When Voters Pull the Trigger: Can Direct Democracy Restrain Legislative Excesses?

Direct democracy is sometimes described as a “gun behind the door,” but how do legislators react when voters pull the trigger? Leveraging the high-profile referendum defeat of a controversial law passed by the Ohio legislature, I examine how legislators respond to voter disaffection. Using interest groups to “bridge” votes before and after the election, I show that the measure’s defeat induced moderation on the part of the Republican legislative majority, while leaving the behavior of opposition Democrats largely unchanged. The results suggest that direct democracy has the potential to restrain legislative excesses and alleviate polarization in state legislatures.

“That’s the big problem here. You’re here to represent your people, but you don’t know what they want. The only way to really know is to take a referendum.”

Anonymous congressman, quoted in Kingdon (1973, 32)

Growing evidence suggests that partisan polarization, a national phenomenon since the 1970s (McCarty, Poole, and Rosenthal 2006), is accelerating in state legislatures as well (Shor and McCarty 2011). Just as ideological divisions among elites appear to produce “leapfrog” representation in Congress (Bafumi and Herron 2010)—with electoral turnover resulting in policy change but little improvement in congruence between policy and constituent preferences—increasing partisanship threatens to undermine democratic responsiveness in the American states. Lax and Phillips, for example, document a sizeable representational gap in state government and show that this democratic deficit is “connected to the overresponsiveness to voter ideology and the distorting influence of party control” (2011, 149). If elections that replace incumbent legislators with their opponents from the opposite party prove ineffective in remedying the problem of legislative extremism, and if institutional reforms such as independent redistricting commissions and open primaries offer little hope (Kogan and McGhee 2012; McCarty,
Poole, and Rosenthal 2009; McGhee 2012), what can be done to improve representation in an era of sharp partisan discord?

This study documents how direct democracy may, under certain circumstances, provide voters with a mechanism to restrain legislative excesses. Since its adoption by some states in the late nineteenth and early twentieth centuries, direct democracy has been viewed by many reformers and democratic theorists as an essential mechanism for strengthening the link between citizens and their government. In addition to empowering voters to shape policy at the ballot box, these institutions may also serve as an effective “gun behind the door” that motivates better representation among their elected agents (e.g., Gerber 1996, 1999). Aside from its effects on policy through these channels, however, I argue that direct democracy can also serve an important informational role by signaling to elected officials the preferences of their constituents.

In an increasingly polarized world, when voters must choose between two distant and unsatisfying options in candidate contests (Fiorina, Abrams, and Pope 2005), electoral victors may struggle to discern the voters’ true intent or preferred policy agenda once in office. Under such circumstances, it becomes tempting for legislators to misread the electoral tea leaves and conclude that voters have given them a “mandate” where none in fact exists (Grossback, Peterson, and Stimson 2007; Peterson et al. 2003) and act on this belief to implement an ideological policy agenda. When voters are able to respond to such excesses by “pulling the trigger,” legislators can observe the outcomes of direct democracy elections, update their beliefs about the distribution of voter preferences, and accordingly moderate their behavior in office.

Taking advantage of Ohio’s high-profile referendum defeat in 2011, I provide evidence that direct democracy can indeed serve as a moderating check on legislative extremism. After gaining control of both legislative chambers and the governor’s office in a Tea Party-fueled electoral wave during the 2010 midterm elections, Ohio’s new Republican majority acted quickly to put in place conservative public policies. Less than a year later, however, voters had the opportunity to show their widespread disaffection with the direction pursued by Republican lawmakers, rejecting a controversial and unpopular overhaul of public sector collective bargaining laws in November 2011. Republican leaders acknowledged their defeat: on Election Night, the governor suggested that the voters had signalled that his agenda was “too much too soon”; a top legislative leader admitted that “the voters have spoken, [and] we have heard them.” Using interest groups to “bridge” roll-call votes immediately before and after the election, I show that the measure’s defeat induced moderation on the part of the Republican legislative
majority in the second half of the legislative session, while leaving the voting behavior of opposition Democratic legislators largely unchanged. Although not overwhelming, the shift was substantively significant and roughly on par in magnitude with the effect of party pressure observed in the modern Congress on highly pressured legislative votes.

**Motivated Reasoning and Polarized Policy**

Although the causes of legislative polarization are varied and remain widely debated (e.g., Gerber and Morton 1998; Masket 2009; Theriault 2008), my contention is that uncertainty about voter preferences is an important if frequently overlooked part of the story. From the point of view of elected officials, the central challenge is discerning the will of the voters from the largely crude signals sent by them on Election Day. The problem is that elections are often decided on idiosyncratic nonideological grounds such as economic performance (e.g., Lewis-Beck 1990; Lowry, Alt, and Ferree 1998; Niemi, Stanley, and Vogel 1995)\(^1\) or valence dimensions such as candidate competence or integrity (e.g., McCurley and Mondak 1995) that provide little, if any, information about the magnitude or direction of change that constituents would like to see on individual policies. The task is particularly difficult in subnational elections, where outcomes are frequently driven by national partisan tides or considerations—such as public approval of the incumbent president—that are wholly disconnected from the issues actually at stake at these levels of government (Rogers 2013). When policymakers look to the election results in search of a mandate handed to them by the voters, they engage in the political equivalent of a Rorschach test.

Yet public officials frequently carry out such interpretative exercises because elections are one of the few ways by which voters can directly signal their opinions. As Mayhew notes:

> There can be no doubt that congressmen believe opinions make a difference. An important consequence of this belief is their custom of watching each other’s elections to try to figure out what positions are salable. Nothing is more important in Capital Hill politics than the shared conviction that election returns have proven a point. Thus the 1950 returns were read not only as a rejection of health insurance but a ratification of McCarthyism. (1974, 70–71)

Given the blunt and noisy nature of elections as a signaling device, it is easy for elected officials to draw the wrong conclusions from aggregate electoral outcomes, however. The 1950 congressional election, to which Mayhew refers in his analysis, was widely misread by political pundits at the time as expressing a strong endorsement of Senator Joe McCarthy’s...
anti-Communist crusade. In a recent reanalysis—much more sophisticated than the information that would have been available at the time—Berinsky and Lenz (2014) provide strong evidence that McCarthy’s influence over the 1950s elections was widely exaggerated. Although many members of Congress privately opposed McCarthy’s witch hunts, they nevertheless remained silent in public largely because they misread the results of the 1950 election (Berinsky and Lenz 2014, 371).

The tendency of opposing candidates to draw divergent lessons from the same election outcomes underscores the informational challenge facing lawmakers. Candidates appear to engage in motivated reasoning, producing what Kingdon (1967) called the “congratulation-rationalization effect.” Victors generally believe that their election was decided on the basis of issues and their own individual attributes, while their vanquished opponents instead blame forces beyond their control, such as national partisan swings (see also Bullock 1977; Kim 1970, 1973). This tendency may help explain why Grossback, Peterson, and Stimson find that in national “mandate” elections—defined as elections producing a large swing in partisan control of legislative seats—“members of the mandate party are more likely to respond than are out party members” (2005, 416). In an era of growing partisanship, the “congratulation-rationalization effect” is likely to encourage winners of legislative elections to interpret their victory as voter support for their policy agenda, even where no such support exists. Although uncertainty about voter preferences does not itself cause legislative polarization, it allows polarized elites to interpret election results in a way that rationalizes their preferred policy positions and frees them to pursue this agenda once in office. Importantly, this effect is likely to be largest among the party that performed the best in the most recent election, because electoral winners are most likely to believe that the election outcomes reflect voter support for their legislative agenda than are the losers. In such contexts, direct democracy may offer a mechanism to update their errant beliefs and bring them more in line with voters’ actual policy preferences.

The Gun Behind the Door

Since the adoption of some form of direct democracy by roughly half of all U.S. states, the democratic legacy of these reforms has been subject to great normative and empirical debate. Some studies, focusing almost exclusively on the initiative, have found positive or at least hopeful effects on representation (e.g., Bowler and Donovan 1998; Gerber 1996; Matsusaka 2004, 2009, 2010), while other work has challenged
these conclusions (e.g., Camobreco 1998; Lascher, Hagen, and Rochlin 1996), albeit using a questionable empirical strategy (Matsusaka 2001). Given the barriers to qualifying ballot measures, which today almost always necessitate hiring paid signature collectors and the high cost of running an effective campaign (Gerber 1999), many critics complain that direct democracy has become unmoored from its populist origins and has instead evolved into a tool of moneyed special interest groups (e.g., Broder 2000; Schrag 1998; Smith 1998). Others worry about the impact of unrestrained majority rule on minority rights (e.g., Donovan and Bowler 1998; Gamble 1997; Haider-Markel, Querze, and Lindaman 2007; but see Hajnal, Gerber, and Louch 2003).

In addition to these direct policy implications, scholars have also begun to document how direct democracy might produce a variety of indirect effects that have the potential to reshape political representation in the states. Campaigns around high-profile initiatives appear to mobilize political participation (Childers and Binder 2012), increase knowledge among the citizenry (Smith and Tolbert 2004), prime issues in candidate elections (Donovan, Tolbert, and Smith 2008), and help voters become savvier consumers of elite messages (Burnett and Kogan 2012). Boehmke (2005) has also showed how broader access to the political agenda provided by the initiative can enrich civil society, increasing the number of active stakeholder groups and leveling the playing field between organizational haves and have-nots.

This study focuses another type of indirect effect, examining the informational and legislative consequences of initiative and referendum elections (cf. Matsusaka 2014). Distinct from the threat of direct democracy as the “gun behind the door,” which is hypothesized to influence policy regardless of whether these tools are actually used by voters, the effects I emphasize should occur only when voters pull the trigger. Going beyond the mere threat of initiative and referendum use, actual elections reveal potentially new information about voter preferences to their agents in government. In contrast to the noisy signal sent in candidate elections, the outcomes of initiative and referendum contests send unambiguous information about where voters stand on specific issues. The idea that direct democracy might help convey constituent preferences to their agents in government is proposed by Matsusaka (2004, 134–38) but has not been subject to direct empirical testing.

Of course, direct democracy is not wholly divorced from politics. Recent studies show, for example, that campaign advertising may sway voters in ballot contests (de Figueiredo and Kousser 2011; Rogers and Middleton 2015). The limited menu of options available in a simple up
or down vote—voters only get to choose between a discrete policy proposal and the status quo (Romer and Rosenthal 1978)—also limit the precision with which ballot measures pin down voter preferences. However, initiatives and referendum hold two important advantages over candidate contests as mechanisms for the revelation of voters’ issue positions. First, ballot measures focus on only one policy area and question at a time, allowing for the “unbundling” of issues in a way that makes it easier to draw concrete inferences about where voters stand ideologically than would be possible from multidimensional candidate contests (see, e.g., Besley and Coate 2008). Second, debates over specific ballot proposals focus on the underlying policy content and the consequences of voting in favor of or in opposition to a measure. Contests for elective office, by contrast, often focus on the candidate’s character, leadership, and personality traits. If voters base their choices in large part on what candidate they would rather enjoy a beer with or affective partisan attachments (Iyengar, Sood, and Lelkes 2012), their votes in these races provide little guidance on what policy agenda they would like candidates to implement in office.

In addition, direct democracy elections can demonstrate the electoral potency of voter opinions—revealing not only voters’ preferences but also highlighting the issues they find to be politically salient and relevant. Legislators would be wise to take notice of direct democracy outcomes, because “even the most secure incumbent cannot afford to lose touch lest he or she become the victim of the next big electoral surprise” (Peterson et al. 2003, 413). At the end of the day, of course, it remains an open empirical question whether office holders interpret the outcome of direct democracy elections as informative signals of their constituent preferences. This study helps fill the void by taking advantage of the natural experiment provided by Ohio’s Senate Bill 5 (SB 5), which was repealed by voters via a referendum in 2011 almost exactly at the midpoint of the state legislative session, to examine how lawmakers respond when their constituents pull the trigger.

**Battle Over Ohio’s Senate Bill 5**

The stage for the November 2011 campaign was set almost exactly one year earlier, when Ohio Republicans rode the national political wave to take unified control of state government. Heavily reliant on the automotive industry, Ohio’s economy suffered acutely in the aftermath of the 2008 financial crisis. Unemployment in the state almost doubled from 5.4% at the start of 2007 to 10.6% in the early months of 2010, creating a significant political headache for incumbent Democratic
Governor Ted Strickland. His Republican opponent in 2010, former Representative John Kasich, who rose to national prominence as Newt Gingrich’s ally and chairman of the House Budget Committee responsible for implementing the party’s “Contract with America” budget in 1995, exploited the struggling economy with great political success. Kasich’s campaign and surrogates in the Republican Governors Association blanketed the state with ads charging that Strickland “didn’t get the jobs done.” On Election Day, Kasich won a narrow victory, defeating Strickland by 2 percentage points, and became the first challenger to unseat an incumbent Ohio governor in nearly four decades. Riding Kasich’s coattails, the national anti-Democratic mood, and low turnout, Republicans picked up six seats in the state House of Representatives, taking control of the lower chamber, and added to their already substantial majority in the state Senate.

Although polls suggested that the election was driven primarily by retrospective economic evaluations of the incumbent governor and national political considerations, many Republicans in Ohio interpreted their victory as evidence of a policy mandate. Kasich, who made eliminating the state income tax a central pillar of his platform, emphasized his intentions to follow through on the promises made during the campaign. “I know Republicans feel very good tonight, but winning is not the issue here. It’s remembering what we promised, being willing to put our political necks on the line. . . . That is exactly what we are going to do,” the governor-elect told supporters the night of the election (Provance 2010). He delivered a similar message at a meeting with lobbyists a few days later. Summarizing the tenor of the event, a political columnist in the audience later wrote approvingly: “Two days after winning 49 percent of the vote, Kasich was talking like a victor with a sweeping mandate. Usually, after a rancorous election the victor extends an olive branch to his opponents. Not Kasich” (Hallen 2010).

When the legislature convened for its new session in January 2011, Republicans wasted little time translating their new majority into substantive policy changes. In early February, the legislature voted to privatize Ohio’s economic development agency (HB 1), creating a new nonprofit corporation to be funded by the state’s wholesale liquor revenues. In March, lawmakers tightened the existing parental consent laws for minors seeking abortions (HB 63) and adopted a strict voter ID requirement (HB 159). When Kasich announced his two-year budget at the end of the month, he proposed to close the state’s $8 billion budget shortfall exclusively through spending cuts, exactly as he had promised to do on the campaign trail. Despite the sizeable deficit, the governor’s budget also sought to eliminate Ohio’s estate inheritance tax, not only
reducing state revenues further but also undermining local governments, which relied on the tax for a significant part of their budget. Compounding the pain at the local level, Kasich also proposed substantial cuts to state-revenue sharing through its Local Government Fund, created in the 1930s when Ohio first adopted a state sales tax to help local governments provide social and community services and contribute to funding local schools.

SB 5, the state’s overhaul of public-sector collective bargaining, was closely tied to Kasich’s budget. Drawing inspiration from Republican Governors Chris Christie in New Jersey and Scott Walker in Wisconsin, both of whom had launched a war on their states’ government employee unions, Kasich argued that changes were needed to give local governments flexibility to adjust to the proposed funding cuts. Among other changes, the bill sought to outlaw strikes by government workers, eliminate binding arbitration in the case of contract disputes, limit the topics subject to collective bargaining, require teacher pay and raises to be based on performance rather than seniority, and mandate that public-sector workers contribute to the cost of their health care benefits and pensions. The governor’s budget advisers estimated the changes would save almost $1.5 billion per year for state and local governments (Bischoff 2011). Critics charged, however, that the fiscal arguments masked a broader effort to neuter pro-Democratic public-sector unions, pointing to other provisions—such as the elimination of “fair-share” fees paid by nonunion members to cover the cost of collective bargaining on their behalf and lowering the vote threshold for decertifying a union from a majority to 30%—that had no obvious impacts on state or local budgets. Despite a growing political backlash over the proposal, including rallies held by pro-union groups on the steps of the state capitol, the bill was adopted by close votes in both chambers on the last day of March.

The law attracted substantial media attention, and voters reported growing buyer’s remorse in polls. One survey, released in late March, found that voters disapproved of Kasich’s job performance 48% to 30% (Quinnipiac University Poll 2011). Overall, a majority of voters opposed the governor’s collective bargaining changes, described his budget as unfair, and opposed his plan to sell several state prisons. “Although there is almost nothing in these numbers Kasich can point to as evidence of his popularity or that of his proposals,” a pollster observed, “he can take solace from the fact that he has almost four years to turn around public opinion” (Provance 2011). If given the option to rerun the 2010 gubernatorial election, voters now preferred Strickland by a 15 percentage point margin (Hoffman 2011).
Efforts to repeal SB 5 began the day the law was adopted. By early summer, labor groups had submitted more than 1.3 million signatures to the Secretary of State—more than enough to qualify a referendum on the law—setting a new record. Despite the looming referendum election in the fall and Kasich’s sinking poll numbers, however, Republican lawmakers appeared undeterred in pushing ahead with other items on their policy agenda. Many legislators appeared to conclude that the hit to the governor’s approval rating was temporary and that the collective bargaining issue was unlikely to be salient enough to actually affect voting behavior on Election Day. In June, legislators adopted the governor’s budget (HB 153), weakened gun laws to allow patrons to possess concealed weapons in bars (SB 17), outlawed abortions after the 20th week of pregnancy in cases where viability can be documented (HB 78), and overhauled Ohio’s election laws to shorten the early-voting period before elections (HB 194).

Over the course of the summer and fall, union groups and Republican leaders mobilized for the November election. Collectively, the two sides spent nearly $40 million on the campaign, $30 million of it by pro-union forces (Fields and Guillen 2011). Although Issue 2—the referendum on SB 5—consistently lagged in the polls, the magnitude of the defeat appeared to surprise both sides. The measure lost 38% to 62%, falling short of a majority in 82 of Ohio’s 88 counties. Although it performed most poorly in the state’s heavily Democratic urban areas, Figure 1 shows that the measure was defeated in all but six of the state’s 59 Republican-controlled state House districts. In House seats represented by Republicans, the measure was supported by 43% of voters on average, dropping to only 28% in Democratic districts. In total, 2.2 million voters cast their ballot against the collective bargaining overhaul—300,000 more than had supported Kasich in the gubernatorial election the previous November.

Ecstatic Democrats were quick to point to the victory as a broader referendum on the Republican policy agenda. “With the change in political power in many states last year,” Martin O’Malley, the chairman of the Democratic Governors Association (DGA), told an interviewer, “Republican governors misread voters’ intentions and used their newfound power to sharpen their ideological axes and enact partisan retribution” (Blake and Weiner 2011). A leaked memo from the DGA was even more blunt: “Gov. Kasich has faced buyer’s remorse on steroids because of his embrace of an extreme, ideological agenda” (Vardon 2011b).

Perhaps surprisingly, a number of Republican observers drew similar conclusions—including the governor himself. Speaking at an Election Night press conference, Kasich graciously admitted defeat:
It’s clear that the people have spoken. And my view is, when people speak in a campaign like this, in a referendum, you have to listen when you’re a public servant. There isn’t any question about that. I’ve heard their voices. I understand their decision, and frankly, I respect what people have to say in an effort like this. As a result of that, it requires me to take a deep breath, and to spend some time reflecting on what happened here. In a campaign like this . . . if you don’t win, and the people speak in a loud voice, you pay attention to what they have to say and you think about it . . . Now is a chance for me to catch my breath and to gather my thoughts together about what we do next.12

As asked by a reporter what message the voters hoped to send through their actions, the governor responded: “They might’ve said it was too much too soon” (Sigel and Vardon 2011). State Senate President Tom Niehaus echoed similar sentiment. Speaking after Kasich at the press conference, he said, “I think the governor has said it well: The voters have spoken, we have heard them.”

Several days after the election, the Akron Beacon Journal invited 16 state lawmakers to reflect publicly on the results. Some of the Republicans who took up the invitation seemed genuinely surprised by the outcome, and many blamed the opposition for distorting the issue or

Note: Boxed outlines indicate districts where Issue 2 received at least 50 percent support.
their own side for failing to effectively communicate the reasons for the law and its role in helping local communities cope during challenging fiscal times. Nearly all, however, accepted the defeat. “Ohioans no doubt had a variety of reasons for voting the way they did, but the people have spoken,” noted one Republican legislator. “We need to listen and to learn from what they had to say. Public polling shows that voters support several of the bill’s key provisions, but there is a strong sense that the legislature tried to do too much.” Another wrote: “I don’t know why voters rejected [Issue 2] but it is clear that they did and their decision should be respected” (Akron Beacon Journal 2011).

**Impact on Legislative Voting Behavior**

Did voter rejection of Issue 2 produce broader representational and policy fallout as lawmakers updated their beliefs about their constituents’ preferences? Because the referendum occurred almost exactly midway through the two-year legislative session, the case provides a rare empirical opportunity to examine the longer-run consequences of direct democracy elections by comparing legislative behavior on roll-call votes that took place before November 2011 to those that followed afterward. To scale these votes and to estimate legislators’ individual ideal points, I use the Bayesian IRT model introduced in Clinton, Jackman, and Rivers (2004).

In the case of Ohio Republicans, the expected change in behavior is clear: reacting to voter discontent with their party’s policy program, Republican legislators should have moderated their behavior in the second half of the legislative session, compared to their votes prior to the referendum vote. For the Democrats, however, the predictions are more ambiguous. Most plausibly, the minority party should have remained unaffected because the referendum revealed little new information about voter support for its own agenda. Many Democrats believed that the losses in 2010 were the result of an unfortunate national wave and did not conclude that the state had suddenly turned more red, as some Republicans appeared to do. It is also possible that the outcome of the election may have worked to embolden Democrats, causing the party to move further to the left and offsetting any moderating shift by the Republican majority. If Kingdon’s “congratulation-rationalization effect” played an important role in energizing the Republican majority after the 2010 legislative and gubernatorial election, however, we should expect the change in voting behavior among Republicans to be larger than among Democrats after the referendum vote.

The key challenge to measuring such changes is that modern scaling methods cannot produce ideal point estimates that can be compared
over time without additional identifying assumptions. Scholars have overcome this challenge in a variety of ways. In their study of California’s 2003 recall, for example, Kousser, Lewis, and Masket (2007) fix the location of the legislators from the safest districts and assume that their ideal points do not change over time. This approach requires strong assumptions—if the legislators whose positions are assumed to be fixed actually move, the analysis can produce misleading inferences, including results with the wrong sign—and is particularly unsuitable for the present case. The referendum over SB 5 occurred in the last legislative session before a decennial redistricting, so even legislators who won their previous election by sizeable margins could not guarantee a smooth reelection campaign next time around.

Instead, I follow Howell and Rogowski (2013) and use interest groups as “bridges” to connect disjoint sets of roll-call votes. Unlike legislators, it is less plausible that interest groups would shift their ideological positions in response to referendum results. I successfully identified four interest groups that took positions on bills considered by the Ohio legislature in 2011 and 2012—American Conservative Union, Ohio Federation of Teachers, Ohio Chamber of Commerce, and Innovation Ohio. The latter is a self-styled “progressive” think tank founded by some of Governor Strickland’s former staff after his reelection defeat. Fixing the positions of these groups allows me to estimate separate ideal points for every legislator on the 174 roll-call votes that took place prior to the 2011 referendum and the 297 votes that took place after the election during the same legislative session. In this approach, change in legislator ideal points can be identified by measuring whether they become more or less likely to vote with each interest group on key bills.

Overall, a one-dimensional model performed exceptionally well, correctly predicting 93% of the votes. This is almost identical to—and indeed a tad better than—the classification accuracy of similar models in the modern polarized Congress (Poole 2007). As a validity check, Figure 2 plots individual legislators’ ideal points in the first half of the 129th legislative session against the normal Democratic vote in their districts. Consistent with research on congressional polarization (Jacobson 2003), there is a strong relationship between the partisan composition of each district and legislative voting behavior, with estimated ideal points and district-level normal Democratic vote correlated at $r = -0.77$. Prior to the referendum, conservative Republicans elected from heavily Republican districts by large margins might thus have had good reason to believe that their constituents supported their policy agenda if their primary basis for assessing public opinion was by examining candidate election results in their district.
The estimated ideal points in the Ohio House of Representatives are aggregated within parties and their distribution is presented visually in Figure 3. For reference, it also includes the estimated ideal points of the four interest groups. The figure documents substantial polarization in the first half of the 129th legislative session (the solid lines in the figure), with minimal overlap between parties. The modal Republican during this period was located in close proximity to the location of the ACU and Ohio Chamber; the modal Democrat, by contrast, was almost indistinguishable from the teachers union.

After the November 2011 election, the Republican Party appeared to move to the left, while the ideal points of Democratic legislators remained almost completely unchanged. This shift, clearly visible in the figure, is confirmed in Table 1, which reports the average position within each party for both time periods. Between the first and second half of the legislative session, Democratic legislators moved on average $-0.06$ units ($p = 0.55$), compared to a $-0.30$ unit shift among Republicans ($p = 0.001$). In substantive terms, this corresponds to a moderating effect equal to 0.6 standard deviations in the pre-Issue 2 Republican ideal points.
To provide additional substantive intuition about the magnitude of the shift, Table 2 uses the legislator ideal points and estimated bill cut-points from the model to construct counterfactuals for some of the most high-profile votes taken by the legislature prior to the 2011 referendum. The table reports the actual outcome of the votes on these bills as well as the expected outcome had the votes instead occurred in the second half of the legislative session. On most of these bills, the shift among

TABLE 1
Legislative Ideal Point Averages by Party

<table>
<thead>
<tr>
<th>Party</th>
<th>Before Issue 2</th>
<th>After Issue 2</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democrats</td>
<td>−1.07</td>
<td>−1.13</td>
<td>−0.06</td>
</tr>
<tr>
<td>Republicans</td>
<td>0.89</td>
<td>0.60</td>
<td>−0.30***</td>
</tr>
</tbody>
</table>

*p < .05, **p < .01, ***p < .001 in two-tailed tests.
Republicans is estimated to move between two and three legislators into opposition, insufficient to deny these bills a majority. The one exception, however, is on SB 5—the very bill that prompted the referendum. On this piece of legislation, the results suggest that 10 additional Republicans would have voted against the proposal, enough to make the difference between passage and defeat. Although the observed moderation among Republicans was far from overwhelming, it is roughly similar in magnitude to the effect of party influence observed on the most highly pressured votes in the modern Congress (McCarty, Poole, and Rosenthal 2001; Poole 2007).

**Moderation among Individual Legislators**

The analysis in the proceeding section focuses on aggregate shifts because there are few clear theoretical reasons to expect the effect to differ systematically among Republican legislators. Although intuitively appealing, none of the candidate variables that one might expect to moderate the effect—such as prior electoral margin, the magnitude of Issue 2’s defeat in each legislator’s district, or whether a legislator is term-limited—produce clear, theoretically grounded predictions about the expected changes in individual voting behavior. As can be seen in Table 3, which presents OLS results regressing the change in Republican ideal points on a number of independent variables, none of them predict the degree of postreferendum moderation on the part of the legislators. This section provides some intuition for the largely null results.

### TABLE 2
Predicted Change on High-Profile Votes

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
<th>Actual Vote</th>
<th>Predicted Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB 5</td>
<td>Limits collective bargaining for public employees</td>
<td>53–44</td>
<td>−10</td>
</tr>
<tr>
<td>HB 1</td>
<td>Privatizes state Department of Development</td>
<td>59–37</td>
<td>−3</td>
</tr>
<tr>
<td>HB 78</td>
<td>Prohibits abortion after 20 weeks with evidence of viability</td>
<td>65–33</td>
<td>0</td>
</tr>
<tr>
<td>HB 79</td>
<td>Excludes health plans that cover abortion from health insurance exchange</td>
<td>62–36</td>
<td>−2</td>
</tr>
<tr>
<td>HB 159</td>
<td>Requires a photo ID to vote</td>
<td>57–38</td>
<td>−3</td>
</tr>
<tr>
<td>HB 194</td>
<td>Shortens early voting period</td>
<td>59–40</td>
<td>−3</td>
</tr>
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Table 3
Predicting Ideal Point Change Among Republican Legislators

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
<th>Model 4</th>
<th>Model 5</th>
<th>Model 6</th>
<th>Model 7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dem. Normal Vote</td>
<td>0.016</td>
<td>0.013</td>
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<tr>
<td></td>
<td>(0.011)</td>
<td>(0.017)</td>
<td></td>
<td></td>
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<tr>
<td>Margin of Victory$^a$</td>
<td></td>
<td>0.000</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>(0.002)</td>
<td></td>
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<tr>
<td>Issue 2 “Yes” %</td>
<td>−0.001</td>
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<tr>
<td></td>
<td>(0.010)</td>
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<tr>
<td>Term-Limited</td>
<td>−0.194</td>
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<tr>
<td></td>
<td>(0.285)</td>
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<td>Tenure (No. of Terms)</td>
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<td>(0.064)</td>
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<tr>
<td>Ideal Point (Pre-Issue 2)</td>
<td>−0.582***</td>
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<tr>
<td>Constant</td>
<td>−0.872*</td>
<td>−0.303*</td>
<td>0.048</td>
<td>−0.285*</td>
<td>−0.105</td>
<td>0.222*</td>
<td>−0.865</td>
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<td>(0.037)</td>
<td>(0.100)</td>
<td>(0.436)</td>
<td>(0.063)</td>
<td>(0.128)</td>
<td>(0.093)</td>
<td>(1.173)</td>
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<tr>
<td>Adjusted $R^2$</td>
<td>0.024</td>
<td>−0.018</td>
<td>−0.006</td>
<td>−0.006</td>
<td>0.032</td>
<td>0.413</td>
<td>0.425</td>
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</table>

* $p < 0.05$, **$p < 0.01$, ***$p < 0.001$.

$^a$Assuming that unopposed candidates would have won 75% of the vote had they been challenged produces identical results.
First, one might expect the magnitude by which Issue 2 lost in each legislative district to influence how each legislator would respond to the referendum defeat. Although intuitively appealing, this expectation is difficult to support theoretically. Under the theory outlined above, referendum results matter because of the informational signal they send to legislators and, importantly, the degree to which this information conflicts with their prior beliefs about voter preferences. The magnitude of the “informational shock,” however, is not directly related to the ballot measure’s vote margins. A conservative legislator from a district that usually casts 90% of its votes for Republican candidates might be just as surprised by a referendum result in which 60% of her constituents support the collective bargaining reform bill as a legislator from a district in which Republicans usually win 60% of the vote but the referendum wins only 30% support. The informational content of the referendum, in other words, is identical in both cases. Overall, there is no evidence that the extent of the electoral surprise delivered by Issue 2’s loss varied significantly between districts. As can be seen visually in Figure 1, there is almost perfect correlation between the “yes” vote on Issue 2 in each district and the normal Democratic vote there ($r = -0.94$). Put another way, Issue 2 underperformed Republican expectations almost uniformly across the state. All Republican legislators thus had strong reason to update their beliefs accordingly.

Second, one might believe that politically vulnerable legislators—those who won their last election by the tightest margins—would be most likely to moderate their behavior in office. It is also possible, however, that each legislator’s electoral margin itself reflects how faithfully they represent the wishes of their constituents and their skill in adapting their legislative behavior to changing political conditions. As Mayhew notes: “When we say ‘Congressman Smith is ‘unbeatable,” we do not mean that there is nothing he could do that would lose him his seat. Rather we mean ‘Congressman Smith is unbeatable as long as he continues to do the things he is doing.’ … What characterizes ‘safe’ congressmen is not that they are beyond electoral reach, but that their efforts are very likely to bring them uninterrupted electoral success” (1974, 37). Sulkin echoes this point, writing that “legislators’ relative levels of electoral safety can be interpreted as reflections of the quality of their behavior. Safe legislators are safe because they are responsive, while vulnerable legislators are vulnerable because they are not” (2005, 32). In her study of how congressmen respond to issues raised by their opponents in the previous election, Sulkin (2005) finds few consistent relationships between “issue uptake” and electoral vulnerability.20

Another reason for why we do not observe substantially greater moderation among the most vulnerable Republicans in Ohio after the
referendum vote is that these legislators were already the most moderate members of their caucus prior to the referendum and thus had the least need to further adjust their behavior. This is clear visually in Figure 2. One final explanation for the absence of a relationship between prior margin of victory and post-Issue 2 moderation is that, as noted above, the 129th legislative session occurred immediately prior to the decennial redistricting. Thus, even legislators who were elected from safe districts in 2010 had little reason to believe that 2012 would be a similar cakewalk.

Finally, one might also hypothesize that term-limited legislators, who are legally forbidden from seeking a subsequent term, would be least constrained by their constituents’ opinion and thus should have moved the least after the referendum. This expectation, too, is poorly grounded in the electoral reality in Ohio. The state’s term-limit law covers only consecutive elections and does not impose any lifetime limits. As a result, Ohio legislators routinely evade the limits through a game of “musical chairs,” simply alternating the chamber for which they run every few elections (see Provance 2012). Despite the adoption of term limits in 1992, many legislators continue to serve in the legislature for decades, and most of those who don’t simply run for other offices.

Overall, Table 3 reports only one significant predictor of change in Republican voting behavior: The legislator’s ideal point in the first half of the legislative session, prior to the referendum vote. It shows that the most extreme Republican legislators—those with the most conservative ideal points in the first ten months of 2011—also altered their voting behavior by the greatest amount after observing the referendum results. Thus, the information revealed by the election produced moderation precisely among the legislators who appeared to be most out of step with Ohio’s political mainstream.

Alternative Explanations

I conclude the presentation of the empirical results by considering two alternative explanations for the observed shifts. First, perhaps the observed movement is driven not by changing preferences or behavior but rather lawmakers voting on a different agenda in the second half of the legislative session. This explanation can be ruled out on both practical and statistical grounds. Logically, to produce more bipartisan voting, the agenda would have had to become more conservative in the second half of the session, pushing some Republicans to vote with their Democratic opponents in favor of the status quo. In addition, Democratic legislators would then also have had to shift their preferences to the right,
to offset the change in the agenda. Neither is consistent with the legislative record or contemporaneous press accounts.

Perhaps more importantly, the statistical method used to estimate legislative ideal points can accommodate changing agendas without introducing bias. As Hirsch (2011) shows through Monte Carlo simulations, manipulation of the legislative agenda does not actually shift the ideal points recovered through scaling when legislators vote probabilistically, with their behavior determined by both spatial considerations and idiosyncratic nonspatial factors, as is assumed by both most modern theories and also the models used to estimate ideal points from roll-call data. Even when the location of bill proposals change, the “error” component of legislative behavior is sufficient to correctly identify their true ideal point. Simply put, a changing agenda cannot explain the Republican moderation after the defeat of SB 5.

Second, perhaps the moderation is driven less by the outcome of the referendum vote and more by the approaching 2012 election, with legislators voting more cautiously as their reelection date became more proximate. Ideally, this explanation could be tested directly by observing whether such shifts occurred in earlier legislative sessions. Unfortunately, interest group positions are not available for earlier sessions in Ohio, making such an analysis impossible. In a different state legislative context, however, Kousser, Lewis, and Masket (2007) found no evidence of legislative moderation as the election dates draw closer. In addition, I note that this explanation neither predicts nor can explain why the moderation that took place was asymmetric—why the Republicans moved to the center while the Democrats did not.21 Only my informational account, which builds on Kingdon’s theory behind the “congratulation-rationalization effect,” is consistent with such an asymmetric shift.

Nevertheless, a great deal of caution is warranted when interpreting the empirical evidence, which consists of a simple before-and-after comparison. Any other event that may have occurred around the same time as the November 2011 election could plausibly explain the same aggregate shifts. Although it is difficult to think of such event—especially one that would affect only Republicans and not Democrats, and move conservative Republicans the most—one cannot be ruled out with any degree of certainty, and “history threats” represent a clear challenge to the internal validity of design.

Discussion and Conclusion

The evidence from Ohio offers two important lessons about the causes of legislative polarization in the states and the institutional
mechanisms and reforms that may aid in alleviating it. First, the findings suggest that Kingdon’s “congratulation-rationalization effect” is an important enabling condition that helps account for the growing ideological extremism observed in the behavior of state-elected officials. Although this phenomenon cannot by itself explain why legislative candidates have grown more polarized over time, it does highlight one mechanism for how extreme candidates who win the election can mistakenly interpret their victory as a mandate and overreach once in office. Although Kingdon’s original work focused on Congress, the pathologies associated with the congratulation-rationalization effect are likely to be most serious at the state level, where legislative elections and incumbents’ electoral fates appear to be almost completely divorced from what state officials actually do in office (Rogers 2013, Chaps. 3 and 4).

If this explanation is correct, reforms that provide legislators with more timely feedback about constituent opinions in an electorally salient way may help close the democratic deficit in the states and alleviate the problem of leapfrog representation. In particular, the evidence suggests that direct democracy can serve an important if overlooked role in communicating to elected officials the desired policy priorities of their constituents, encouraging strategic and reelection-minded officials motivated by political survival to adapt their voting behavior in office. Such signaling becomes increasingly important as the gulf between political elites and ordinary voters continues to grow.

One remaining puzzle is why, at least in Ohio, a referendum election produced moderation that widely disseminated survey and poll results could not. I cannot resolve this puzzle with the data available, but two possible explanations present themselves. One is that polls—particularly those taken months before an election—are not particularly reliable indicators of actual voter behavior on Election Day. As Gelman and King (1993) show, poll results are far more variable than actual votes. Perhaps this allowed legislators to dismiss discouraging early poll results by counting on the fact that a prolonged election campaign will bring disgruntled voters and former allies back into the fold. From the point of view of individual legislators, referenda results are also more informative than statewide polls because the former provide a snapshot of opinion within their own district, something that cannot be done easily with public opinion data without conducting expensive district-specific surveys. Even as Governor Kasich’s statewide approval took a nose dive, Republican legislators in safe districts could have mistakenly concluded that his changing political standing was driven by voters in the rest of the state. Of course, both explanations are purely speculative at this point and present a valuable direction to be explored in future research.
Although my empirical analysis focuses on only one case, other journalistic accounts provide additional anecdotal support for the theory presented here. After his election in the 2003 recall, California’s Republican Governor Arnold Schwarzenegger went head-to-head with the state’s legislative Democratic majority. As he traveled around the state to hold rallies in individual legislative districts, he excoriated Democratic legislators for being “girlie men” who stood in the way of his policy agenda. Making little headway, Schwarzenegger took his conservative proposals directly to the voters, qualifying a series of initiatives and calling a special election in the fall of 2005. At the ballot box, however, voters rejected every one of the governor’s proposals. As Mathews later wrote:

[Schwarzenegger] interpreted the special election results as a message from the public to cool the rhetoric. . . . Rather than challenge the establishment again, Schwarzenegger sought accommodation as he fought for political survival. By the spring, he had made a new agreement with the California Teachers Association that not only restored his original funding deal but also provided billions more to schools. Schwarzenegger reappointed CTA’s political director, who had been one of the architects of the unions’ campaign against him, to the school board. He also reached out to the hard-line Indian tribes whom he had battled in the Prop 70 fight. And he even courted the prison guards’ union, another part of the labor coalition that had so successfully opposed the special election, and abandoned an effort by his own appointees to reform California’s abysmal prison system. In public, Schwarzenegger talked less of ballot initiatives and more of compromise. He would move slowly, more deliberatively. He would not repeat the mistakes of 2005. (2006, 397–98)

By the next legislative session, Schwarzenegger had remade himself as a “postpartisan” reformer, working with the Democrats to pass California’s ground-breaking legislation to cap and curb greenhouse gas emissions.

The informational account may also help explain the apparently conflicting findings in the literature about the effect of direct democracy on representation. While some studies suggest that the initiative increases policy congruence (Matsusaka 2010), others find no clear relationship (Lax and Phillips 2011). For the most part, however, this work focuses on the presence of the institution—whether direct democracy is on the books—not on its use, which varies dramatically between states. Some states, such as California, regularly see numerous ballot proposals in almost every election; in other states, such as Wyoming, the tools of direct democracy are rarely used (Bowler and Donovan 2004). If legislative behavior is contingent on how frequently voters actually express their preferences at the ballot box, such a “dummy variable” approach conceals more than it reveals.

Ohio’s experience points to important scope conditions that may limit the general conclusions that can be drawn from the evidence.
presented in this study. For voters to get their say at the ballot box, some policy entrepreneur must first be willing to bear the cost of qualifying an initiative or referendum. For Ohio’s SB 5, organized labor was more than willing to subsidize these costs because its policy priorities happened to coincide with the preferences of the voters. For other policies adopted by the Republican majority (e.g., on abortion, gun control, etc.), no similar entrepreneurs emerged. In many cases, the procedural barriers and costs of collective action will prove prohibitive, limiting the potential representational benefits of direct democracy. Lowering these barriers to level the playing field between wealthy interests and weaker or more dispersed groups may prove to be a fruitful path for reformers interested in addressing the problem of legislative polarization.

Similarly, one important reason for the moderation observed in Ohio is that both Democratic and Republican elites agreed on the general message voters seemed to send in their rejection of the referendum. Such agreement is likely easier to achieve on ballot measures than in candidate elections because the former are much more likely to be decided on the merits of concrete policies rather than other valence dimensions. It cannot be guaranteed in every instance, however.25 As Grossback, Peterson, and Stimson (2007) forcefully show, the meaning of elections is malleable and itself politically determined by elites. Had Issue 2 passed narrowly instead of losing by a substantial margin, it is possible that Republican legislators would have drawn the opposite conclusion from the election, interpreting the victory as voters’ wholesale endorsement for their broader legislative agenda, despite survey evidence to the contrary. In this scenario, direct democracy would still play an important informational role but would function to intensify polarization rather than tempering it.

Finally, it is important to note that the potential benefits of moderation must be weighed carefully against potential cost of greater direct democracy, including the influence of interest groups on voter attitudes (e.g., de Figueiredo and Kousser 2011; Rogers and Middleton 2015), the risk of voters making uninformed decisions with momentous long-term policy implications, and the impact on the rights of disadvantaged minority groups. Although this study does not resolve the normative debate about the merits of direct democracy institutions, it does highlight the importance of considering their indirect effects on the legislative process, which might extend beyond Election Day and shape many more substantive outcomes than the issues at stake in any given initiative or referendum.

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NOTES

I thank Stéphane Lavertu, Peverill Squire, and anonymous reviewers for helpful comments. Data to replicate the tables and figures in this article will be available upon publication at u.osu.edu/kogan.18/.

1. Some would argue that economic voting is a form of retrospective judgement on the economic policies pursued by incumbents. Whatever the merit of this explanation in national elections, it is implausible at the subnational level because the close integration of the U.S. economy leaves only little, if any, room for state policies to impact the state economy in a meaningful enough sense to provide voters with information about incumbent performance. See, for example, Prillaman and Meier (2014).

2. While I focus on how legislators use the information revealed by ballot measure outcomes, Seljan and Weller (2011) examine whether such elections might also provide important intelligence about the political viability of policies for neighboring jurisdictions. In addition, both Matsusaka (1992) and Matsusaka and McCarty (2001) formally model uncertainty in the context of direct democracy. However, my theory differs from their accounts in significant ways. Matsusaka (1992) focuses on voter uncertainty over the consequences of their votes on individual ballot measures, while I examine the consequences of uncertainty on the part of legislators. While Matsusaka and McCarty (2001) do examine legislators, they are interested primarily in how uncertainty about voter preferences affects lawmakers’ efforts to head off successful ballot initiatives through legislative policy change and how uncertainty-induced shirking might be ameliorated through the ballot box. However, neither their model nor their empirical analysis accounts for how legislators might update their beliefs over time after observing ballot measure results.

3. Experimental evidence shows that legislators do indeed respond to new information about their constituent preferences by altering their behavior in office (Butler and Nickerson 2011).

4. Although the recall is often grouped with the initiative and referendum under the heading of direct democracy, it is important to note that it does not share this important feature with the other two institutions.

5. Huder, Ragusa, and Smith do attempt to examine this question empirically by studying how congressional roll-call votes change over time in the wake of ballot measures. The identification in their design is weaker, however, as their empirical strategy entails the comparison votes that take place years apart. As they acknowledge, “Redrawn districts, changing demographics, shifting issue salience, and fluctuations of members’ ideologies limit our ability to compare different congressional votes” (2011, 587).


7. The voter ID bill was repealed by legislators in 2012 after it became clear that opponents could collect the necessary signatures to put it to a referendum vote.

8. In both chambers, several Republicans crossed the aisle to vote against the bill with their Democratic counterparts.

9. Although voters disliked the collective bargaining reforms as a package, some provisions, including requiring workers to contribute to their pensions and health care costs, were generally popular.
10. Odd-year elections in Ohio are typically low-turnout affairs, with the state
ballot limited to local races and tax levy proposals.

11. In the figure, the normal Democratic vote is calculated by averaging together
the share of votes won by Democratic candidates in the 2008 presidential and 2010
gubernatorial elections. The calculation includes only the major party candidates, exclud-
ing votes won by third parties.

MediaLibrary/Media.aspx?fileId=133280. The governor’s remark represented a sharp
departure from his rhetoric before the election. Only one week earlier, he had promised:
“What, you think I’m going to quit? You think I’m going to get weak? There’s no way.
We’re going to listen to what the people have to say. Hopefully, we win. If we don’t,
we’ll move on” (Vardon, 2011a).

13. Poole (1981) provides empirical evidence that interest groups generally main-
tain consistent positions over time. Moreover, even if interest groups do change their
positions, such change is unlikely to occur during the course of a single legislative
session, the time period examined here.

14. I combine positions from Innovation Ohio’s Women’s Issues Scorecard and
its Middle Class Scorecard to estimate a single ideal point for the organization.

15. This sample includes only final passage votes, because these are less likely to
be subject to strategic voting, which would violate the assumptions of the statistical
model (e.g., Rosenthal and Voeten 2004), than are amendments and other procedural
votes. Final passage votes include all “third reading” votes, votes to accept conference
committee reports, to adopt amendments made in the other chamber after initial passage,
and all votes adopting resolutions. Because unanimous votes contribute no information
about the location of legislator ideal points, these votes are excluded from the estimation.

16. Regressing the legislator ideal points on both a dummy variable for party and
district normal vote produces substantively large and statistically significant coefficients
on both independent variables, with an adjusted $R^2$ of 0.79.

17. I focus here only on the 99-member House because the Ohio Senate has only
33 seats, leaving too few observations within each party (10 Democrats and 23 Republi-
cans) for meaningful analysis. In addition, the interest groups used to bridge ideal points
over time took positions on a number of bills that received a vote in the House but not
the Senate, making the ideal points somewhat less precisely estimated in the upper
chamber.

18. The figure and the table that follow exclude the ideal points for 18 legislators
who resigned office in the first week of the 129th legislative session to accept appoint-
ments to other offices. However, including these legislators does not substantively
change the results.

19. There clearly remains substantial distance between the two parties even in the
latter period.

20. Although she finds that electoral vulnerability has a significant effect, the sign
of the effect flips between the House and the Senate.

21. Nor can it explain why the most conservative Republicans moved the most.

22. Although my empirical analysis focuses on the legislative referendum, there
are no theoretical reasons to expect that ballot initiatives cannot also perform this
function.
23. Butler and Nickerson (2011) show that when district-specific surveys are available, legislators similarly adjust their voting behavior in office.
24. Matsusaka (2014) provides an important exception.
25. For example, Republicans could have pointed to the high amount of labor spending on Issue 2 and instead drawn the conclusion that voters were duped or deceived into opposing a policy they would have supported had they been more fully informed.

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