

Direct democracy in the USA

How do Americans participate?

The American system of government, as designed by the Founding Fathers, has many access points for citizens wishing to participate in direct democracy.

Supporters cheering the victory in *Hollingsworth v Perry*, overturning California's ban on same-sex marriage

Box 1 Ballot measures

This allows a state's electorate to vote directly on an issue of interest during an election cycle, rather like a referendum in the UK. There are two types of ballot measure:

- **Legislatively referred**, where a state's legislature allows citizens to vote on a particular issue.
- **Citizen-initiated measure** (known as a ballot initiative), which allows voters to get an issue on the ballot themselves.

The willingness of states to allow voters to introduce referenda on contentious issues such as abortion, euthanasia and voting rights – giving them a direct vote that bypasses the judgement of their elected representatives – has proved both exciting and controversial, particularly recently. Here are some recent ballot initiatives:

- Louisiana: Amendment 1, to ensure that only US citizens can register and vote in the state (accepted 10 December 2022).
- California: Proposition 3, to repeal the state's constitutional amendment preventing same-sex marriage (accepted 5 November 2024 – see Box 2).
- Colorado: Amendment 79, to enshrine abortion in the state constitution (accepted 5 November 2024).
- Florida: Amendment 3, to legalise marijuana for adults 21 years and older (failed, 5 November 2024)
- Maine: petitioning underway for a measure requiring voters to provide photo ID (failed, 4 November 2025)

Box 2 Proposition 8

In 2008, opponents of same-sex marriage in California succeeded in adding a measure to their state's ballot to create a constitutional amendment ensuring the recognition of marriage as a union between a man and a woman. The significance of 'Prop 8' goes far beyond offering an example of a controversial issue. It involved not only direct voting, but also widespread pressure-group activity, huge fundraising efforts, hard-hitting publicity campaigns, landmark legal rulings and prominence as an issue in the 2008 presidential election.

Democratic candidate Barack Obama claimed a personal belief in marriage as a union between a man and a woman but opposed 'divisive' measures. California's Republican governor, Arnold Schwarzenegger – who had twice vetoed bills recognising same-sex marriage – took an equally negative view of attempts to change the state's constitution.

The measure was accepted, by 7,001,084 votes to 6,401,482, but its success led to huge protests and years of controversy. In 2010 a federal court ruled it unconstitutional, and the Supreme Court upheld this ruling in *Hollingsworth v Perry* (2013). In the most recent election cycle, the California state legislature introduced an initiative to repeal Prop 8, which 62% of the state's voters accepted on 5 November 2024.

Box 3 State variations

The freedom with which voters can initiate ballot measures is determined entirely by where they live, and the rules vary enormously from state to state. Currently, only 18 states allow citizen-initiated ballot measures. Oregon has allowed 448 of them since 1904, of which one – Measure 16 – made it the first state to legalise physician-assisted suicide. This subsequently inspired the passage of assisted-dying laws in nine other states.

By contrast, Mississippi has allowed only seven citizen-initiated measures, and there are unlikely to be more. Mississippi gave citizens the right to initiate constitutional amendments if a required number of signatures could be obtained from five congressional districts. The state Supreme Court recognised, in 2021, that reapportionment reduced the number of congressional districts to four in 2001, meaning there are no longer five districts. This makes it impossible for proactive Mississippians to satisfy their state's requirements for introducing constitutional amendments.

Box 4 Direct versus representative democracy

An argument familiar to politics students is the claim that direct democracy threatens representative democracy by undermining the judgement of the politicians the voters chose to represent them. At least one state leader is inclined to agree. In May 2025, Florida governor Ron DeSantis signed a bill restricting the ability of voters to collect signatures, reducing the time allowed for submissions and introducing new prohibitive costs. DeSantis's move to restrict this form of direct democracy in his state, which has already provoked a legal challenge, seems unlikely to win support across the nation.

In 2024 – a year in which 41 states voted on 159 ballot measures, 102 of which were accepted – two-thirds of Americans believed that weakening democracy would be the gravest threat to their country's interests over the next 10 years. A Gallup poll from May 2025 suggested that only 26% of those surveyed approved of the work being done by representatives in the US Congress.

ACTIVITIES

Research and respond

- 1 How do state-specific regulations affect the effectiveness of citizen-initiated ballot measures in promoting direct democracy?
- 2 In what ways might direct democracy strengthen or undermine representative democracy in modern political contexts?

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