

Explain the advantages and disadvantages of the use of referendums and initiatives in the USA

▲ referendum is an electoral device it is used nationally through America. This allows voters to veto a bill the state legislature passed. Some states require that changes to the constitution must be approved state-wide. In other states changes in state tax must be approved this way. ▲ An initiative is a process that allows citizens to bypass their state legislature by placing proposed laws and in some states constitutional amendments on the ballot. South Dakota first adopted this in 1898 and 23 states followed. Referendums and initiatives are similar, the main difference being that rather than citizens taking the initiative, referendums follow from something that the state legislators have already done.

The initiative mechanism acts as a check on the activities of the legislature. This is because legislators are more likely to introduce certain reforms and measures if the initiative mechanism exists, because it is likely that if they do not, an initiative on the issue will be launched. One example is that US researchers have shown that US states that use the initiative process are more likely than those that do not, to have introduced governance reform policies.

One often cited disadvantage of citizens' initiatives is that they result in badly drafted law, the wording of the measure as initially proposed ends up as statute if the measure is passed. It is argued that the failure to use the expertise provided by government lawyers and officials who are familiar with the drafting process leads to laws that can be meaningless or ineffective, or have to be re-drafted, because the individuals or lawyers who draft the measures are not experienced in legislative drafting. ▲ Additionally, in some cases, statute created by the initiative process is found to be unconstitutional. ▲ further disadvantage is the sheer number and complexity of issues that voters are expected to vote on. It is argued that it is impossible for voters to make informed decisions when there are a substantial number of initiatives on the ballot. ▲ related argument is that citizens cannot be expected to make decisions on complex issues that they, unlike elected representatives, do not have the time to learn about. ▲ frequent criticism of citizens' initiatives is that they are only really accessible to well-resourced organisations and interests, and that the process is therefore hijacked by special interest groups promoting their own interests.

▲ An argument in favour of referendums is that you can use to solve political problems, particularly for incumbent governments, for example, if an issue divides the party in power, a referendum can help to find a solution without the party broke. ▲ Another argument, governments need a clear popular mandate to bring fundamental changes that were not part of the platform with which they campaigned at the outset.

There are also various arguments against the use of referendums. One of these is that it weakens representative democracy by undermining the role and importance

Hinali Pandya

of elected officials. Similarly, referendums are sometimes seen as ways in which elected officials can use to avoid having to take a position unpopular with respect to a controversial issue. Similarly, according to opponents of the referendum, if the executive has the power to determine the circumstances justifying the holding of a referendum, it will make use as a political instrument to serve the needs of the ruling party and not interests of democracy. Also, since the turnout at referendums is lower than in national elections, they believe the argument that referendums reinforce the legitimacy of political decisions do not hold water.