When Does Government Limit the Impact of Voter Initiatives? The Politics of Implementation and Enforcement

Elisabeth R. Gerber
University of Michigan

Arthur Lupia
University of Michigan

Mathew D. McCubbins
University of California, San Diego

In many states and localities, citizens make laws by initiative. Many winning initiatives, however, are later ignored or altered substantially. Why? Our answer emerges from two underappreciated aspects of the initiative process. First, many initiatives contain policies that powerful governmental actors once prevented from passing via traditional legislative channels. Second, implementation can require these actors to comply with policies they once opposed. The question then becomes: *When do governmental actors comply with winning initiatives?* We use a model and examples to clarify the post-election politics of initiative compliance. Our findings defy conventional explanations of how initiatives change public policy.

At present, citizens in 24 states and hundreds of localities use the initiative process to write and pass their own laws. These initiatives are often viewed as ways for citizens to change policy without government interference. We contend, however, that such views are incorrect. Elected officials, unelected bureaucrats, and other government employees can and do prevent winning initiatives—particularly those whose proposed policy changes they dislike—from being implemented or enforced. In what follows, we examine the conditions under which such actions are taken. In the process, we clarify how the initiative process affects public policy.

Two recent examples from California set the scene. In 1986, voters passed Proposition 63, the English Only Initiative. This proposal "made English the state's official language and required state officials to 'preserve and strengthen it'" (California Secretary of State 1996). It won with 73% of the vote. Key state officials, however, were opposed to the new law and did little to enforce it. In response, California English Campaign Chair Stanley Diamond filed a complaint with Attorney General John Van de Kamp. Diamond was incensed over San

Francisco's continued use of trilingual election materials. While the initiative could have been interpreted as Diamond requested, Van de Kamp responded differently. He argued that Proposition 63 required only that official publications be made available in English, not that they be offered in English *only*, stating that "[i]f that was what was intended, it was not written into the constitutional text adopted by voters" (Carson 1987).

In 1990, voters passed Proposition 140, which was billed as a way to curtail the electoral advantages of incumbent state legislators. One of the measure's provisions imposed new limits on legislative salaries, staff, and expenses. It stipulated that total spending on these items per legislator would be limited to the smallest of 80% of the previous year's expenditures or $950,000 (with later upward adjustments for inflation allowed). The initiative stated a desire to reduce the advantages conferred by incumbents' access to "the 3,000 political staffers who serve the legislature in Sacramento" (California Secretary of State 1990, 70).

Immediately following Proposition 140's passage, the legislature slashed funds for *nonpolitical* staff, such as the nonpartisan Legislative Analyst's Office (LAO) and the Auditor General's office. They then created new opportunities for this staff to provide the same services. Many LAO personnel and job descriptions were simply moved to the newly created California Research Bureau within the California State Library (i.e., a government entity whose line item in the state budget Proposition 140 did not mention.) The legislature also recreated the Auditor General's office, renaming it Bureau of State Audits, and again moving its activities off the budgetary line items specified in Proposition 140. These maneuvers allowed the legislature to have their cake and eat it too. They maintained their political staffs, while cutting the budget items described in the initiative.

These cases are not atypical (see Gerber et al. 2001). Indeed, there is great variation in how legislators, bureaucrats, and other government employees react to winning initiatives. While some take full effect, others are reinterpreted or ignored. These variations occur because the people who create and support winning initiatives are not authorized to implement and to enforce them. Instead, they must delegate these tasks to legislatures and bureaucrats.[1]

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[1] Delegation is an important component of many political processes. While its dynamics are widely studied, we are not aware of any such studies that occur in the unique and increasingly important context of direct legislation. Indeed, the focal context for such studies is congressional-bureaucratic relations. The key problem is that bureaucrats may have the will and the means (they may know more about their own activities than do legislators) to act against legislative desire. An influential line of argument concludes that bureaucrats are effectively and dangerously autonomous from legislative influence (Niskanen 1971 and Lowi 1979 are classic statements of this view). Building on work in economics on theory of the firm (e.g., Alchian and Demsetz 1972; Jensen and Meckling 1976), agent selection (Spence 1974), and incomplete contracting (Williamson 1975), political scientists later argued that the elected branches retain substantial influence over bureaucrats via careful agent selection procedures, various means of monitoring agent behavior, structuring of the decision making process to "stack the deck" in favor of desired outcomes, and the threat of ex post sanctions (cf. Lupia and McCubbins 1998; McCubbins 1985; McCubbins, Noll, and Weingast 1987, 1989; Weingast 1980; see Kiewiet and McCubbins 1991 and Moe 1987 for reviews of this literature).

The academic study of policy implementation identifies important instances where delegation yields incomplete or ineffective implementation (see, e.g., Cline 2000 and Mazmanian and Sabatier 1989). In this literature, federal or state actors create programs and more "local" actors are charged with putting the programs into place. A common observation is that when "local" preferences diverge from those of the federal actors who issued the mandate, the down-stream actors use their opportunities to thwart up-stream intentions.[2]

In what follows, we address the question: when will governmental actors use their delegated powers to weaken the impact of laws they dislike? What we find clarifies the post-election politics of initiative implementation and enforcement and defies most conventional explanations of how initiatives change policy. This work also complements existing studies by *clarifying the conditions* under which these politics limit a law's policy impact.

We derive our findings from a series of examples and a formal model of critical moments in the post-election life of a winning initiative. To simplify the exposition of the model, we first describe a version where the actions of one implementation leader and one implementation agent jointly determine a winning initiative's policy impact. For most initiatives, however, more than two actors are involved in these processes (e.g., enforcement may require actions by several governmental departments or may involve both state and local governments). Later, we capture critical dynamics of such cases by presenting a version of the model with N actors, where N is any number larger than two.

Throughout, we call our dependent variable "compliance." We define compliance as the extent to which an implementation or enforcement action matches the policy described in the initiative. If such actions are identical to the policy, we say that they are fully compliant. The bigger the difference between action and policy, the less compliant it is. Our main finding is that the conditions for full compliance are hard to satisfy. Indeed, *we conclude that full compliance is impossible for a large class of initiatives.*

Throughout the analysis, we use underappreciated facts about initiative politics to augment the substantive implications of our work. This practice produces new insights. In particular, it reveals that initiatives face more difficult implementation problems than many policies passed by professional legislatures. Consider, for example, a joint implication of our model and an interesting, but underappreciated, fact about initiative politics.

Because the initiative process is a very expensive way to seek policy change, it is cost effective only for people who seek policy changes that the government refuses to provide (Gerber 1999). It is not surprising, therefore, that many initiatives propose policy changes that reflect large changes from the status quo (e.g.,

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[2] Pressman and Wildavsky (1984), for example, demonstrate that local officials in Oakland, CA, implemented a federal program in ways that its sponsors did not anticipate. Brodkin (1997) and Meyers, Glaser, and MacDonald (1998) find similar dynamics in the implementation of many welfare policies.

overhauling a state's property tax system), that legislators are unwilling to impose on themselves (e.g., term limits and certain types of campaign finance reform), that the major parties dislike (e.g., open primaries), that cut across existing political cleavages (e.g., bilingual education), that offend important legislative constituencies (e.g., tort reform), or are considered "too hot to handle" (e.g., immigration policy and gay marriage).[3]

Given the high levels of political opposition to such policies, there are some policies that voters are more likely than legislators to approve. The challenge for supporters of such initiatives, a challenge that many laws passed by legislative majorities do not face, is that the same governmental actors who once blocked the policies from proceeding through traditional legislative channels may be in a position to influence, or even determine, the extent of their post-election implementation and enforcement. In other words, *laws passed by voters, but against the wishes of legislative majorities or governors, face powerful post-passage opposition that laws passed by these government entities do not.*

A second underappreciated attribute of the initiative process exposes a related challenge. When a professional legislature passes a law, rarely is its next move to disband. While some legislatures pass laws just before a new batch of legislators is sworn in, the legislative body itself continues. Therefore, it is in a relatively good position to oversee those charged with implementing their edicts. Organizations that pass initiatives, by contrast, often disband soon after the election is over. They cease raising money. They cease recruiting supporters. They shut down their offices. They cease to exist. Compared to professional legislatures, such entities are in a relatively bad position to oversee those charged with implementing their edicts. Our work clarifies the extent to which the ability to track the post-passage activities of actors charged with implementation and enforcement affects the degree of compliance. It shows that *laws passed by organizations that subsequently disappear are disadvantaged when it comes to tracking initiative compliance.*

When facts such as those just presented are considered in total, our model shows that the likelihood of full compliance for many initiatives is very low. Indeed, our effort produces an ironic result: *the kinds of policy changes that are most likely to prevail as initiatives (as opposed to prevailing in a standing legislature) are less likely to be implemented and enforced, all else constant.* This result is important because many public and scholarly observers of the initiative process believe that a victory at the polls implies a direct policy change. Our work turns this common wisdom on its head. While we identify conditions under which such beliefs are true, we find that they are often false. Our work shows that much of what is important to understanding the initiative process' policy consequences occurs after Election Day.

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[3] Other policies become initiatives because of preexisting provisions that require voter approval for policy change (e.g., constitutional amendments, revisions to prior initiative legislation, or some tax increases).

While we focus on the politics of implementation and enforcement with respect to the initiative process, aspects of our work is applicable to questions of implementation more broadly. In particular, we clarify how factors common to laws passed by initiative and laws passed by standing legislatures—such as the technical costs of implementing an initiative, the political costs of enforcing it, the existence of pressure groups that can make trouble for noncompliant governmental actors, and the precision of language in the new law—affect the extent of compliance. In sum, our results imply that people who ignore the post-election politics of the initiative process or who assume that these politics are equivalent to what happens to laws passed by professional legislatures likely overestimate the policy consequences of winning initiatives.

We continue as follows. First, we describe the two-actor version of our model and use it to generate basic insights. Next, we use the N-actor version to provide more general conclusions. A brief concluding section highlights our work's substantive implications and an appendix includes technical details.

The Two-Actor Model

Our model contains two kinds of governmental actors: implementation leaders and implementation agents. *Implementation leaders* provide official instructions about how to comply with an initiative.[4] State legislatures, for example, often have sole authority to pass implementing legislation—particularly when initiatives have budgetary implications. In other cases, high-ranking bureaucrats are authorized to issue directives about how an agency's procedures should change in response to a new winning initiative. *Implementation agents* are asked to act on implementing legislation and agency directives. Common implementation agents include bureaucrats, judges who are asked to issue mandatory sentences (as in California's Proposition 184, the "Three Strikes" law), or government employees—such as schoolteachers who are instructed to change curriculum (as in California's Proposition 227 that limits bilingual education).

To make the narrative less abstract, we refer to the implementation leader as the "legislature" and to the implementation agent as the "bureaucracy" in our discussion of the two-actor model. We use the terms legislature and bureaucracy as shorthand—noting here that other actors often affect initiative implementation and enforcement. As our subsequent analysis of the N-actor model verifies, our basic findings about the "legislature" and "bureaucracy" clarify the post-election incentives of many governmental actors.

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[4] Courts can be categorized as implementation leaders as rulings on an initiatives' constitutionality instruct other governmental actors about allowable kinds of enforcement. As the courts' role in such matters is typically to limit, rather than to augment, the reach of new laws, our representation of implementation leaders is analogous to most court decisions. Since court decisions are very public, we henceforth focus on the less public and largely ignored role that noncourt political actors play in determining initiative compliance.

Preferences

Many, if not all, governmental actors are motivated, at least in part, by policy preferences. We assume that each actor has a *policy ideal* and wants an initiative's policy consequence to be as close to this ideal as possible. If, for example, the bureaucracy is stocked with liberals and the legislature is conservative, then we assume that the bureaucracy prefers forms of initiative compliance that lead to more liberal policy outcomes, while the legislature prefers actions that yield conservative outcomes.

This portrayal of preferences, standard in formal models, is beneficial in that it does not force us to base conclusions on speculations about the origins of actor preferences. So our conclusions apply whether legislative preferences result from ideologies, party platforms, constituency pressures, or reelection considerations and whether bureaucratic preferences derive from career ambitions or personal ideologies. We require only that these actors are concerned with more than just empty posturing; each must have some preferences regarding the policy consequences of their actions.

Actions

We represent the critical moments in a winning initiative's post-election life as a process that entails three stages: an implementation stage, an enforcement stage, and a sanctioning stage. Figure 1 shows the sequence of events.

We begin after an initiative's victory on Election Day.[5] On that day, a winning initiative calls for policy $p \in \mathfrak{R}$ to replace an existing status quo policy, $sq \in \mathfrak{R}$. For simplicity, we describe the case where $p > sq$ (parallel results hold when $sq > p$). In other words, p represents that which initiative proponents want more. Proponents of initiatives that entail new spending, for example, want more money for their preferred policies. For them, higher p represents more money. Proponents of initiatives such as California's Proposition 13, by contrast, want lower property taxes—here, higher p represents more fiscal constraint.

Our most important assumption is that passing an initiative does not guarantee its implementation and enforcement. As is the case with any law, initiatives affect policy outcomes only if governmental actors work them into the existing policy framework and commit the resources that enforcement entails. So the question becomes, when do governmental actors implement and enforce policy p and when do their actions cause outcomes other than p?

Implementation Stage. After an initiative wins, governmental actors must provide implementation instructions. These instructions clarify how to integrate

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[5] Romer and Rosenthal's (1978) model of referendums provides a parsimonious account of the strategic considerations that initiative proponents take into account when they choose an initiative's content. There is, of course, the prior question of which interests can mobilize voter support (see, e.g., Gerber 1999). In this article, we simply recognize that such interests exist and focus on the extent to which governmental actors comply with the initiatives they pass.

FIGURE 1

Extensive Form for Two-Actor Model

Implementation
stage

Enforcement
stage

Sanction
stage
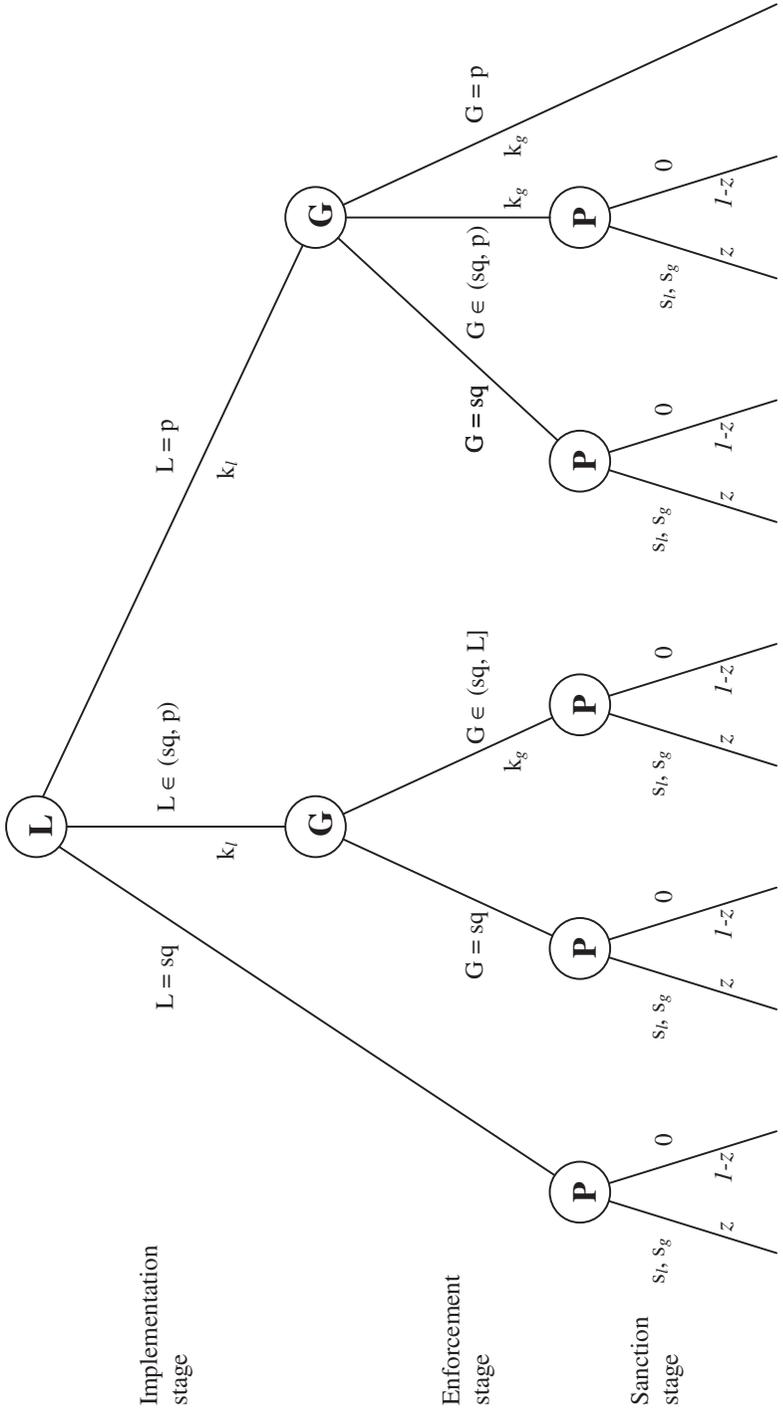
a new policy into existing practices and often take the form of implementing legislation by the legislature. In many cases, these instructions focus on fiscal matters (i.e., how to reorganize existing budgetary agreements in response to new laws; see, e.g., Alt and Lowry 1994).

We model such actions as instructions from an implementation leader to an implementation agent to comply with an initiative fully, partially, or not at all. We denote this instruction $L \in [sq, p]$ where $L = p$ is full compliance, $L = sq$ is zero compliance, and all other values of L ($L \in (sq, p)$) are varying levels of partial compliance.[6]

We assume that the legislature faces implementation cost k_l, which represents the technical and political costs of implementation. Technical costs are caused by factors such as having legislative staff determine how to implement an initiative as well as the extra effort required to establish, to administer, and to monitor new programs. Political costs derive from taking resources away from other programs in order to comply with the initiative. These political costs may derive from factors internal to the legislature, such as the need to promise benefits on other issues to secure majority support for implementing legislation. They may also derive from external factors, such as pressures from constituents, parties, interest groups, or other governmental actors.[7]

We assume that the legislature pays implementation costs if their legislation entails any policy change (i.e., $L \neq sq$). By contrast, we assume that if the legislature chooses to do nothing (i.e., $L = sq$), then it pays no implementation costs. To clarify the effect of implementation costs in a simple way (that does not entail a loss of generality), we assume that the legislature's implementation costs ($k_l \in \Re$) are either prohibitive or not prohibitive. Court rulings, for example, that judge initiatives to be unconstitutional, or otherwise restrict legislatures acting on initiatives, make implementation costs prohibitive. By definition, compliance is possible only if costs are not prohibitive.

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[6] A simple adjustment of our model makes it applicable to discrete policies—where p and sq are the only possible policy outcomes. The adjustment entails recoding as "effort" what we currently call compliance. Thus, the implementation leader and implementation agent make decisions that affect the effort directed towards making p the policy outcome. "Choosing p" means choosing a level of effort high enough to produce outcome p with probability 1. Choosing $L < p$ or $G < p$ means a lower level of effort and a probability of outcome p that is less than 1. "Choosing sq" is equivalent to no effort to change policy. We note, moreover, that many apparently discrete initiatives can in fact be implemented and enforced in ways that diverge from the proponent's intent in a more continuous fashion (e.g., they can be enforced in school district A, but not in school district B; see, e.g., Gerber et al. 2001, 60–70, 75–78).

[7] We acknowledge that institutional and political arrangements may produce implementation costs that vary significantly over time or across states. This is why we represent the costs as variables in our model rather than constants. To stay focused on the question at hand, to clarify the extent of initiative compliance as a general matter, we do not describe the dynamic relationship between compliance and variations in these costs. Interested readers can find the dynamics of these and other relationships fully analyzed in the appendix.

If no implementing legislation is offered (i.e., $L = sq$), then there is nothing for others to enforce and the status quo policy prevails. Otherwise, implementing legislation passes (i.e., $L \neq sq$) and the process continues.

Enforcement Stage. Governmental actors, typically bureaucrats, who are asked to enforce initiatives often lack the authority to write implementing legislation or issue agency-wide directives. So, if they do not receive official instructions, then they lack authority to act. Bureaucrats can, however, exercise discretion when responding to directives (Bawn 1997). We model this situation by assuming that bureaucrats comply with such directives fully, partially, or not at all. We denote this choice $G \in [sq, L]$, where $G = L$ is full compliance with the legislature's instructions, $G = sq$ is zero compliance, and other values of G are varying levels of partial compliance. G also represents the initiative's final policy consequence in our model.

We assume that, like the legislature, enforcement ($G \neq sq$) may entail technical and political costs for the bureaucracy. Their technical costs include dedicating staff time and resources to establishing, running, and monitoring new programs. Political costs include diverting resources from existing agency priorities and forgoing activities that might bring greater political benefits to the agency. We denote these costs as k_g and define them analogously to k_l.

Sanctioning Stage. The sequence of actions in our model ends with a day of reckoning. We include this day to represent the fact that those who want an initiative to be fully implemented or enforced may not stand by idly as others dismantle the fruits of their efforts. Specifically, we assume that governmental actors can face sanctions for noncompliance.

Who applies these sanctions? For any particular initiative, there is a wide range of potential sanctioners. Legislatures may worry about electoral repercussions, particularly if an initiative's supporters can mobilize resources against them. Bureaucrats who defy agency directives, by contrast, may risk the wrath of key legislators whose committees fund their activities. Henceforth, we refer to all such persons (e.g., voters, interest groups, legislative leaders, the courts) as "potential sanctioners."

We incorporate potential sanctioners' cumulative threat as follows. We assume that sanctions are triggered if compliance is not full ($G \neq p$) and potential sanctioners have enough resources to observe and act on such an outcome (we formalize this condition below). If these conditions are met, then the legislature receives a sanction of size s_l and the bureaucracy receives a sanction of size s_g. Otherwise, no sanctions occur. Note that assuming that the legislature and bureaucracy need not face equal sanctions ($s_l \neq s_g$) allows us to describe cases where the legislature and bureaucracy face different threats (e.g., if voters are the key sanctioners, then legislators who have electoral vulnerability may be more threatened than bureaucrats).

Returning to the topic of sanctioners' resources, we assume that they are limited. Sanctioners may lack resources sufficient to pose a threat that govern-

ment actors will fear or they may have such resources but lack the information needed to detect noncompliance.[8] Actors who face such groups have less to fear than those who know that potential sanctioners can see their every move and react severely. Therefore, we assume that *expected sanctions* are most relevant to implementation and enforcement decisions.

Specifically, we assume that all actors believe that noncompliance is sanctioned with probability z. Hence, expected sanctions for the legislature and bureaucracy are zs_l and zs_g, respectively.[9] For example, if $z = .6$, then the legislature and bureaucracy believe that there is a 60% chance that potential sanctioners will punish them for less than full compliance and a 40% chance that they will not. High values of z represent cases where potential sanctioners have good information and the resources needed to carry out sanctions, while low values represent less able parties. So, in cases where the probability of observing compliance is low, then governmental actors may have an opportunity to ignore a winning initiative with little fear of reprisal—even if better-informed potential sanctioners would impose large punishments.

Findings and Implications

We now present our findings. An appendix contains a mathematical description of the model and proofs. Our first result specifies when winning initiatives are ignored.

Result 1: There is *zero compliance* if compliance costs are prohibitive or one of the following is true:

- At least one actor faces small sanctions for noncompliance and prefers the status quo to any degree of compliance.
- The legislature or bureaucracy prefer the status quo to any degree of compliance, while the other actor prefers the status quo to full compliance and faces small sanctions.

Result 1 specifies three sufficient conditions for zero compliance with a winning initiative. The first condition for zero compliance is straightforward—prohibitive costs (e.g., a court decision that renders a winning initiative uncon-

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[8] At least two factors make observing compliance difficult. First, some initiatives specify a policy goal without explicitly describing the means for achieving the goal. Others specify the steps a government must take but are vague about what end results are desired. In either case, compliance may be difficult to measure, even if supporters can observe government actions. Second, some initiative supporters lack information about government actions. So even if means and ends are stated clearly, supporters may be unable to assess compliance accurately.

[9] Indeed, in many initiative campaigns, it is difficult for anyone—including governmental actors—to anticipate how solvent or cohesive an initiative's supporters will be after an election. Though stable interests back some initiatives, others are supported by organizations that cease to be active after the election, and still others gain new supporters after passage. Thus, it is important to include in the model the possibility that when governmental actors make compliance decisions, they too may be uncertain about the consequences of their actions.

stitutional) prevent compliance by definition. The second sufficient condition arises when an actor whose cooperation is necessary for compliance opposes any degree of it and can act without fear of sanction. If, for example, the legislature in our model wants zero compliance and its expected sanction for noncompliance is sufficiently small, then it has no incentive to write implementing legislation. If no one else can write implementing legislation, then the result is zero compliance—regardless of what anyone else wants.

The third sufficient condition arises when an actor who wants zero compliance can limit another actor's choices in a way that induces the other actor to choose zero compliance as well. Suppose, for example, that the legislature wants zero compliance, while the bureaucracy favors greater compliance. In addition, suppose the legislature faces large sanctions for less than full compliance, while the bureaucracy faces no such threat. In other words, suppose that only elected officials face potential sanctions ($s_l > 0$, $s_g = 0$, $z > 0$). In such a case, if the legislature makes implementing legislation that gives the bureaucracy discretion over enforcement, then the bureaucracy—unafraid of sanctions—will use this power to pursue partial compliance. This is bad for the legislature. Not only does it like partial compliance less than zero compliance, but the bureaucracy's actions also trigger the sanctions. By contrast, if the legislature offers no implementing legislation, sanctions are triggered, but the legislature gets the policy outcome it wants. In other words, the only way for the legislature to control the bureaucracy is to restrict its actions in advance. Therefore, it offers no implementing legislation and zero compliance is the outcome.

We now turn to the conditions for full compliance. Result 2 reveals that full compliance, while possible, requires special circumstances.

Result 2: There is *full compliance* if and only if implementation and enforcement costs are not prohibitive and one of the following is true:

- The legislature and bureaucracy each either favor full compliance to any lower level of compliance or face large sanctions.
- The legislature prefers full compliance to the bureaucracy's most preferred level and the bureaucracy faces large sanctions.

The first bulleted condition describes the simplest means by which full compliance occurs—every government actor whose cooperation is necessary for such an outcome either wants full compliance or goes along with it to avoid large sanctions. Such conditions held for the term limits component of California's Proposition 140 (1990). It limited the number of terms that a person could serve in many statewide offices including Assemblyperson, Senator, Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, and Treasurer. The low number of terms, and the fact that all are lifetime bans, make these limits among the nation's most restrictive.

Policy makers in the legislative and executive branches were nearly unanimous in their opposition to 140. However, the expected sanctions for failing to implement and enforce these term limits were very high. In particular, voters and inter-

est groups could observe noncompliance easily (they can tell whether an elected official has left office; $z \approx 1$). Moreover, the initiative's proponents were powerful. They spent over $2.5 million during the campaign and were part of a national term-limits movement. These potential sanctioners were unlikely to back down from a challenge (s_l and s_g were high). More importantly, the courts raised the specter of sanctions by upholding the measure after several legal challenges. So while most legislators were strongly opposed to term limits, large expected sanctions induced them to comply.

The second bulleted condition describes a more complex route to full compliance. To make this route less abstract, consider a situation in which a legislature contemplates how to draft a piece of implementing legislation knowing that a particular high-ranking bureaucrat will later make a decision that determines the extent to which their implementing legislation is enforced. Suppose, moreover, that the legislature and the high-ranking bureaucrat agree that full compliance is not an ideal outcome. Beyond this, however, their disagreement is substantial. The legislature prefers full compliance to the level the bureaucrat most prefers and the bureaucrat's expected sanctions (perhaps he hopes to run for office or has other reasons not to be the enemy of an important constituency) are such that she does not want to be seen as acting to limit the initiative's policy impact.

Hence, the bureaucrat will do nothing to trigger sanctions if the choice is left to her (i.e., the legislature passes a bill that allows full compliance.) If, however, the legislature passes a bill that allows only partial compliance, then the bureaucrat's actions cannot trigger sanctions (i.e., she can credibly blame the legislature for the lack of full compliance). Given such discretion she will comply in accordance with her own policy ideal. But this is bad for the legislature, which likes full compliance more than the compliance level that the bureaucrat most prefers—which she will choose if able to deflect blame. Therefore, the legislature offers implementing legislation requiring full compliance. This move puts the bureaucrat in the "hot seat," reducing her choices to "comply fully" or "trigger sanctions." In other words, the legislature achieves a better outcome for itself by reducing the bureaucrat's choices.

In sum, we expect full compliance if implementation leaders most want full compliance and implementation agents either agree or face large sanctions. If implementation leaders also face large sanctions, then our expectation does not change. Otherwise, compliance will be less than full.

Between zero and full compliance are varying levels of partial compliance. The conditions for *partial compliance* (see appendix for a precise statement) follow directly from a comparison of Results 1 and 2. Simple comparative statics reveal related insights. For example, an increase in expected sanctions or a decrease in implementation (or enforcement) costs makes higher levels of compliance more likely when they have an effect. While not counterintuitive, such dynamics highlight the benefits of paying attention to the initiative process's post-election stages. For if analysts or initiative writers ignore what happens to initiatives after they pass, then they will underestimate the importance of knowing whether

sanctions for noncompliance exist in places where an initiative's opponents in government are likely to be.

These comparative statics also reveal that the level of compliance falls, when it changes, as p, the policy named in the initiative, diverges from the ideal policy of the actor who least likes p. In other words, as an initiative's most ardent opponents in government become more opposed to the policy it contains, less compliance results (when possible and all else constant). What interests us most about this result, however, is that when we combine it with a recent insight about voter initiatives, the result is a counterintuitive corollary about the likely policy impact of the initiative process.

The recent insight concerns the kinds of policies that are likely to emerge as initiatives. Gerber (1996, 1999) demonstrates that extreme proposals are more likely to appear as initiatives than moderate proposals. To see why, suppose, for the purpose of example, that a proponent of policy, $x \in \Re$, has the option of either passing the law by traditional legislative means or passing it through the initiative process. If the policy is sufficiently close to the ideal policy of legislature and a governor with veto power (i.e., if the policy is moderate), then the legislature/governor will prefer x to the current status quo and adopt the policy itself—thereby eliminating the need for an initiative. If x is more extreme (i.e., far from the ideal point of the median legislator or governor), however, then the government will not act. At this point, proponents must compare the personal benefits of policy x to the costs of qualifying and campaigning for an initiative containing policy x. Garrett and Gerber (2000) show such costs to be very high. Therefore, x's proponents will find it worthwhile to take the initiative route only if doing so yields a sufficiently large expected payoff (i.e., it is likely to yield a large policy change that the current government refuses to pass.) Therefore, proposals that are extreme with respect to the status quo are more likely than other proposals to appear as initiatives.

This conclusion, when combined with the idea that greater opposition from government corresponds to lower levels of compliance, yields a perverse result.

Corollary: Without large expected sanctions and all else constant, the kinds of proposals for policy change that are most likely to emerge as initiatives, rather than as bills passed by traditional means, are least likely to be implemented and enforced.

Indeed, unlike legislation that emerges from a sitting legislature, the initiative process produces legislation that large majorities in such bodies, or governors with veto powers, need not like. So when these same legislatures determine the budgets—or when they attempt to influence the practices of agencies or government employees charged with enforcing winning initiatives—they pose a threat to the implementation and enforcement of winning initiatives that their own legislation (which already secured legislative and gubernatorial support) does not face. Therefore, unless legislatures and governors are forced by the threat of a large expected sanction to comply in full (that is, unless their preferences fall

under the conditions described in Result 2), an inherent characteristic of the initiative process is to produce laws that are far less likely than traditional legislation to be implemented and enforced at any positive level. In other words, the initiative process may be described as lawmaking without government interference, but it is not accurately described as changing policy without government playing a limiting role.

The N-Actor Model

For some winning initiatives, many actors help to implement and to enforce. Initiatives that change a state's education system, for example, require teachers, principals, and members of school boards to join the legislature and other bureaucrats in complying with the new law. Consider, for example, California's Proposition 227. This proposition ordered public schools to replace a system of bilingual education with a program of "English immersion" (where teachers must use English textbooks and spoken English for instruction). The initiative's large margin of victory seemed to imply a strong mandate for change. However, the two-actor model suggests that if needed implementation leaders and agents can defy the law without sanction, then less-than-full compliance will result. And, indeed, empirical research by Gerber et al. (2001) reveals only partial compliance. They find that in districts where parents, teachers, and school officials opposed Proposition 227, compliance is low and there is no credible threat of sanctions. By contrast, in districts where such actors preferred the English immersion program to traditional bilingual education, compliance is substantial.

This initiative is one of many whose implementation and enforcement require compliance by numerous actors. To generalize our explanation of a winning initiative's post-electoral fate, we now describe a version of the model that involves N governmental actors, where N is any number greater than two. As before, we assume that every relevant government actor has an ideal policy, faces costs and potential sanctions, and can comply fully, partially, or not at all.

With so many actors now in the model, and given all of the possible arrangements of ideal policies, costs, and sanctions, the model's dynamics become quite complicated. Therefore, we focus on drawing stark, simple, and general conclusions about the likelihood of full compliance. To do so, we define a situation that represents "normal conditions" for winning initiatives.

Under normal conditions:

- We cannot assume that all actors most want full compliance. Therefore, we assume that each actor i favors full compliance (i.e., has ideal policy $a_i \geq p$) with probability < 1.
- We cannot assume that all actors face large sanctions. Therefore, we assume that each actor i faces large sanction s_i (i.e., such that $p - a_i \leq zs_i$,) with probability < 1.
- For each actor, the determination of these two probabilities is independent.

In other words, we assume that every additional actor need not prefer full compliance to every other outcome, nor must they be subject to huge sanctions for noncompliance. Indeed, the probability that an additional governmental actor supports full compliance for any particular real-world circumstance is difficult to guess in advance. It is also difficult to anticipate the extent to which potential sanctioners will have the information and resources sufficient to punish noncompliant actors. Therefore, it is beneficial to make the least restrictive assumptions about the situation in question—the less restrictive the assumptions we make, the broader the model's applicability. So we simply state that in what we define as normal conditions, the probability that any randomly selected governmental actor either favors full compliance or faces a large sanction is below 100%—it can be any other amount such as 0%, 30%, or 99.99%. Put another way, we assume that under normal conditions there is a chance, however small, that each additional governmental actor will most prefer some outcome other than full compliance and that those who want to levy large sanctions cannot necessarily do so. This assumption is almost certainly true for most real world initiatives. Such "normal conditions" produce the following lemma.

Lemma 1: Under normal conditions (defined above), as the number of actors required to implement and enforce an initiative grows, the likelihood of full compliance goes to zero.

This lemma states that regardless of whether each additional governmental actor is likely or unlikely to favor full compliance, making enough of these actors necessary for implementation and enforcement ensures that, under normal conditions, full compliance does not occur. Put another way, we do not have to know much about the governmental actors in question to know that full compliance with all but the kinds of initiatives described in Result 2 is very unlikely.

To generate our third and final result, we make two additional assumptions about "normal conditions." These assumptions are motivated by the fact that initiatives vary in the precision of the instruction they provide to governmental actors. In some cases, the instructions are precise—leaving little room for interpretation. For example, in the term limits component of California's Proposition 140, compliance is easy to observe (e.g., if a member of the State Assembly seeks a fourth term, people will know) and meaningful sanctions are easy to apply (e.g., the Secretary of State can remove such candidates from the ballot). In many other cases, implementing legislation is needed (i.e., many initiatives fail to specify the human resource reassignment or budgetary revisions that implementation and enforcement require).

It is important to recognize that the less precise an initiative's policy instructions, the greater the room for interpretation by governmental actors. Therefore, we assume that a decrease in precision implies a decrease in z (a decrease in the probability that potential sanctioners can discover and act on a finding of noncompliance) or an increase in the number of cooperative bureaucrats required for full compliance. This additional assumption generates a lemma.

Lemma 2: Under normal conditions (defined above), as precision decreases, the likelihood of full compliance goes to zero.

Given such a relationship between precision and compliance, it is natural to ask why an initiative proponent would ever write a vague initiative. We argue that realities of the initiative process often render some degree of vagueness inevitable.

One reason for vague language is practical: some initiative proponents do not have enough information to write detailed implementation instructions. This factor clearly doomed the two initiatives (63 and the legislative spending component of 140) described in the introduction. It also holds for initiatives that involve capital spending such as building or expanding light rail systems (as in California's Proposition 116 of 1990) or repairing existing school facilities (as in California's Proposition 1A of 1998). Such initiatives require detailed technical and engineering information that supporters can only estimate at the time their initiative is drafted or voted on.

Other initiative proponents choose vague language for strategic purposes.[10] Initiative proponents must be able to convince a majority of the electorate to support their initiative. This requirement breeds two cases. In the first, proponents want a policy that already has broad public support. In this case, they can proceed without having to trade outcomes they want for outcomes that can win. Proponents of term limits clearly faced these highly favorable circumstances in many states. In the second case, a group supports an idea that is less popular. Here, appealing to broad principles rather than specific policy changes may be seen as a better way to cultivate an electoral majority. California's Proposition 209, which scaled back affirmative action, fits this description. Though sweeping in its impact, it was only several hundred words long and very short on details. As Gerber et al. report, "After Proposition 209 passed and survived court challenges, state legislators and their counterparts in many government agencies had to spend considerable effort attempting to figure out, and explain to others, what actions regarding protected minorities it allowed" (2001, 18).

Therefore, our second additional assumption about normal conditions is that initiatives are characterized by at least some vagueness. This relatively innocuous assumption, along with our lemmas, produces our final result.

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[10] If a proponent's preferences are similar to those of governmental actors charged with compliance, then vague language may be a small price to pay for electoral victory. But if key governmental actors oppose the initiative, as often occurs, then writing vague legislation for the purpose of electoral success can backfire at implementation or enforcement time. This point prompts questions about how initiative proponents will adapt to such expectations. If they desire full compliance, we contend that their decision will resemble the communicative equilibrium of Crawford and Sobel (1982). Specifically, as the policy ideal of the proponent converges to that of the decisive voter or government actor, the content of the initiative will become more precise. For proponents worried less about implementation, vague language has other origins. For example, we know that some proponents are as interested in the indirect effects of their actions (e.g., publicizing a particular agenda or inducing subsequent legislative action) as they are in victory or post-election success. Precision is unnecessary to accomplish such goals.

Result 3: Under normal conditions (defined above), the preferences of governmental actors displace initiative content, at least partially, as a determinant of an initiative's policy impact.

In other words, if an initiative's instructions to governmental actors are somewhat vague and every actor involved in implementation and enforcement either does not face large sanctions or does not regard full compliance as ideal—that is, under normal conditions—then the initiative's content, p, will be at least partially displaced by the preferences of governmental actors. By this claim, we do not mean to say that full compliance is impossible (see Result 2), that full compliance is necessarily good, or that the preferences of initiative proponents are irrelevant to an initiative's ultimate policy impact. However, we do mean to say that without the threat of weighty sanctions or a heavy dose of initiative supporters amongst the ranks of those charged with implementing and enforcing an initiative, someone somewhere will reinterpret or reject the legislation passed on Election Day.

Conclusion

Most of the attention paid to the initiative process focuses on the period up to and including Election Day. This is certainly true of the scholarly literature on the topic. While this growing body of research has shown that many once widely accepted claims about who participated in initiative elections (Magleby 1984), the quality of voter decision making (Bowler and Donovan 1998) or the role of interest groups in the initiative process (Gerber 1999) are false, it has not examined what happens to initiatives after they pass.

We contend that such examinations are necessary for clarifying the initiative process's policy consequences. For this reason, our model focuses on the conditions under which winning initiatives experience a variety of post-election fates. In combination with our empirical work on initiative implementation and enforcement, we provide an instrument for differentiating—in advance—initiatives that are likely to be fully implemented and enforced from initiatives whose policy impact will be limited.

Our findings clarify important aspects of politics in the growing number of states and localities that allow initiatives. Consider, for example, common critiques of the initiative process. In years of legislative stalemate, critics blame voter initiatives for tying legislators' hands and delaying legislative negotiations. In years of budgetary problems, critics blame initiatives for their legislature's inability to fund certain programs. Unlike many political critiques, this one is nonpartisan. Critics from the left, right, and center join political insiders and political outsiders in blaming the initiative process for outcomes they dislike. The initiative process is an easy target, but is it also a scapegoat? Our work suggests that it is. Indeed, we find that the choices of elected officials, unelected bureaucrats, and other government employees, are just as likely—or perhaps more likely—than voter decisions to have caused the impasses in question.

In sum, when we recall that the people most likely to resort to the initiative process are those who cannot get what they want through traditional legislative channels, then we realize just how much the deck is stacked against full compliance. Such people are likely to have powerful opponents lying in wait. Indeed, under normal conditions, legislatures, bureaucrats, or other government officials will work to alter a winning initiative's impact on public policy.

Appendix

Additional Technical Details and a Proof

TWO-ACTOR MODEL

Let the sequence of events be as described in the text. Unless otherwise stated, all aspects of the game are common knowledge. In addition to the notation introduced in the text, we use the following notation.

- The initiative is a mandate to replace the preexisting policy status quo on a particular topic $sq \in \mathfrak{R}$, with a different policy, $p \in \mathfrak{R}$. For expositional simplicity, we describe the case where $p > sq$. The case $p < sq$ has equivalent dynamics, and the case $p = sq$ is trivial.
- k_l is the legislature's compliance costs. To clarify the effect of such costs in a simple manner, we assume that $k_l \in \{0, k+\}$, where $k+$ is greater than the highest benefit that the legislature can receive from full compliance. We define k_g analogously for the bureaucracy.
- $Z \in \{0, 1\}$ denotes whether or not the supporter observes policy outcome G where $Z = 1$ denotes the case where it does. From the assumption about the supporter's information in the text, $Z = 1$ with probability z and $Z = 0$ with probability $1-z$. $S \in \{0, 1\}$ denotes whether or not state government is in full compliance with the initiative. $S = 1$ if it is not (i.e., $G \neq p$). When $S = Z = 1$, sanctions occur. Otherwise, they do not.

We denote the legislature's ideal policy as $l \in [0, 1]$ and the bureaucracy's ideal policy as $g \in [0, 1]$. Each player wants the game's final policy outcome to be as close as possible to their ideal while minimizing their compliance costs and sanctions. The legislature's utility from outcome $G \in (sq, p]$ is $U_l = -|G - l| - Zs_lS - k_l$, and the bureaucracy's utility is $U_g = -|G - g| - Zs_gS - k_g$. From outcome $G = sq$, the legislature's utility is $-|sq - l| - Zs_lS$ and the bureaucracy's utility is $U_g = -|sq - g| - Zs_gS$. Since, the value of Z is not revealed until the game's final stage, players base their decisions on expected utility calculations, where $EU_l(L|P, G, l, sq, z, s_l, s_g, k_l, k_g)$ denotes the legislature's expected utility, where $EU_g(G|P, L, g, sq, z, s_g, k_g)$ denotes the bureaucracy's expected utility, and where z replaces Z in the players' expected utility calculations.

We make a simplifying assumption about player actions in the event that two or more actions generate equal expected utility: if two compliance levels provide a player with the same expected utility, then the player chooses the one with a

lower cost. If the costs are equal, then the player chooses the one that cannot induce a sanction. If the sanctions are equal, then the player chooses the one that is closest to its ideal. This assumption is for accounting convenience and does not affect the substance of our results.

- We use the subgame-perfect Nash equilibrium concept (see Binmore 1992 for an explanation). A subgame perfect equilibrium in our model is the strategy set $L^* \in [sq, p]$ and $G^* \in [sq, L]$ that constitutes best responses to the strategies of other players, taking into account the sequence of actions.

Proposition: The unique subgame-perfect Nash equilibrium of our model is: Zero compliance

- If $k_l = k+$ or $k_g = k+$ or [$k_g = k_l = 0$ and either "'$min(g, sq) \geq l$ and $p > l$ and $p - sq > zs_l$' or '$zs_l \geq p - sq$ and $p - max(g, sq) > zs_g$ and either $p > sq \geq g > l$ or $p > g > sq \geq l$'"], then $L = G = sq$.
- If $k_g = k_l = 0$ and $g < min(l, p)$ and $g \leq sq$ and $p - sq > zs_g$, then $L = p$ and $G = sq$.
- If $k_g = k_l = 0$ and $g \leq min(l, sq) < p$ and $p - l > l - sq + zs_l$ and $p - l > zs_l$ and $zs_g \geq p - sq$, then $L = l$ and $G = sq$.

Full compliance

- If $k_g = k_l = 0$ and either $min(g, l) \geq p$ or "$g \geq p \geq l$ and $zs_l \geq p - max(l, sq)$" or "$l \geq p > g$ and $zs_g \geq p - max(g, sq)$" or "$p > max(g, l)$ and $zs_l \geq p - max(l, sq)$ and $zs_g \geq p - max(g, sq)$" or "$g < l < p$ and $zs_l < p - l \leq l - max(g, sq) + zs_l$ and $zs_g \geq p - max(g, sq)$," then $L = G = p$.

Partial Compliance

- If $k_g = k_l = 0$ and either "$g \geq l > sq$ and $p > l$ and $p - l > zs_l$" or "$p > g > l > sq$ and $zs_l \geq p - l$ and $p - g > zs_g$," then $L = G = l$.
- If $k_g = k_l = 0$ and $sq < g < min(l, p)$ and $p - g > zs_g$, then $L = p$ and $G = g$.
- If $k_g = k_l = 0$ and $sq < g < l < p$ and $p - l > l - g + zs_l$ and $zs_g \geq p - g$, then $L = l$ and $G = g$.

Proof:

We prove the proposition by backward induction on the model's extensive form. This procedure entails first deriving the bureaucracy's best response in all of the situations in which it could be and then deriving the legislature's best response given how it expects the bureaucracy to respond. Those familiar with the concept of backward induction will find the proof very straightforward. For others, we augment the math with intuition at key points.

At the time of its decision, the bureaucracy's expected utility is: $EU_g(G = sq) = -|sq - g| - zs_g$, $EU_g(G \in (sq, p)) = -|G - g| - zs_g - k_g$, and $EU_g(G = p) = -|p - g| - k_g$.

- If $k_g = k+$, then $G = sq$. This follows from the assumption $k_g > |sq - g| + zs_g$.
- If $k_g = 0$ and $g \geq L$, then $G = L$. For $\forall g \geq L$, $L < p$, $EU_g(G \in [sq, L]) = -g - G - zs_g$ and $\partial EU_g(G \in [sq, L])/\partial G = 1$. For $L = p$, $EU_g(G = L) = -|p - g|$. EU_g

is maximized as G approaches L. If $zs_g > 0$, the bureaucracy maximizes expected utility at $G = L$. If $zs_g = 0$, $G = L$ by the tie-breaking rule. In words, the bureaucracy selects L because it is as close to its ideal policy as the initiative and the legislature's prior actions allow it to get. If $L = p$, this action is also the only one that precludes a sanction.

- If $k_g = 0$, $max(g, sq) < L$, $L = p$, and $zs_g \geq p - max(g, sq)$, then $G = L$. Suppose $g > sq$ (the case $g \leq sq$ follows equivalent logic). Then, $EU_g(G \in [sq, g]) = -g - G - zs_g$, $\partial EU_g(G \in [sq, g])]/\partial G = 1$, $EU_g(G \in [g, L)) = -G - g - zs_g$, and $\partial EU_g(G \in [g, L])/\partial G = -1$. Therefore, the bureaucracy maximizes EU_g within $[sq, p)$ at $G = g$. However, $zs_g \geq p - g$. Therefore, $EU_g(G = L) = -|p - g| \geq -zs_g = EU_g(G = g)$. Thus, the bureaucracy maximizes EU_g at $G = L$. In words, expected sanctions outweigh the policy benefits of partial or zero compliance.

- If $k_g = 0$, $max(g, sq) < L$, $L = p$ and $p - max(g, sq) > zs_g$, then $G = g$. Suppose $g > sq$ (the case $g \leq sq$ follows equivalent logic). Here, $EU_g(G \in [sq, g]) = -g - G - zs_g$, $\partial EU_g(G \in [sq, g])/\partial G = 1$, $EU_g(G \in [g, L)) = -G - g - zs_g$ and $\partial EU_g(G \in [g, L])/\partial G = -1$. Therefore, within $[sq, p)$, the bureaucracy maximizes EU_g at $G = g$. Since $p - g > zs_g$, $EU_g(G = L) = -|p - g| < -zs_g = EU_g(G = g)$. Thus, the bureaucracy maximizes EU_g at $G = g$. In words, the policy benefits of its preferred level of compliance outweigh the expected sanctions for noncompliance.

- If $k_g = 0$, $L \neq p$ and $max(g, sq) < L$, then $G = max(g, sq)$. Suppose $g > sq$ (the case $g \leq sq$ follows equivalent logic). In this case, $EU_g(G \in [sq, g]) = -g - G - zs_g$, $\partial EU_g(G \in [sq, g])/\partial G = 1$, $EU_g(G \in [g, L]) = -G - g - zs_g$, and $\partial EU_g(G \in [g, L])/\partial G = -1$. Therefore, the bureaucracy maximizes EU_g at $G = g$. In words, because the legislature has already made the decision to comply only partially, the bureaucracy's actions cannot trigger a sanction. Therefore, it enforces only its most preferred policy.

We now derive the legislature's equilibrium strategy. As was true of the bureaucracy, if $k_l = k+$, then $L = sq$. This follows from the assumption $k_l > |sq - l| + zs_l$. Also, if $k_g = k+$, then $G = sq$ and $L = p$. In this case, $EU_l(L \in [sq, p]) = -|sq - l| - zs_l$. By the tie-breaking rule, $L = p$. Henceforth, we derive the legislature's best response for $k_l = k_g = 0$. To make the proof easier to follow, we classify cases by the gubernatorial responses that they induce. Note that the subcases are mutually exclusive and collectively exhaustive.

Case 1: $g \geq L$ induces $G = L$. Here, $EU_l(L \in [sq, p)) = -|L - l| - zs_l$ and $EU_l(L = p) = -|p - l|$.

- If $min(g, l) \geq p$, then $L = p$. In this case, $EU_l(L \in [sq, p)) = -l - L - zs_l$. Since $\partial EU_l(L \in [sq, p))/\partial L = 1$, EU_l is maximized in this range as L approaches p. At $L = p$, $EU_l(L) = -|p - l|$. Since $zs_l \geq 0$, $EU_l(L) \geq max(EU_l(L \in [sq, p)))$. In words, the legislature selects p because it is as close to its ideal policy as the initiative allows.

- If $g \geq p \geq l$ and $zs_l \geq p - max(l, sq)$, then $L = p$. Suppose $l > sq$ (the case $l \leq sq$ follows equivalent logic). Here, $EU_l(L \in [sq, l]) = -l - L - zs_l$ and $EU_l(L \in$

$[l, p)) = -L - l - zs_l$. $\partial EU_f(L \in [sq, l])/\partial L = 1$. $\partial EU_f(L \in [l, p))/\partial L = -1$. Therefore, within $[sq, p)$, the legislature maximizes EU_l at $L = l$. Since $zs_l \geq p - l$, $EU_l(L = p) = -|p - l| \geq -zs_l = EU_l(L = l)$. Therefore, the legislature maximizes EU_l at $L = p$. In words, the expected sanctions outweigh the benefits of moving the policy outcome from the proponent's ideal policy to the legislature's most preferred policy.

- If $g \geq l$ and $p > l$ and $p - max(l, sq) > zs_l$, then $L = max(l, sq)$. Suppose $l > sq$ (the case $l \leq sq$ follows equivalent logic). Here, $EU_f(L \in [sq, l]) = -l - L - zs_l$ and $EU_f(L \in [l, p)) = -L - l - zs_l$. $\partial EU_f(L \in [sq, l])/\partial L = 1$. $\partial EU_f(L \in [l, p))/\partial L = -1$. Therefore, the legislature maximizes EU_l within $[sq, p)$ at $L = l$. Since $zs_l < p - l$, $EU_f(L = p) = -|p - l| < -zs_l = EU_l(L = l)$. Thus, the legislature maximizes EU_l at $L = p$. In words, the legislature faces insufficient sanctions for noncompliance and the bureaucracy prefers the legislature's ideal level to any smaller level.

Case 2: $g < L$ and $p - max(g, sq) > zs_g$ induce $G = max(g, sq)$. Here, $EU_f(L \in [max(g, sq), p]) = -|max(g, sq) - l| - zs_l$.

- If $g < min(l, p)$, then $L = p$. Suppose $g > sq$ (the case $g \leq sq$ follows equivalent logic). Since $g < L$ and $L \in [sq, p]$, $g < p$, $EU_f(L \in [g, p]) = -l - g - zs_l$ and $\partial EU_f(L \in [g, p])/\partial L = 0$. Therefore, the legislature gets equal expected utility from any $L \in [g, p]$. By the tie-breaking rule, $L = p$ as it is the only $L \in [g, p]$ not sufficient to cause a sanction. In words, the bureaucracy faces insufficient sanctions for noncompliance. It prefers partial compliance and less compliance than the legislature. The legislature implements p knowing that it cannot prevent the bureaucracy from enforcing only partial compliance.

Case 3: $g < L$ and $p - max(g, sq) > zs_g$ induces $G = max(g, sq)$ while $g \geq L$ induces $G = L$. Here, $EU_f(L \in [sq, g]) = -|L - l| - zs_l$, $EU_f(L \in [max(g, sq), p]) = -|max(g, sq) - l| - zs_l$, and $EU_f(L = p) = -|p - l|$.

- If $p > g > l$ and $zs_l \geq p - max(l, sq)$, then $L = max(l, sq)$. Suppose $l > sq$ and $g > sq$ (the other cases follow equivalent logic). If $g \geq L$, then, $G = L$. Therefore, $EU_f(L \in [sq, l]) = -l - L - zs_l$ and $EU_f(L \in [l, g]) = -L - l - zs_l$. Since $\partial EU_f(L \in [sq, l])/\partial L = 1$ and $\partial EU_f(L \in [l, g])/\partial L = -1$, the utility is maximized in $[sq, g]$, $-zs_l$, at $L = l$. If $g < L$ and $p - max(g, sq) > zs_g$, then $G = max(g, sq)$. In this case, $EU_f(L \in [g, p]) = -g - l - zs_l < -zs_l = EU_l(L = l)$. Therefore, the legislature maximizes EU_l at $L = l$. In words, the bureaucracy faces insufficient sanctions and prefers the legislator's ideal policy to full compliance. Since the bureaucracy will act alone regarding partial compliance if required, the final likelihood of sanction is independent of the legislature's actions. Therefore, the legislature implements its most preferred policy and the bureaucracy accepts it.

Case 4: $g < L$ and $zs_g \geq p - max(g, sq)$ and $L = p$ induce $G = L$ while $g < L$ and $zs_g \geq p - max(g, sq)$ and $L \neq p$ induce $G = max(g, sq)$. Here, $EU_f(L \in [sq, p)) = -|max(g, sq) - l| - zs_l$ and $EU_f(L = p) = -|p - l|$.

- If $l \geq p > g$, then $L = p$. Suppose $g > sq$ (the case $g \leq sq$ follows equivalent logic). Since $g < L$ and $L \in [sq, p]$, $g < p$, $EU_f(L \in [g, p)) = -l - g - zs_l$ and $\partial EU_f(L \in [g, p))/\partial L = 0$. Therefore, the legislature gets equal expected utility from any $L \in [g, p)$. At $L = p$ in this case, $G = L$. Therefore, $EU_f(L = p) = -l - p$. Since $l \geq p$, the legislature maximizes EU_l at $L = p$. In words, the legislature favors full compliance and the bureaucracy faces sufficient sanctions.

- If $p > max(g, l)$ and $zs_l \geq p - max(l, sq)$, then $L = p$. Suppose $l > sq$ (the case $l \leq sq$ follows equivalent logic). In this case, $EU_f(L \in [sq, l]) = -l - L - zs_l$ and $EU_f(L \in [l, p)) = -L - l - zs_l$. $\partial EU_f(L \in [sq, l])/\partial L = 1$. $\partial EU_f(L \in [l, p))/\partial L = -1$. Therefore, within $[sq, p)$, the legislature maximizes EU_l at $L = l$. Since $zs_l \geq p - l$, $EU_f(L = p) = -|p - l| \geq -zs_l = EU_f(L = l)$. Therefore, the legislature maximizes EU_l at $L = p$. In words, both the bureaucracy and the legislature face expected sanctions sufficient to induce full compliance.

- If $k_l = 0$, $g < l < p$ and $zs_l < p - l \leq l - max(g, sq) + zs_l$, then $L = p$. Suppose $g > sq$ (the case $g \leq sq$ follows equivalent logic). Given the bureaucracy's reaction in this case, $EU_f(L \in [sq, g]) = -l - L - zs_l$ and $EU_f(L \in [g, p)) = -l - g - zs_l$. $\partial EU_f(L \in [sq, g])/\partial L = 1$. $\partial EU_f(L \in [g, p))/\partial L = 0$. Therefore, within $[sq, p)$, the legislature maximizes EU_l at $L \in [g, p)$. Since $p - l \leq l - max(g, sq) + zs_l$, $EU_f(L = p) = -|p - l| \geq -|l - max(g, sq)| - zs_l = EU_f(L = l)$. Therefore, the legislature maximizes EU_l at $L = p$. In words, if the legislature chooses a partial compliance level at or above that of the bureaucracy, the bureaucracy will enforce only its own preferred level. If the legislature chooses full compliance, the bureaucracy—whose partial compliance decision would then trigger sufficient sanctions—will as well. The legislature prefers full compliance to the bureaucracy's most preferred level. Therefore, it implements p, sacrificing its own ideal policy for the sake of reducing the bureaucracy's discretion.

- If $g < l < p$ and $p - l > l - max(g, sq) + zs_l$, then $L = l$. Suppose $g > sq$ (the case $g \leq sq$ follows equivalent logic). Given the bureaucracy's reaction in this case, $EU_f(L \in [sq, g]) = -l - L - zs_l$ and $EU_f(L \in [g, p)) = -l - g - zs_l$. $\partial EU_f(L \in [sq, g])/\partial L = 1$. $\partial EU_f(L \in [g, p))/\partial L = 0$. Therefore, within $[sq, p)$, the legislature maximizes EU_l, $EU_l = -|l - max(g, sq)| - zs_l$, at $L \in [g, p)$. Since $p - l > l - max(g, sq) + zs_l$, $EU_f(L = p) = -|p - l| < -|l - max(g, sq)| - zs_l = EU_f(L = l)$. From this inequality and the tie-braking rule, we get $L = l$. In words, if the legislature chooses a partial compliance level at or above that of the bureaucracy, the bureaucracy will enforce only its own preferred level. If the legislature chooses full compliance, the bureaucracy—whose partial compliance decision would then trigger sufficient sanctions—will as well. The legislature prefers the bureaucracy's preferred level to full compliance. Therefore, it chooses partial compliance to expand the bureaucracy's discretion.
  QED.

Result 1. Zero compliance $\Leftrightarrow k_l = k+$ or $k_g = k+$ or $[k_g = k_l = 0$ and either "'$min(g, sq) \geq l$ and $p > l$ and $p - sq > zs_l$' or '$zs_l \geq p - sq$ and $p - max(g, sq) >$

zs_g and either $p > sq \geq g > l$ or $p > g > sq \geq l$'" or "$g < min(l, p)$ and $g \leq sq$ and $p - sq > zs_g$" or "$g \leq min(l, sq) < p$ and $p - l > l - sq + zs_l$ and $p - l > zs_l$ and $zs_g \geq p - sq$."]

Result 2. Full compliance $\Leftrightarrow k_g = k_l = 0$ and either $min(g, l) \geq p$ or "$g \geq p \geq l$ and $zs_l \geq p - max(l, sq)$" or "$l \geq p > g$ and $zs_g \geq p - max(g, sq)$" or "$p > max(g, l)$ and $zs_l \geq p - max(l, sq)$ and $zs_g \geq p - max(g, sq)$" or "$g < l < p$ and $zs_l < p - l \leq l - max(g, sq) + zs_l$ and $zs_g \geq p - max(g, sq)$," then $L = G = p$.

Remaining case. Partial compliance level $l > sq \Leftrightarrow k_g = k_l = 0$ and either "$g \geq l > sq$ and $p > l$ and $p - l > zs_l$" or "$p > g > l > sq$ and $zs_l \geq p - l$ and $p - g > zs_g$." Partial compliance level $g > sq \Leftrightarrow k_g = k_l = 0$ and either "$sq < g < min(l, p)$ and $p - g > zs_g$" or "$sq < g < l < p$ and $p - l > l - g + zs_l$ and $zs_g \geq p - g$."

The proofs of Results 1–2 follow directly from the proof of the equilibrium.

N-ACTOR MODEL

Additional Premises:

- Let the game involve additional actors. Let each actor be an independent draw from a large set of potential actors, I. Let $|I| > 0$ denote the number of additional actors drawn.
- Let each actor have skills identical to those of the bureaucracy. That is, let every actor $i \in I$ make a choice $C_i \in [sq, C_{i-1}]$, where C_{i-1} refers to the choice of the previous actor and $C_0 = p$. Let them also face costs k_i, where such costs are defined analogously to those of the legislature and the bureaucracy.
- Let the distribution I have the following qualities under "normal conditions":
  - Each additional actor i has ideal policy $a_i \geq p$, with probability < 1.
  - Each additional actor i faces sanction s_i such that $p - a_i \leq zs_i$, with probability < 1.
  - For each actor, let the determination of these two probabilities be independent.
- Let an increase in vagueness imply a decrease in z or an increase in $|I|$.
- Let G_x be the game's final outcome in a game with $|I| = x$ actors under normal conditions.

First Lemma. If normal conditions persist, then as $|I|$ increases, the likelihood of full compliance goes to zero.

Proof: If any actor's compliance costs are prohibitive or if the bureaucracy and legislature do not satisfy the conditions of Result 2, then the likelihood of full compliance is zero. It remains to show that the likelihood of full compliance approaches zero as $|I|$ increases for the case where the conditions of Result 2 are satisfied for the legislature and the bureaucracy. Note that every additional actor faces a decision calculus identical in structure to that of the bureaucracy. So for any added actor, $a_i < p$ and $p - a_i > zs_i$, implies $max(a_i, sq) < G_{i-1}$, and $p - max(a_i, sq) > zs_g$, implies $C_i \neq p$. Under normal conditions, $prob(a_i < p \wedge p - a_i > zs_i)$

> 0 for any single added actor. Denote this probability $q > 0$. When $|I| = N > 0$, the probability that $a_i < p \wedge p - a_i > zs_i$ for at least one actor is $Q = N!q(1 - q)^{N-1}$. Since $q > 0$, as N grows, $Q \Rightarrow 1$. Since only one such actor is needed for less than full compliance, as N grows, the probability of full compliance goes to zero. QED.

Second Lemma: If normal conditions persist, then as $|I|$ increases, the likelihood of full compliance goes to zero.

Result 3: If normal conditions persist and vagueness makes $|I|$ sufficiently high, then there exists an actor $x \in I$, for whom an outcome G_x is closer to a_x than it is to p.

The proofs of these Results follow logic equivalent to that of the proof of the first lemma.

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Elisabeth R. Gerber is professor of Public Policy and the Director of the Center for State, Local, and Urban Policy at the Gerald R. Ford School of Public Policy, University of Michigan, Ann Arbor, MI (ergerber@umich.edu). Arthur Lupia is professor of political science and a Senior Research Scientist at the Institute for Social Research at the University of Michigan, Ann Arbor, MI (lupia@umich.edu). Mathew D. McCubbins is the Chancellor's Associates Chair VIII in the Department of Political Science at the University of California, San Diego (mmccubbins@ucsd.edu).