exemption, or both. Significantly, the initiative did not limit how much California residents' utility bills could increase; and large increases in the average utility bill were probable. In short, Proposition 7 represented a policy choice that would have had a significant, direct, and almost immediate impact on California's residents.⁴¹

The campaign surrounding Proposition 7 was also typical for citizen-initiated ballot measures in California. We sought to avoid ballot questions that commanded extraordinary public interest and were characterized by prodigious political campaigns.⁴² Notwithstanding its likely impact on voters' welfare, Proposition 7 did not capture the interest of most voters, in part because on the same November 2008 ballot there was a momentous presidential election and two controversial and expensive initiatives (Propositions 4 and 8).⁴³ This, however, does not mean that Proposition 7 was obscure. In fact, the supporting and opposing campaigns spent almost \$10 million and \$30 million, respectively.⁴⁴ Peter Sperling, heir to the University of Phoenix

⁴¹ The official fiscal analysis of Proposition 7 – prepared by the Legislative Analyst – concluded that “[i]n the short term, the prospects for higher rate – and therefore higher costs, lower sales and income tax revenues, and higher local utility tax revenues – are more likely. In the long term, the impact on electricity rates, and therefore state and local government costs and revenues, is unknown.” See Official Voter Information Guide, *available at* <http://voterguide.sos.ca.gov/past/2008/general/title-sum/prop7-title-sum.htm>.

⁴² For example, we avoided California's Proposition 8 (<http://voterguide.sos.ca.gov/past/2008/general/title-sum/prop8-title-sum.htm>) because it concerned same-sex marriage, and endorsers and opponents spent well over \$70 million.

⁴³ Proposition 4 (<http://voterguide.sos.ca.gov/past/2008/general/title-sum/prop4-title-sum.htm>) was an initiative constitutional amendment that would have required doctors to provide notification to the legal guardian(s) of a minor seeking an abortion.

⁴⁴ For campaign finance details, see the California Secretary of State campaign finance database: <http://cal-access.ss.ca.gov/Campaign/Measures/Detail.aspx?id=1303161&session=2007>.

fortune,⁴⁵ bankrolled the campaign in support of Proposition 7. The coalition of groups opposing Proposition 7 included Edison International, Pacific Gas & Electric (PG&E), and Sempra Energy. Thus, Proposition 7 provided an excellent opportunity to study what voters knew about a typical ballot measure in a general election, and how they translated what they knew into votes.

We asked our respondents to answer five questions about Proposition 7. We interspersed the questions below among questions about other ballot measures, candidates, and many covariates. The questions we asked pertaining to Proposition 7, in the order we asked them, are:

- (1) Do you favor or oppose requiring California's public utilities to increase the amount of power they generate from renewable energy substantially, even if it means higher electricity rates?
- (2) Under Proposition 7, what percent of California's energy would be required to come from renewable sources by 2025? (The benchmark was 50 percent.)
- (3) True or False: Proposition 7 does not limit potential energy bill increases for Californians. (That statement is true.)
- (4) How did you vote on Proposition 7?
- (5) Do you happen to know if gas and electric companies supported, opposed or took no position on Proposition 7 (the one about renewable energy generation)? (They had opposed the proposition.)

The first question assessed the voters' underlying preferences about renewable energy even if their own electricity bills might increase. We asked Question (1) at the beginning of the survey before asking Question (2) through (5) to obtain voters' fundamental policy preference on the issue raised by the proposition. This question later sets our baseline for evaluating if voters

⁴⁵ See *infra* text accompanying notes 116 through 117 (discussing Sperling's involvement in the Proposition 7 campaign).

were able to make a reasoned choice; that is, to what extent they report voting consistently with their answer to Question (1). Moreover, voters' answers to Question (1) should predict their vote choice, their answer to Question (4).⁴⁶ Question (1) is therefore a rough measure of a voter's policy preference in a simple world, without the respondent having to consider the complexities of the actual initiative. By design, Question (1) does not measure the respondent's actual support for Proposition 7. Instead, we can extrapolate from responses whether voters support a policy of requiring a greater percentage of their energy to come from renewable sources, even if it may cost them money. We discuss the importance of this below.

These next two questions aimed to test our respondents' depth of knowledge by asking them to report certain aspects of factual knowledge that could be obtained from the voter information guide and the ballot. Both questions aimed to measure factual knowledge that we believe informed voters should possess about Proposition 7.⁴⁷ The second question above, and our first factual knowledge question, requested respondents to recall the percentage of electricity that public utility companies were required to produce from renewable sources by 2025, if the proposition passed. This question was open-ended, and we expected that it would be difficult for most voters to answer. The correct answer, however, was part of the official ballot title and summary provided in the voter information guide and included on the ballot.⁴⁸ Indeed, if they had read the ballot carefully, they were likely to have seen this information just minutes before

⁴⁶ We separate the two questions in order to minimize the testing threat by introducing numerous questions serving as distracter questions.

⁴⁷ For a discussion of what makes a voter competent, see Arthur Lupia, *How Elitism Undermines the Study of Voter Competence*, 18 Crit. Rev. 217 (2006).

⁴⁸ The Voter Information Guide is available online at: <http://voterguide.sos.ca.gov/past/2008/general/title-sum/prop7-title-sum.htm>. The text on the actual ballot was: "RENEWABLE ENERGY GENERATION. INITIATIVE STATUTE. Requires government-owned utilities to generate 20% of their electricity from renewable energy by 2010, a standard currently applicable to private electrical corporations. Raises requirement for all utilities to 40% by 2020 and 50% by 2025. Fiscal Impact: Increased state administrative costs up to \$3.4 million annually, paid by fees. Unknown impact on state and local government costs and revenues due to the measure's uncertain impact on retail electricity rates."

taking our survey; however, the open-ended format of the question required them to remember the specific information about one ballot question among many choices. Thus, this question serves as a measure of relatively deep factual knowledge from the voter guide and the actual ballot.⁴⁹

The third question above, and our second factual knowledge question, asked voters to indicate whether they knew that Proposition 7 did not place limits on how much consumers' electricity bills could increase. The correct answer to this question was not as clear from the officially sanctioned sources of information as was the answer to Question (2). Accordingly, we used a true or false question format to provide our respondents with a binary choice. We chose this question because the opponents of the measure focused on notifying voters, through arguments in the voter information guide and ads funded by the electricity companies, that consumer electricity bills could increase substantially, given the absence of rate controls in the measure. Moreover, the fiscal impact summary printed on the ballot stated that the measure would have an "uncertain impact on retail electricity rates."⁵⁰ Similar to the information tested in the second question, voters who had read the ballot would have seen this only minutes before, although the phrasing of the fiscal impact statement was not as explicit about the lack of rate controls as the summary's explanation of the percentage of energy that must come from renewable sources.

Our fourth question on this ballot measure recorded whether and how each respondent voted on the initiative. This question is the dependent variable in our study. Our primary interest is assessing whether knowledge has the predicted effect on how individuals cast votes in direct democracy. In the next section, we describe our research design and methods to

⁴⁹ We would have preferred to be able to ask many more specific and nuanced knowledge questions, but we faced the reality of space and time limitations.

⁵⁰ See *infra* text accompanying note 48.

investigate whether individuals do in fact arrive at different decisions based on their knowledge of the initiative, regardless of the source.

The discerning reader will note that Questions (1) and (4) should elicit similar responses. Indeed, we believe that Question (1) captures a fundamental preference about renewable energy. We therefore expect Question (1) to predict Question (4). Using a baseline preference to account for vote choice on a ballot measure is equivalent to using self-reported party identification or ideology to account for candidate vote choice, a common approach in voting behavior studies. We save a more extensive discussion of our research design for the next section.

In our fifth and final question we asked respondents to report whether they knew the position that the electricity companies took on Proposition 7, as they were the most prominent opponents of the bill. This was arguably the most effective information shortcut for the ballot measure. The electricity companies bankrolled the almost \$30 million campaign to defeat the proposition, thereby concretely demonstrating the intensity of their preference to retain the status quo. Of this \$30 million, they spent about \$25.3 million on broadcast and cable television advertisements and almost \$1 million on slate mailers; the remaining funds purchased survey research and political consulting.⁵¹ The industry's position was obvious, prominent, and hard to miss, and the fifth question should capture whether a respondent was aware of the electricity companies' strong opposition.⁵² Moreover, utilities were also credible cue-givers because they have expertise about electricity generation and they have a well-defined and understandable

⁵¹ See California Secretary of State, Campaign Finance, Californians Against Another Costly Energy Scheme – No on 7, Expenditures, *available at* <http://cal-access.ss.ca.gov/Campaign/Committees/Detail.aspx?id=1304245&session=2007&view=expenditures>, and Yes on Proposition 7, Expenditures, *available at* <http://cal-access.ss.ca.gov/Campaign/Committees/Detail.aspx?id=1302703&session=2007&view=expenditures> (last visited Feb. 27, 2010).

⁵² We did not ask about the most prominent endorser, Peter Sperling (heir to the University of Phoenix fortune), because we had limited space. Moreover, most voters were not likely to know neither who Mr. Sperling is, nor what position he took, because most of his participation was limited to donating money to the campaign.

profit motive. Voters can assess whether the interests of the energy companies align with their own interests. Thus, this question allowed us to measure the differences between those voters who knew and those who did not know about a key group endorsement.

Finally, it is worth noting that there were 41 questions on the survey. A typical interview took about ten minutes to complete. Accordingly, there was a significant buffer between each question relevant to our study. For example, there would be about an eight-minute gap between Question (1) and (4) for the average respondent. By spacing out the questions pertaining to Proposition 7, we hoped to minimize any potential priming and framing effects.

IV. Research Design and Methods

Our research examines whether voter knowledge helps individuals make reasoned choices on ballot measures. In what follows, we test the four hypotheses that we derived from the existing literature. We employ a post-test only blocking design that utilizes logit regression and post-regression Monte Carlo simulations to test our hypotheses. While vote choice is the outcome that we estimate, we must first formulate some expectations about how respondents will vote. We make a simple assumption: we predict individuals to vote in accordance with their stated policy preference. Indeed, we anticipate that individuals who prefer renewable energy even if it means an increase in cost of electricity will vote in favor of the initiative; those who do not prefer renewable energy under these circumstances will oppose the initiative.⁵³ Thus, we first split our sample into two groups: those who do and those who do not favor renewable energy even if electricity rates might increase.

As mentioned in the previous section, by blocking on policy preference, we follow the lead of voting behavior scholars who utilize party identification, candidate thermometers, and

⁵³ By including a measure of policy preference, we correct for Lupia's lack of explicit assumptions about how voters should decide. See Lupia, *supra* note 7.

ideology to estimate vote choice. A blocking design allows us to reduce the variance between disparate groups of individuals – in our case, individuals who have different policy preferences – and isolate the treatment effect.⁵⁴ Moreover, having policy preference as a simple control variable would not account for every difference between the two groups. As we detail below, individuals who prefer renewable energy are different from individuals who do not prefer renewable energy. By blocking, we can control for these differences.

In an ideal situation, we would have preferred to ask respondents a series of nuanced questions about their policy preferences regarding renewable energy. We did not have the luxury of conducting a survey that focused solely on Proposition 7, however. It is also likely that such a specific survey would have created respondent fatigue, where the interviewee might have stopped being able to discern the differences between the questions, ceased paying attention, or abandoned the interview. Moreover, we do not have a useful instrument to measure preferences about renewable energy in order to predict vote choice. Indeed, proxy measurements that capture a baseline preference for most policies do not exist.⁵⁵ Thus, we simply ask them to make the comparative evaluation asked in Question (1), which corresponds with the issue at the heart of Proposition 7.

Two concerns arise from using policy preference as our blocking variable. First, as noted above, we expect that policy preference will be an excellent predictor of vote choice. It is therefore reasonable to wonder whether our baseline policy preference measure is a perfect predictor of vote choice. For Proposition 7, our policy preference measure is a strong predictor of vote choice, but it is far from perfect: 12.5 percent of respondents who did not favor

⁵⁴ For a detailed description of a blocking research design, see William Trochim & James P. Donnelly, *The Research Methods Knowledge Base* Chapters 10 & 14 (2007).

⁵⁵ Lupia, for example, assumed that voters prefer to not vote for a proposition that would benefit law firms or the insurance industry. Ballot measures for which a researcher can assume preferences are, in our estimation, exceedingly rare.

renewable energy still supported the measure, and 35.7 percent of respondents who favored renewable energy voted against the measure. Overall, 26.4 percent of our sample voted against their stated policy preference. Moreover, policy preference and vote choice correlate at only 51 percent. Both statistics indicate that there is significant variation between stated policy preference and actual voting behavior. This finding is not surprising. Voters, for example, may prefer either Obama or McCain; they may still choose to vote against their preference. Thus, in essence, our study focuses on the respondents who do not vote in accordance with their stated policy preference. These simple statistics also demonstrate the need for a blocking design. In particular, voters who prefer renewable energy are 2.5 times more likely to vote against their policy preference. A blocking design, then, allows us to account for this variation and test for a treatment effect within and between both groups.

The second concern is one of endogeneity. It is possible that some underlying and unmeasured variable predicts both policy preference and knowledge of Proposition 7. We consider this possibility very slight. Furthermore, we think our policy preference question measures a stable attitude about renewable energy. Similar to studies of voting behavior that employ feeling thermometers, party identification, and ideology, we treat the responses to Question (1) as exogenous.

We implement our blocking design by first creating variables based on our respondents' answers to our knowledge questions. We created four measures: (1) voters who could not answer, or who answered incorrectly, Questions (2), (3) and (5) just listed; (2) voters who knew that the correct answer to Question (2); (3) voters who knew that the correct answer to Question (3); and (4) voters who knew that the correct answer to Question (5). Interacting policy preference with these four measures implements our blocking design and allows us to estimate

the effect of knowledge on vote choice separately for both those who favor and those who oppose renewable energy.⁵⁶

We use a simple logit model to evaluate our hypotheses. A formal representation of the econometric model we estimate is available in Equation (1) below.

$$Pr(y_i=1) = 1 / (1 + e^{-n_i})$$

$$n_i = (\beta_0 + \beta_1 Favor_i + \beta_2 CUE_i + \beta_3 REQ_i + \beta_4 BILL_i + \beta_5 Favor * CUE_i + \beta_6 Favor * REQ_i + \beta_7 Favor * BILL_i + \beta_8 X_i) \quad (1)$$

In Equation (1), y_i is respondent i 's probability of voting yes on Proposition 7, where a "0" represents a "no" vote and a "1" signifies a "yes" vote, and n_i defines the model we use to find respondent i 's probability. Henceforth, dropping the subscript i for each respondent, *Favor* is a dichotomous measure of whether respondent i supported renewable energy even if the policy resulted in higher energy rates ("1" for favor, 0 for "oppose"). *CUE* is another dichotomous variable that denotes whether the respondent knew that the electricity companies opposed Proposition 7 ("1" for knew cue, "0" for did not know). *REQ* is a dichotomous measure of whether a respondent knew Proposition 7's proposed renewable energy requirement by 2025 ("1" for knew requirement, "0" for did not know). Finally, *BILL* measures whether respondent i knew that Proposition 7 did not include limits on how much an electricity bill could increase ("1" for knew limit, "0" for did not know).

The interaction terms in Equation (1) allow us to estimate the effects of knowledge on vote choice, holding constant policy preference. We separate respondents into two groups based on policy preference with *Favor*. We then take *Favor* and interact it with our three types of

⁵⁶ In an ideal world, we would have had the resources to implement a factorial design. This would have allowed us to estimate the effects of more interesting interactions (e.g., the interaction of knowing two or three pieces of information). The sample size, however, is not large enough to estimate these effects in the regression. We therefore rely on Monte Carlo post-regression simulations to approximate a factorial design.

knowledge. In Equation (1), these interaction terms are *Favor*CUE* (knew cue), *Favor*REQ* (knew renewable energy requirement), and *Favor*BILL* (knew that there are no limits on electricity bills). *Favor*, then, becomes the coefficient for individuals who were unable to answer any of our knowledge questions about Proposition 7 but favored renewable energy. The constant term therefore measures the coefficient for respondents who did not favor renewable energy and had no knowledge of Proposition 7. At base, the interacted terms measure the effects of knowledge for individuals who supported renewable energy; the non-interacted terms measure the effects of knowledge for individuals who did not support renewable energy. The logit regression estimates the effects of each type of knowledge in isolation. In post-regression simulations, we will evaluate not only the effects of knowing the correct answer to the knowledge questions separately, but also each potential combination of knowledge, thereby emulating a factorial design.⁵⁷

We also use five covariates in our regression. In Equation (1), X denotes a matrix of covariates that includes *age*, *income*, *education*, *partisanship*, and *general political knowledge*. We utilize these variables in our regression since they are common predictors of individual voting behavior. Not including these variables could leave our analysis vulnerable to omitted variable bias.

V. Results

We present our results in three steps. First, we use descriptive statistics to assess how much voters knew about Proposition 7. Second, we report and interpret our regression results for Equation (1). Third, we generate predicted probabilities of respondents voting “yes” on Proposition 7 for those who favored renewable energy. We also derive predicted probabilities

⁵⁷ We can approximate these effects in post-regression simulations because we estimate every knowledge question’s effect in isolation. Thus, the simulations will predict what the additive effects would be for respondents who had knowledge of more than one fact.

for voting “no” on Proposition 7 for respondents who did not favor renewable energy. To begin, we wanted to gauge how much voters knew about Proposition 7, and whether knowledge varied among voters in systematic ways. To accomplish this, we calculated averages and correlations for the survey respondents’ policy preferences, knowledge of Proposition 7, and the covariates we defined in the previous section.

Of the 1,002 completed surveys, 717 voters gave answers to the questions that we include in the regression.⁵⁸ In Table 1, we provide basic descriptive statistics of respondents’ knowledge about Proposition 7. For the two rows, we separated our respondents by policy preference. Across the columns, we divided the respondents according to their level of knowledge concerning Proposition 7. All of the percentages and raw numbers reported in Table 1 are independent of each other and each respondent appears only once. For example, someone who appears in the “Knew All” category does not also appear in the “Knew Cue Only” category, even though someone who “Knew All” knew the cue.

[Table 1 About Here]

We can make two generalizations from Table 1. The first generalization is that a sizeable majority of voters knew something about Proposition 7, but a significant minority of voters knew nothing. Indeed, only 2.4 percent of voters knew the correct answer to all three of the knowledge questions; 3.1 percent knew both key pieces of factual knowledge; 5.7 percent knew the renewable energy requirement and the cue; and 9.5 percent knew that there were no limits on energy bills and the cue. Moreover, 21.1 percent knew only the cue but could not answer our set of factual questions, 5.7 percent knew the 2025 requirement only, and 18 percent knew that there

⁵⁸ We drop respondents from the analysis if they did not answer any of the questions we use in our regression. In our sample, 878 respondents voted on Proposition 7 – a roll off rate of about 12.4 percent. Furthermore, 891 respondents indicated their policy preference; 850 respondents answered the question about the position of the energy companies; 978 respondents answered the question about the 2025 renewable energy requirement; and 873 respondents answered the question about energy bills.

was no pre-set limit on energy bills. Overall, 20.7 percent of the respondents knew at least two pieces of the information about which they were asked, 44.8 percent knew the answer to one of the questions, and 34.6 percent could answer none of the questions. Thus, most voters knew something about the proposition insofar as we could measure it, but most voters could not answer more than one question correctly.

The second generalization we can make is that policy preferences and knowledge about Proposition 7 are, by our measures, not related. For example, only 1.9 percent of respondents who favored renewable energy and 3.1 percent of respondents who did not favor renewable energy knew the correct answer to all three knowledge questions. In fact, the largest gap in knowledge between the two preference groups occurs in recognizing that the proposition did not have pre-set limits on how much an energy bill could increase (with a slim 4.2 percent difference). Policy preferences therefore cannot explain how much information a person may or may not be able to recall about Proposition 7.

Next, we analyzed the data to see if there are significant differences in policy preference and knowledge based on our regression covariates. Table 2 includes descriptive statistics for party identification and ideology.⁵⁹ As expected, for policy preference, we see large differences between partisans and ideologues. Whereas Democrats favored renewable energy 66.7 percent of the time, Republicans favored renewable energy only 43.8 percent of the time – a difference of more than twenty percent. Likewise, 69.7 percent of liberals supported renewable energy, while only 40.4 percent of conservatives supported renewable energy – a difference of almost 30

⁵⁹ In the regression equation, party identification is a seven-point ordinal variable and ideology is a five-point ordinal variable. For simplicity, we have collapsed both variables into three categories. Here, we combine party identification “leaners” with their respective partisans.

percent. These results confirm the findings of national polls that show major differences in policy preferences about energy between partisans and ideologues.⁶⁰

[Table 2 About Here]

The partisan and ideological differences, however, do not extend to knowledge of Proposition 7. Partisans and ideologues differ very little in their ability to answer our set of factual questions and our cue questions, and only one is significant. The sole exception to the preceding conclusions is that moderates were about seven percent less likely to know that Proposition 7 did not provide an energy bill ceiling. This single aberration, however, is not indicative of a pattern in the data, and we would expect one significant difference at random. Overall, knowledge about Proposition 7 does not vary across partisan or ideological groups. This is indeed what drives our later results.

Paralleling partisanship and ideology, preferences for renewable energy do not correlate with most of the covariates from Equation (1). As shown in Table 3, an individual's policy preference about renewable energy does not correlate significantly with age, income, or having general political knowledge. By contrast, individual preferences do correlate positively with increased education, but the correlation is negligible.

[Table 3 About Here]

Table 3 also contains correlations for knowledge about Proposition 7. Similar to the above, knowledge about the initiative correlates with some covariates but not others, and the significant correlations are small. In particular, a respondent's likelihood of knowing the 2025 renewable energy requirement has a significant and negative correlation with both age (-0.14) and income (-0.1). Knowing the electricity companies' position has a positive and significant correlation general political knowledge (0.22). In sum, Table 2 and Table 3 demonstrate that we

⁶⁰ See, e.g., Eric R. A. N. Smith, *Energy, the Environment, and Public Opinion* Chapter 5 (2002).

cannot rely on the covariates from Equation (1) to explain preferences for renewable energy or knowledge about Proposition 7 in any systematic way. They also demonstrate that multicollinearity will not be a problem for our estimation.

To summarize the demographic results, most voters knew something about the proposition; a significant minority of voters, however, knew nothing. Moreover, we did not find any systematic patterns within the data that could explain which respondents were likely to recall factual or cue-like information about the initiative. We also cannot predict how much an individual will learn about the initiative. This evidence suggests that 1) the two policy preference groups are indistinguishable from each other in regard to knowledge about the proposition; 2) the regression covariates do not explain policy preferences (with the exception of partisanship and ideology); and 3) the regression covariates are unrelated to knowledge of the ballot measure.

Our next task is to calculate whether policy preferences and knowledge about Proposition 7 influenced individual voting decisions. We present the results of our logit regression in Table 4.

[Table 4 About Here]

The logit regression results provide some surprising insights. First, individual knowledge about Proposition 7 appeared to have no measurable effect on decision-making. Once we block individuals by policy preference (using the interactive terms), voters who knew something about the initiative are not statistically different from those voters who knew nothing about the initiative. With these raw coefficients, we find tentative support for the first hypothesis and theories of Lupia and Lupia and McCubbins: voters with knowledge of key aspects of encyclopedic knowledge are indistinguishable from voters who knew a voting cue. The

regression results, however, require us to reject the second and third hypotheses: voters who had knowledge of key facts and knowledge of a voting cue make decisions that are statistically equivalent to decisions of voters who were uninformed. In other words, knowledge does not appear to influence vote choice.

The second conclusion we can draw from the regression is that the two remaining significant terms, education and general political knowledge, suggest that voters who were more educated and knew more about the political world tended to vote against Proposition 7. Education and general political knowledge could have a negative effect for many reasons; one obvious possibility is that the educated and politically aware recognized that the initiative was too complex and ambitious, which would support a “defensive no” vote, and therefore the fourth hypothesis. We discuss the fourth hypothesis in more detail in the following paragraphs.

We generate Monte Carlo predictions based on the logit results in Table 4. Predictions are useful for exploring the magnitude of the regression coefficients from which we can generate simple graphical representations. We used King, Tomz, and Wittenberg’s *Clarify* software for Stata⁶¹ to estimate predicted probabilities and confidence intervals of voting “yes” for respondents who supported renewable energy. We then calculated predicted probabilities and confidence intervals of voting against Proposition 7 for respondents who did not support renewable energy. For each set of predictions, we varied the type of knowledge individuals recalled, holding the covariates at their mean value. In keeping with our blocking design, we present our predicted probabilities first for those who favored renewable energy, and then, second, for those who opposed it. We present these two sets of predictions, respectively, in Figures 1 and 2.

⁶¹ Gary King, Michael Tomz & Jason Wittenberg, *Making the Most of Statistical Analyses: Improving Interpretation and Presentation*, 44 Am. J. Pol. Sci. 341 (2000).

By estimating these predicted probabilities, we can move beyond the four hypotheses we set out to test and, within the limits of the power of our estimates, we can test some additional conditions. If knowledge is power and the ability to recall facts or cues equates to knowledge about the ballot measure, then we can rank voters in line with their ability to answer our three knowledge questions. With binary responses and three questions, we have eight possible outcomes, which we rank below from the highest level of recalled knowledge to the lowest. We would expect to see a decline in the predicted probability of voting consistently with policy preference moving left to right in the figures, following our predicted ranking of the combination of recalled knowledge:

- (1) Voters who knew all pieces of information (“Knew All”)
- (2) Voters who knew the 2025 renewable energy requirement and the lack of a limit on consumer energy bills (“Knew Requirement and No Limit”)
- (3) Voters who knew the 2025 renewable energy requirement and the position of the energy companies (“Knew Requirement and Cue”)
- (4) Voters who knew the lack of a limit and the position of the energy companies (“Knew No Limit and Cue”)
- (5) Voters who knew the information shortcut only (“Knew Cue Only”)
- (6) Voters who knew the 2025 renewable energy requirement only (“Knew Requirement Only”)
- (7) Voters who knew that the initiative did not provide limits on how much an electricity bill could increase (“Knew No Limit Only”)
- (8) Voters who did not know any of the three knowledge questions asked (“Knew Nothing”)

[Figure 1 About Here]

[Figure 2 About Here]

Each figure contains predictions for the eight levels of knowledge just described; the black bars represent the 95 percent confidence intervals for each prediction. Figure 1 shows that voters across all eight knowledge groups are indistinguishable one another. For example, we expected that the most knowledgeable voters – Knew All – who favored renewable energy vote in accordance with their policy preference 64.4 percent of the time. We also predict that voters who had two pieces of information – Knew Requirement and No Limit at 51.3 percent, Knew Requirement and Cue at 71.7 percent, and Knew No Limit and Cue at 70.1 percent – voted consistently with their policy preferences at rates that were statistically equivalent not only from each other, but from every other level of knowledge. Likewise, voters who knew only one piece of information and voters who did not provide a correct answer to any of the knowledge questions are indistinguishable. In fact, every error band overlaps, which indicates that none of the predicted probabilities is statistically different from any other. In other words, for respondents who favored renewable energy, the type and amount of information about Proposition 7 that a voter knew did not influence vote choice, and voters who had the least knowledge voted the same as individuals who knew something about the proposition.

The predictions we present in Figure 2 necessitate identical conclusions: individuals who had knowledge about Proposition 7 voted in similar ways to voters who had no knowledge about Proposition 7. In fact, voters who did not prefer renewable energy and knew all pieces of information voted “no” 86.8 percent of the time; additionally, the three groups of voters who knew two pieces of information voted “no” 83 percent (Knew Requirement and No Limit), 90 percent (Knew Requirement and Cue), and 84 percent (Knew No Limit and Cue) of the time.

Voters who knew the cue only, knew the 2025 requirement only, and knew the lack of limit only voted “no” 91.3 percent, 86.8 percent, and 84.6 percent of the time, respectively. Moreover, voters who did not prefer renewable energy and had no knowledge of Proposition 7 voted “no” 88.4 percent of the time. Similar to the predictions for voters who favored renewable energy, the predictions presented in Figure 2 are statistically equivalent, as every error bar overlaps. Again, the level of knowledge a voter recalled did not appear to influence decision-making, and uninformed individuals are indistinguishable from informed voters.

The results from the simulations contained in Figures 1 and 2 offer further support for the preliminary conclusions from the regression results. Specifically, we accept the first hypothesis: knowledge of key facts and knowledge of a voting cue lead to statistically similar voting behavior. However, we must reject the second and third hypotheses. In the initiative we analyzed, voters with knowledge of a set of basic facts or knowledge of a voting cue did not have greater success in translating their policy preferences into reasoned votes when compared to voters who knew less or even nothing about the initiative. In essence, voters who could not answer any of our questions actually outperformed voters who could answer most or all of our questions. Finally, voters who did not favor renewable energy (Figure 2) had an easier time casting a consistent vote (voting “no”) than voters who favored renewable energy (Figure 1) had casting a consistent vote (voting “yes”). Indeed, voters who favored renewable energy were more likely to vote against their policy preferences than voters who disfavored renewable energy. This means that the majority of the policy preference defections were “no” votes. As a result, we take this finding to be evidence of the Bowler and Donovan “defensive no,” and we can accept our fourth hypothesis.

While it would have been more satisfying to have found some evidence about the effect of knowledge on vote choice, our results should not be over-interpreted. It is quite possible that voters learned, at one time or another, the information they needed to make a reasoned choice and then forgot the facts, or the cues, that guided them.⁶² Nonetheless, we expected to see some differences depending on the topic and breadth of voter knowledge that could be measured.

VI. Discussion

We fail to find support for two of our four hypotheses. We have showed that uninformed voters appear to make decisions that are indistinguishable from voters who have knowledge of key facts and voters who have knowledge of a voting cue. As a result, we reject the overall model of initiative voting that Lupia presents. Unlike Lupia's and other previous studies of ballot measures, we do not find evidence to suggest that information has a systematic effect on vote choices. We think, however, that our study is an improvement upon the existing empirical research because we account for policy preference. That is, even if preferences are endogenous, we control for this potential problem by using a blocking design.

Furthermore, our research advances the understanding of voting behavior in direct democracy beyond previous research because Proposition 7 is more representative of a typical ballot measure in California, than the election Lupia studies. In fact, most initiatives and referenda are accompanied by campaigns that are noisy and lack clearly identifiable proponents and opponents; many do not capture the attention of voters. Many, perhaps most, ballot question campaigns do not satisfy the Lupia and McCubbins conditions for effective communication between experts and laypeople.⁶³ As our results demonstrate, it is clear that many individuals do

⁶² See, e.g., Morris P. Fiorina, *Retrospective Voting in American National Elections* (1981); Lupia & McCubbins, *supra* note 8; Popkin, *supra* note 15; Milton Lodge, Kathleen M. McGraw, & Patrick Stroh, *An Impression-Driven Model of Candidate Evaluation*, 83 Am. Pol. Sci. Rev. 399 (1989).

⁶³ See Lupia & McCubbins, *supra* note 8.

not know much about a typical ballot measure when they cast their ballots. This lack of knowledge is worrisome.

Elections enter into a troubling feedback loop when voters find it difficult to learn. If voters lack knowledge, they are less likely to turn out to vote, they refrain from making a choice (an increase in roll off), and they cast “defensive no” votes that may not reflect their policy preferences. Without intervention to strengthen institutions that might provide trustworthy information that voters can use effectively, the information environment remains noisy and chaotic. This further discourages learning. As a result, people continue to exert little effort to turn out and are unable to acquire or use the tools they need so that they can make reasoned decisions about policy choice. And the cycle continues.

This returns us to the question that has been at the core of Lowenstein’s scholarship. How do we improve the information environment for voters? A well-functioning democracy should seek to provide information so that more voters can translate their policy preferences into reasoned votes. Democracy should also strive to increase voter confidence that they are making a choice that is consistent with their policy preferences; doing so would encourage voter turnout. Our survey revealed that more than 34 percent of voters lacked any of the knowledge our questions sought to measure. Moreover, approximately 34.7 percent of those voting “yes” cast a ballot that was inconsistent with their preferences, and around 13.9 percent of those voting “no” could not vote competently by this standard. While our results suggest at one level that information has not improved voter competence, they also indicate that a significant number of voters could benefit if they could effectively deploy credible information. In fact, critical observers may interpret such a significant number of individuals that vote against their stated

policy preference as evidence to support the conclusion that voters should not be able to make decisions about complicated policy measures directly.

We, however, desire additional research. In particular, we need to survey voters with regard to additional ballot measures. We also would prefer to conduct panel studies of voters during an entire election to estimate what they learn, when they learn, where they learn the information, and how they use what they know to form opinions. From this additional research, we can make more informed policy recommendations about the institutional design shaping the consideration and adoption or rejection of initiatives and referenda. For now, we provide some preliminary thoughts about such reforms of state government, intending to modify and reshape them as we deepen our knowledge of voter decision-making with further studies.

For direct democracy, institutional design is crucial because voters obtain information from various sources; institutions can shape the information, verify it, and emphasize trustworthy signals. With respect to Proposition 7, the opposition campaign provided information about the position of the gas and electric companies because they were publicized as the main source of funding for that campaign. In addition, the campaign material disseminated by opponents highlighted the absence of a limit on increases in electricity rates, the percentage of energy that would come from renewable energy sources by 2025, and other facts and arguments that we did not ask respondents to report. The voter information pamphlet also provided this information and more. The proponents' arguments in the pamphlet noted the significant campaign expenditures made by utility companies opposing the proposition;⁶⁴ they emphasized this because they expected it would serve as a credible voting cue leading many voters to vote contrary to the companies' exhortations. The analysis prepared by the Legislative Analyst

⁶⁴ See Proposition 7, Arguments and Rebuttals, *available at* <http://voterguide.sos.ca.gov/past/2008/general/argu-rebut/argu-rebutt7.htm>.

included the 50 percent figure and alluded to the absence of rate controls when it noted that “the measure includes no specific provisions to implement or enforce [the proponents’] declaration” that rates would not increase more than 3 percent.⁶⁵ The title and summary included on the ballot itself only clearly contained the information about the requirement that 50 percent of energy come from renewable sources. The brief fiscal impact summary on the ballot identified an uncertain effect on retail electricity rates. This suggested the absence of a rate cap, but it was not explicit.⁶⁶

It is hard to know from our survey results alone where the voters we surveyed learned about the various facts and cues. Voters often identify voter information pamphlets as an important source of information about initiatives. In California, nearly half of respondents in a 1997 Field Poll reported using guides as their main or secondary source of information for deciding how to vote on ballot measures.⁶⁷ We do not know how many of our respondents had read a voter pamphlet before the election, or how many might have brought the pamphlet with them to consult as they voted. Although broadcast ads and other campaign materials also provide voting cues, voters understand that those sources may be biased or misleading because advocates produce these ads with the goal of persuading them.⁶⁸

One might suspect that the ballot itself is – or could be – an influential source of information for voters. The only fact relevant to our survey that was clearly provided on the ballot itself was, ironically, the fact that the fewest voters knew: about 16.9 percent of voters knew that 50 percent of electricity would come from renewable energy by 2025. By contrast,

⁶⁵ See Proposition 7, Analysis by Legislative Analyst, *available at* <http://voterguide.sos.ca.gov/past/2008/general/analysis/prop7-analysis.htm>.

⁶⁶ Proposition 7, Title and Summary, *available at* <http://voterguide.sos.ca.gov/past/2008/general/title-sum/prop7-title-sum.htm>.

⁶⁷ Shaun Bowler & Todd Donovan, *Do Voters Have a Cue? Television Advertisements as a Source of Information in Citizen-Initiated Referendum Campaigns*, 41 Eur. J. Pol. Res. 777, 781-82 and Table 1 (2002).

⁶⁸ Id. at 781; John Zaller, *A New Standard of News Quality: Burglar Alarms for the Monitorial Citizen*, 20 Pol. Comm. 109, 119 (2003).

almost double that (32.9 percent) knew that the measure did not control rate increases. For most individuals, the information about utility bills is a more immediate and direct concern than understanding the mix of electricity sources that powers their home. It is therefore likely that they noted and remembered this information from the campaign or news. We also attribute some of this disparity to the difference in question format.

Our survey does not reveal substantial differences in voting based on of how much or what knowledge a voter possessed. It did, however, reveal that a significant number of voters did not vote in ways that accurately reflected their preferences. In particular, those who favored increased use of renewable energy voted against their policy preference more often than those who did not favor increased use of renewable energy. We therefore believe that providing effective voting cues and other key information in credible and salient ways could improve voter competence generally. It might also be possible to design institutions to ameliorate some of the noise surrounding initiatives. Additional credible information could not only inform voters, but it could provide verification for other information that voters encounter in the campaign, perhaps from broadcast advertisements or slate mailers.

Our focus for such reforms is on the ballot – the key frame for the electoral decision. Our survey did not reveal a disproportionate effect of information on the ballot, and we have found few studies that asked voters about their use of ballot information rather than facts and arguments provided in the voter information pamphlet.⁶⁹ The absence of scholarly discussion about the role of ballots in providing voters information about initiatives is surprising given the

⁶⁹ One exception is Roger Gafke & David Leuthold, *The Effect on Voters of Misleading, Confusing, and Difficult Ballot Titles*, 43 Pub. Op. Q. 394 (1979) (“The title on the ballot is the single most important piece of information about the issue, because it is the item that each voter is most likely to see, and it is the last item that the voter sees before voting.”). The authors focus on the effect of confusing titles on voter decisions, finding that certain voters, such as those with less information before they enter the polling booth or who are less politically active, are more susceptible to confusion that interferes with their ability to vote according to their policy preferences.

focus in candidate elections on the salience of ballot cues, particularly party affiliation. We suspect – although we have no direct evidence of this – that some of the voters who knew nothing by the time they answered our survey may have used the information on the ballot to decide how to vote. The information on the ballot itself, however, is much more abbreviated than the more comprehensive analysis of the ballot measures in the voter information pamphlets. Moreover, some crucial information, such as the identities of supporters and opponents, is completely absent from the ballot.

Nevertheless, we think the information available at the point-of-decision matters. First, the state issues the ballot, and this frame provides the credibility of an official announcement.⁷⁰ The ballot as an institution serves as a verification device for voters, encouraging them to trust certain facts provided by other sources and to use that information to make competent choices.⁷¹ Although voters may distrust individual politicians, the ballot is not associated with any particular political actor. Instead, the ballot is an official statement that the state endorses. Second, the ballot provides information “at the climactic moment of choice”⁷² when the voter records her final decision on the policy at issue. Not only is it the most recent information – an important aspect of cues on the ballot as the effects of information tends to dissipate over time⁷³ – but it is also the information available at the pivotal moment of choice.

Strategic political actors behave as though the information provided on the ballot can influence electoral outcomes. There has been a substantial increase in number of challenges to

⁷⁰ See Elizabeth Garrett, *The Law and Economics of “Informed Voter” Ballot Notations*, 85 Va. L. Rev. 1533, 1552-53 (1999).

⁷¹ See Lupia & McCubbins, *supra* note 8, at 56-57.

⁷² *Rosen v. Brown*, 970 F.2d 169, 175 (6th Cir. 1992).

⁷³ See, e.g., James N. Druckman & Arthur Lupia, *Preference Formation*, 3 Ann. Rev. Pol. Sci. 1, 8-9 (2000); Shanto Iyenger, *The Accessibility Bias in Politics: Television News and Public Opinion*, 2 Int'l J. Pub. Op. Res. 1 (1990); John Zaller & Stanley Feldman, *A Simple Theory of the Survey Response: Answering Questions versus Revealing Preferences*, 36 Am. J. Pol. Sci. 579, 592-93, 607 (1992).

the wording of ballot titles and summaries since the 1990s.⁷⁴ Some of this rise is a function of the accelerating use of initiatives over the same time period. The increase is also related, however, to a greater focus by sophisticated political players on the importance of the information available on the ballot in influencing voters' decisions. For example, Oregon's Supreme Court spent virtually all of March and April 2000 on ballot title challenges, and 92 of the 146 initiatives with certified ballot titles in 1999-2000 went to the Supreme Court.⁷⁵ The Court rewrote half of the titles that came before it.⁷⁶ Until a recent change in the statutory requirements to submit an initiative proposal for state review and titling,⁷⁷ Oregon suffered from the phenomenon of "ballot title shopping." Proponents engaged in ballot title shopping by filing multiple versions of the initiative and obtaining different titles and summaries. They then used the most favorable wording when they circulated petitions.⁷⁸ Although ballot title shopping in California has not yet reached Oregon's pre-reform level, there are concerns that the low threshold for obtaining an official ballot title and summary (payment of \$200 that is refundable if the measure qualifies within a certain time period⁷⁹) has led to the practice of submitting several similar ballot measures and then circulating the one that obtains the most favorable language.⁸⁰

California has also seen several recent legal challenges to ballot titles and summaries written by the Attorney General. In California, before a proponent of a potential initiative can

⁷⁴ Kenneth P. Miller, *Direct Democracy and the Courts* 103 (2009) (citing increases in such cases in Oregon, Colorado, Washington and Arizona).

⁷⁵ Richard J. Ellis, *Democratic Delusions: The Initiative Process in America* 149 (2002).

⁷⁶ Miller, *supra* note 74, at 103.

⁷⁷ The 2008 amendment increased to 1,000 (from 250) the number of signatures required to submit a petition. Ore. Elect. Code 250.045(1).

⁷⁸ William A. Lund, *What's in a Name? The Battle over Ballot Titles in Oregon*, 34 Willamette L. Rev. 143, 156 (1998). See also Rick Attig, *Initiative: No More "Ballot Shopping" with Your Tax Dollars*, The Oregonian, Jan. 1, 2009, available at http://www.oregonlive.com/opinion/index.ssf/2009/01/initiative_no_more_ballot_shop.html (noting that one frequent user of the initiative process had filed 50 petitions for titling in 2000).

⁷⁹ Cal. Elect. Code § 9004.

⁸⁰ See Bill Analysis of AB 436 (Saldana) for a Hearing in the Assembly Committee on Elections and Redistricting, March 31, 2009 (proposing to increase fee to \$2,000 and noting that in 2007-08 proponents of Proposition 9 submitted four version for titling but circulated only one).

collect signatures, she must submit a ballot measure to the Attorney General for an official ballot title and summary, together with the \$200 fee. The Attorney General prepares a title and summary to highlight the “chief purposes and points” of the proposed measure.⁸¹ The title and summary cannot exceed 100 words, and must be “true and impartial, and not argumentative [or] likely to create prejudice for or against the measure.”⁸² The Attorney General then submits the title and summary to the Secretary of State, and interested parties can challenge the title and summary in pre-election litigation. In such litigation, the court defers to the Attorney General’s drafting if “reasonable minds can differ” whether the summary is an accurate depiction that captures the chief purposes and points of the proposition.⁸³

Given the presumption afforded to the Attorney General, it is not surprising that the recent challenges to ballot titles and summaries in California have often failed. For example, the title for Proposition 8, the measure that made same-sex marriages illegal in California, was challenged by supporters who objected to the word “eliminates” in the title drafted by Attorney General Jerry Brown: “Eliminates the Right of Same-Sex Couples to Marry.” Supporters preferred a title such as “Only Marriage Between a Man and a Woman is Valid or Recognized in California.”⁸⁴ In fact, the original ballot title had been similar to that proposed by advocates of Proposition 8 in the litigation. The state Supreme Court, however, ruled that Californians of the same sex had won the right to marry in the time after the certification of the original title and before the preparation of the ballot.⁸⁵ Thus, the court ruled that the new title reflected the effect of the proposition on the legal status quo, and the superior court judge upheld the Attorney

⁸¹ Cal. Const., Art. II, § 10(d); Cal. Elect. Code § 9002.

⁸² *Amador Valley Joint Union High School District v. State Board of Equalization*, 22 Cal. 3d 208, 243 (1978); Cal. Elect. Code § 9051.

⁸³ *Epperson v. Jordan*, 12 Cal 2d 61, 70 (1938). See also *Zaremborg v. Superior Court of Sacramento County*, 115 Cal. App. 4th 111 (2004).

⁸⁴ *Jansson v. Bowen*, Case No. 34-2008-00017351 (Cal. Super. Ct. Sacramento) (Aug. 7, 2008), *available at* http://ag.ca.gov/cms_attachments/press/pdfs/n1597_ruling_on_proposition_8.pdf.

⁸⁵ See *In re Marriage Cases*, 43 Cal. 4th 757 (2008).

General's wording as accurate and acceptable. The dispute illustrates that proponents believed that the wording used on the ballot could affect voters' beliefs; thus, they sought more positive language and language that avoided highlighting the elimination of a right.

The Attorney General does not draft all ballot measure titles and summaries in California. When the legislature places a measure on the ballot, it often insists on drafting the title and summary in a way designed to elicit positive voter response, demonstrating legislators' beliefs that the information on the ballot can influence electoral outcomes.⁸⁶ Such titles can prompt judicial challenges to the ballot title, as demonstrated by litigation surrounding two of the measures placed on the ballot by the legislature and Governor in 2009 in an effort to close the state's substantial budget gap. These ballot questions were part of a package of budget reforms, measures 1A through 1E; in the law putting them on the ballot, the legislature insisted on writing the ballot title and summaries.⁸⁷ Opponents of Proposition 1E reached an agreement with the state concerning the title of a measure that would have diverted money earmarked by a 2004 initiative to fund mental health services to balance the budget. The original title was "Ensures Funding for Children's Mental Health Services. Helps Balance State Budget." After the successful challenge, the new title was "Mental Health Funding. Temporary Reallocation. Helps Balance State Budget."⁸⁸ In the same election cycle, a judge in Sacramento ruled that the title for Proposition 1A, concerning the state's rainy day stabilization fund, must use the word "changes" rather than "reforms" with respect to its effect on the budget process. In addition, the judge required that the title state that the measure "could" limit deficits and spending, not that it

⁸⁶ See, e.g., Dan Walters, *California Politicos Try to Fix an Election Via Ballot Title*, Sac. Bee, Mar. 3, 2009, available at <http://www.sacbee.com/politics/story/1666423.html>.

⁸⁷ See Act of Feb. 20, 2009, ch. 7, 2009 Cal. Legis. Serv. 842 (West) (originally enacted as Act of Feb. 20, 2009, ch. 6, 2009 Cal. Legis. Serv. 837 (West)).

⁸⁸ See John Myers, *Prop 1E Gets New Title and Summary*, Capital Notes, Mar. 5, 2009, available at <http://blogs.kqed.org/capitalnotes/2009/03/05/prop-1e-gets-new-title-summary/>.

does limit them. Finally, the court deleted “unsustainable” as a modifier to describe state spending because the word carried too much emotional impact.⁸⁹

Proposition 7, the focus of our survey, did not prompt a challenge to the ballot title or summary, but the parties on both sides sued before the election to alter the substance of the arguments that the opposing parties submitted for the voter information pamphlet. Proponents objected to the argument that the initiative would block small renewable energy suppliers from the market. Opponents wanted several statements made by the other side removed from the voter pamphlet, including a claim that the measure would create over 370,000 prevailing wage jobs, and, relevant to our survey, that the proposition was guaranteed not to increase consumer’s electricity rates by more than 3 percent a year (although the Legislative Analyst found that no substantive provision would guarantee such a rate cap). The judge denied both sides’ petitions, holding that the two opposing interpretations of the measure were plausible and not proved to be misleading by clear and convincing evidence.⁹⁰

We contend that scholars who are interested in shaping institutions so that they enhance voter competence should focus on the ballot titles and summaries, just as political actors do. To be sure, we need to conduct more research in order to understand how ballot language influences voters’ decisions, and whether different information provided on the ballot could more effectively empower voters. It seems clear, however, that the ballot itself provides cues in the same way as do voter pamphlets, voter information guides, slate mailers, and the like. But the

⁸⁹ Howard Jarvis Taxpayers Ass’n v. Bowen, Case No. 34-2009-80000182-CU-WM-GDS (Cal. Super. Ct. Sacramento) (March 4, 2009), available at <http://www.sos.ca.gov/elections/ccrov/pdf/2009/march/09029jh.pdf>. See also *Ballot Measures’ Labels Changed After Complaints*, Sac. Bee, Mar. 6, 2009, available at <http://www.sacbee.com/capitolandcalifornia/v-print/story/1676652.html>.

⁹⁰ Gonzalez v. Bowen, Case No. 34-2008-00016638 (Cal. Super. Ct. Sacramento) (Aug. 7, 2008) available at http://www.peterwall.net/documents/prop_7_judge_kenny_decision.pdf. See also Malcolm MacLachlan, *Ballot Language Battle Could Be Key for Prop. 7*, Capitol Weekly, Aug. 6, 2008, available at http://www.capitolweekly.net/article.php?_adctlid=vjq2q43wvsl855o|xbaplm90oohaj1&issueId=xas7u1nejid2da&xid=xbagdm4fs2hxmt.

ballot is the one source of information we are confident voters see: they are exposed to the information provided on the ballot as they make their policy choice. Perhaps as more Californians vote by mail, the ballot language will not be the only information available at the critical moment of decision-making. Regardless of whether the possibility of learning occurs in the voting booth or at the kitchen table, however, voters will always see the ballot's text immediately before they mark their choice. We tentatively propose two reforms based on our research above, one aimed at the process of drafting a ballot title and summary, and one designed to provide relevant information on the ballot in addition to the title and summary.

A. Delegating the Power to Draft Ballot Titles and Summaries to Nonpartisan Institutions

We first propose transferring the responsibility of writing ballot titles and summaries away from elected political officials.⁹¹ We suggest that appointed nonpartisan experts, a nonpartisan commission, or a bipartisan commission with experience in elections and ballot measures should draft the ballot titles and summaries. In California, the Attorney General generally drafts the ballot title and summary, and the Secretary of State oversees the process of certifying the question for the ballot and negotiating with contending parties. Both positions are partisan elected offices. Both elected officials will have views and positions on most ballot measures, controversial or not. Moreover, they are likely to disagree, perhaps vehemently, with many citizen initiatives. Indeed, if the policies that the initiative proponents supported were popular among elected officials, the legislature could have adopted the policies through the regular legislative process.⁹² Both state officials may in fact act in good faith and try to provide

⁹¹ For general discussion of reforms in election rules to shift responsibilities to nonpartisan and unelected officials, see Daniel P. Tokaji, *Lowenstein Contra Lowenstein: Conflicts of Interest in Election Administration*, __ Election L.J. __ (forthcoming 2010).

⁹² See Elisabeth R. Gerber, Arthur Lupia & Mathew D. McCubbins, *When Does Government Limit the Impact of Voter Initiatives? The Politics of Implementation and Enforcement*, 66 J. Pol. 43 (2004) (making the point in the context of implementation of successful initiatives).

neutral titles and summaries. Drafting the titles and summaries, however, involves judgments that their views on the merits of the policy will influence, consciously or not. Leaving this power in the hands of elected officials allows for the possibility of strategic manipulation of drafting to achieve partisan objectives.

Yet, the ballot obscures the involvement of partisan actors with political agendas and reinforces the sense that the titles and descriptions of the measures are impartial and removed from the give-and-take of politics. California is not alone; most states allocate this responsibility to elected, partisan state officials.⁹³ Others allow more power to players with an obvious agenda concerning the ballot measure at issue: a handful of initiative states provide that the proponents of the initiative write the official title and summary, with review by a state official.⁹⁴ Only a very few states vest the power in nonpartisan entities, which we discuss below.⁹⁵ In other words, the process is nearly always political, either overtly by involving the proponents of the proposition or inevitably by delegating the power to elected officials with partisan goals.

To reduce the influence of political actors over the crucial text that appears on the ballot, we recommend that California empower a nonpartisan, unelected entity with the responsibility of devising ballot titles and summaries. This procedure should be followed for all ballot measures – those initiated by the people through petitions and those placed on the ballot by the legislature. This proposal is not without precedent, although it is unusual. Utah delegates the job of drafting “impartial” ballot titles to the Office of Legislative Research and General Counsel.⁹⁶ Colorado has adopted a hybrid process in which a Title Setting Board, composed of the Secretary of State, the Attorney General, and the head of the Office of Legislative Legal Services, drafts initiative

⁹³ M. Dane Waters, *Initiative and Referendum Almanac* 16-17 (2003).

⁹⁴ This is the case in Arizona (title only); Arkansas (title and summary); Florida (both); Illinois (both); and Ohio (both). *Id.* at 17.

⁹⁵ See *infra* text accompanying notes 96 through 100.

⁹⁶ Utah Elec. Code 20A-7-209.

titles and summaries.⁹⁷ This Board meets in public to hear arguments about the appropriate wording, and it first hears any challenge to its decision.⁹⁸ Nonetheless, Colorado has seen an increasing number of challenges to ballot titles and summaries, and the court has been more willing to revise the wording, although often in conjunction with a finding that the measure violates the single-subject rule.⁹⁹ Even Utah's courts, with its system designed to remove political actors from the titling process and an infrequent use of ballot measures, have become more aggressive in reviewing and rewriting titles.¹⁰⁰ We do not expect that transferring drafting responsibility to a less partisan entity will eliminate all challenges because contending parties will seek advantage through favorable wording, and even relatively neutral language can prompt disagreement. Drafting inevitably requires discretion, and measures can be accurately summarized in multiple ways. Presumably, however, the process of drafting the influential ballot title and summary is less susceptible to partisan manipulation when it is delegated to nonpartisan, expert staffs rather than elected officials.

In California, the job of drafting ballot titles and summaries could be delegated to the Legislative Analyst,¹⁰¹ who is already involved in the initiative process through the preparation of fiscal impact statements, a process that also involves the executive branch's Department of Finance. The Legislative Analyst has sole authority to draft an analysis of each proposal for the voter information pamphlet and to advise voters of the effect of a "yes" or "no" vote through a neutral statement of a few sentences. Currently, the Legislative Analyst submits the analysis to a committee of five citizens, including an expert in education, a bilingual citizen, and a

⁹⁷ Co. Elect. Code 1-40-106, 1-40-107; Ellis, *supra* note 75, at 152.

⁹⁸ Lund, *supra* note 78, at 165-66.

⁹⁹ Ellis, *supra* note 75, at 152.

¹⁰⁰ Id. at 156.

¹⁰¹ For a description of the Office of Legislative Analyst, see <http://www.lao.ca.gov/laoapp/main.aspx> (last visited Jan. 31, 2010).

professional writer, to ensure that the average voter can understand the text.¹⁰² Although the main emphasis of the work of this office is on budget and fiscal matters, it plays a significant role in the initiative process that extends beyond budgetary assessments, in part because of the respect accorded to the way it has discharged its fiscal advice function over time. The office has existed for nearly seven decades, served as the model for the federal Congressional Budget Office, and is broadly viewed as a repository of expertise and nonpartisan perspectives.¹⁰³ The high regard with which the office is held and its reputation for independence have led to proposals that the responsibility to draft ballot titles and summaries for initiatives be delegated to the Legislative Analyst.¹⁰⁴

Another possibility is delegating the power to prepare titles and summaries to the Office of Legislative Counsel; its staff provides nonpartisan legislative services to elected lawmakers, including bill drafting and legal advice on statutes and other legislative activity.¹⁰⁵ In addition, the Office offers drafting advice to proponents of ballot measures when 25 or more voters request assistance. Indeed, the Legislative Counsel will draft the text of the measure if proponents request her to do so and she determines that the proposition is reasonably likely to qualify for the ballot.¹⁰⁶ Furthermore, current law delegates the responsibility of writing ballot titles and summaries to the Legislative Counsel in circumstances where the Attorney General is a proponent of the measure.¹⁰⁷ Some observers, however, perceive the Legislative Counsel to be

¹⁰² Cal. Elect. Code § 9087.

¹⁰³ See Elizabeth G. Hill, *California's Legislative Analyst's Office: An Isle of Independence*, Spectrum: the Journal of State Government 26, 27-28 (Fall 2003) (written by former Legislative Analyst).

¹⁰⁴ See, e.g., California Assembly Constitutional Amendment 20, proposed by Roger Niello (R) in 2009 (proposing that the Legislative Analyst have primary responsibility for ballot titles), *available at* http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0001-0050/aca_20_cfa_20090622_092656_asm_comm.html.

¹⁰⁵ See Office of Legislative Counsel, Firm Overview, *available at* <http://www.legislativecounsel.ca.gov/portal/site/OLCInternet/menuitem.5fb4241e84ab3773facec79ae131b65a/?vgnextoid=a249142510585110VgnVCM1000001e136ba5RCRD&vgnextfmt=default> (last visited Jan. 7, 2010).

¹⁰⁶ See Waters, *supra* note 93, at 142.

¹⁰⁷ Cal. Elect. Code § 9003.

too closely aligned with lawmakers, who are the main clients of the office, and therefore not sufficiently impartial. It is no surprise, then, that the drafters of the state's Political Reform Act chose to delegate the authority to draft analyses of initiatives to the Legislative Analyst, not the Legislative Counsel who had exercised the power previously.¹⁰⁸ Thus, the Legislative Counsel may be a less satisfactory alternative than the Legislative Analyst to the current practice of delegating this responsibility to elected officials.

Alternatively, California could rely on a nonpartisan or bipartisan commission to write ballot titles and summaries. For example, given sufficient resources, the legal staff of the Fair Political Practices Commission (FPPC) could draft titles and summaries. The current commission has five members with representatives of both major parties whom the Governor, Secretary of State, Attorney General and Controller appoint. They each serve one four-year term without the possibility of reappointment. Alternatively, Garrett and McCubbins have proposed a substantial reform of the initiative process that would include establishing a Citizens Initiative Implementation Oversight Commission (CIIOC) to ensure more effective implementation of ballot measures that voters have passed.¹⁰⁹ Each successful initiative would name one person to serve a single term on the CIIOC. The commission's staff could play the primary role in drafting titles and summaries, and the CIIOC would hear the first appeal from displeased parties to reduce the amount of litigation in the courts. The advantage of using a commission such as the CIIOC is that its jurisdiction focuses solely on the initiative process, unlike the other entities discussed above which have jurisdiction over aspects of the regular legislative process or over elections and campaigns generally. Moreover, all the members of the CIIOC or some similar commission

¹⁰⁸ Email from Robert Stern, one of the principal drafters of the Political Reform Act, to Elizabeth Garrett, Feb. 1, 2010 (on file with authors) ("We felt that the Counsel's office was too close to the legislature, while the Leg. Analyst had demonstrated long time independence from the legislature.")

¹⁰⁹ Elizabeth Garrett & Mathew D. McCubbins, *The Dual Path Initiative Framework*, 80 S. Cal. L. Rev. 299, 332-40 (2007).

will have been active in the initiative process, albeit to pursue a variety of policies. Therefore, they may be more sensitive to the kind of information that will empower voters to make competent decisions. Importantly, the commission would include no elected officials, and the ideology of members would be diverse since many different political and economic interest use the initiative process to effect policy change.

B. Increasing the Information Provided to Voters on the Ballot

We propose as a second major reform that California and other states provide more information to voters on the ballot itself. In particular, increasing the official ballot summary to about 250 words or so would allow the ballot to provide more information without substantially increasing the demands on voters. For example, in Oregon, the ballot includes a 15-word title, 25 words describing the effect of a “yes” vote and another 25 words describing the effect of a “no” vote, and 125 words summarizing the measure.¹¹⁰ Not only should the title and summary be impartial and understandable, but drafters should also work to provide ordinary voters with information about the effect of the measure on their lives, such as their tax burdens, the level of government service they will receive, the effect on the state’s economy, and quality of life for its citizens. Again, relying on a nonpartisan or bipartisan entity to draft these more extensive statements is a method to ensure that the information will assist voters rather than one side or the other in the campaign.

States should also consider enhancing the information provided by fiscal statements appearing in the voter information pamphlet and, in very abbreviated form, on the ballot. One concern with decision-making in direct democracy is that voters do not have a full sense of the costs and trade-offs entailed in approving a ballot measure or keeping the status quo. Because

¹¹⁰ Ore. Elec. Code 250-035. Idaho appears to allow the most words for a ballot measure summary, requiring the purpose of the measure be described in 200 words or less. Idaho Elect. Code § 34-1809.

states operate with limited resources, decisions to spend money in one area mean that funds will not be available for other purposes. Revenues raised for a particular government service will reduce the flexibility of the state to raise revenue for other services. When the Legislative Analyst abbreviates the fiscal impact statement on the ballot, she should detail the costs of the proposal and the effects on state and local revenues. In other words, the summary should convey a more concrete sense of the fiscal consequences of the proposal to voters in terms they can understand. As a result, the fiscal summary may need to be longer.

We require additional research to determine how best to communicate this relatively complex information. Even Congress, which is presumably a body of policy experts, understands that the fiscal impact of most policies is difficult to project and yet vital to decision-making. For example, budget rules including PAYGO requirements seek to equip members of Congress with a basic understanding of a proposed policy's budgetary ramifications.¹¹¹ This model could serve as starting place to think about how a ballot measure's fiscal impact statement could provide an effective cue for voters. It may be that such information cannot be conveyed in a way that voters can easily understand with limited attention and knowledge, or that such simple language designed to describe fiscal trade-offs would be too controversial. Nonetheless, we urge more study and consideration of possible ways to increase the usefulness of fiscal impact statements.

Most importantly, the ballot should inform voters of the main groups supporting and opposing a ballot measure. This information can provide some of the strongest and most effective shortcuts. Not only would such information arm citizens with cues likely to increase

¹¹¹ For a discussion of federal PAYGO rules, see Elizabeth Garrett *Harnessing Politics: The Dynamics of Offset Requirements in the Tax Legislative Process*, 65 U. Chi. L. Rev. 501 (1998); Edward D. Kleinbard, *Tax Expenditure Framework Legislation* 30-33 (unpublished manuscript Jan. 2010), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1531945.

voter competence, but the availability of the shortcut on the ballot would also send a powerful signal to voters that they should use the cues.¹¹² If the legislature placed the measure on the ballot, or the legislature has considered the proposal, the ballot could include the overall vote totals, as well as the votes of the state legislators, identified by name and party affiliation, who represent the voters at that particular polling place.¹¹³ The other key voting cue is support and opposition by groups with well-known reputations for particular ideological positions or economic interests. The voter information guide provides information about proponents and opponents, but these groups are not always the groups we would propose to disclose on the ballot. Instead, voters will learn more if they know the groups that are spending the most money in the campaign on either side of a ballot measure; these are the groups demonstrating a costly commitment to their positions.

Consider Proposition 7. The groups bankrolling the opposition to the renewable energy measure were utility companies, with PG&E and Edison each spending more than \$13.5 million and Sempra spending more than \$2 million.¹¹⁴ Yet, the opposing groups signing the arguments against Proposition 7, as well as the groups they listed in their arguments as part of their coalition, did not include a single major public utility. Instead, representatives of groups such as the California Taxpayers Association and the California Small Business Association signed the voter pamphlet. While some of these groups might serve as voting cues for ordinary people,¹¹⁵

¹¹² Burnett & McCubbins, *supra* note 10, at 23-24.

¹¹³ For a similar proposal aimed at the voter information pamphlet, see Elisabeth R. Gerber, *Reforming the California Initiative Process: A Proposal to Increase Flexibility and Legislative Accountability*, in *Constitutional Reform in California: Making State Government More Effective and Responsive* 291, 301 (B.E. Cain & R.G. Noll eds., 1995) (recommending having legislature vote on all initiatives and providing roll call vote in the pamphlet).

¹¹⁴ Secretary of State, Campaign Finance, Contributions Received by Californians Against Another Costly Energy Scheme – No on 7, *available at* <http://cal-access.sos.ca.gov/Campaign/Committees/Detail.aspx?id=1304245&session=2007&view=received>.

¹¹⁵ For example, the Taxpayers Association has a well-known political brand name.

none would be as effective as the heuristic provided by the substantial spending on the part of the state's largest energy companies.

In the case of Proposition 7, knowing about the major funding source behind the supporting campaign would have been less conducive to learning. The main proponent, Peter Sperling, contributed over \$9 million.¹¹⁶ Sperling is not an elected representative or a representative of any business with an obvious economic interest in renewable energy. Sperling is a part-time resident of California (with a primary residence in Arizona) and a billionaire through his family's involvement in the University of Phoenix.¹¹⁷ Sperling is unknown to the vast majority of voters. Even providing his occupation on the ballot – as voter pamphlets did for proponent Donald Aitken, described as a “renewable energy scientist” – would not provide sufficient information about Sperling's interests regarding renewable energy for voters to learn. The endorsers of Proposition 7 listed in the voter pamphlet were probably more helpful to voters than knowing the major sources of campaign funding. Those signing the arguments included the co-founder of a labor union and several former and current well-known politicians, although the pamphlet did not provide information about these politicians' party affiliation. The group affiliation of other signers – such as the Californians for Solar and Clean Energy – provided no helpful information. Such groups are merely attractive names designed to appeal to voters and often to veil the real parties in interest behind initiative campaigns.¹¹⁸

Because knowing the source of campaign expenditures provides a more effective voting cue for voters, we would propose including on the ballot the top three sources of funding at the

¹¹⁶ Secretary of State, Campaign Finance, Contributions Received by Yes on Proposition 7 – Californians for Solar and Clean Energy, *available at* <http://cal-access.sos.ca.gov/Campaign/Committees/Detail.aspx?id=1302703&session=2007&view=received>.

¹¹⁷ See Forbes List of Billionaires, #562 Peter Sperling (Mar. 11, 2009), *available at* <http://www.forbes.com/lists/2006/10/RQWL.html>.

¹¹⁸ See Elizabeth Garrett & Daniel A. Smith, *Veiled Political Actors and Campaign Disclosure Laws in Direct Democracy*, 4 Election L.J. 295 (2005) (providing information about the use of veiled political actors to obscure the sources of campaign funding in initiative elections).

time the ballot is printed. If such sources are individuals, the ballot should provide their occupations and information about any association with a business or group that provided financial support over a particular threshold. In addition, if any officeholder, candidate, or committee controlled by such a person has provided more than a threshold amount of funding to support or oppose an initiative, the ballot should disclose that information, along with the office held or sought, and party affiliation. If a group is a front for other groups or businesses to use in order to provide contributions, the ballot should pierce the veil so that the voters receive information about the actual sources of funding.

Once these changes take effect, there will be secondary, or general equilibrium, effects, creating a new positive feedback loop. Voters will know they can get much of the information they need, in a trustworthy manner, on the ballot. This will increase turnout, discourage roll off, and decrease “defensive no” votes. In essence, the new ballot titles and summaries will create a powerful means for verification of campaign materials,¹¹⁹ causing campaigns to become more trustworthy and informative, thereby increasing turnout, and so forth. All this could create a virtuous cycle. Vesting the authority to create such an influential voting cue in a nonpartisan, unelected, expert entity provides more assurance that the new equilibrium will be one that empowers voters, not groups with agendas in the policy battle.

One serious challenge facing our recommendation is that the state prints ballots 60 to 70 days before an election.¹²⁰ It may not be clear at the time the state prints the ballots who the

¹¹⁹ Mathew D. McCubbins & Daniel B. Rodriguez, *When Does Deliberating Improve Democratic Decision Making?* 15 J. Contemp. Legal Iss. 9 (2006); Cheryl Boudreau, Mathew D. McCubbins, Daniel B. Rodriguez, & Nicholas Weller, *Opting In or Opting Out: The Conditions for Developing Consensus* (Presented at the Fourth Annual Conference on Empirical Legal Studies, USC School of Law, Los Angeles, CA, November 20-21, 2009), available at <http://ssrn.com/abstract=1434121>.

¹²⁰ Telephone Interview with Diane Jones, Voter Services Manager, Sacramento County, conducted by Jonder Ho, Feb. 9, 2010 (notes on file with authors). This timeline develops from the interplay of several statutory provisions, including the last date for measures to qualify for the ballot (Cal. Elect. Code § 9016 & § 10403); time provided for

major funders of the campaigns will be. Moreover, savvy political actors can wait to make substantial contributions until after the ballot has gone to the printer, thereby avoiding disclosure. Such delay would not hamper many campaigns. The groups or individuals backing the campaign could promise future financial support so the consultants running the campaign could enter into contracts to spend the money with confidence. While the significant cost of funding the petition circulation drive occurs early in the campaign, major expenditures for broadcast advertisements, political consulting, and slate mailers happen toward the end of the campaign. It is difficult to compress production time for ballots because there must be a period to publicly display of the ballot, to hear challenges to the ballot, and to translate the ballot into several foreign languages.

Although technology may reduce the time between the finalization of a ballot and the election period, we do not expect California, or any other state, to adopt Internet voting or other technological advances any time soon. If the state must continue to produce ballots about more than two months in advance, the additional information provided on the ballot that we propose above may not be helpful enough for voters to justify its addition. It is important to keep in mind that providing more information on the ballot is not costless; it lengthens the ballot and the time for voting, thereby contributing to voter fatigue and, on Election Day, the length of time people must wait to enter the voting booth.¹²¹ As more Californians vote by mail, however, the state

public inspection of the ballot (id. at § 13313); the need to send ballots abroad to absentee voters (id. at § 3103); and the requirements surrounding the vote by mail procedure (id. at § 3001).

¹²¹ On voter fatigue and long ballots, see Jack L. Walker, *Ballot Forms and Voter Fatigue: An Analysis of the Office Block and Party Column Ballots*, 10 *Midwest J. Pol. Sci.* 448, 456-61 (1966) (finding a voter fatigue effect depending on the length and complexity of the ballot, and finding that the poorly educated are disproportionately affected); Thomas E. Cronin, *Direct Democracy* 66-67 (1989) (discussing studies that show a 5-15% drop-off in voter participation, which means that voters come to the polls but fail to vote on candidates or issues at the bottom of the ballot). See also David C. Kimball & Martha Kropf, *Voting Technology, Ballot Measures, and Residual Votes*, 36 *Am. Pol. Res.* 479-509 (2008) (finding voter roll off is substantially higher on ballot measures than the vote for president, which may be related to the text on the ballot). The effect of long lines on turnout has increasingly been a focus for study because of claims that lines depressed voting in recent close elections. Analysis

could provide this information via the Internet, perhaps with instructions on the ballot guiding voters to the website. In addition, voter information pamphlets could be made available in the voting booth to make it easier for voters to consult them when they mark their choices; currently, voters are free, and even encouraged by some counties,¹²² to bring their pamphlets with them.

Regardless of the challenges, policy makers should begin to focus on the question of how to provide crucial information to voters at the critical time of voting and in a way that encourages them to use such ballot information, either as a credible cue or as verification for the trustworthiness of information obtained in other ways throughout the campaign. In our view, more information would empower the knowledgeable voter, who is now lost in the noise of campaigns, unable to use credible information to vote more competently than voters with no information at all.

of the 2008 Cooperative Congressional Election Study suggests that, in California, only 1.83% of the sample indicated that they did not vote because the line at the polling location was too long. Additionally, 44.5% of voters reported no line at the voting booth, 27.6% reported a wait of 10 minutes or fewer, 16.7% reported a 10-30 minute wait, 8.6% reported a 31-60 minute wait, and only 2.8% reported a wait of over an hour. Stephen Ansolabehere, Cooperative Congressional Election Study, 2008: Common Content, [Computer File] Release 1: Feb. 2, 2009. A recent study on lines and voting conducted by Spencer and Markovitz found that long lines discouraged only 1.89% of voters in their field study of three California counties. Their findings, however, suggest that there is a strong linear connection between the number of voters in line and the probability of a voter leaving the polling location without casting a ballot (which they call “reneging”). Douglas M. Spencer & Zachary S. Markovits, *Long Lines at Polling Stations? Observations from an Election Day Field Study*, 9 Election L.J. 3, 15-16 (2010).

¹²² Los Angeles County Registrar-Recorder/County Clerk, Los Angeles County Voter Registration Page, available at http://www.lavote.net/Voter/Voter_Registration.cfm (last visited Feb. 28, 2010) (“Before each election, official sample ballot booklets containing candidate and measure information are mailed to all registered voters to assist in making informed choices before voting. It is recommended that you mark your sample ballot pamphlet and take it to your poll location on Election Day to use as a reference. This will allow you to vote your ballot quickly.”)

Figure 1 – Probability of Voting Yes on Proposition 7 (Respondents Favored Renewable Energy)

Figure 2 – Probability of Voting No on Proposition 7 (Respondents Did Not Favor Renewable Energy)

Table 1 – Voter Knowledge about Proposition 7, by Policy Preference

	Knew All	Knew Requirement and No Limit	Knew Requirement and Cue	Knew No Limit and Cue	Knew Cue Only	Knew Requirement Only	Knew No Limit Only	Knew Nothing	Total
Favored Renewable Energy	1.9% (8)	3.7% (16)	6.1% (26)	10.3% (44)	19.8% (85)	5.8% (25)	16.3% (70)	36.1% (155)	59.8% (429)
Did Not Favor Renewable Energy	3.1% (9)	2.1% (6)	5.2% (15)	8.3% (24)	22.9% (66)	5.6% (16)	20.5% (59)	32.3% (93)	40.2% (288)
Total	2.4% (17)	3.1% (22)	5.7% (41)	9.5% (68)	21.1% (151)	5.7% (41)	18.0% (129)	34.6% (248)	100.0% (717)

Raw numbers are in parentheses.

Table 2 – Descriptive Statistics for Proposition 7 and Regression Covariates

	Democrats	Independents	Republicans	Liberals	Moderates	Conservatives
Favored Renewable Energy	66.7% (302)	57.0% (49)	43.8% (78)	69.7% (225)	59.7% (139)	40.4% (65)
Knew Requirement	15.7% (71)	18.6% (16)	19.1% (34)	17.7% (57)	16.7% (39)	15.5% (25)
Knew No Limit	33.3% (151)	32.6% (28)	32.0% (57)	35.9% (116)	27.5% (64)	34.8% (56)
Knew Cue	38.0% (172)	39.5% (34)	39.9% (71)	37.8% (122)	38.2% (89)	41.0% (66)

Raw numbers are in parentheses. N=717

Table 3 – Pair-wise Correlations of Knowledge Treatments Regarding Proposition 7 and Common Covariates

	General Political Knowledge	Age	Income	Education
Favored Renewable Energy	0.03	-0.03	-0.01	0.11
Knew Requirements	-0.02	-0.14	-0.10	-0.02
Knew No Limit	0.06	0.02	0.00	0.13
Knew Cue	0.22	0.00	0.02	0.06

Bold denotes significant correlation coefficients at the $p < .05$ level.

Table 4 – Logit Regression Results for Vote on Proposition 7¹²³

	(1)
Favored Renewable Energy (Favor)	2.76** (0.33)
Knew Electricity Co. Opposed (CUE)	-0.34 (0.39)
Knew 50% Requirement (REQ)	0.09 (0.48)
Knew No Limits on Energy Bill (BILL)	0.32 (0.37)
Favor*CUE	0.60 (0.45)
Favor*REQ	-0.24 (0.56)
Favor*INC	-0.38 (0.43)
Age	-0.12 (0.06)
Income	0.04 (0.09)
Education	-0.20* (0.10)
Party Identification	0.06 (0.06)
Ideology	0.01 (0.12)
Political Knowledge	-1.98** (0.40)
Constant	0.22 (0.71)
Pseudo- R^2	.256
N	717

Logit Regression of Binary Vote Choice; 0 = Vote against Proposition 7, 1 = Vote for Proposition 7

Standard errors are in parentheses.

* $p < 0.05$, ** $p < 0.01$

¹²³ We also estimated the regression equation without the covariates (Age, Income, Education, Party Identification, Ideology, and Political Knowledge). The magnitude, direction, and significance of the coefficients for all of our treatment variables were the same as the results reported in Table 4.