

The Fix

## Why are ballot measures so darn confusing? Because they are supposed to be.

By **Jaime Fuller** August 5, 2014

*This post has been updated.*

Missouri's primary Tuesday features several ballot measures. One of them protects the "right to farm," while another would protect the right to bear arms. Both would seem odd -- one seeks to safeguard a right few would argue was in danger, while the other has already been offered protection under no less than the U.S. Constitution.

As with most things in politics, the simple language of both of the proposals obscures the complexity of the debates they represent. And deliberately so.

On the ballot, Amendment 1 will read, "Shall the Missouri Constitution be amended to ensure that the right of Missouri citizens to engage in agricultural production and ranching practices shall not be infringed?"

Sounds nice! Unless you're an environmentally conscious voter who hasn't done your homework. Amendment 1 supporters think the proposal would offer protections for an industry that has suffered lately. Opponents say the amendment will only help those who managed to weather the bad economy anyway -- big industrial agriculture powerhouses -- and further shield them from challenges from environmentalists and animal-rights activists.

The spark for Amendment 1 was a 2010 ballot measure that regulated puppy mills. Many in the agricultural industry were afraid that the groups that had protested these businesses would reach for more regulations in the future. Democratic Attorney General Chris Koster, who plans to run for governor in Missouri in 2016, [said the 2010 proposal was](#) "drafted and funded by special interests in Washington, D.C." Amendment 1's [main supporters](#) include the Missouri Farm Bureau, the Missouri Cattlemen's Association and the Poultry Federation.

No one knows quite how the amendment might work in practice, because [its wording is so vague](#). Groups have spent more than \$1 million advocating [for and against the amendment](#).

Amendment 5 -- the gun one -- also [contains multitudes](#), despite its apparent simplicity. The proposal's text [reads](#), "Shall the Missouri Constitution be amended to include a declaration that the right to keep and bear arms is an unalienable right and that the state government is obligated to uphold that right?"

Sounds a lot like the 2nd Amendment, but opponents think the law could invalidate some previously passed gun restrictions. Of course, no one knows, because the language is so roomy and congenial. But the intent is clear.

Missouri voters, of course, won't be the only ones scratching their heads at polling places this year.

In Washington ([the further west you go](#), the more ballot initiative-happy the state), there are two competing ballot initiatives on gun control this year. One would expand background checks; the other could get rid of existing background checks. They wouldn't seem to coexist peacefully, but recent Elway polls show that (naturally!) there is enthusiasm for both -- although the initiative that would remove existing gun legislation has seen its support waning recently.

If they pass, state courts will be left to figure out how to reconcile the two laws -- a problem that often plagues states with a robust tradition of citizen legislating. A California political consultant told the Los Angeles Times in 2009, in an article about how desires for higher government spending and lower taxes ended [just about how you'd expect](#) (with the people voting for both), "Voters don't think about the consequences of how one thing fits with another."

When Alaska voters look at their primary ballot this August, they will be confronted with the daunting Ballot Measure 1, which takes up almost an entire page with tiny text. The initiative concerns taxes on oil, and a no means yes, and a yes means no. Yeah, we're just about as confused as these voters.

In 2012, Proposition 40 in California, which [earned a mention in a ProPublica post](#) on the most confusing ballot measures around the country that year, had a similar problem -- voting no led to big legislative changes, while a yes preserved the status quo.

Those pushing a ballot initiative will generally go to great lengths to secure the "no" line on the ballot, if possible, because voters in doubt tend to vote no. These ballot measures also use loaded language that leaves uninformed voters little choice but to end up with the same views on the proposal as its author.

The wording of the ballot measure doesn't work alone, either. Ballot initiatives can draw even more money from big donors than your standard electoral contest. Proposition 8, California's 2008 ballot initiative to ban gay marriage, cost its supporters and detractors [\\$106 million](#). The Washington Post's Reid Wilson projected earlier this year that 2014's [most expensive race](#) could be a fight over a California ballot measure. In Washington this year, Michael Bloomberg's Mayors Against Illegal Guns, Costco CEO James Sinegar and Bill Gates have [all given money](#) to those supporting the background-check proposal.

That money goes toward campaign ads on TV and radio, phone banks and door-to-door canvassing. In Colorado this year, there are many fracking proposals that have left voters flummoxed. A University of Colorado professor [told a local public radio affiliate](#), "You have both sides ... putting out their talking points, spending lots of money trying to persuade the electorate. At the end of the day, it muddies the issue."

Ballot measure are more than just traditional elections on steroids -- they show how hard voting can be when you separate issues from the candidates who traditionally study and vote on them. In races in which a Democrat and Republican are running against each other, voters can rely on their understanding of the two parties to guide their vote even when they haven't been paying attention to a particular issue. They might even be lucky enough to recognize an incumbent on the ballot, or an anecdote from a neighbor who was directly affected by one of the legislator's pet policies, and could vouch for them or condemn them.

With ballot initiatives, all you've got are the issues. On the ballot, they will be divorced from context -- and won't even bother giving you a handshake to get your vote. And if there is anything that modern polling has told us, it's that asking people questions in different ways can get you vastly different responses. They often don't add up to a logical whole. And they certainly wouldn't work if you try to legislate them all at once.

All of that money being spent on ballot initiatives is starting to make a lot more sense. When the government gives voters so little to go off with ballot initiatives, it becomes very easy for outside spenders and nonprofits to influence voters.

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The state legislature of California is trying to solve the problem this year with [the Ballot Initiative Transparency Act](#).

And no, the law would not have to be put to a citizen vote to become law.

*Correction: This post has been updated to include a more recent poll on Washington's ballot initiatives, instead of one from April. The ballot initiatives' purposes have also been explained more thoroughly.*

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*cited in Chula Vista Citizens for Jobs and Fair Competition v. Norris  
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