

BALLOTS VS. BACKLASH: TRENDS, THREATS, AND THE FUTURE OF DIRECT DEMOCRACY

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This report was authored by:

Movement Advancement Project

MAP's mission is to provide independent and rigorous research, insight, and communications that help speed equality and opportunity for all people. MAP works to ensure that all people have a fair chance to pursue health and happiness, earn a living, take care of the ones they love, be safe in their communities, and participate in civic life.

Contact Information

Movement Advancement Project

1905 15th Street #1097

Boulder, CO 80306

1-844-MAP-8800

www.mapresearch.org

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Introduction

As state legislatures across the country become more polarized, citizens are increasingly turning to direct democracy to protect fundamental rights and advance popular policies that elected officials refuse to address. But the success of recent initiatives, especially around issues like reproductive rights, has prompted a strong backlash from some state legislatures opposed to those efforts. Several states have recently passed new restrictions that make it harder for citizens to utilize direct democracy, in addition to trying to undo measures that voters have already approved.

This report examines how direct democracy works across the states and the ways in which state legislatures are trying to restrict these processes. Efforts to limit access to direct democracy raise serious concerns; by making it more difficult for citizens to exercise rights guaranteed in state constitutions, public trust is undermined and our democratic institutions are weakened.

Important Note—Any discussion of the citizen initiative process and its impacts must grapple with an underlying tension: while initiatives have often served as a vehicle for the expansion of rights, they have also been used to restrict the rights of minority groups. Perhaps the most prominent example of this dynamic was the wave of bans on marriage and relationship recognition for same-sex couples that appeared on state ballots in the early 2000s. The initiative process has also been used to pass strict voter ID policies, anti-immigrant policies, and other restrictive measures. While some of these trends eventually shifted along with public opinion, it is important to acknowledge the question of whether such fundamental rights should be beyond the reach of a simple majority vote.

Why Is This Important?

While polling consistently shows broad public support for policies ranging from reproductive rights to fair wages, state legislatures refuse to act. They may be focused on other issues, gridlocked and unable to find compromise necessary to pass such legislation, or as is the case in many state legislatures, political party control may dictate inaction or even lead to the passage of laws that directly contradict the will of their constituents. Together with the lack of action by the federal government on key issues such as wages, cost of living, fundamental rights such as access to health care or reproductive care, and more, this disconnect has reached unprecedented levels. This situation is sometimes referred to as a “representation crisis” where elected officials are more responsive to partisan ideology and special interests than to the voters who put them in office.

In response, citizens have turned to direct democracy as a lever to force change and bypass their indifferent legislatures. Direct democracy is a broad term that refers to processes outlined in state constitutions where citizens can propose and vote directly on laws and policies themselves, rather than relying on elected representatives to make those decisions for them.

Recent successes have demonstrated the power of this approach: reproductive freedom measures have passed in several conservative states, as well as democracy reform, minimum wage increases, and marijuana legalization.

However, these recent victories have triggered a severe backlash. Conservative state legislatures, frustrated by their inability to control the initiative process, have launched an unprecedented attack on these democratic actions. The result is a dangerous erosion of one of the fundamental principles of democracy: the right of citizens to directly participate in their own governance.

Increasing Extremism of State Legislatures

To understand why citizens are increasingly turning to direct democracy, it is essential to examine the growing ideological extremism in state legislatures over the past decade, with members advancing policies that are out of step with the preferences of the broader electorate. On issues ranging from reproductive freedom to drug legalization, legislatures in several states have enacted policies that limit access even as polls show widespread support for more expansive rights.

This polarization manifests in several key ways. One way is through gerrymandering, where politicians abuse and manipulate the redistricting process to draw legislative maps that favor one party. This results in more uncompetitive elections and incentivizes legislators to appeal to primary voters rather than general election constituencies, often leading to more extreme candidates. While gerrymandering has long been a problem, recent efforts in states like Missouri and Texas to conduct mid-decade redistricting threatens to further worsen the situation.

State legislatures are also increasingly focused on culture war issues rather than addressing their constituents' concerns. Instead of introducing legislation to tackle foundational issues like healthcare, education, or infrastructure, they are instead prioritizing divisive social issues.

These lawmakers are also frequently out of step with public opinion. Polling data reveal substantial gaps between legislative action and public opinion spanning multiple issue areas.

Finally, it is important to note that the new administration in Washington has only exacerbated this polarization and increasing ideological extremism. The federal government's unwillingness to protect fundamental rights has further empowered state legislatures to enact new restrictions on reproductive freedom, LGBTQ equality, voting rights and many other areas. These trends have led many citizens to seek alternative avenues for policy change—most notably through direct democracy.

How Michigan Achieved Election Reform Through Direct Democracy

While many states have struggled to adopt meaningful election reforms, the use of direct democracy in Michigan has led to the state being among the nation's leaders in voter access. Since 2018, Michigan voters have approved ballot measures to create an independent redistricting commission, establish automatic and same-day voter registration, allow no-excuse absentee voting and many other pro-voter reforms. Notably, all of these measures passed with at least 60 percent of the popular vote.

Michigan's Democracy Tally



Overall Tally:
28.5/36.5

HIGH



Who Votes: 9.75/11

Voter Registration

5/5

HIGH

Representation & Participation

4.75/6

HIGH

How to Vote: 7.75/12

Voting in Person

3/6

MEDIUM

Voting by Mail

4.75/6

HIGH

Protecting the Vote: 11/13.5

Election Security

6/7

HIGH

Independence & Integrity

5/6.5

HIGH

The History of Citizen Initiatives as a Democratic Response

The initiative process has deep roots in American political tradition, dating back to the Progressive Era in the late 1800s, when reformers sought to combat corruption and increase citizen participation in government. The initiative process, as well as other mechanisms like referendums, were designed as tools for citizens to be able to act when their representatives failed to represent their interests.

In the past decade we have witnessed a [surge](#) in citizen-initiated ballot measures particularly on issues where state legislatures have refused to act despite clear public support. Some of the key issues where these initiatives have been successful include:

Reproductive Rights: Following the [Dobbs](#) decision by the U.S. Supreme Court, citizen groups in multiple states organized efforts to place reproductive rights measures on the ballot. Since the *Dobbs* decision in 2022, [eleven states](#) have passed ballot measures to protect abortion rights, and anti-abortion measures have been defeated in several other states. One of the few notable failures, in Florida, was only due to the state's 60% passage threshold, the highest in the nation.

Electoral Reform: Initiatives have also been used to enact electoral reforms consistently opposed by legislators, in particular redistricting reform. [Numerous states](#) have

passed measures over the past decade establishing independent redistricting commissions in efforts to fight partisan gerrymandering.

Economic Justice & Health: Minimum wage increases, paid sick leave and other health care expansion measures have succeeded through the initiative process even in staunchly conservative states. In 2024, voters in Missouri approved a measure that enacted both a minimum wage increase and paid sick leave, and voters in Nebraska also approved a paid sick leave measure.

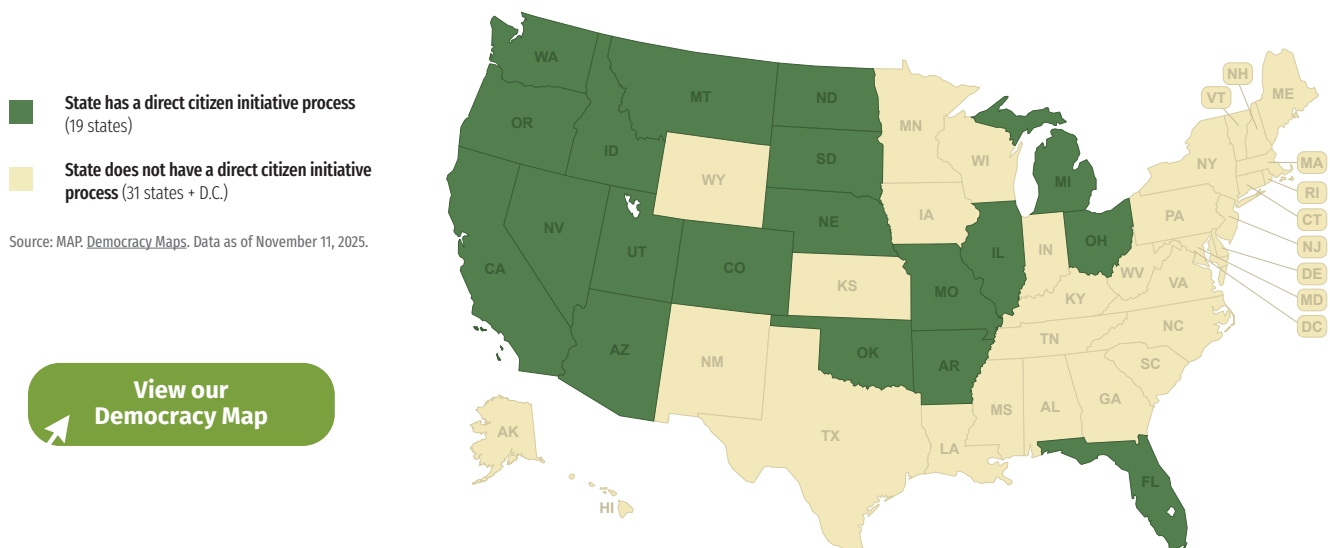
Direct democracy has emerged as a powerful tool for advancing popular policy, particularly in states where legislatures are not responsive to public opinion.

The Current Landscape

Broadly, there are three main processes whereby measures can be placed on the ballot: citizen initiatives (direct or indirect), popular referendums, and legislative referrals. These processes are commonly called “ballot measures” or “direct democracy.”

This report focuses specifically on direct citizen initiatives, where measures proposed by citizens are put on the ballot without involvement from the state legislature, if they meet certain qualifications such as signature gathering. By contrast, indirect citizen initiatives are first submitted to the legislature, which can then approve of the measure without it going to the ballot, allow the measure to go to the ballot, or even submit a competing measure. These legislative referrals can be used in

FIGURE 1: 19 STATES HAVE DIRECT CITIZEN INITIATIVE PROCESSES



every state, while direct citizen initiatives and popular referenda are only available in about half of the states.

Currently, 19 states have a direct citizen initiative process.¹ These states are mostly concentrated in the western part of the country, and 37% of the voting eligible population lives in these states.

How Do Initiatives Get on the Ballot?

The requirements for getting an initiative on the ballot differ widely between states, but the process typically includes a common series of steps. First a group of citizens must file a petition with the designated official in their state. The official then reviews the petition to see if it complies with state requirements around subject matter, language and other criteria, before preparing a ballot title and summary. The citizen group must then gather the required number of signatures under state law, before resubmitting the petition to have the signatures verified. The measure can then go on to the ballot.

States impose similar sets of requirements on this process, although again there are wide variations within these categories. The most common requirements that need to be fulfilled include:



Signature Gathering Thresholds: All states require a minimum number of valid petition signatures to qualify a measure for the ballot.

This threshold is typically based on a percentage of votes in a recent election, or the total number of registered voters. The required percentage of signatures based on this metric ranges from as low as five percent to as high as 15%, depending on the state.



Geographic Distribution: Many states impose requirements that collected signatures must come from voters distributed across multiple counties, legislative districts, or congressional districts in order to qualify. These geographic requirements are typically merged with signature gathering thresholds to set a percentage of signatures required in each region.



Timelines: States also impose deadlines for collecting signatures and submitting petitions, which vary widely. Some states set strict circulation periods to collect signatures, ranging from 90 days to two years. States also typically require petitions to be filed a specific amount of time before the next general election. In addition, some states build in additional time for legal challenges, review by state officials, and notification to voters.



Subject Matter: Many states with initiative processes enforce a “single subject” rule, where the measure must only address one issue. Some states also prohibit measures on certain topics such as taxation.



Language and Readability: Many states also have requirements that the text of the initiative itself contain language that is clear, concise and easy for the average voter to understand.



Passage Thresholds: Most states require simple majorities for initiative passage, but some states have imposed supermajority thresholds or require approval in consecutive elections.

¹ Mississippi's constitution allows direct citizen initiatives, but a 2021 decision by the state supreme court has currently nullified the process.



INFOGRAPHIC

HOW DO INITIATIVES GET ON THE BALLOT?



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1



Petition
Filed

2



Official Review For
Compliance with
State Requirements

3



Signature
Gathering

4



Signature Verification
& Final Approval

5



Measure Goes
to Ballot

State Efforts to Restrict the Initiative Process

As citizen initiatives have delivered recent victories for policies like reproductive freedom that are opposed by conservative state legislatures, those same legislatures have responded with systematic efforts to restrict and undermine the initiative process. This backlash has taken multiple forms, from procedural barriers that make qualification for the ballot more difficult to substantive restrictions on passage of these measures:

Expanding Signature Requirements: Since 2018, at least seven states² have passed laws to increase the number of petition signatures required to get on the ballot, although not all of these laws have taken effect. States like Florida have also enacted new and more complex requirements for verifying petition signatures, leading to more petitions being disqualified. In addition, some states have imposed shortened timeframes for signature collection, which in tandem with other expanded requirements, can make it difficult to get on the ballot.

Increasing Geographic Distribution Requirements: At least five states³ have recently passed laws increasing the geographic distribution requirements for signature gathering. While many states have existing standards of this type, recent efforts have focused on expanding these thresholds to require signatures to be gathered from every county or district in the state. This can be an extreme time and cost burden on initiative campaigns, particularly in states with sparsely populated rural regions. In addition, these expanded requirements can essentially give one county or district a “veto power” over an initiative that is broadly popular in a state.

Costly Financial and Administrative Burdens: States have also heightened the financial and administrative hurdles for citizen initiatives to get on the ballot in recent years. A number of states have imposed high filing fees to submit an initiative proposal, and Florida now requires initiative campaigns to post a \$1 million bond, an unprecedented financial hurdle for any grassroots campaign.

Limits and Restrictions on Petition Circulators: States have also recently implemented numerous restrictions on petition circulators, directly impacting who can solicit signatures and how the circulation process must be conducted. Circulators may be required to register with the state, present identification while soliciting signatures, and complete affidavits under penalty of perjury. Some states also restrict the use of paid signature gathering.

Supermajority Thresholds for Passage: In the last five years, at least four states⁴ have attempted to raise the threshold

for initiative passage and impose a supermajority requirement. Arizona’s effort was successful, and four states currently have a supermajority requirement for initiatives to pass. Florida, which raised its threshold to 60% in 2018 following the passage of an amendment restoring voting rights to formerly incarcerated people, recently passed an amendment in the state house to raise the threshold even further to 66.67%.

Legislative Interference: State legislatures have also employed numerous other tactics in their attempts to restrict the initiative process. In 2021, Montana passed a law that requires all initiatives to have the approval of a legislative committee; if the committee disapproves, the measure is printed with a prominent warning. A number of states have also given partisan state executives power over the initiative process, allowing them to alter or reject prospective measures.

² Arizona, Arkansas, Idaho, Michigan, North Dakota, Ohio and Utah.

³ Arizona, Arkansas, Idaho, Michigan and Ohio. Note that some of these laws have been struck down in court.

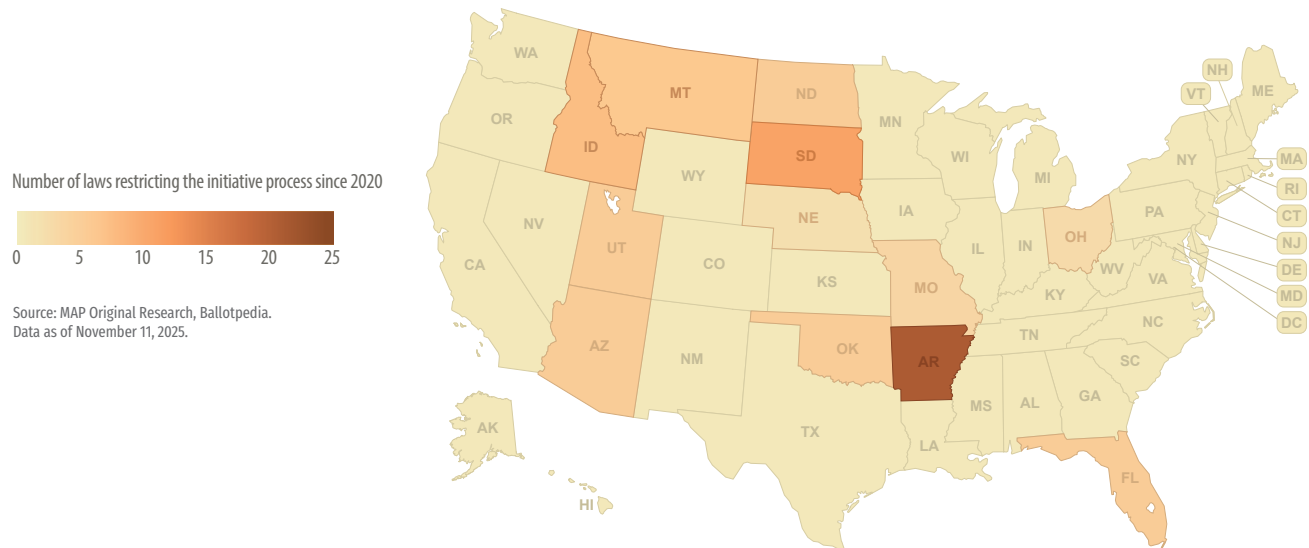
⁴ Arizona, Arkansas, Ohio and South Dakota.

Arkansas Legislature Enacts Extensive Restrictions on Direct Democracy

Arkansas has recently enacted a series of laws to restrict citizen participation in the ballot initiative process. In the 2025 legislative session alone, lawmakers passed more than a dozen new restrictions covering nearly every stage of the initiative process. Canvassers must now read the entire ballot measure title aloud to each potential signer, check their photo ID, and warn them that petition fraud is a crime - all under threat of criminal penalty for any violation. Campaigns must also now gather signatures from at least 50 of the 75 counties in the state, up from the previous requirement of 15, dramatically increasing costs and logistical hurdles.

While the legislature claims these measures are intended to prevent fraud, advocates argue that they are intended to suppress direct democracy and keep initiatives to protect abortion rights off the ballot. Just last year, state officials rejected a proposed abortion rights measure after ruling that some of the canvassed signatures were not properly gathered. The League of Women Voters and other groups have filed lawsuits against these new restrictions and litigation is ongoing.

FIGURE 2: AT LEAST 12 STATES HAVE PASSED 76 LAWS RESTRICTING THE INITIATIVE PROCESS SINCE 2020



Undermining Enacted Initiatives

Beyond restricting the ability of citizens to propose and pass initiatives, state legislatures have increasingly moved to undermine or repeal initiatives already approved by popular vote. This represents a particularly troubling assault on the democratic process, directly contradicting the will of the electorate.

Legislatures have employed a number of tactics to subvert voter approved initiatives. One of the most common approaches has been to pass “clarifying” or “implementing” legislation that fundamentally alters the intent or effectiveness of an already passed initiative. For example, in Utah, voters approved a measure in 2018 to legalize the use of medical marijuana. Within months of the passage of the initiative, the state legislature passed so-called “improvements” that effectively nullified the initiative entirely.

Missouri provides the most brazen recent example of legislatures undermining initiatives that have already passed. In 2024, voters passed two measures in the state to implement paid sick leave and raise the minimum wage. The legislature then made it a priority during this year’s legislative session to pass laws essentially repealing both of these measures. The legislature is also currently attempting to undo the abortion rights measure enacted by voters last year.

These anti-democratic tactics are part of a larger trend and are being employed more and more across the states. Data shows that of all initiatives passed between 2010 and 2023, one out of five were subsequently altered by the state legislature, directly contradicting the will of the people.

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Conclusion

The growing disconnect between public opinion and legislative action has created increased demand for direct democracy, but the same forces driving this disconnect are working to restrict these tools. As state legislatures become more ideologically extreme and less responsive to their constituents, citizen initiatives have emerged as a vital mechanism for protecting rights and advancing popular policies. Yet, the backlash against these democratic tools—from procedural hurdles to outright legislative sabotage—threatens to erode one of the few remaining avenues for public participation in governance.

Preserving and strengthening the initiative process is not just a matter of policy—it is a defense of democratic principles. If citizens are denied meaningful ways to enact change, the legitimacy of our democratic institutions will continue to erode. Lawmakers, advocates, and the public need to recognize the urgency of this moment and to take action to safeguard direct democracy.