Southern Illinois University Carbondale
OpenSIUC

The Simon Review (Occasional Papers of the Paul Simon Public Policy Institute)

Paul Simon Public Policy Institute

5-1-2010

Institutional Reform and State Government Corruption: An Analysis of Institutional Reforms Proposed by the Illinois Reform Commission

Travis Taylor
Southern Illinois University Carbondale

John A. Hamman

Follow this and additional works at: http://opensiuc.lib.siu.edu/ppi_papers
Paper # 19

Recommended Citation
Taylor, Travis and Hamman, John A., "Institutional Reform and State Government Corruption: An Analysis of Institutional Reforms Proposed by the Illinois Reform Commission" (2010). *The Simon Review (Occasional Papers of the Paul Simon Public Policy Institute).* Paper 20.
http://opensiuc.lib.siu.edu/ppi_papers/20

This Article is brought to you for free and open access by the Paul Simon Public Policy Institute at OpenSIUC. It has been accepted for inclusion in The Simon Review (Occasional Papers of the Paul Simon Public Policy Institute) by an authorized administrator of OpenSIUC. For more information, please contact jnabe@lib.siu.edu.

The Simon Review

Institutional Reform and State Government Corruption: An Analysis of Institutional Reforms Proposed by the Illinois Reform Commission

By

Travis Taylor
Master of Public Administration Program
Southern Illinois University Carbondale

And

John A. Hamman
Director, MPA Program
Department of Political Science
Southern Illinois University Carbondale

May, 2010
Paper #19

The authors would like to thank Dr. John Jackson for his assistance.

Introduction

This paper will explore the changes proposed by the recent Illinois Reform Commission, many of which have been tried in other states. Within the political science literature there is much discussion on how these policies work. Recent polls in Illinois show that voters of the state are deeply dissatisfied with their state government (Crow, 2010; Leonard, 2010, The Paul Simon Public Policy Institute, 2010). Thus, any measures which may reduce the level of alienation and distrust are worth examining. This paper will review the available and relevant literature on the Illinois Reform Commission's recommendations and apply it to Illinois in an attempt to weigh the possible benefits of adopting such policies.

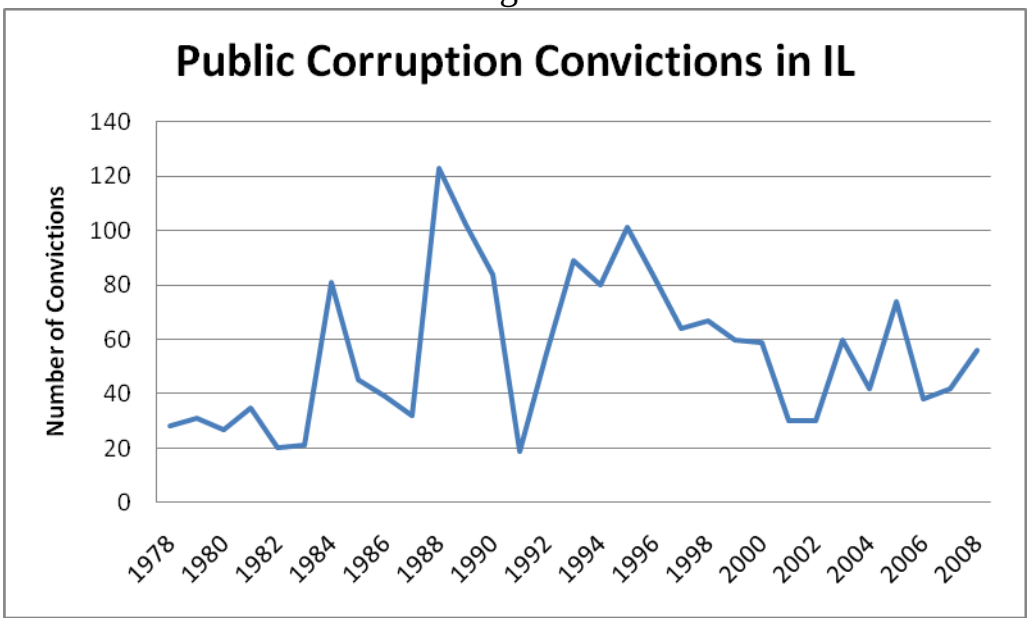
The 1970 Illinois Constitution established strong, professional government institutions. In fact, Illinois' legislature is routinely ranked among the most professional and its governor is ranked among the strongest in the United States. Major state elected officials in the legislative and executive branches are full-time, career politicians. These officials are provided ample staff and resources to carry out the business of the state. Over time, proponents argue that government officials build important skills and expertise to grapple with the complex issues facing today's large governments like the state of Illinois. In addition to these complex issues, officials are also focused on a very salient topic to any elected official, reelection. This "reelection connection" theoretically serves to hold professional politicians accountable to voters. However, as elected officials continue their career, they are awarded advantages just for being an incumbent. Due to this and other factors, political scientists find that there is greater public dissatisfaction with more professionalized legislatures like the Illinois General Assembly (Squire, 1993; Hamman, 2006). Recent Illinois polls suggest the public believes that long tenure creates opportunities for the office holders to partner with special interests and to pursue agendas inconsistent with the public interest. Such reforms as term limits are argued for due to their potential in changing these relationship dynamics.

With the exception of several prominent Illinois officials who rose to the highest offices in the land, an assessment of Illinois politicians is discouraging. The Illinois public is well aware that the state has seen a great amount of corruption in its recent history. Even President Barack Obama's run for the Presidency was overshadowed by Illinois Governor Rod Blagojevich's highly publicized scandal in which he became the second consecutive governor of Illinois to be arrested (Suddath, 2008). Three modern Illinois governors have served time in prison after their term in the Governor's Office, but scandal runs deeper in Illinois and highly salient cases like these may just be the tip of the iceberg. For instance Gradel, Simpson, and Zimelis (2009) report that since 1970 there have been 1,000 Illinois public officials and businessmen convicted of public corruption. A report from the Corporate Crime Reporters which reviewed all corruption convictions in all states from 1997 to 2006 ranked Illinois seventh highest with most convictions. Only Florida, New York, Texas, Pennsylvania, California, and Ohio convicted more. Weighting the total figure by the number of public corruption convictions per 100,000 residents resulted in Illinois ranking sixth (*Corporate Crime Reporter*, 2007). However, a quick review of Illinois citizens' attitudes would surely reveal surprise that Illinois is not in fact number one.

An examination of convictions in Illinois over the past 30 years shows that corruption is not a particularly recent problem in Illinois politics. Figure 1 reports data from the Department

of Justice's Public Integrity Section on the annual number of public officials who were convicted of public corruption. Since the number of public officials in Illinois has not changed much since the adoption of single member legislative districts, the actual number of convictions is used [For comparative analyses of the states predicting public conviction rates see: Meier and Holbrook, 1992; Nice, 1983; Johnston, 1983]. The variability in the trend reflects the fact that litigation often exceeds a year's time. Generally, the figure shows sustained conviction rates from 1978 to 2008 with the highest levels coming between the mid 1980s and 1990s.

Figure 1



Source: United States Department of Justice, Criminal Division. Compiled from the 1989, 1999, and 2008 "Report(s) to Congress on the Activities and Operations of the Public Integrity Section."

Many blame pervasive corruption on the inability of legislative leadership and partisan opponents to effectively manage and fund essential state services. For instance, a long-standing issue has been the state's inability to redistrict every ten years. Since the adoption of the 1970 Illinois constitution, the state has resorted to literally drawing a name out of a hat, President Abraham Lincoln's stovepipe hat to be exact, a jaw-dropping three times (Jackson and Prozesky, 2005). More recently, the budget deficit is causing a state-wide, financial crisis. The state is falling behind in making legally required contributions to state employee pension funds, payments to state vendors, and general upkeep of facilities and services statewide. Lacking an analogous hat-trick for "solving" Illinois' budget crisis, finances have been pushed to the brink as inadequate state revenues threatened to seriously disrupt or even close major state institutions such as universities and correctional centers. Despite these and many other problems, the governor and state legislature appeared more focused on the 2010 general elections, recessing for the fall without addressing the budget shortfalls either in terms of significantly cutting expenditures or raising new revenues. In lieu of action, state officials borrowed yet more money to cover short-term, operating expenses. Illinois elected officials clearly have failed to engage some of the most fundamental governing issues.

Following the impeachment of former Illinois Governor Blagojevich for his pay-to-play scheme to fill the vacated senate seat of President Barack Obama, newly appointed Governor, Pat Quinn appointed the Illinois Reform Commission and charged it to "recommend meaningful ethics reform for the State of Illinois in one hundred days" (Illinois Reform Commission, 2009). The Commission heard testimony on behalf of recall, term limits, and to some extent referenda from a variety of state scholars and other interested parties. The Commission first looked into direct recall, in which the citizenry could petition to remove an elected official from office. Though the recall found support among some Commission members, it did not garner unanimous support and thus was not recommended. However, due to the support some members expressed for the recall, the Commission stated that it deserved "further study and consideration" (Illinois Reform Commission, 2009). One should also note that Governor Quinn also has championed the idea of the recall for some time.

Also presented to the Commission was the idea of Term limits for both the governor and the legislature. Given the relatively recent short tenure of Illinois governors, the commission found gubernatorial term limits unjustified. Legislative term limits did inspire more support. But the Commission fell short of recommending general legislative term limits. Rather, it recommended that, like recall, it deserved "further study and consideration" (Illinois Reform Commission, 2009). However, the Commission did recommend that:

> …term limits on legislative leadership positions are necessary to restore public confidence in Illinois. Specifically, the Commission recommends…amending the Legislature Article of the Illinois Constitution to limit a person's total service in the office of Speaker of the House of Representatives, President of the Senate, Minority Leader of the House and Minority Leader of the Senate to a total of (a) ten years in any one office and (b) fourteen years combined in two or more offices (Illinois Reform Commission, 2009).

Finally, the Commission heard limited testimony about the promise of the initiative and referendum. Initiatives specifically allow the electorate to petition for a proposal to appear on the ballot for the electorate to make a binding vote on the subject. It is thought that since structural reforms, such as term limits, are unpopular with most elected officials, it is unlikely they could be passed into law by statute. This reasoning lead the Reform Commission to recommend that the expansion of Illinois' referendum process should be studied more in depth.

The commission's recommendations for further study into these reforms may not go far enough for Illinoisans who repeatedly say they want meaningful reform. A Joyce Foundation public opinion poll found that more than 60 percent of Illinoisans place corruption as one of their top concerns, even over the struggling economy and jobs (Gradel, Simpson, and Zimelis, 2009). In the public's eyes, the corruption goes beyond those elected. They are pushing for reform that will change the culture and the system. In a recent survey, the Paul Simon Public Policy Institute (PSPPI) found that 72 percent believe that Illinois is headed in the wrong direction (Leonard, 2010). When questioned directly about several reform proposals the PSPPI poll found that more than 64 percent of those who responded strongly favored/favored each proposal. This is no

surprise, as PSPPI Director David Yepsen put it, "You'd have to be living under a rock not to understand there have been ethical issues in [Illinois] state government" (Thomas, 2009).

This paper sets out to assess the prospect for one area of reform proposed by the Illinois Reform Commission: structural changes in the form of direct democracy practices and term limits. It evaluates both the promise and political feasibility of the initiative, referendum, recall and term limits. In so doing the paper reviews what the literature and experience of other states suggest about how these reforms would likely impact Illinois politics and the problems Illinois is experiencing. After reviewing studies of the extent to which political reform has been found to affect corruption in other states, the paper takes a more in depth look at each of the proposed reforms, what we have learned from experience, and what the prospects are for improving Illinois government. The authors then close by offering their own personal opinion of each of these proposals

Reform and Corruption

Political scientists have taken at least two different approaches to studying factors which affect corruption. Both assume that citizens and elected officials are basically rational and that the citizens vote retrospectively (Fiorina, 1981). Their vote in any given election depends on how well they perceive their representatives performed since the previous election. These studies also assume that elected officials will seek the maximum level of "rents" and benefits possible that still allows them to retain office (Mayhew, 1974; Meier and Holbrook, 1992). Generally speaking, political rent-seeking happens when legislators and special interests attempt to acquire benefits through exploitation of the policy making process. Rather than having interests acquire benefits through economic transactions which produce new wealth and benefits to the state economy and citizenry, the interests benefit from regulations and legal requirements. Legislators engage in rent seeking to the extent voters do not seek to vote them out of office. Both studies analyze several potential sources of corruption in addition to institutional reforms including historical / cultural factors such as urbanization and political machines, regulatory burden and intrusiveness, government size, and transparency (Meier and Holbrook, 1992; Alt and Lassen, 2003). Within these studies, two basic methodologies are used. One relies on the perceptions of those who follow state politics closely. The other looks at conviction rates of elected officials.

The first study this paper will present is that of Alt and Lassen (2003). Alt and Lassen (2003) study the perceptions of local reporters to determine levels of corruption in the states and question whether existing institutional factors do enough to check the rent-seeking behavior of elected officials and special interests. For instance, the authors argue that legislatures in a representative democracy often bundle issues into single pieces of legislation. This allows legislators to insure that their constituency has a stake in the legislation. However, this makes it difficult for voters to determine their positions on single issues that may be of importance to them, thus affecting the ability of voters to make retrospective election-day decisions. However, referenda transfer more responsibility and power to the electorate by allowing the public to vote on single policy decisions by unbundling these issues. This theoretically makes it easier to assess an official's past policy performance and increases the ability of voters to hold them accountable. The authors also explore this as an institutional tool that could possibly help curb

the levels of corruption in the United States. Alt and Lassen find that the unbundling of important policy decisions into referenda can explain some decreases in corruption (2003).

In addition to referenda, Alt and Lassen also analyze the effects of term limits on corruption. Generally speaking proponents of term limits argue that a constant rotation in office of elected officials decreases the opportunities for rent-seeking and for politicians to take advantage of their legislative privileges. However, Alt and Lassen also argue that term limits allow an elected official to remain unaccountable to the public for their last term in office. Paralleling findings elsewhere that term-limited governors often have very different policy choices in their last term of office (e.g., Besley and Case, 1995) Alt and Lassen find some evidence that term limits are associated with higher levels of corruption (2003). In general, Alt and Lassen find that while institutional reforms, specifically the referendum, can account for some decrease in political corruption, other institutional reforms, such as term limits can actually increase corruption.

On the other hand, Meier and Holbrook (1992) focus on the actual number of elected officials who are convicted on charges of corruption. For their study they divide the number of convictions by the number of elected officials in the state. Like Alt and Lassen (2003), Meier and Holbrook reason that corruption can be curbed by raising the costs of political corruption to levels that are undesirable for politicians by various means like referenda and term limits. By taking this different approach they reached different conclusions. Although Meier and Holbrook analyze similar sources of corruption, institutional explanations did not explain differences in corruption levels – that is states with term limits and fewer restrictions on referenda had comparable levels of corruption to those that didn't when other sources were taken into account. Their study finds that historical/cultural factors, such as urbanism and a history of political machines, best explain corruption (Meier and Holbrook, 1992).

Overall, these studies report little evidence that institutional reforms such as direct democracy and term limits affect corruption. Referenda seek to take legislative power away from elected officials and recall works to prevent corruption by increasing the threat of punishment. Term limits however, seem to be "anti-reform". By this the authors refer to the ability of term limits to actually do the reverse and inhibit corrupt action by those officials who are serving their mandated last term in office. This paper will now turn its focus towards examining each reform proposal in more depth.

The Initiative, Referendum, and Recall

The basic framework for U.S. government rests on the concept of representative, republican government whereby citizen preferences are indirectly translated into policies. Voters have very little direct voice in policy making. In a republic, the major power of the voters is exercised at elections when they can replace one set of leaders with another. The general premise underlying direct democracy is that direct citizen involvement will provide greater accountability and less corruption. The belief is that policy will better reflect overall public preferences. Direct democracy, in terms of the initiative and referendum, gives citizens the opportunity to initiate and/or vote directly on legislation. Recall, another tool of direct democracy, allows citizens to remove corrupt or fraudulent officials before they complete a full

term of office (Zimmerman, 1986). In Illinois, the legislature can place an issue before the voters in the form of a referendum. The referendum provides Illinois voters with an opportunity either to pass or reject legislation. Theoretically, having voters decide whether to pass legislation in this way gives them the chance to reject undesirable legislation and curb corruption by limiting the power of the elected officials on the topic.

State provisions for direct democracy date back over 200 years and over the years they have been touted as cures for a variety of political ills (Zimmerman, 1986). The appeal of direct democracy lies in the ability to either quickly withdraw power from elected officials or give more direct power to the citizenry. These measures become most popular when distrust in politicians and political institutions is high. In a sixteen-country study of public attitudes, Bowler, Donovan, and Karp (2007) find greater support for direct democracy when there is widespread public contempt for government. State constitutions in the U.S. allow for up to three forms of direct democracy: initiative, referendum, and recall. Initiatives provide the opportunity for a predetermined number of citizens to force a vote on a statute, constitutional amendment, or ordinance. In some states citizens may also force the legislature and governor to consider legislation. Referenda require the entire state electorate to either accept or reject a ballot proposition. The referendum gives voters a veto on laws proposed by their government representatives. The recall provides voters with a means for removing elected officials from office before the end of their term. Table 1 (page 10) shows the extent to which these measures have been adopted by the states.

The Initiative and Referendum

Providing voters with the opportunity to propose new legislation and place it on a general election ballot enables citizens to circumvent elected representatives and act directly on state legislation. Supporters of the initiative argue that initiatives allow all voters to have an equal and fair say in policy decisions. Though in theory this may be possible, the reality of referenda may not be so unbiased. Studies on this subject have found that significantly fewer people vote for referenda than vote for candidates (Smith, 2009). There is evidence that suggests that voting on an initiative or referendum depends on how controversial an initiative is and how many initiatives typically appear on the ballot (Qvortrup 2005; Smith, 2009). Furthermore, there is evidence that those who vote of initiatives and referenda are also less representative of the electorate. Qvortrup (2005) finds that there is an over-representation of college graduates and under-representation of the low education levels and those with manual labor occupations. In essence, those who vote for these propositions tend to be older, wealthier, and more conservative in terms of the general population (Magleby, 1984). These inconsistencies in turnout and representation, lead to the thought that the referendum is not living up to its potential in terms of equality.

Experience shows that political elites (Bowler and Donovan, 2001) and organized interests (Magelby, 1984) dominate the initiative process. Like voting on referenda, the petition process is biased toward upper middle class interests as special interests and elites can access resources unavailable to average citizens. Lupia and Matsusaka (2004) found that technical requirements such as how great a proportion of the electorate's signatures is required to place a proposition on the ballot dramatically affect average citizen involvement. For example, it takes millions and tens of millions of dollars to qualify a proposal for the popular initiative in a large

state like California. Gerber (1999) argues there is a "populist paradox", where direct democratic institutions designed for the people, are used primarily by interest groups and elites. Gerber (1999) finds that organized groups spent over $129 million on campaigns for twenty-nine propositions in California in 1988; and $5 million on each initiative in Michigan in 1992. Resources, in terms of volunteers and money, allow those with deep pockets to control the information available to voters. The advantages held by elites and special interests may also allow them to "crowd out" ordinary citizen interests on the ballot (Smith, 2009). California serves as a particular guide to the woes of the initiative and referendum process. Special interests and elites play such a major part in California's initiative process, the process has been termed by some as the "initiative industrial complex" (Silva, 2000). This complex refers to the major presence that private companies in California have in providing initiative-based services, such as "signature gathering, legal services, and campaign consulting" (Silva, 2000). This is hardly a model of grassroots, participatory democracy at work.

Ordinary citizens are at a substantial disadvantage given the complexity and informational demands of preparing and filing petitions. Elite and special interest effects on the process in Illinois were evident in the recent failed referendum to hold a constitutional convention. In addition with many special interests pouring funds and resources into a campaign to express their support or opposition for a constitutional convention, one group was established for the sole purpose of raising money and campaigning against the constitutional convention, the Alliance to Protect the Illinois Constitution (Illinois State Board of Elections, 2009). In another instance, a recent effort of the League of Women Voters to put a constitutional amendment on the ballot regarding redistricting failed with the lack of money, and ultimately signatures. The ideal of popular initiatives, in which one would imagine a large grassroots mobilization of voters seems to be unlikely given petition-signature requirements and thus the amount of resources needed to run a successful petitioning campaign. On the flipside, if these petition requirements are lowered to allow more opportunity for the average citizen, it could likely result in a large number of initiatives reaching the ballot, yielding unpopular propositions and longer, unmanageable ballots.

The substantial role of special interests in the process increases the amount of biased, misinformation voters receive. A lack of voter competence then allows these influences to bias outcomes (Cronin, 1989). Studies of how voters decide to vote in referenda show that misinformed or uninformed voters not only vote for provisions they would not agree with if properly informed, but if they are unfamiliar or confused enough they may also choose not to vote at all (Cronin, 1989). So, adding referenda to a ballot does not alleviate the problem of voter engagement but may have an opposite, unintended effect (Cronin, 1989). The hope that allowing voters to directly participate in petitioning and voting for single issues has faded in the face of the realization that it requires more investment than simply following the conventional policy making process. As such, voters who choose not to know candidates and positions will be similarly disengaged from referendum voting (Cronin, 1989).

California's passage of Proposition 13 in 1978 has long served as the "poster child" for those questioning the desirability of direct democracy and the popular initiative. The proposition developed strict requirements for any new taxes passed on California residents. Specifically, the proposition requires two-thirds of the voters' approval to raise taxes. The Southern Pacific

Railroad and California real estate interests heavily supported this proposition. The reduction of property tax rates and the subsequent cuts in fundamental state services and infrastructure maintenance is typically cited to warn of the evils of direct democracy (Smith, 2009). For example, after the passage of Proposition 13, Los Angeles was forced to eliminate summer school, close regional occupational training centers, and cut over 50 percent of summer recreation programs (McCaffery and Bowman, 2002). In the 1978-1979 budget year, revenues for local governments fell a total of 26 percent (McCaffery and Bowman, 2002). This forced many localities to mirror Los Angeles and cut services to the community, most often beginning with education (McCaffery and Bowman, 2002).

The Public Policy Institute of California (PPIC) has published many articles on the initiative in California, and they have been looked to by the state government to recommend reform of the initiative process. Specifically, the PPIC has found that since the passage of Proposition 13, local governments have seen a decrease in revenue and have been pushed to find alternative source of revenue, often relying on user fees and intergovernmental transfers (Shires, 1999). Though the PPIC is cautious to blame Proposition 13 for this, other studies find similar results. Studies of initiative and non-initiative states find that initiative states' local governments increasingly rely on state aid (Magleby, 1998) and user fees and service charges as a source of revenue (Matsusaka, 1995). It is also found that California is not the only initiative-allowing state to see voters limit taxes as this has also been done in Massachusetts and Colorado (Magleby, 1998).

The limiting of the property tax, and complete elimination of others, raises much concern as it is almost common knowledge among local governments that the property tax is a significantly more stable source of revenue than user fees or intergovernmental revenues. Coupled with this strict limitation on taxes, California voters have also been passing propositions to increase spending. Such is the case with California's Proposition 98 which required a percentage of the general fund and tax revenues for education (Magleby, 1998). For instance, in 2003-2004, California initiatives locked in expenditures of about 32 percent of California's budget (Matsusaka, 2003). Proposition 98, among others creating new programs which require funding, coupled with limitations on the tax system have caused hurdles for California to increase revenue to accompany its increased expenditures. As any citizen who has ever balanced a checkbook knows, one's financial situation can be troublesome if you do not have the money to pay the bills, as Illinois is quickly finding out. California is undoubtedly having the same difficulties, finding itself currently in a state of financial disrepair. Though, some have argued that the initiative process is not as significant a cause to California's financial situation as some might believe (Matsusaka, 2003) it would be impossible to argue that the initiative process has had no effect in contributing to its current financial state especially when coupled with the fact that other states with direct democracy are also having financial problems ("Direct Democracy: The Tyranny of the Majority," 2009).

Table 1: States with the Initiative, Referendum, and Recall

State	Statutes Initiative	Statutes Popular Referendum	Constitution Initiative	Recall
Alaska	I*	Yes	-	Yes
Arizona	D	Yes	D	Yes
Arkansas	D	Yes	D	-
California	D	Yes	D	Yes
Colorado	D	Yes	D	Yes
Florida	-	-	-	-
Georgia	-	-	-	Yes
Idaho	D	Yes	-	Yes
Illinois	-	-	D	-
Kansas	-	-	-	Yes
Louisiana	-	-	-	Yes
Maine	I	Yes	-	-
Maryland	-	Yes	-	-
Massachusetts	I	Yes	I	-
Michigan	I	Yes	D	Yes
Minnesota	-	-	-	Yes
Mississippi	-	-	I	-
Missouri	D	Yes	D	-
Montana	D	Yes	D	Yes
Nebraska	D	Yes	D	-
Nevada	I	Yes	D	Yes
New Jersey	-	-	-	Yes
New Mexico	-	Yes	-	-
North Dakota	D	Yes	D	Yes
Ohio	I	Yes	D	-
Oklahoma	D	Yes	D	-
Oregon	D	Yes	D	Yes
Rhode Island	-	-	-	Yes
South Dakota	D	Yes	D	-
Utah	D & I	Yes	-	-
Washington	D & I	Yes	-	Yes
Wisconsin				Yes
Wyoming	I*	Yes	-	-

Initiative – a law or constitutional amendment introduced by citizens through a petition process either to the legislature or directly to the voters.

D – *Direct Initiative*; proposals that qualify go directly on the ballot

I – *Indirect Initiative*; proposals are submitted to the legislature, which has an opportunity to act on the proposed legislation. The initiative question will subsequently go on the ballot if the legislature rejects it, submits a different proposal or takes no action.

I* -- Alaska and Wyoming's initiative processes are usually considered indirect. However, instead of requiring that an initiative be submitted to the legislature for action, they only require that an initiative cannot be placed on the ballot until after a legislative session has convened and adjourned.

Popular Referendum – a process by which voters may petition to demand a popular vote on a new law passed by the legislature.

Source: National Conference of State Legislatures

While there are problems with the initiative process, some studies question how well the woes of Proposition 13 characterize the dynamics of direct democracy today. For instance, Lupia and Matsusaka (2004) find considerable evidence that those who vote on initiative and referendum questions are more fiscally responsible and more competent than previous research suggests. Contrary to much of the earlier research, they find that voters do not vote for bad policies. However, with the initiative and referendum campaigns there are no obligatory hearings, committee markups, or debates among elected officials and experts from the various constituencies potentially affected by proposed legislation. The referendum process is fairly finite, narrowly leading to a "yes" or "no" vote. There are no allowances for negotiations or compromise (Smith, 2009). Therefore, no matter how informed the electorate is on the question, it is likely that the nature of one question being submitted for a binding up or down vote with little debate lends itself to mediocrity at best and bad policies at worst.

Furthermore, when passed, initiatives and referenda often lack oversight. When the legislature passes a law, it is obviously more likely to see that the law is carried out and implemented properly. However, if through initiative, the citizenry pass a law, the legislature might be inclined to ignore it or not insure its implementation (Smith, 2009). Successful citizen-initiated campaigns often find opposition if the passage of the proposition is deemed undesirable by the governor or the legislature (Lupia and Matsusaka, 2004). A study of California's winning initiatives find that some are often not even enforced or implemented after being passed. Proposition 63, establishing English as the official language of California, which passed among the voters was never fully implemented in the state (Gerber, Lupia, McCubbins, and Kiewiet, 2001). Therefore, even if well-informed and successful, citizens' initiatives might not hold enough weight to insure their implementation, negating the benefits of such a campaign altogether.

These hurdles, elite and special interest influence, voter competency, and oversight issues, all boil down to one issue, how to operate a representative democracy coupled with direct democracy institutions. In essence, our representative democracy is based on principals of equality and minority representation. Direct democratic tools including the initiative, referendum, and recall circumvent our constitutionally established representative democracy by allowing a majority of voters who vote on these provisions, a minority of the electorate (Qvortrup 2005; Smith, 2009), to pass or veto legislation and, in the case of the recall, throw out elected officials. In a representative democracy, elected representatives vote on legislation that affects their constituents. Ideally, these representatives will listen to their constituents and vote on legislation accordingly. However, with direct democratic tools, those who vote on the provision are making decisions for the whole state. Even James Madison in the 51st Federalist Paper warned that "if a majority be united by a common interest, the rights of the minority will be insecure" (Madison, 1788). This is one important reason a representative democracy was established in the United States Constitution and the dangers of direct democracy are as real today as they were then as many provisions target minorities such as gays, California Proposition 8 ("Direct Democracy: The Tyranny of the Majority," 2009), and non-English speaking residents, California Proposition 63 (Gerber et al., 2001).

Through these studies we see that while initiatives and referenda seem desirable, in practice they tend to be less promising. While it is interesting to note that no state with the

initiative or referendum has ever voted to get rid of the direct democratic tool (Lupia and Matsusaka, 2004), many approved initiatives have been challenged in court. In California between 1960 and 1990, 65 percent of the approved initiatives were challenged in the state or federal court (Miller, 1999). Of the 36 cases challenged, eleven were invalidated in part and seven were thrown out entirely (Miller, 1999).

Recall

The recall allows citizens to petition for and then vote on the question of removing an elected official from office before his or her term expires. In contrast to the initiative and referendum which attempt to preempt circumstances in which elected officials can abuse their power, the recall seeks to deter the abuse of power by threatening removal if they misstep and penalizing those who do. Some state provisions offer a short honeymoon period, usually six months to a year, for legislators or statewide officials before they can be recalled (Zimmerman, 1986). This provision attempts to control the volatile emotions of the electorate, a concern of the use of the recall in general (Zimmerman, 1996).

Critics also caution that a relatively uninformed or misinformed public and the ability of highly organized, well supported interests to manipulate such an electorate compromise its effectiveness (Zimmerman, 1996). In this sense the criticisms mirror those of direct democracy more generally. Rather than better reflect overall public preferences, policy created through direct democracy continues to be biased and corrupted by elite and special interests. In addition, the recall, like the impeachment process when it applies to an executive official, can effectively paralyze government. The recall of California Governor Gray Davis in 2003 demonstrated how volatile its use can be (Bowler and Cain, 2006). Governor Gray Davis was one year into his second term when voter anger boiled over against him. At this time the voters were enraged from excessively high electric rates, which had been caused by Enron's manipulation of the market, and a grave budget deficit. As often is the case, the voters blamed Governor Davis for the state's decaying situation and a recall soon followed. The recall contributes to an atmosphere in which the volatile emotions of the voters may supplant rational decision-making. Furthermore, too frequent exercise of the recall, whether or not successful, will likely deter potential innovative candidates from running for office. It may also unnecessarily restrain elected officials and increase costs from having to run additional special elections (Zimmerman, 1996). It is also interesting to note that even after Governor Davis was recalled and Governor Arnold Schwarzenegger took his place the state's situation has not recovered fully. Governor Schwarzenegger is still battling a large budget deficit and will leave office next year with extremely low job approval ratings.

As with the initiative, Citrin and Cohen (2006) find that one of the biggest challenges for Californians in their last recall election was to find adequate resources to pursue the campaign. This enabled individuals and organizations with deep pockets to dominate the process. In California's recall, one elite, California Republican Congressman Darrel Issa, primarily financed the petitioning and recall campaign ("Recall in California," 2004). However, despite the obvious bias and challenge of elites and interests dominating the process, Alvarez, Kiewiet, and Sinclair (2006) found that for the most part those who voted on the recall of then-Governor Gray Davis and the following replacement questions made informed decisions. This is especially surprising

since Stone and Datta (2004) found that prominent newspapers all framed the recall in a negative light and opposed the idea of having a recall election.

Cain, Anderson, and Eaton (2006) studied signature thresholds, scheduling, and ballot formats to see if they advantage interests. Just as with initiatives and propositions, the number of signatures needed to get the recall question on the ballot can determine which potential sponsors are allowed in the process. This percentage can be based on the number of registered voters in the state or the number of voters who turned out in the last election. Somewhat counter intuitively, studies find that the number of signatures required does not matter very much in-so-far as whether the threshold is met for placing a proposition on a statewide ballot as much as it may on the local level (Cain, Anderson, and Eaton, 2006). In some local-level recall campaigns, where thresholds may be easier to obtain, some of the reasons for a recall getting on the ballot may be frivolous, often initiated due to the grievances of a few. However, the same study also found that the number of cases that were initiated for personal reasons were minimal and much more successful at the local level than at the state level (Cain, Anderson, and Eaton, 2006). Though it is realized that there was only a limited number of these cases, it does raise awareness of the possibility of the abuse of the recall.

It is also important to consider the timing and format of recall votes. Generally there should be provisions prohibiting a recall either too early or too late in a term of office. There should also be a limit on the number of times a recall can be attempted against an individual and the reasons for holding a recall, as well as when a recall election should be scheduled. The timing of recall elections could influence who is likely to vote. For instance, if the recall is on the primary election ballot then party activists and the most politically passionate voters are likely to participate - neither of which represents the average voter. If a separate election were held for the sole purpose of the recall, we might also expect those who participate to be only passionate voters or in general not those who would be expected to turnout in a general election, as this is the case seen in primary elections.

Lastly, Cain, Anderson, and Eaton (2006) studied ballot formats among the states. They found three different formats, one in which the recall and replacement candidate questions are separate but on the same ballot, found in California and Colorado. The second format has a list of replacement candidates including the incumbent on one ballot, found in Arizona, Nevada, North Dakota, and Wisconsin, and the third most popular format has two separate elections, one for the recall and another for the replacement candidates, if needed (Cain, Anderson, and Eaton, 2006). Due to its setup, the first and third format will require the incumbent to gain the majority of the vote on the recall question to remain in office, whereas the second would require only a plurality of the vote. Even with the limited number of recall cases studied, there is some evidence to suggest that the second format favors the incumbent the most. However, they also find that when the recall and replacement are separated into two elections it becomes less "user-friendly."

Though these questions are still of concern, what can we learn from the infamous California recall? As Cain, Anderson, and Eaton (2006) suggest, the format of the ballot did not bode well for incumbent Gray Davis. However, with 135 replacement candidates appearing on the ballot and the confusing ballot setup it is still found that voters were able to make an

informed vote (Alvarez, Kiewiet, and Sinclair, 2006). Given that Arnold Schwarzenegger was a famous former movie star and political activist, it is no surprise that he was a plausible replacement candidate. However, with so many candidates on the ballot, it should be noted that Schwarzenegger did not gain a majority of the vote, but rather a plurality as the votes were split between three other contenders ("Recall in California, 2004). The format of the ballot in California allowed the voters to throw out Governor Davis and replace him with Schwarzenegger in one stroke. However, with separate elections and special elections in other states the process is more complicated.

As a tool against corruption, a key attraction of the initiative and referendum is their ability to take the power out of elected officials' hands and thus reduce the possibility of corruption. The recall in turn deters political corruption and punishes those who abuse their powers. Many oberservers, for example, felt that if the option was available, Governor Rod Blagojevich would have been recalled after his arrest in December of 2008. However, the legislature impeached and removed Governor Blagojevich in January of 2009 without the assistance of the recall option. What these and other studies tend to show is that the initiative, referendum, and to some extent the recall, are not likely to help control political corruption as they are still susceptible to the same influences as conventional policy making and administration. The dominant roles of special interests and especially the role of money are problems endemic to both forms of democracy. At the very least, if these structures are not carefully crafted it is unlikely they will have much more success in curbing corruption than the normal representative processes.

Term Limits

Term limits are commonplace in some aspects of American government. Since the passage of the 22nd Amendment in 1951, the president is limited to serving two terms and a number of states at various points over our history have limited the number of terms their governors may serve. The current U.S. *legislative* term limits movement, however, began relatively recently in the late 1980s and stems from public dissatisfaction with high legislative re-election rates and entrenched state legislative leaders. Mooney (2007) points out that 19 of 23 states that had the initiative adopted term limits responding, in part, to a populist movement spearheaded by activist Paul Jacob beginning in the early 1990s. The movement to limit the terms of state legislators coincided with growing dissatisfaction with professional politicians. Over this period, the states also limited the terms of governors, judges, and other statewide officials with 52 such initiatives appearing on state ballots and voters approving 85 percent of them (Mooney, 2007). In the aftermath, four state supreme courts overturned and two legislatures repealed term limits resulting in 15 states which currently limit the terms of their legislators.

One such case that was brought to the United States Supreme Court was a case in which the Arkansas electorate passed an initiative placing term limits on their United States Congressmen and state representatives. This is unsurprising since Congress repeatedly scores low on public job approval ratings. In 1992, Arkansas passed an initiative establishing this term limit, however the question on term limits for Congress soon made it to the U.S. Supreme Court. In the *U.S. Term Limits v Thornton* case, the question was whether citizens of a state could alter

rules placed on the election of members of Congress, which are explained in the U.S. Constitution (*U.S. Term Limits v Thornton*, 2010). However, in a 5-4 ruling the Court found this act unconstitutional. This decision was made on the proposition that these term limits would likely handicap certain candidates and would indirectly impose additional qualifications for running for Congress. This however also might be considered secondary to the fact that allowing states to add to the Constitution was deemed unconstitutional (*U.S. Term Limits v Thornton*, 2010). It is interesting that the Supreme Court would make such a decision, fully comprehending that term limits would put certain candidates at a disadvantage and thus were not permissible for members of Congress.

Proponents argue that term limits will directly affect governments in many positive ways. They claim that term limits will reduce corruption by forcing out career politicians, make elections between candidates more competitive, increase the number of candidates on the ballot, make state legislatures more socially and economically diverse, reduce the focus of legislators on their individual districts, and decrease the influence interest groups have in the legislature. Accompanied with these expectations, the authors also find some unexpected affects of legislative term limits.

Table 2 shows that nine states currently have consecutive term limits and six states have lifetime bans (National Conference of State Legislatures, 2009).

Table 2: States with Legislative Term Limits

			House		Senate		
State	**Consecutive (C) or Lifetime (L)**	**Year Enacted**	**Limit**	**Year of Impact**	**Limit**	**Year of Impact**	**% Voted Yes**
MAINE	C	1993	8	1996	8	1996	67.6
CALIFORNIA	L	1990	6	1996	8	1998	52.2
COLORADO	C	1990	8	1998	8	1998	71
ARKANSAS	L	1992	6	1998	8	2000	59.9
MICHIGAN	L	1992	6	1998	8	2002	58.8
FLORIDA	C	1992	8	2000	8	2000	76.8
OHIO	C	1992	8	2000	8	2000	68.4
SOUTH DAKOTA	C	1992	8	2000	8	2000	63.5
MONTANA	C	1992	8	2000	8	2000	67
ARIZONA	C	1992	8	2000	8	2000	74.2
*** MISSOURI**	L	1992	8	2002	8	2002	75
OKLAHOMA	L	1990	12	2004	12	2004	67.3
NEBRASKA	C	2000	n/a	n/a	8	2006	56
LOUISIANA	C	1995	12	2007	12	2007	76
****NEVADA**	L	1996	12	2010	12	2010	70.4

* Because of special elections, term limits were effective in 2000 for eight current members of the House and one Senator in 1998.

**The Nevada Legislative Council and Attorney General have ruled that Nevada's term limits cannot be applied to those legislators elected in the same year term limits were passed (1996). They first apply to persons elected in 1998.

Source: National Conference of State Legislatures

Turnover/Electoral Competition

Support for term limits grows out of a frustration that career politicians take advantage of their position and connections to circumvent the public interest. Rather than serving as an accountability mechanism, the "reelection connection" turns into little more than incumbency advantage whereby career legislators run for reelection unchallenged by credible, quality candidates. The worry is that legislators spend more time and energy ensuring their reelection than on making good public policy. Term limits ensure turnover in the membership of legislators. By limiting the tenure of legislators, term limits prevent legislators from pursuing legislative careers and limit legislative professionalism by restricting the time any one person can be in the legislature. Term limits force more competitive, open-seat elections, and provide voters with more choices. Some even argue that not only will there be more competition, but that the door will be opened to candidates of more diverse backgrounds and ideas as the opportunities for being elected to legislatures increase.

Many worry, however, that forcing elected officials out of office doesn't necessarily ensure a more representative, accountable legislature. An examination of other highly professionalized legislatures like Illinois' suggests these concerns may be legitimate. For instance, the California electorate found it necessary to adopt term limits after FBI investigations of elected officials and a record delay in passing the state budget. While subsequent elections for the lower house were somewhat more competitive, with more open seats and more candidates appearing on the ballot, the author of one study could not credit this effect entirely to term limits (Clucas, 2003). In a study of the Michigan legislature, Sarbough-Thomspon et al. (2004) actually found an increase in the incumbency advantage. For the terms prior to their limit, incumbents running for their next term won more handily than they did before term limits as challengers were waiting for open seat election. Though turnover is inherent in term limits, increased electoral competition is not.

Legislative Composition

Proponents argue that term limits will diversify legislatures but it seems the literature provides relatively weak evidence to support their claim. For instance, Carey, Niemi, and Powell (1998) find that there is little difference in the professional backgrounds, income levels, educational levels, and ideologies of legislators after term limits, as compared to before term limits. Many legislators were simply rotating up, and moving to higher office and thus could still be termed as career politicians. And while Clucas (2003) finds the number of Latino and women legislators increased in California, the change had less to do with the adoption of term limits than factors responsible for national trends in the numbers of women and minorities gaining seats. Sarbough-Thompson et al., (2004) also report mixed findings. After an initial influx of younger legislators, the ages of legislators eventually returned to pre term limit levels. They observe the number of older legislators holding constant while the age of newly elected legislators increased. The study also mirrored Clucas (2003) and found an increase in the diversity of the California legislature but did not in the Michigan legislature. Instead they found a decrease in ethnic minorities and women, but point out the decrease may be due to Republican rule of the legislature and not term limits. In the former instance they also entertain the possibility that Democratic control could have contributed to the increased diversity found in California.

Legislative Performance

Many legislative scholars are concerned that term limits can seriously compromise legislative performance and have focused on the experience of legislative leaders and committee chairs. In the legislative process, legislative leadership and committee chairs serve as "gatekeepers" that help build coalitions, broker compromises between legislative factions, and filter out unsupported or poorly formulated legislation in committee hearings so the chamber's time is not wasted on the floor with superfluous bills. Overall, term limits appear to weaken the effectiveness of leadership and lessen the role of committee chairs and their committees in the legislative process for professional and nonprofessional legislatures alike.

Studies find a considerable drop in leadership experience after term limits. For instance in California, with few exceptions, the legislative leaders before term limits had at least six years of experience within their chamber before assuming their position and served at least six years in that position (Clucas, 2003). After the adoption of term limits, the experience and tenure of leadership in California is now shorter. Bowser et al. (2003) also find similar results when studying multiple termed legislatures against non-termed legislatures. Of those studied, which included Illinois, non-termed legislative leaders entered the position with an average of twenty-four years of prior experience within their chamber, where the amount of experience in termed legislatures was just six years. With the lack of experience and tenure we can expect there to be a lack of leadership in term limited legislatures. Considering that the average tenure for a legislative leader was six years, every six years there was a new style of legislative leadership for the members to adjust to. Term limit critics argue that this lack of experience lowers legislative performance.

Clucas (2003) finds that in California the committee chairs average less experience than that of the general membership. In the past, chairs in the California legislature typically had ten or more years of experience. Following the adoption of term limits the average fell to four years or less in the chamber they were currently serving. In their study, Sarbough-Thompson et al. (2004) found that chairs are often less autonomous, less prepared to deal with the inherent conflict within committees, and have less expertise about policies the committee deals with. Although committee members still viewed their chairs as influential, they were less likely to rely on them for information and guidance.

In Maine in the 1990s before term limits, the average chair in the lower house had four terms of experience. After term limits were adopted in 2000, the average experience of a chairperson was less than two terms (Moen and Palmer, 2003). So even for a relatively unprofessional legislature, the average tenure of committee chairs declines by over two terms. This decline was accompanied by a thirty-three percent increase in the number of bills coming out of committee which displays their lack of responsibility as "gatekeepers." The authors attribute this to the lack of experience of the committee members as well as the committee chairs and their perceived obligation that bills and their sponsors should have a chance to be presented on the chamber floor.

Accountability

Another issue for term-limited legislatures is accountability. One sure way to get the attention of a career representative is to jeopardize their reelection in some way. Another

concern of term limit critics is that all representatives serve their last term in office as lame ducks, or may be considered lame ducks once they enter office. Critics argue that this could result in representatives being less responsive to their constituents as they no longer have to worry about garnering enough votes to win reelection. In their study of Michigan's House of Representatives, Sarbaugh-Thompson at al. (2004) found that lame duck legislators decrease their participation in citizen related activities in general, such as communicating with constituents, attending events in their district, and devoting time to insure their district gets its fair share of resources (see also, Carey, Niemi, and Powell, 1998). In the rare cases they found legislators attending events in their district, it was in connection with a bid to run for another political office. The bottom line depends on how lame duck legislators govern when they know they have to leave office. Accounting for divided government, Clucas (2003) found the number of bills introduced and enacted in California declined since the adoption of term limits. But does this mean there has been a reduction in the passage of important bills? Well in the case of budgeting the answer is yes. Clucas (2003) finds that the California legislature has been much worse at passing a budget bill since the implementation of term limits. Even recently, California was on the short list of states in 2009 that did not approve a state budget on time ("Numbers", 2009). In fact, California's budget ranked the worst among the states in 2009 (Mayerowitz and Tadena, 2009).

Interest Group Pressure

Legislative reformers fault lobbyists and interest groups for corrupting the legislative process. They are also viewed negatively by the public at large. However, critics of term limits claim that lobbyists and interest groups are an integral part of the permanent government and will be strengthened in their dealings with novice legislators. To study the impact of term limits, Moen and Palmer (2003) studied the relationship between lobbyists and legislators in Maine before and after their adoption. They found that the job of lobbyists is often more difficult, even in the citizen legislature of Maine. Other studies also concur that the environment created by term limits makes it more difficult for lobbyists to do their work, with the influx of new legislators and the distrust these legislators have for lobbyists (Mooney, 2007). However, Moen and Palmer (2003) find that while lobbyists often struggle to adjust to new legislators, high-profile lobbyists can effectively meet the challenge. Likewise, Sarbaugh-Thompson et al. (2004), who studied the professional legislature of Michigan, find legislators rely more on lobbyists and special interests for voting direction and information after term limits are adopted. Thus, although the nature of the relationship between lobbyists and legislators may change, it would not appear term limits take special interests out of the policy making process or reduce their influence materially.

Unintended Consequences

Studies also have found a number of unanticipated, but significant results. For instance, Sarbaugh-Thompson et al. (2004) find that in Michigan there was a shift in the balance of power after the implementation of term limits. The researchers (2004) find that with new legislators constantly being introduced to the chambers, there has been a shift in power to the governor, bureaucracy, and lobbyists in Michigan. Kousser (2005) also finds support for this shift in power toward the executive branch following the adoption of term limits. Sarbaugh-Thompson

et al. (2004) warn that the shift in power toward the executive branch can jeopardize basic checks and balances, a crucial aspect to our government's structure.

Term limits change the distribution of power in the legislature. Sarbaugh-Thompson et al. (2004) find that party caucus leaders become more powerful and it becomes more important for legislators to broker their initiative through party leadership. Kousser (2005) also found support for this intra-legislature power shift in the number of bills passed by individuals. In California, Maine, and Oregon, and to some degree in Colorado, term limits resulted in fewer bills sponsored by individual members, particularly by the rank-in-file. Furthermore, terms limits resulted in less innovative legislation in these states.

Term limits also affect how constituents relate to their state representatives. Niemi and Powell (2003) found that constituents were less knowledgeable of who their legislator was and about how to contact them. If constituents have difficulty remembering their representative's name, it may also be the case that they will have difficulty measuring their successes and failures, making retrospective voting, voting based on the elected official's past record, more difficult and unlikely. Powell, Niemi, and Smith (2007) also found that legislators were more inclined to follow their conscience than listen to their constituents in term limited states.

Support for term limits continues to be mixed. Unlike referendum and recall, term limits have been revoked in some states. In 2002, Idaho after being revoked by the legislature earlier that year, the electorate voted down the proposition to reinstate term limits (Bowser and Moncrief, 2007). However, in other states support for term limits is strong. Nebraska voters, for instance, approved term limits in 2000 for the fourth time, the other three attempts were overturned by the state courts (Bowser and Moncrief, 2007). When given the opportunity to make term limits less restrictive on the number of years served, Arkansas and Montana voters voted down the option in favor of shorter term limits (Bowser and Moncrief, 2007). Kousser (2005) sums up term limits effects on the professionalized legislator, "…whatever a higher level of professionalism produces more of, term limits has reduced." In this sense a less professionalized legislature is one that is less experienced and knowledgeable, one with less citizen-legislator interaction, one that considers less innovative legislation, and one whereby the rank-and-file carry less weight in a legislature that is less well equipped to stand up to the executive branch. In other words, term limited legislatures more closely fit the amateur legislature than the professional legislature model.

Summary and Conclusion

Following the impeachment and conviction of Illinois Governor Rod Blagojevich, newly sworn in governor, Pat Quinn, appointed the Illinois Reform Commission. That committee, after holding statewide hearings, recommended making changes in six areas: campaign finance, procurement, enforcement, government structure, transparency, and ways for inspiring better government. In terms of structural reform, the committee examined a number of reforms concerning redistricting, budgeting, the sponsorship of legislation, and several direct democracy practices. This paper has focused on referenda, initiatives, recall, and term limits.

The IRC was cautious in reviewing direct democracy reforms like the initiative, recall, and term limits for use in Illinois. The commission recommended further study into the prospect of referenda as a means to enact reform on Illinois' elected officials (Illinois Reform Commission, 2009). While the justification is sound, as elected officials are unlikely to reform on their own, the expansion of the referendum process must be treated with caution. Many of the claims made by proponents have not been proven in the real world and there tend to be several unintended consequences. The referendum and initiative process is not only crowded with special interests, but often run by those with deep pockets and a wealth of resources. The initiative process incites warm feelings of mass citizen involvement, door knocking, fundraising, and petitioning. In reality, the involvement of average voters is considerably less, and the clout of major interest groups and "big money" often increases.

Relatively low public participation in the initiative process opens the door to abuse and special interest influence and precludes the initiative from addressing the governing shortcomings and corruption plaguing Illinois for decades. Illinois' current referendum procedures may well be adequate and all that can be expected. In November of 2010 the electorate will vote on a proposal which if approved will amend the constitution to allow recall of elected officials. In the wake of the arrest and impeachment of Governor Blagojevich, the Illinois General Assembly did move to take some corrective measures. Although the recall was unpopular among elected officials, they did move to put the question on the ballot for voters to decide. Therefore, it is in the opinions of the authors of this paper that the referendum process is already capable of addressing serious wrongs and that it should not be further loosened and risk providing an additional avenue for organized interests to circumvent the system.

The IRC found that the recall holds greater promise and a majority supported its adoption. However, since there was not unanimous support the commission could not recommend the proposal. The procedures for a recall election usually require a high threshold of signatures for placing the petition on the ballot. This makes the recall one of the most difficult direct democratic provisions to use. Although states beginning in the early 1900s adopted recall provisions, only two governors have been recalled. This paper has provided a very limited examination of the most famous cases, i.e. the 2003 recall of Governor Gray Davis and his replacement with Governor Arnold Schwarzenegger. An examination of other state experiences with the recall raises the specter of abuse of this process by special interests during the signature drives and election. However, the balance of the evidence of its actual use argues that such abuse is unlikely and misplaced malicious reasoning recalls die at the voting booth. Therefore, the authors support the adoption of House Joint Resolution Constitutional Amendment 31 (HJRCA0031) providing for recall elections in Illinois. The authors believe this would be a step in the right direction as it includes a high petition requirement, 15% of the number of voters that voted in the last gubernatorial election; 30 total legislators (20 from the House, 10 from the Senate) must sign the petition, 15 from each party; a honeymoon period of 6 months for the sitting governor; a special election; a limit of one petition attempt against a governor per term; and a separate special primary election held for replacement candidates. While HJRCA31 has its potential drawbacks, it only allows for recall of the governor, it is a step in the right direction and has been drafted with an eye towards non-partisan bias and practicality.

The Commission also found a majority of support for legislative term limits. As two authors stated on legislative term limits, "to know them is not to love them" (Weissert and Halperin, 2007). The authors of this paper agree that term limits have not realized their promises. As described in detail in the paper, term limits are often coupled with low constituent interaction and shifts in the balance of power between the legislative and executive branch. Illinois now possesses one of the strongest governorships in the United States and the thought of shifting even more power to the governor will definitely raise some concerns. And while much to the authors' relief, it did not recommend legislative term limits as a whole, the Commission did recommend term limits on legislative leadership.

This proposal is justified by the fact that voters have no control on who occupies these legislative leadership positions since the respective parties vote on their leaders. These leaders also hold a significant amount of power within their chambers. No one questions the power of House Speaker Michael Madigan in Illinois. Bills often live and die by the legislative leaders' hands. In the middle of the 2010 session for example, House Speaker Michael Madigan pushed a controversial pension reform bill through committees and both chambers in a single day. However, would limiting the amount of time a leader serves in this leadership position limit the amount of power the position holds? Most likely, it will not. As the point is made in many of the studies on legislative term limits, when the leader is nearing the end of his or her term, the caucus focuses on recruiting another qualified and powerful leader. As long as the caucuses have the power to elect their own leaders, it can be assumed these leaders will be highly experienced and powerful. For these reasons, the authors also do not recommend that term limits on legislative leadership positions be adopted.

In summary, these legal and structural reforms are often popular with the public, but rarely live up to their expectations. At first glance, these reforms seem like a quick and lasting answer to corruption. They promise to save the electorate from the highly sensationalized downfalls of our government. This brief literature review highlights the fact that the solution is not a simple one. While the authors find recall elections to be permissible, term limits and the expansion of the referendum process raise more problems than they solve. The founders instituted a representative democracy and making it work is a constant challenge for each successive generation. It is important to keep in mind that our government is just that, representative. Term limits, initiatives, and referenda put the benefits of our representative democracy at risk. The founders anticipated the possible downfalls of direct democracy when they put the current framework of checks, balances, and competitive elections into place. Illinois is experiencing unacceptable levels of government corruption and paralysis. But however popular these reforms may be with the public, experience shows they likely will exacerbate rather than alleviate the state's current ethical and budget woes

References

Alt, James E., and David Dreyer Lassen (2003). "The Political Economy of Institutions and Corruption in American States," *Journal of Theoretical Politics*, 15 (3), 341-65.

Alt, James E., Ethan Bueno de Mesquita, and Shanna Rose (2007). "Accountability, Selection, and Term Limits: Theory and Evidence from U.S. State Elections", Presented at the 2006 annual meeting of the Midwest Political Science Association.

Alvarez, R. Michael, D. Roderick Kiewiet, and Betsy Sinclair (2006). "Rational Voters and the Recall Election." In Shaun Bowler and Bruce E. Cain (eds.) *Clicker Politics: Essays on the California Recall*. New Jersey: Pearson Education Inc., 87-97.

Besley, Timothy, and Anne Case (1995). "Does Political Accountability Affect Economic Policy Choices? Evidence from Gubernatorial Term Limits", *Quarterly Journal of Economics* 110, 769-98.

Bowler, Shaun and Todd Donovan (2001). "Popular Control of Referendum Agendas: Implications for Democratic Outcomes and Minority Rights." In Mathew Mendelsohn and Andrew Parking (eds.) *Referendum Democracy: Citizens, Elites, and Deliberation in Referendum Campaigns*. Basingstoke: Palgrave, 125-46.

Bowler, Shaun, Todd Donovan, and Jeffery A. Karp. (2007). "Enraged or Engaged: Preferences for Direct Citizen Participation in Affluent Democracies". *Political Research Quarterly*, Vol. 60, No. 3 (Sep., 2007), pp. 351-362

Bowser, Jennifer Drage, Rich Jones, Karl T. Kurtz, Nancy Rhyme, and Brian Weberg (2003). "The Impact of Term Limits of Legislative Leadership." In Rick Farmer, John David Rauch Jr., and John C. Green (eds.) *The Test of Time: Coping With Legislative Term Limits*. Maryland: Lexington Books, 17-31.

Bowser, Jennie Drage and Gary Moncrief (2007) " Term Limits in State Legislatures." In Karl T Kurtz, Bruce Cain, and Richard G. Niemi (eds.) *Institutional Change in American Politics: The Case of Term Limits*, 10-11.

Cain, Bruce E., Melissa Cully Anderson, and Annette K. Eaton (2006). "Barriers to Recalling Elected Officials: a Cross-State Analysis of the Incidence and Success of Recall Petitions." In Shaun Bowler and Bruce E. Cain (eds.) *Clicker Politics: Essays on the California Recall*. New Jersey: Pearson Education Inc., 17-33.

Carey, John M., Richard G. Niemi, and Lynda W. Powell (1998). "The Effects of Term Limits of State Legislatures," *Legislative Studies Quarterly*, 23 (2), 271-300.

Citrin, Jack and Jonathan Cohen (2006). "Viewing the Recall from Above and Below." In Shaun Bowler and Bruce E. Cain (eds.) *Clicker Politics: Essays on the California Recall*. New Jersey: Pearson Education Inc., 68-86.

Clucas, Richard A. (2003). "California: the New Amateur Politics." In Rick Farmer, John David Rauch Jr., and John C. Green (eds.) *The Test of Time: Coping With Legislative Term Limits*. Maryland: Lexington Books, 17-31.

"Constitution of the State of Illinois" (Accessed 2009, December 1). Retrieved from http://www.ilga.gov/commission/lrb/conmain.htm

Corporate Crime Reporter (October 2007). "Louisiana Most Corrupt State in the Nation, Mississippi Second, Illinois Sixth, New Jersey Ninth." Retrieved from http://corporatecrimereporter.com/corrupt100807.htm

Cronin, Thomas E. (1989). *Direct Democracy: The Politics of Initiative, Referendum, and Recall.* Massachusetts: Harvard University Press

Crow, Rob (2010). "Poll: Southern Illinoisans unsatisfied with government," *The Southern Illinoisan.* Retrieved May 2, 2010from the *Southern Illinoisan* website: http://thesouthern.com/news/state-and-regional/article_2b8dffa2-4dc6-11df-a44a-001cc4c03286.html

"Direct Democracy: The Tyranny of the Majority" (2009). *The Economist*. December 19, 2009, 47-48

Erler, H. Abbie (2007). "Legislative Term Limits and State Spending", *Public Choice* 133, 479-494

Fiorina, Morris P. (1981). *Retrospective Voting in American National Elections*. New Haven, CT: Yale University Press

Gerber, Elizabeth R. (1999). *The Populist Paradox: Interest Group Influence and the Promise of Direct Legislation*. Princeton University Press

Gerber, Elisabeth R., Arthur Lupia, Mathew D. McCubbins, and D. Roderick Kiewiet (2001). *Stealing the Initiative: How State Government Responds to Direct Democracy*. Upper Saddle River, NJ: Prentice Hall, Inc.

Gradel, Thomas J., Dick Simpson, and Andris Zimelis. (2009). "Curing Corruption in Illinois: Anti-corruption Report 1." University of Illinois at Chicago

Felton, Nicholas (2009, December 28). "Numbers." *Time*, 174 (25), 33

Hamman, John A. (2006). "Public Opinion in the States: Determinants of Legislative Job Performance" in Jefferey E. Cohen, (ed). *Public Opinion in State Politics*, Stanford, CA: Stanford University Press pp. 79-101

Illinois Reform Commission (2009, August 28). "100-Day Report." Retrieved from http://www.reformillinoisnow.org/press%20releases/IRC%20100-Day%20Report%20-%20Final.pdf

"Illinois State Board of Elections" (Accessed 2009, December 4). Retrieved from http://www.elections.state.il.us/CampaignDisclosure/CommitteeDetail.aspx?id=21179

"Initiative and Referendum States" (May 2009). National Conference of State Legislatures website http://www.ncsl.org/Default.aspx?TabId=16589

Jackson, John S. and Lourenke Prozesky (2005). "Redistricting in Illinois." An Occasional Paper of the Paul Simon Public Policy Institute. Carbondale: Southern Illinois University

Johnston, Michael (1983). "Corruption and Political Culture in America: An Empirical Perspective." *Publius*, 13 (1), 19-39

King, James D. (2000). "Changes in Professionalism in US State Legislatures". *Legislative Studies Quarterly*, 25 (2), 327-343

Kousser, Thad (2005). *Term Limits and the Dismantling of State Legislative Professionalism*. Cambridge, UK: Cambridge University Press

Leonard, Charles W. (2010). "Ethical Reforms, the Budget Crisis, and Perceptions of Quality of Life in Illinois: Results Analysis of The Paul Simon Public Policy Institute Statewide Poll," *The Simon Review*, Paper 17 (February 2010)

Lupia, Arthur and John G. Matsusaka (2004). "Direct Democracy: New Approaches to Old Questions," *Annual Review of Political Science* 7, 463-482.

Madison, James (1788). "The Federalist No. 51: The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments." Retrieved March 11, 2010, from: http://www.constitution.org/fed/federa51.htm

Magelby, David B (1984). *Direct Legislation: Voting on Ballot Propositions in the United States.* Baltimore: John Hopkins University Press

Matsusaka, John G. (2003). "Have Voter Initiatives Paralyzed the California Budget?" University of Southern California & Initiative & Referendum Institute

Mayerowitz, Scott and Nathelie Tadena (July 7, 2009). "Budget Nightmare: 10 Most Broke States," Accessed from ABC News website: http://abcnews.go.com/Business/Economy/story?id=8016634&page=1

Mayhew, David R. (1974). *Congress: The Electoral Connection*. New Haven, CT: Yale University Press

McCaffery, Jerry and John H. Bowman (2002). "Participatory Democracy and Budgeting: The Effects of Proposition 13." In Albert C. Hyde (ed), *Government Budgeting: Theory, Process, and Politics*, 3rd ed. Toronto: Thomson Learning, Inc.

Meier, Kenneth J. and Thomas M. Holbrook (1992). " ' I Seen My Opportunities and I Took 'Em:' Political Corruption in the American States." *The Journal of Politics*, Vol. 54 No. 1 (Feb., 1992), 135-155

Miller, Kenneth P. (1999). "The role of courts in the initiative process: A search for standards." Paper delivered at the 1999 Annual Meeting of the American Political Science Association, Atlanta. In Elisabeth R. Gerber, Arthur Lupia, Mathew D. McCubbins, and D. Roderick Kiewiet (2001). *Stealing the Initiative: How State Government Responds to Direct Democracy*. Upper Saddle River, NJ: Prentice Hall, Inc.

Moen, Mathew C. and Kenneth T. Palmer (2003). "Maine: the Cutting Edge of Term Limits", in Rick Farmer, John David Rauch Jr., and John C. Green (eds.) *The Test of Time: Coping With Legislative Term Limits*. Maryland: Lexington Books, 17-31

Mooney, Christopher Z. (2007). "Lobbyists and Interest Groups", in Karl T. Kurtz, Bruce Cain, and Richard G. Niemi (eds.) *Institutional Change in American Politics: the Case of Term Limits*. Michigan: University of Michigan Press pp. 119-133

Nice, David C. (1983). "Political Corruption in the American States." *American Politics Quarterly* 11, 507-517

Niemi, Richard G. and Lynda W. Powell (2003). "Limited Citizenship?: Knowing and Contacting State Legislators After Term Limits." In Rick Farmer, John David Rauch Jr., and John C. Green (eds.) *The Test of Time: Coping With Legislative Term Limits*. Maryland: Lexington Books, 17-31.

The Paul Simon Public Policy Institute (2010, April 21). "Paul Simon Public Policy Institute inaugurates the 'Southern Illinois Poll.'" Retrieved May 2, 2010 from: http://paulsimoninstitute.org/images/PDF/pollresults_april21.pdf

Powell, Lynda W., Richard G. Niemi, and Michael Smith (2007). " Constituent Attention and Interest Representation." In Karl T. Kurtz, Bruce Cain, and Richard G. Niemi (eds.) *Institutional Change in American Politics: the Case of Term Limits*. Michigan: University of Michigan Press pp. 38-54

Qvortrup, Matt (2005). *A Comparative Study of Referenda: Government by the People*. Manchester University Press

"Recall in California" (2004). Institute of Governmental Studies at the University of California at Berkley. Retrieved on March 10, 2010, from the IGS website: http://igs.berkeley.edu/library/htRecall2003.html

"Recall of State Officials" (March 21, 2006). National Conference of State Legislatures website. Retrieved from http://www.ncsl.org/Default.aspx?TabId=16581

Sarbaugh-Thompson, Marjorie, Lyke Thompson, Charles D. Elder, John Strate, and Richard C Elling (2004). *The Political and Institutional Effects of Term Limits*. New York: Palgrave Macmillan

Shires, Michael A. (1999). "Patterns in California Government Revenues Since Proposition 13." Public Policy Institute of California, San Francisco, CA

Silva, J. Fred (2000, November). "The California Initiative Process: Background and Perspective." An Occasional Paper from the Public Policy Institute of California.

Smith, Graham (2009). *Democratic Innovations: Designing Institutions for Citizen Participation*. Cambridge: Cambridge University Press

Squire, Pervill (1993). "Professionalism and Public Opinion of State Legislatures," *Journal of Politics*, 55 (May), 479-491.

Stone, Walter J., and Monti Narayan Datta (2004). "Rationalizing the California Recall." *Political Science and Politics* Vol. 37 No. 1 (Jan., 2004), pp. 19-21.

Suddath, Claire. (2008) "A Brief History of Illinois Corruption." Retrieved October 26, 2009 Retrieved from http://www.time.com/time/nation/article/0,8599,1865681,00.html?artId=1865681?contType=article?chn=us

"The Term Limited States" (June 2009). National Conference of State Legislatures website. Retrieved from http://www.ncsl.org/Default.aspx?TabId=14844

Thomas, Blackwell. (2009). "Poll: Illinois voters want major reform." *The Southern Illinoisan.* Retrieved November 1, 2009, from the Southern Illinoisan website: http://thesouthern.com/news/local/article_a805e338-bd34-11de-85c3-001cc4c03286.html

U.S. Term Limits v Thornton (2010). *Oyez: U.S. Supreme Court Media*. Retrieved on March 15, 2010, from the *Oyez* website: http://www.oyez.org/cases/1990-1999/1994/1994_93_1456/

Weissert, Carol S. and Karen Halperin (2007). "The Paradox of Term Limit Support: To Know Them is NOT to Love Them." *Political Research Quarterly*, 60 (3), 516-530.

Zimmerman, Joseph Francis (1986). *Participatory Democracy: Populism Revived*. New York: Praeger Publishers

Zimmerman, Joseph Francis (1997). *Recall: Tribunal of the People*. Connecticut: Praeger Publishers