

Chapter 2

0.1 The Process of Direct Democracy

There are two general types of public referendum employed by the several states. The first is the *legislative referendum*, where the state legislature passes a resolution placing an issue before the voters. Ordinarily this will involve an amendment to the state's constitution, but in some states the legislature may determine that certain statutory changes are so important or far-reaching that a vote of the people is desired. Occasionally there are certain categories of legislation (such as tax increases) which by state law must be approved by a majority, or supermajority, of voters before it may become effective.

The second type is the *initiative petition*, the purest form of direct democracy, whereby an interested group of voters gather signatures for a policy proposal and submit them to a state's election board (or other agency) for approval in an upcoming election. The minimum number of signatures required for inclusion on the ballot is normally set by statute as an absolute amount, or as a percentage of registered voters measured by a date certain. In some states the subject matter of initiative petitions is limited to constitutional amendments or to certain types of enactments; in others, the public may place any proposal before the electorate so long as the appropriate number of signatures is obtained.

Both varieties of referendum are, as one might expect, subject to the

same influences of parties or interest groups as is the legislative process itself. As a method of agenda-setting, certainly this is true of ballot measures created by the legislature. The restrictions that state laws place on the procedures for initiative petitions serve to mitigate this aspect somewhat, however it remains the case that many propositions allegedly submitted by “the voters” are in actuality driven by activist groups who are often adept at manipulating the process to their own advantage. Conversely, organized efforts to oppose ballot initiatives are common with regard to all but the least controversial questions. A well-crafted campaign has the potential to turn the electorate against a measure which would otherwise be considered beneficial to a large majority of voters.

Besides spending money on a media campaign, one of the primary avenues that interested parties can use to influence the outcome of a referendum is the wording of the ballot measure itself. Usually called the “title” or “summary” (or sometimes “gist”), it is a one or two paragraph description of the nature and intended purpose of the proposal, which is printed on the election ballot to inform the voters of the content of the proposition. Disagreements over ballot wording regularly play out in state courts, and in some cases the Attorney General of a state is tasked with re-writing ballot language to conform to state law requirements or court orders. This can, of course, cause the process to be politicized even more than it already may be.

It may seem readily apparent that how a proposal is written can potentially have a significant impact on how the electorate perceives the resulting

outcome of the policy change which is being considered. In fact, for some time such an effect has been assumed to exist by both scholars and political operatives, and this is the main reason that interested parties will go to great lengths to ensure that “their” version of the propositional language is the one that eventually is placed before the voters. In order to more fully explore the nature of this phenomenon, I now turn to an examination of current scholarship on framing as it relates to ballot measures.

0.2 Concepts of Framing Effects

The effects of psychological processes related to words and language has been studied extensively in the social sciences for the past several decades. Beginning with Tversky and Kahneman’s (1981) seminal works on Prospect Theory, and how individuals make choices based on perceived outcomes, scholars have examined the formation of opinions and attitudes of voters with respect to whether media or party emphasis on specific aspects of a given policy proposal can alter an individual’s viewpoint in a significant way. Voters are often said to have policy *preferences*, that are developed through individual experiences over time, and to which the government should be responsive in a liberal democracy (Miller 1992). Alternatively, one can characterize an opinion as merely an *attitude*, which is accessed by the individual based on readily available heuristics at the time a question is asked, and which may be subject to radical change depending upon the *framing* of the question and how often the individual is exposed to one

frame rather than another (Bartels 2003; Zaller 1992).

In the political context, a *frame* refers to the characterization of a given policy issue, and the particular emphasis given through the method of presentation and the language used to describe the problem or the arguments of the opposing sides. Framing effects occur when small or subtle changes in the way an issue is presented produce large differences in opinion (Chong and Druckman 2007; Scheufele and Tewksbury 2007). Framing effects may be designed to change responses to queries (such as those on a survey), or they may be strong enough to change attitudes about an issue, and they may either be intentional or unintentional.

It will be useful in the following analysis to organize the concept of frames into discrete subsets, as the usefulness and effects of frames can be differentiated across multiple situations and motivations. We might, therefore, speak of three different types; the first being the *frame of reference*, by which I mean the foundational or “starting point” with which an individual begins to form a belief around a particular issue. The second is the *frame in communication* (defined below), and the third can be described as *frame of argument*; in other words, the characterizations of the facts and issues that an individual uses to support his or her position or belief in any given context.

For our present purposes, we are most interested in frames in communication. These are the words and phrases, the images, and the style of presentation of a particular message, which whether intentional or not, have the propensity to alter or bias the way an individual cognitively processes

the information transmitted (Druckman 2001). The effect occurs when the message of the frame overcomes what Chong and Druckman (2007) call “moderator variables”, such as personal predispositions, or social or peer group pressures. Framing effects can be either positive (reinforcement of a pre-existing belief), or negative (changing the way an individual thinks about an issue or policy preference).

It is important to distinguish framing from two other similar yet distinct phenomena: priming and agenda setting. Both are related to the overall concept of media influence on public opinion and the behavior of voters. “Agenda setting” in this sense occurs when media outlets decide which major policy areas should be the focus of their news broadcasts or analysis pieces. Public opinion as to the relative importance of these issues tends to be affected by this practice (McCombs 2014). “Priming” refers specifically to the media’s characterization of issue criteria by which the performance of public officials should be judged. The analysis of effects related to these three phenomena is often similar (see, e.g., Goidel, Shields, and Peffley 1997).

More recently, framing has been studied as an explanatory variable contributing to the outcome of referendum elections. It has been suggested that the rhetorical framing of ballot measures may play a role in public support, because the language of the initiative itself may limit the ability of campaigns to effectively communicate their policy preferences to the voters (Smith and Herrington 2000). Others have found that voters in states where the initiative petition is available (see above) are often more

adept at sorting through the campaign rhetoric and making informed policy decisions (Burnett and Kogan 2012). Though scholars seem to agree that something significant occurs when ballot language is altered, there remains considerable disagreement regarding the size and situational context of the framing effect. For instance, Binder, Childers, and Johnson (2015) availed themselves of a natural experiment and discovered that, where two different versions of two separate ballot measures were inadvertently presented to voters, the effect of alternate framing varied with the intensity level of the public discourse (as measured by campaign expenditures and media coverage). Still, it seems that the way a ballot measure is worded has the potential to change the result of an election, especially if the margin is otherwise close (Hastings and Cann 2014).

0.3 Measuring Voter Sophistication and Habits

Normatively speaking, framing effects have the potential to be either positive or negative. There appears to be, however, a sense in which framing effects are generally seen as a bad thing, so much so that researchers who study them often choose to additionally address the matter of how they can be minimized. There is something of a consensus among scholars that one way to reduce the effectiveness of manipulative language is to increase the information level or sophistication of the electorate as a whole. It follows, then, that any attempt to engage this problem must first begin with the question of how to best define the “informed voter.”

Voters receive information about election choices from a variety of sources, but those may differ depending upon the type and character of the election in question. In a campaign for public office, the primary locus of information dissemination is the candidate themselves and/or their campaign staff. Whether door-knocking, participating in a “town hall” style meeting, or in advertising, the candidate is nearly always front and center. The reasons are of course obvious; the candidate stands a much better chance of winning if the voters know who they are and have a positive opinion about them. Personal contact is generally the best way to achieve this goal. Party organizations and voter guides usually provide a secondary level of information, as well as a baseline heuristic for voters who lack the time or desire to engage with campaign literature in depth, or to check up on a candidate’s policy background.

Referendum elections, where there are no candidates and no parties, present a different set of problems. Often it is incumbent upon the members of the electorate to do their own “homework” and discover the pros and cons of a measure for themselves. Some interest groups, as well as some states, do produce voter guides with information on proposed measures, and although there is some evidence that such documents are useful in increasing voter knowledge, their overall effectiveness has not been widely confirmed (see e.g., Primo 2013). Additionally, in these types of elections, one might assume that media advertising may have a strong influence on voter opinion, both during the campaign and at the ballot box. Interestingly, Bowler and Donovan (2002) conducted a study in which they

found that, where voters have strong pre-existing preferences, the ability of campaign advertising to sway the outcome of referendum elections is minimized. However, as I discuss in Chapter 3, the results of the election for State Question 779 may operate as a counterfactual on this point.

The overall information level of a given voter can be characterized as a combination of preferences obtained through socialization, such as ideology and party identification, and issue knowledge obtained through education and news attentiveness. This latter category was analyzed by Zaller (1992) in the formulation of his Receive-Accept-Sample (RAS) model of messaging. Zaller found that public opinion is shaped primarily by an individual's cognitive awareness and prior attitudes toward the issue in question; and further, that a positive correlation exists between awareness and the stability of one's opinions. As applied to referendum elections, the RAS model would indicate that a highly attentive voter should possess a greater ability to decide upon support for a ballot measure, with less reference to the rhetoric surrounding the campaign, or the messaging contained in the ballot language itself.

This concept has been extended to the realm of attentiveness, or information level, as a function of political knowledge. The most pliable voters tend to be those who know something about the political landscape, but who are in the middle range of sophistication (Zaller 1996). It therefore becomes incumbent upon the researcher to categorize the electorate in terms of how much they know about the political world. Measures such as this that are related to how much a voter knows about political "facts" do

have their detractors, however. For instance, Lupia (2006) suggests that survey questions which test the respondent on political knowledge are a form of elitism, and that in the arena of referendum elections, issue proxies (such as interest group endorsements) provide sufficient information for an acceptable level of voter competence.

Yet, for an individual to become a skilled voter, it stands to reason that they must actually *vote* repeatedly. If it is the case that voters develop “experience” at the task of analyzing and deciding on public policy, then we should observe a decreasing framing effect as the number of votes cast by the individual increases. Those who go to the polls with knowledge of what to expect, and having already made up their minds on a particular policy issue, should be much less likely to be swayed by the wording they encounter as they mark their ballot. Therefore, for the current project, I propose measuring voter sophistication with reference to how often a given individual has voted in past elections. Previous research seems to indicate that voters in states with active referendum procedures gain the ability to “practice” analyzing ballot measures and assessing their desirability as changes in public policy (Burnett and Kogan 2012). A logical extension of this idea would be to test whether an operationalized variable or index of habitual voting shows a significant effect when alternative frames are used in ballot questions.

This line of inquiry generates implications for the health of democracy as well. Does framing result in citizen incompetence, or does it affect public opinion, but in a rational way? Druckman (2001) argues that citizen

incompetence may manifest under certain conditions when framing effects are present, but at other times may be lessened or eliminated. Others argue that high-salience campaigns may be beneficial for voter competence, and that scrutiny of ballot language by courts or regulatory authorities should be increased only when the public is less likely to receive heuristic cues from sources such as campaign literature or the news media (Burnett and Kogan 2015). One might therefore deduce that framing effects vary with the intensity of the campaign, as found by Binder, Childers, and Johnson (2015). By including state questions in this study with differing levels of campaign intensity, I intend to provide an empirical analysis of this phenomenon as well.

0.4 Research Design

The general election of November 8, 2016 provided a rich environment for observation of how the parties to a referendum campaign use rhetorical devices when presenting their positions to the public. In Oklahoma, there were no less than seven state questions on the ballot, with policy proposals related to farming rights, criminal justice, education funding, liquor laws, and church-state relations. In order to analyze how diverse demographics and voter habits might alter the effectiveness of campaign and ballot framing, I chose two very different propositions upon which to focus. The first is State Question 779, which proposes a Constitutional amendment creating a one penny sales tax to fund public school districts and higher education.

The second, State Question 790, repeals a section of the Oklahoma Constitution which prohibits public money or property from being used for the benefit of religion or religious institutions. These policy areas are distinct enough that the amount of autocorrelation between support for one as compared against the other should be minimized. Stated differently, the voter who supports public funding for education does not necessarily favor or disfavor public resources being used for the benefit of religious organizations. Admittedly, there is some antagonism toward public education among the more conservative members of religious groups in Oklahoma, but to date there is no evidence that this attitude has translated to concrete action against state funding of public schools. It is more likely that religious voters are more conservative in general, and therefore might not be disposed to support a tax increase of any kind.

Each of these State Questions also poses a slightly different set of research problems. As a legislative referendum, SQ 790 did not result from an organized effort to obtain public signatures before being presented as a ballot measure. As such, the YES campaign lacked the underlying grass roots infrastructure that might have generated solidly discernible frames well before the final month of the election cycle. It is true that, during the Summer and Fall of 2015, the underlying issue of the Ten Commandments monument received extensive news coverage because of the controversial nature of the Oklahoma Supreme Court decision which required its removal. However, very little of that discourse has remained salient into the 2016 election cycle, having been overshadowed by the state's budget woes

and the continued economic downturn in the energy industry.

Conversely, SQ 779 is derived from an initiative petition drive that received no small amount of media attention when it was proposed in the Spring of 2016. The educational budget crisis in Oklahoma was well covered in print and broadcast media as well as on the Internet. To increase the probability of capturing all of the relevant and salient campaign frames for both questions, I decided to concentrate on the final two-month period prior to the election, from September 8 through November 8. This range should contain the highest levels of communication from both campaigns, and consequently the best chance of obtaining a sufficient sample.

From the outset, because of the nature of the problem and the type of data available, I determined that a mixed methodology would be optimal for this particular study. The project can be seen as divided into two distinct stages. In Stage One, I adopt a grounded theory approach to analyzing the content of campaign literature and media coverage of the public debate surrounding each State Question. Engaging the study of campaign frames with no preconceived notions of what those might entail, and letting the data provide the basis for theoretical formulation, should result in a better understanding of not just the effects of the campaign and ballot frames, but also of the worldview and strategies of the parties involved. Determining cause and effect is important from a deductive point of view, but the addition of an inductive paradigm creates a more complete and robust analysis of the reasons behind the cause, which are often more instructive (see Corbin and Strauss 2015). Stage Two consists of a

randomized survey experiment based on the theories developed in Stage One. The results are analyzed quantitatively and, to the extent possible, compared with the outcome of the real-world election.

0.4.1 Stage One: Content Analysis

For the first part of the study, I collected campaign literature from each of the YES-NO organizations as well as interest groups and individuals who personally endorsed one side or the other. These included statements from websites, opinion-editorial pieces in local news outlets, and broadcast advertisements. I also reviewed media coverage from the relevant period (approximately two months prior to the election), in the form of articles from newspapers in the state's major metropolitan areas, and from some of the smaller towns in more rural areas. An attempt was made to roughly equalize the media sources between those that lean conservative and those that lean liberal, and those to whom no bias is generally attributed. Media reporting was essentially descriptive of the arguments put forth by each campaign and categorization was relatively smooth. The various editorials helped to distill the major points of each policy position and to demonstrate the general worldview of each side of the argument. It is difficult to quantify a preferred sample size with this method; instead, it is preferable to use repeated content as a check for relative exhaustion of sources. When the same arguments or frames begin to repeatedly appear with no novel language used, it can be concluded with a reasonable degree of certainty that the probability of finding more useful data is minimal.

To obtain a sufficient sample of the news media material, I first conducted a Lexis-Nexis search of the Oklahoma media database using the terms "State Question 779" and "education sales tax" for the first question, and "State Question 790" and "Ten Commandments monument" for the second. Following that, I searched the same terms with state-specific indicators using Google. I also examined the websites of the Daily Oklahoman, Tulsa World, Lawton Constitution, Journal Record, and Oklahoma Gazette. Through these searches I was able to obtain a number of articles from local and regional news sources around the state, in addition to the major outlets. Local newspapers in Oklahoma tend to share content with each other through a centralized clearinghouse, so some duplication was anticipated. This material was then subjected to a content analysis, using axial and selective coding methods. In the first pass, I focused on words and phrases which constituted discrete arguments either for or against the proposal. I then re-visited each set of documents and attempted to create broad categories in which to classify the policy focus of each side's contentions.

0.4.2 Stage Two: Survey Experiment

Data collection for the ballot language experiment was accomplished through an online survey using Amazon's Mechanical Turk crowd labor service. The requirements for taking part in the research were simply that the individual must have been at least 18 years of age and an eligible voter in U.S. elections. In order to obtain a sample of sufficient size, I did not restrict

the participant pool to persons residing in Oklahoma. The survey pre-test contained a series of demographic and policy preference questions, the latter included as decoys to draw the individual's focus away from the primary subject of the survey. The respondents were then asked to read two randomized treatments in the form of descriptive language, similar to that commonly used in referendum ballot titles. One of each of the randomized elements mirrored the actual ballot language of either SQ 779 or SQ 790, with all references to Oklahoma removed and the content generalized to any state. The other side of each randomization contained language which I created, based on the campaign frames derived from the content analysis in Stage One.

A brief word is appropriate here about the use of the Mechanical Turk (usually abbreviated as MTurk) service for academic research. Some scholars argue that, because of the somewhat unusual composition of the MTurk user base, the use of convenience samples from this group limits the generalizability of survey results. While it is well known that MTurk workers vary from the general population in several key demographics, careful attention to these factors through the use of control variables and weighting can serve to limit the effects of the differences (Levay, Freese, and Druckman 2016). In addition, it has been shown that the use of MTurk for survey experiments (particularly those involving framing effects) is unlikely to generate results that are significantly different from those of a general population sample (Mullinix et al. 2015). I have included the demographics of the sample used in Chapter 4.

Following each treatment, the respondents were asked follow-up questions corresponding to the dependent variables which I intended to measure. The questions referred to *overall support* for the proposition, *salience* (whether the respondent would be willing to engage in activism), *effectiveness* of the measure, *appropriateness* (whether a referendum was a proper vehicle for policy change), and *elected official support* (whether they would vote to re-elect someone who was in favor of the proposition). Because the dependent variables are dichotomous, I used a standard logit model to estimate the regression coefficients.

Before discussing the results of the survey experiment, I first proceed to a description of the historical context and the policy space occupied by each state question. I then move to the content analysis itself, including an exploration of the various argument frames used by the campaigns, as well as coverage by media outlets. Chapter 3 closes with a brief section explaining the method of formulating the treatments used in the survey.