

ECONOMIC VOTING AND SUPPORT FOR CONSTITUTIONAL CONVENTIONS

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Abstract: Scholars typically operationalize economic voting as a choice between two candidates or parties. We expand the scope of performance voting by examining the economic determinants of voter support for constitutional arrangements. Fourteen states periodically ask voters whether to call a constitutional convention. Our theory of constitutional renegotiation predicts voters will endorse a convention if they are dissatisfied with their state's economic performance under status quo institutional arrangements. Aggregate-level analysis indicates support for state constitutional conventions is substantially higher when state income growth is smaller and state unemployment is higher, while the national unemployment rate has no effect. The results of a 2014 pre-election survey of Rhode Islanders, who considered a convention referendum, indicates voters with a negative perception of the state economy were significantly more favorable to a constitutional convention, while national economic assessments were not related to convention attitudes.

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The Articles of Confederation, America's first constitution, left the country economically (as well as politically and diplomatically) vulnerable as the anemic federal government could not solve collective action problems across the states. Alexander Hamilton recognized, as he put it in *Federalist 15* (as cited in Rossiter 1999, 75), the "imbecility of our government" before most of the other founders. In 1783, he wrote to George Washington, bemoaning the prospects for fundamental constitutional change. "There are good dangerous prejudices," he observed (as cited in Hamilton 1851, 346-47), "in the particular States, opposed to those measures which alone can give stability and prosperity to the Union. There is a fatal opposition to Continental views. Necessity alone can work a reform. But how produce it, how apply it, and how keep it in salutary bounds? I fear we have been contenting for a shadow." Fortunately for Hamilton and future generations of Americans, support for "Continental views" grew amongst political elites, but only as the country encountered even greater economic uncertainty.

This paper evaluates the relationship between economic performance and support for constitutions. Unlike the federal constitutional convention, which was largely controlled by political elites, state constitutional change is more citizen-driven. In particular, fourteen states schedule a referendum on whether to call a state constitutional convention every 10-22 years. Over the course of American history, voters have approved convention ballot measures on 37 different occasions.¹ Echoing Hamilton's sentiment that necessity brings reform, we explicate a theory of political behavior in constitutional convention referenda.

In every election, voters are tasked with holding public officials accountable, but seldom are voters asked to evaluate the performance of their founding document. We posit the same factors that drive performance voting in a typical candidate election structure attitudes towards a constitutional convention. Scholars typically operationalize economic voting as a choice

between two candidates or parties, with the strength of the accountability signal moderated by institutional arrangements (e.g., Duch and Stevenson 2008). In state convention referenda, voters have another economic voting option: change the rules by which candidates and parties operate in their state. Building on theories of constitutional renegotiation (Elkins, Ginsburg, and Melton 2009), we predict voters will favor a convention if they have lost faith in the capacity of existing governing institutions to manage the economy.

This paper makes several theoretical and empirical contributions to a variety of literatures. First, we seek to broaden theories of performance voting behavior beyond the scope of incumbent support by analyzing attitudes towards underlying constitutional arrangements. In so doing, we expand an emerging empirical literature on constitutional veneration. Based on survey experiments examining support for the constitutional status quo, Zink and Dawes (2015, 537) conclude, “[T]here is something about constitutions per se that biases individuals against proposals that would result in constitutional change.” Our theory predicts poor economic performance mitigates constitutional status quo bias. At the same time, our theory and findings create a debate in the direct democracy literature about how voters approach the uncertainty associated with popularly-initiated policy change. Bowler and Donovan (1998), for instance, found evidence for their theory that voter apprehension about poor economic performance increases status quo bias on direct democracy measures.

Moreover, this analysis informs normative debates over direct democracy in political science (Achen and Bartels 2016; Magelby 1984; Matsusaka 2005) and popular constitutionalism (Alexander and Solum 2005; L. D. Kramer 2006), a legal theory which posits ordinary citizens to be the most authoritative interpreters of the Constitution. Skeptics of direct democracy and popular constitutionalism alike doubt the capacity of ordinary citizens to make

informed choices. This paper seeks to evaluate the veracity of this critique, especially in light of the assertion that economic voting represents the “best hope for establishing empirical evidence of electoral accountability” in modern democracies (Kayser 2014, 112). Like Alexander Hamilton before him, constitutional scholar Sanford Levinson (2006, 2012) has implored the American people to call a national constitutional convention to cure the U.S. Constitution of several democratic dysfunctions. Analyzing convention referenda allows scholars to examine whether voters can trace problems in ordinary politics to their constitutional roots.

In the next section, we provide a brief overview of the populist nature of state constitutionalism before constructing a theory of voting behavior in convention referenda. Knowledge of state constitutions is not a necessary condition in this theory because voters can use retrospective economic evaluations as a heuristic to determine whether they are willing to experiment with constitutional change. The data provide strong evidence for our theory. An aggregate-level analysis of referenda held since World War II indicates support for state constitutional conventions is significantly higher when state income growth is slower and during times of higher state unemployment. The national unemployment rate, on the other hand, does not significantly affect convention vote shares. We supplement these findings at the individual level with a 2014 pre-election survey in Rhode Island, where voters defeated a convention referendum by a 45-55% margin. Voters with a negative assessment of state economic performance were significantly more likely to favor the ballot measure, while perceptions of the national economy were not significantly related to convention attitudes. We conclude by evaluating the broader theoretical and normative implications of our findings.

A Brief History of American Constitutional Change

Seven years before the federal constitutional convention, the citizens of Massachusetts approved a very different governing document than that which emerged on the national stage. The Massachusetts Constitution of 1780—written primarily by John Adams—is remarkable for several reasons; chiefly among these was the role voters were expected to play in constitutional politics. This was the first constitution in the history of the world ratified by a popular referendum (Tarr 2000, 70), and it included a requirement that 15 years following enactment, its citizens would vote in a referendum on whether to call a new state constitutional convention. Adams believed scheduling this opportunity for voters to consider calling a convention would allow for (as cited in Martineau 1970, 446) “more effectual...[adherence] to the principles of the constitution,” and create opportunities “to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary.” Although they differed politically on many issues, Thomas Jefferson shared Adams’ favorable disposition towards constitutional conventions. In the same letter in which he called for laws and constitutions to expire every 19 years, Jefferson (as cited in Randolph 1829, 298) reasoned, “[I]nstitutions must advance...and keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain ever under the regimen of their barbarous ancestor.”

James Madison, on the other hand, opposed the Adams-Jefferson perspective on calling constitutional conventions regularly. In *Federalist 49*, Madison references Jefferson indirectly in defense of the proposed Constitution’s stringent requirement for calling a convention. Madison (as cited in Rossiter 1999, 283) reasoned, “The danger of disturbing the public tranquility by interesting too strongly the public passions, is a still more serious objection against a frequent

reference of constitutional questions to the decision of the whole society...[I]t must be confessed that the experiments are of too ticklish a nature to be unnecessarily multiplied.”

This debate amongst the Founders foreshadows the dueling constitutional traditions that emerged at national and state levels in American politics (Versteeg and Zackin 2014, 2016). While the United States has had only one constitutional convention, the individual states have held over 200 conventions (Dinan 2006). Nowhere has calling constitutional conventions become so common as in New Hampshire, where residents have done so on 15 occasions via periodic referenda, most recently in 1982 (Levinson and Blake 2016). As of 2013, the average state has adopted 2.94 constitutions in its history, and eighteen states have adopted four or more constitutions. States also amend their constitutions at a much faster pace. The United States Constitution, which is one of the most difficult to amend in the world (Lutz 1994), averages 0.12 amendments per year, compared to the typical state, which averages 1.44 amendments per year (Blake 2013).

Constitutional convention referenda became the first form of direct democracy in American history. Following Massachusetts, New Hampshire and Kentucky wrote convention referenda provisions into their 18th-century constitutions. During the Jacksonian Era, state constitution makers began expanding the scope of direct democracy because of economic concerns. As John Dinan notes (2006, 68), delegates to state conventions held during the mid-19th century “argued that legislatures were routinely incurring debts and then defaulting on them or levying prohibitive taxes to pay them off.” Creating democratic checks on legislative excesses on internal improvements and chartering banks became especially salient following the Panic of 1837. By 1875, nine state constitutions required referendum votes before certain taxing or borrowing measures could take effect (Dinan 2006, 76).

The popular initiative and referendum spread during the Progressive Era, often because citizens lost faith in state governing officials to address their economic concerns. Delegates to early 20th century conventions viewed direct democracy as a solution to legislative failures to address workers' compensation, work hour, and minimum wage laws (Dinan 2006, 84–96). Other forms of direct democracy adopted at the time, such as judicial elections, recall of judges and decisions, became tools to overturn court decisions protecting property rights at the expense of workers' rights (Dinan 2007). As the data in Table 1 indicate, another wave of convention ballot measure requirements were added to state constitutions in the mid-20th century, although this instance of policy diffusion also has its roots in the Progressive Era. The National Municipal League—a government reform organization, founded by Theodore Roosevelt, Frederick Law Olmstead and Louis Brandeis—first published a model state constitution in 1922. This document, which recommends periodic convention referenda, became a blueprint for many states seeking to modernize their constitutions (Bowman and Kearney 2016).

[Insert Table 1 about here.]

As more states adopted convention referenda requirements by the mid-20th century, public support for state constitutional innovation also grew. The average constitutional convention ballot measure between 1950 and 1970 received 51.2% vote support. Vote shares in convention referenda have waned in more recent times (Kogan 2009), but the data in Figure 1 also suggest recent ballot measures are slowly increasing in popularity. Correlation analysis indicates referendum support has increased, on average, by 0.22% per year since 1988. Studying voting behavior on ballot measures (e.g., Bowler and Donovan 1998) or judicial elections provides (e.g., Bonneau and Hall 2009) empirical evidence of the capacity of ordinary citizens to make informed decisions about the laws and institutions that govern them, and convention

referenda are no different in this regard. Unlike these other forms of direct democracy, however, political behavior in convention referenda remains woefully understudied. The only existing behavioral analysis of state constitutional convention referenda (Goodman et al. 1973) uncovered mixed economic findings. While median income by county was positively correlated with aggregate support for convention calls, homeownership rates were negatively correlated.

[Insert Figure 1 about here.]

Towards a Theory of Constitutional Performance Voting

Constitutional reform offers an opportunity to renegotiate the rules upon which ordinary politics is conducted. Such opportunities reform become viable when political actors anticipate the expected future costs of the status quo exceed future benefits plus the cost of renegotiation (Elkins, Ginsburg, and Melton 2009, 73). The uncertain payoffs of a new constitutional bargain complicate this calculation, creating status quo bias (see generally Fernandez and Rodrik 1991; Samuelson and Zeckhauser 1988). The theory of loss aversion (Tversky and Kahneman 1991) suggests this bias increases when the status quo provides relatively strong levels of economic security and political stability.

In *Federalist 49*, James Madison (as cited in Rossiter 1999, 282) describes status quo bias as the product of constitutional veneration, the endorsement from public opinion “which time bestows on every thing, and without which perhaps the wisest and freest governments would not possess the requisite stability.” Zink and Dawes (2015) use two survey experiments to conduct an empirical assessment of constitutional veneration. They find individual attachment to a constitution incentivizes citizens to oppose constitutional amendments even after controlling for political knowledge, policy preferences, and levels of risk aversion. Evidence of constitutional

status quo bias in the study exists across a variety of issues and political contexts, both at the federal and state level.

Overcoming status quo bias is no easy task, as it requires decision makers to consider current and future political outcomes in light of existing and possible alternative constitutional arrangements. Counterfactual thinking like this often reinforces status quo bias because it is a costly form of reasoning (Roese 1997). The costs of counterfactual thinking in convention referenda would likely be very high. In these ballot measures, voters are the decision makers, and they possess low levels of information about politics in general (Delli Carpini and Keeter 1996), and state constitutions, in particular. Indeed, a 1991 survey that revealed only 52 percent of Americans even knew their state had its own constitution (as cited in Tarr 2000, 2).²

Heuristics can help voters in the complex enterprise of evaluating the performance of their state constitution. Decision cues simplify political choices for voters, which, in turn, allow them to predict the consequences of those choices more effectively (Lupia and McCubbins 1998). Heuristics assist citizens, not only in determining issue attitudes and selecting candidates (Sniderman, Brody, and Tetlock 1991), but in voting on ballot measures. For example, Lupia (1994) found poorly-informed voters behaved similarly to well-informed voters on insurance reform initiatives when provided with the preferences of the insurance industry. Even in the absence of aggressive referendum campaigns, voters can use ballot language to gain information about an issue which they are deciding (Burnett and Kogan 2015). In terms of constitutional questions, legislatively-referred constitutional amendments tend to receive higher vote shares than amendments proposed through citizen initiatives. Zink and Dawes (2015, 554) suggest this may be due to voters giving state legislators credence on the necessity of enacting reform.

Bowler and Donovan (1998) identify three types of decision cues voters leverage in making decisions on ballot measures: using the status quo as a reference point, using instrumental evaluations against that reference point, and finding and using elite cues. Unfortunately for voters participating in state constitutional convention referenda, elite cues can be hard to find. While many ballot measures generate expensive campaigns, convention referenda are typically low salience affairs (Dinan 2010). According to the National Institute on Money in State Politics, which recently began tracking ballot measure spending, there were no issue committees formed to advocate for or against eight of the 11 convention referenda held between 2008 and 2014. The combined spending on the remaining three referenda (Michigan, 2010; Connecticut and Illinois, 2008) was less than \$3 million. By comparison, the total amount spent on all ballot campaigns from the same 11 state-years was \$25 million.³

Bowler and Donovan (1998, 67–83) largely dismiss the potential of retrospective voting. Instead, their theory predicts voters anticipate whether they will be better off if a new initiative is adopted, but when a state's economy is performing poorly, they become less willing to experiment. Constitutional conventions may be different than other ballot measures when it comes to risk aversion. The typical initiative changes policy outputs within existing institutional arrangements. Calling a constitutional convention signals a willingness to consider changes to a regime's basic structure. At this beginning stage, voters do not have to predict the consequences of any specific constitutional reforms. Once the convention has been held and delegates have proposed a set of changes, voters retain the option to veto a new constitution or any amendments to the existing one.⁴

Rather than economic uncertainty increasing risk aversion, we predict voters approach constitutional conventions as a more traditional form of performance voting. In classic theories

of economic voting, downturns lead voters to punish incumbents because political actors are assumed to be directly responsible for economic management (e.g., Fiorina 1981; G. H. Kramer 1971). However, economic responsibility attributions are substantially less straightforward than first assumed, as the complexity of the global economy widens targets for economic responsibility far beyond the realm of political actors and institutions (e.g., Rudolph 2003, 2006). Voters seeking to punish incumbents for economic performance may extend their negative appraisals to the institutional level. If voters understand how constitutions structure the political system that produces candidates, they may endorse a convention in the hopes that more effective leadership choices and policies will emerge (Easton 1965). Long-term experience with direct democracy enhances voters' civic awareness, which makes voters in these states uniquely situated to utilize decision cues like state economic performance (Bowler and Donovan 2002; Smith and Tolbert 2004).

Different levels of government, from local to national to supranational, also complicate assignment of blame and credit to political actors and institutions. Duch and Stevenson (2008) use data from European elections to demonstrate that when voters observe shifts in the local or national economy, they weigh these developments against global economic conditions when choosing whether or not to punish incumbents at different levels of government. Voters in European Union countries are shown to correctly assign responsibility for national economic conditions to global forces (exculpating domestic incumbents) if a downturn has afflicted the rest of Europe to a similar degree. Only when a nation substantially out- or underperforms its European counterparts do voters assign economic responsibility to domestic political actors.

An economic performance theory of constitutional convention attitudes similarly necessitates that voters assign responsibility for economic conditions specifically to state

institutional arrangements. This means that when national or global economic forces affect the state economy, voters in referenda are expected to distinguish these more general flows from changes that have affected their state alone. These state-level economic signals can be easily distinguished by voters from national conditions, as citizens compare local conditions to the frequent and widely-available discussion of national economic conditions in media (Ansolabehere, Meredith, and Snowberg 2014). Therefore, voters will increase their support for constitutional referenda when state economic conditions worsen, though they may be less willing to make this connection if the economic tides have cast all other states in treacherous waters as well. It is therefore especially likely that behavior in these referenda would not be affected by global economic events like the Great Recession of 2008-2009.

In the following sections, it is, therefore, important to examine the impact of fluctuations in the economy at the state level on support for constitutional conventions. Voters are expected to understand and recall state-level economic fluctuations, as they leverage knowledge of local conditions acquired through their day-to-day interactions with peers, and the comparison of personal experience against media presentations of national economic conditions. Ansolabehere, Meredith, and Snowburg (2014) demonstrate that voters possess accurate knowledge of state-level unemployment through this mechanism, and use this information to make broader political and economic assessments. Local knowledge of economic conditions, paired with the attribution of responsibility for these conditions to state-level institutions, should affect individuals' support for institutional change.

At the macro-level, we would expect variation in support for constitutional convention referenda to occur as a product of changes to state-level economic fundamentals, such as state income growth and state unemployment:

- *H1. In a comparison of state constitutional convention referendum results, lower levels of state income growth are associated with increased support for the convention.*
- *H2. In a comparison of state constitutional convention referendum results, higher levels of state unemployment are associated with increased support for the convention.*
- *H3. In a comparison of state constitutional convention referendum results, higher levels of national unemployment are expected to have no effect on support for the convention.*

Macrolevel voting analyses provide clear tests of the effects of economic indicators on political support because they are free of biases inherent in citizens' individual-level economic perceptions. However, a closer examination of the micro-level economic vote helps to assuage concerns that these macrolevel results are unrelated to the attitudes of citizens (Lewis-Beck, Stubager, and Nadeau 2013). Based on the state-level theory of economic judgment discussed above, we expect the following:

- *H4. All else equal, increasing negativity in voters' state-level economic appraisals is expected to increase the likelihood of support for a state constitutional convention.*
- *H5. All else equal, increasing negativity in voters' national economic appraisals is expected to have no effect on support for a state constitutional convention.*

Methods & Data

The analysis proceeds in two stages. First, using aggregate-level data, we predict the proportion of voters supporting state constitutional conventions in every automatically-referred ballot measure since 1945.⁵ To corroborate these macro-level results with models of individual decision-making, we also perform a micro-level analysis of voter attitudes towards constitutional reform using a 2014 pre-election study of Rhode Islanders. Table 2 contains descriptive statistics if the variables analyzed in the macro-level and micro-level studies.

[Insert Table 2 about here.]

The macro-level dataset ($N = 56$) is analyzed using mixed linear regression models which compensate for variation in state context using random effects. In these models, random effects are preferred to fixed effects, since the available data on constitutional convention referenda results in a dataset with relatively few units and few observations per unit, and because there is substantial within-unit variation (Clark and Linzer 2015). In general, these mixed models take the following form:

$$Support_{ij} = \alpha_{ij} + \beta_1 StateEcon_{ij} + \beta_2 ConstitutionAge_{ij} + \beta_3 Year_{ij} + \beta_4 PresElecYear_{ij} + \gamma_i + \epsilon_{ij},$$

where γ_i represents state-level random effects due to the fact that many states have held multiple referenda in the dataset.

State economic performance was assessed in two ways: first, by measuring average annual state and national unemployment rates,⁶ and second, by gathering data on annual state income growth.⁷ We control for the age of a state's constitution at the time of the convention ballot measure is held because individuals tend to assume that the existence of the status quo provides a normative justification for its existence, and this bias increases the longer the status quo has been in place (Eidelman, Pattershall, and Crandall 2010). The macro-level model also includes a time trend and a dichotomous variable for whether the referendum is taking place during a presidential election, which controls for the differing levels of political knowledge possessed by presidential and mid-term electorates (Jacobson 2012).

The Rhode Island poll consisted of a telephone survey administered by the Taubman Center for Public Policy at Brown University from October 14th through October 17th, 2014. Landline and cell phone interviews were conducted on a random sample of 1,129 likely voters,

including an oversample of 500 Providence voters. The distribution of voters in the sample by gender was 45.6% male and 54.4% female. By age, respondents were 18.3% ages 18-39, 11.7% ages 40-49, 39.1% ages 50-64, and 31% ages 65 and older. To measure party affiliation, interviewers asked with which party, if any, the respondent was registered. Because of this question wording, respondents were 42.3% Democrats, 8.9% Republicans, 25.7% Independents, and 20.8% unaffiliated. Ideologically, the sample was 28.7% conservative, 38.2% moderate, and 33.1% liberal. The Appendix contains the wording of the dependent variable, other key questions, and their corresponding summary statistics.⁸

Individual-level models were constructed using binary logistic regression. In general, a model of Rhode Islanders' support for a constitutional convention referendum can be modeled by the following equation:

$$\Pr(\text{Support}) = \text{Logit}(\beta_1 \text{Female} + \beta_2 \text{Nonwhite} + \beta_3 \text{Age} + \beta_4 \text{Region} + \beta_5 \text{Education} + \beta_6 \text{RefKnowledge} + \beta_7 \text{Ideology} + \beta_8 \text{Partisanship} + \beta_9 \text{NatEcon} + \beta_{10} \text{StateEcon}),$$

where standard errors have been specified using a robust unclustered variance estimator to compensate for the potential influence of unobservable factors. Respondents who indicated they did not know how they would vote on the convention ballot measure were asked a follow-up question about how they were leaning on this issue. The Appendix contains a table reporting the results of an ordered logistic regression model using a four-point dependent variable (voting no, leaning no, leaning yes, voting yes). The key findings of the analysis are unaffected under this alternative model specifications.

The region variable is a dichotomous measure that takes the value of 1 for residents of Providence, while the knowledge variable presents a self-report of how much respondent has heard about the convention ballot measure. Blake and Levinson (2016) found non-whites,

younger cohorts, individuals with less formal education, and liberals are more supportive of calling a national constitutional convention, while gender and partisanship were unrelated to convention attitudes. We expect to find similar demographic relationships to calling a state constitutional convention. In order to provide more interpretable estimates of the effects of relevant covariates, predicted probabilities are constructed from raw regression estimates wherever possible.

Results: Macro-Level Analysis

Table 3 presents the results of macro-level random-effects models of state-level support for constitutional conventions. The ρ statistic measures the fraction of variance explained by state context. In Model 1, ρ is 0.453, meaning that almost half of the overall variance in state constitutional support is attributable to state context alone. The Bruesch-Pagan χ^2 statistic tests whether the variance of the random effects parameters is equal to 0, and the null hypothesis is rejected in all three models. These analyses are substantially constrained by data availability and the relative infrequency of constitutional referenda, necessitating fairly parsimonious model construction. Nevertheless, as a ‘first cut’ at the question of whether the state economy helps predict aggregate support for these conventions, the results provide encouraging evidence for our theory.

[Insert Table 3 about here.]

The leftmost column of Table 3 presents results of a random effects model (Model 1) which predicts convention referenda vote shares from the post-World War II era. The within-group fit of this mixed model is fair ($R^2 = 0.417$). Notably, we see that among the predictors specified in Model 1, the measure of state-level income growth provides a substantial and significant impact on levels of aggregate support. When controlling for the effects of

constitutional age, time, presidential elections, and state context, a one-percent decrease in state income growth exerts a roughly 0.728% *increase* in support for a state constitutional convention in referendum voting ($p = 0.044$). Correspondingly, a one-standard deviation change in state income growth, from a mean level of 5.2% to around 1.9%, increases support for a constitutional convention from its mean value of 41.8% to roughly 44.2% —an increase which puts the average constitutional convention referendum into contention. When citizens perceive state-level income growth in stagnation or decline, they appear to respond by supporting constitutional referenda to a greater degree. Figure 2 visualizes this finding.

[Insert Figure 2 about here.]

Model 2, presented in the center column of Table 3, presents a similar picture of the effects of the state economy on convention support. Due to issues of unemployment data availability, this model can only predict the results of constitutional convention referenda since 1958 ($N = 49$). However, despite this severely constrained sample size, the results of the model again present evidence for our theory, this time using state unemployment rate as the relevant operationalization of the state economy. The within-group fit for this model is also fair ($R^2 = 0.375$).

Again compensating for the effects of constitutional age, time, election context, and state context, a one-percent increase in the state unemployment rate is expected to yield a roughly 1.3% increase in support for a constitutional convention ($p = 0.043$). This finding also indicates that a one-standard deviation shift in unemployment of 2.3% increases support for a constitutional convention by roughly 3.8%, which increases the average predicted convention vote share to 43.5%. While the electoral context appears to determine much of the overall support for a convention in a given referendum vote, voters' worries about high unemployment

reduce constitutional status quo bias and put a convention within reach. Figure 3 illustrates the relationship between unemployment and convention vote shares. At no point do the predicted vote shares in Figure 2 or Figure 3 cross the 50% threshold. This confirms the findings of other studies that state constitutions enjoy status quo bias (Stephanopoulos and Versteeg 2016; Zink and Dawes 2015). However, the results of our analysis indicate economic performance can significantly undermine the veneration these state constitutions enjoy.

[Insert Figure 3 about here.]

Model 3, displayed in the rightmost column of Table 3, substitutes the national unemployment rate for the state figure. The within-group fit for this model is similar to the others in Table 3 ($R^2 = 0.401$). While the coefficient suggests higher national unemployment is positively correlated with convention support, this variable does not achieve statistical significance. Unlike the measures of state economic performance, the dynamics of the national economy do not appear to influence the desire for state constitutional change. These findings suggest voters correctly assign responsibility for state economic performance to state-level institutional arrangements.

Results: Support for a Constitutional Convention in Rhode Island

While these results provide some evidence for our theory, the aggregate-level nature of the results, combined with the perilously small sample sizes, present potential threats to validity. In order to defend against such concerns, especially the threat of ecological fallacy, the following section presents a study of a single constitutional convention referendum in the state of Rhode Island. While we are now trading generalizability for a greater degree of precision, this case study is unique due to the existence of reliable survey data measuring voters' support for its

passage. An individual-level analysis also allows for a direct examination of how voters assign responsibility for poor economic performance.

In Table 4, we see the results of logistic regression models predicting individuals' likelihood of supporting the Rhode Island referendum. Model 1, in the leftmost column of the table, provides a basis for understanding the core determinants of convention attitudes. While a number of basic demographics, such as age, race, and gender, have impacts on convention support which are indistinguishable from zero, education, region, and ideology appear to play larger roles. Since the logistic regression coefficients reported in Table 4 are difficult to interpret, and since log-odd transformations are also problematic due to their inability to provide contextual information about the magnitude of effects (Long 1997), we present these results using predicted probabilities. By constructing a statistically 'average' ideal typical respondent with all relevant covariates held at their mean values, we are able to isolate the effects of economic perceptions on the predicted probability of referendum support. The results of Model 1, in the leftmost column of the table, demonstrate that one-unit increase in education from its mean value of 3.6 to 4.6 decreases the predicted probability of convention support by roughly 4.8%, all else equal ($p = 0.012$). A one-unit change in ideology, from 'moderate' to 'conservative,' similarly decreases the predicted probability of convention support, but this time, by a very substantial 10.1%, all else equal ($p < 0.001$). Providence residents are also 8.6% more likely to favor a convention compared to voters in other areas of the states ($p = 0.026$).

[Insert Table 4 about here.]

This first attempt at modeling convention support is underspecified without the inclusion of voters' appraisals of the economy. Model 2, presented in the rightmost column of Table 4, includes all the previous covariates alongside measures of voters' perceptions of the U.S.

economy and the Rhode Island economy. Based on our earlier discussion, we expect that the measure of the local economy, even when compensating for the inclusion of national economic sentiments, will be a relevant predictor of individual-level support for constitutional reform. Once again relying on the computation of predicted probabilities from a statistically-average ideal type, the results provide evidence for our theory. A one-unit movement towards a more pessimistic appraisal of the U.S. economy—measured on a three-point scale—provides a statistically inconsistent and relatively small decrease in the predicted probability of convention support, all else equal, ($\Delta = 4.7\%$, $p = 0.112$).

On the other hand, a one-unit increase in pessimism towards the state of *Rhode Island's* economy, controlling for a host of relevant demographic and perceptual variables, increases support for a constitutional convention by around 7.6% ($p = 0.030$). A standard deviation change in an average Rhode Islander's economic perception has an independent effect on convention support that rivals all other variables in Model 2 in its magnitude besides ideology (an SD change in R.I. economic perception results in a probability increase of 4.8% [$p = 0.030$], compared to a SD change in ideology of 7.7% [$p < 0.001$]). At the individual level, it appears that voters are able to leverage their understanding of knowledge of local economic conditions to update their levels of support for constitutional reform. These results are visualized in Figure 4.

[Insert Figure 4 about here.]

Rethinking Constitutional Reform in the United States

This study provides further evidence that Americans hold strong attachments to their 51 constitutions (Stephanopoulos and Versteeg 2016; Zink and Dawes 2015), but this veneration is limited (Blake and Levinson 2016). Poor economic performance undermines constitutional status quo bias in convention ballot measures, as voters anticipate future outcomes in terms of

existing or alternative institutional arrangements. Despite low levels of knowledge of state constitutions, voters use economic performance as a heuristic in convention referenda. Although our theory of how voters react to economic uncertainty differs from that of Bowler and Donovan (1998), the results of this analysis are consistent with economic performance voting studies. Voters are able to diagnose state-level economic stagnation and adjust their support for their governing document consistent with the expectations of economic voting.

More broadly, voting behavior ballot measures are consistent with John Adams' and Thomas Jefferson's assumptions regarding constitutional reform. While neither founder envisioned the role played by the modern, activist state in managing the economy, both believed constitutional conventions provided unique opportunities to update governing institutions in light of new experiences. Both founders also trusted the people to make reasoned judgments about the desirability of calling a convention, a point on which James Madison strongly disagreed. Madison's conception of constitutional veneration is affective, not rational. Madison observes (as cited in Rossiter 1999, 283), "A reverence for the laws would be sufficiently inculcated by the voice of an enlightened reason. But a nation of philosophers is as little to be expected as the philosophical race of kings wished for by Plato."

The ability of voters to transcend a low information environment to make informed decisions on constitutional questions will be particularly reassuring to advocates of popular constitutionalism. Legal scholar Lawrence Kramer (2006) argues that for most of American history, citizens, not the courts, were expected to be the final arbiters of constitutional controversies. One of the most prominent lines of criticisms against returning to Kramer's vision of popular sovereignty is that "We, the People" can too easily be manipulated into making irrational and damaging decisions (Alexander and Solum 2005). While further study is needed,

this analysis suggests, voters can heuristics rationally to counteract the affective dimensions of constitutional veneration.

Our findings also have substantial policy implications. The next state to hold a constitutional convention referendum is New York in November of 2017. Convention opponents, such as the New York State Teachers' Union, are worried, as they began plotting their strategy for a "no vote" in late 2014 (Levinson and Blake 2016). Government performance in the Empire State leaves much to be desired – it ranks worst among the 50 states in corruption (Enten 2015) and 46th in fiscal condition (Norcross 2015, 28). And though New York is one of only eight full-time state legislatures, it is one of the twelve least productive in the country (Justice 2015). Meanwhile, New York is tied for 36th among the states in unemployment rate as of November 2016.⁹ If the New York economy is sluggish in 2017, the combination of these factors may be sufficient to persuade New Yorkers to overcome their status quo bias and call a constitutional convention.

In the 14 states analyzed herein, voters not only hold their elected officials responsible for economic performance, they expect their state constitution to provide an effective blueprint for economic prosperity. The demand for national constitutional change, on the other hand, is a much different matter. While survey data indicates one-in-three Americans favor calling a national constitutional convention (Blake and Levinson 2016), there was little discussion of constitutional reform during the 2016 presidential campaign – aside from the Democratic candidates endorsing an amendment to overturn the *Citizens United* decision (Levinthal 2016) and Donald Trump's proposal to institute term limits on members of Congress (Hulse 2016). On the other hand, the rise of outsider candidates like Senator Bernie Sanders and Donald Trump has been fueled by a growing dissatisfaction with the performance of the federal government.

Perhaps the improbability of formal change to the U.S. Constitution resigns most Americans to think the rules of national politics are fixed, and the only realistic option is to change the players in the game. At the state level, where citizens are given regular invitations to change political structures, voters are more willing to challenge existing institutional arrangements, especially when the status quo has rendered them economically vulnerable.

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Tables and Figures

Table 1. Historical Data on State Constitutional Convention Referenda

Current State	Referral Period (Years)	Practice Adopted	Conventions Called	Former State	Practice Adopted	Conventions Called
Alaska	10	1959	0	Indiana	1816	0
Connecticut	22	1965	0	Kentucky ¹⁰	1792	1
Hawaii	10	1959	3	Massachusetts ¹¹	1780	0
Illinois	20	1970	0	Virginia	1870	0
Iowa	10	1857	1			
Maryland	20	1851	4			
Michigan	16	1850	4			
Missouri	20	1875	2			
Montana	20	1973	0			
New Hampshire	10	1792	15			
New York	20	1846	4			
Ohio	20	1851	2			
Oklahoma ¹²	20	1907	0			
Rhode Island	10	1973	1			

Figure 1. State Constitutional Convention Vote Shares, 1946-2014

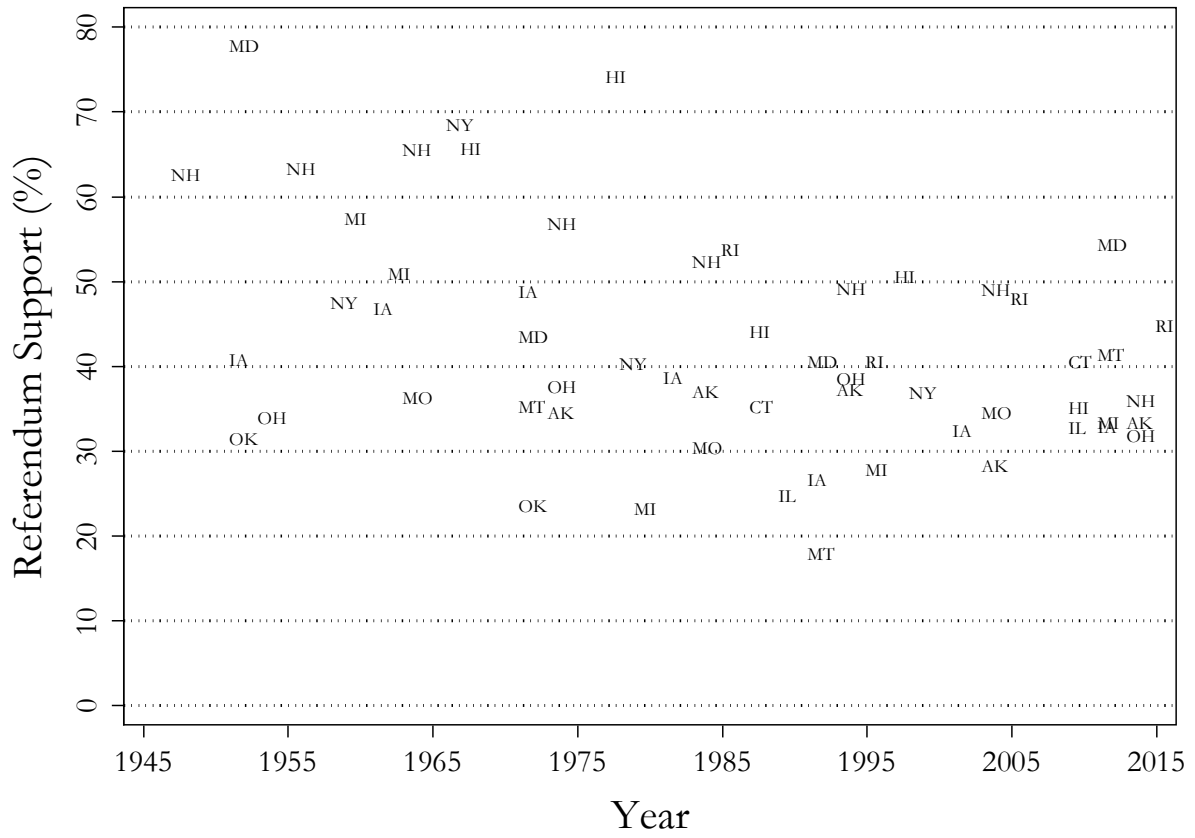


Table 2. Descriptive Statistics

Aggregate-Level Variable	N	Mean	Std. Dev.	Min	Max
State Income Growth	56	5.194	3.270	-3.173	13.562
State Unemployment	49	6.397	2.327	2.6	13.8
National Unemployment	56	6.268	1.778	1.9	9.7
Constitution Age	56	85.911	61.829	8	228
Year	56	4.196	19.840	-34	34
Presidential Election Year	56	0.411	0.496	0	1
Convention Vote Share	56	41.795	12.758	17.958	77.859
Individual-Level Variable	N	Mean	Std. Dev.	Min	Max
Female	1,129	0.544	0.498	0	1
White	1,101	0.827	0.378	0	1
Age Cohort	1,129	2.828	1.062	1	4
Providence Resident	1,129	0.443	0.497	0	1
Education	1,116	3.632	1.112	1	4
Knowledge of Referendum	1,129	1.075	0.992	0	3
Ideology	1,065	0.043	0.785	-1	1
Registered Democrat	1,129	0.423	0.494	0	1
Registered Republican	1,129	0.089	0.284	0	1
Registered Independent	1,129	0.259	0.437	0	1
Unregistered	1,129	0.231	0.422	0	1
U.S. Economy Evaluation	1,113	0.973	0.759	0	2
R.I. Economy Evaluation	1,116	0.518	0.631	0	2
Support for Convention	780	0.612	0.488	0	1

Table 3. Linear Random-Effects Regression Models of Constitutional Conventions Vote Shares

Predictor	Model 1	Model 2	Model 3
State Income Growth	-0.728* (0.362)		
State Unemployment		1.301* (0.642)	
National Unemployment			1.426 (0.806)
Constitution Age	0.050 (0.035)	0.055 (0.035)	0.036 (0.037)
Year	-0.326*** (0.066)	-0.280*** (0.077)	-0.364*** (0.075)
Presidential Election Year	2.840 (2.666)	1.736 (2.789)	4.130 (2.707)
Constant	40.584*** (3.991)	28.250*** (5.558)	28.577*** (5.848)
Observations	56	49	56
Number of States	14	14	14
Within-Group R ²	0.417	0.375	0.401
ρ	0.453	0.450	0.480
Breusch-Pagan χ^2	17.59***	13.82***	19.64***
Wald χ^2	25.91*** (df = 4, 52)	17.07*** (df = 4, 45)	25.00*** (df = 4, 52)

Note: * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$

Figure 2. Aggregate Support for Constitutional Conventions as a Function of State Income Growth

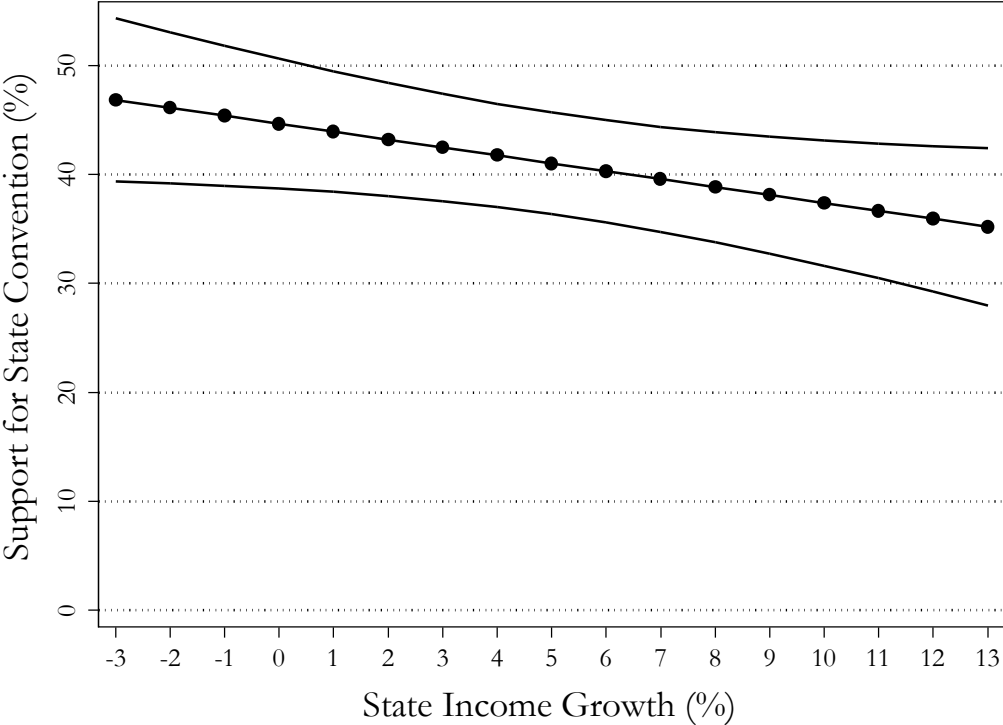


Figure 3. Aggregate Support for Constitutional Conventions as a Function of State Unemployment

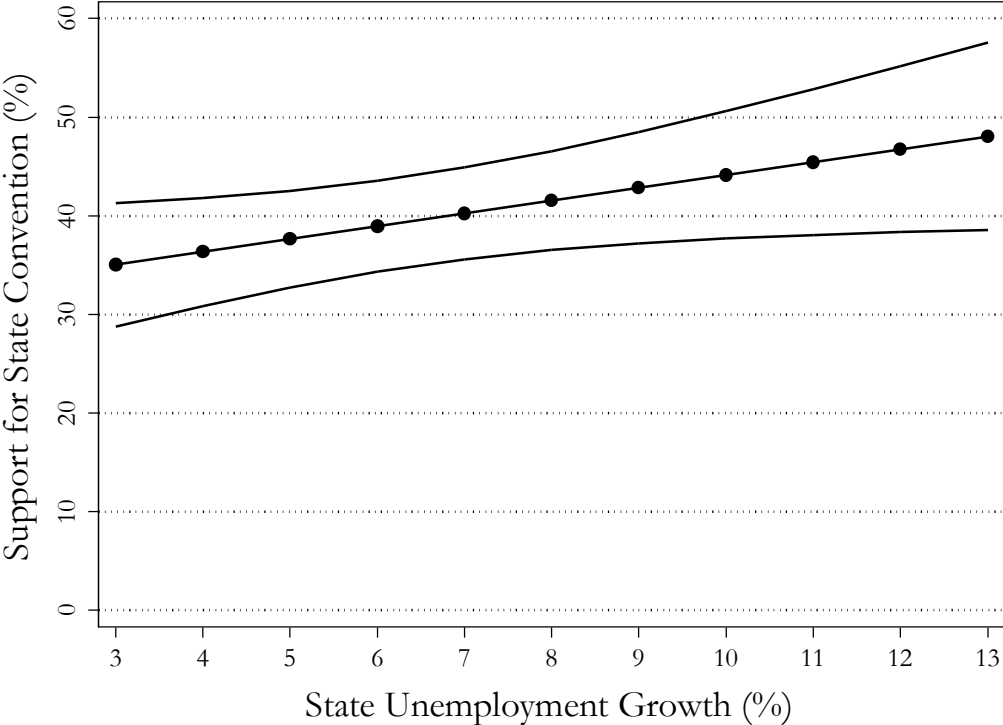
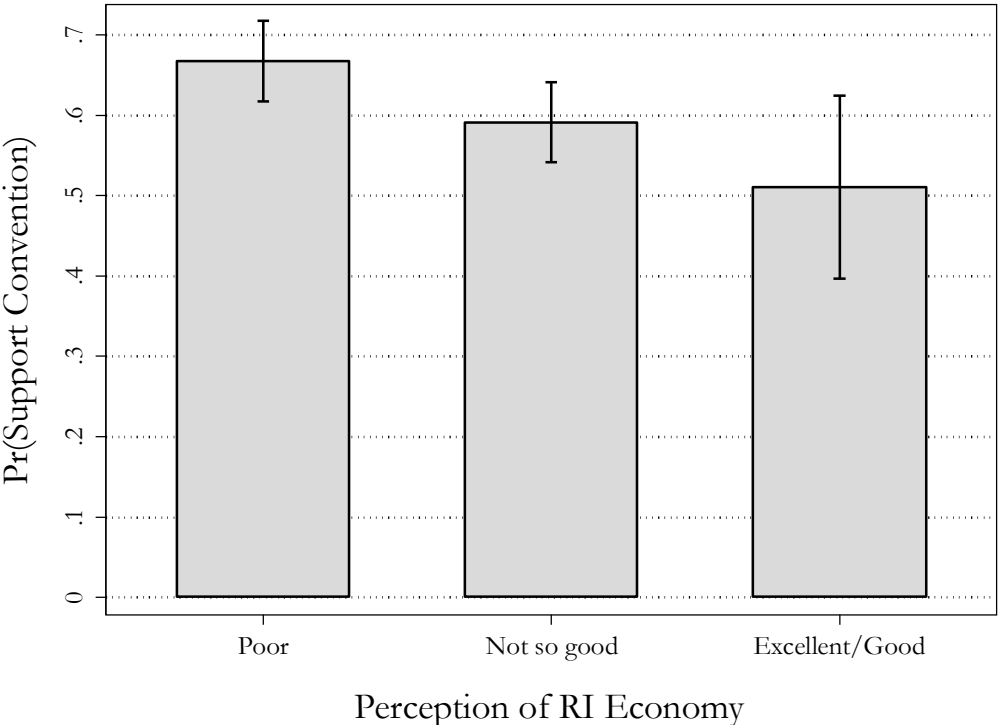


Table 4. Logistic Regression Models of Individual-Level Support for Rhode Island Constitutional Convention

Predictor	Model 1	Model 2
Female	-0.073 (0.159)	-0.086 (0.163)
White	0.008 (0.218)	-0.014 (0.222)
Age Cohort	0.066 (0.060)	0.070 (0.061)
Providence Resident	0.386* (0.177)	0.417* (0.179)
Education	-0.188* (0.075)	-0.211** (0.076)
Knowledge of Referendum	-0.116 (0.077)	-0.124 (0.079)
Ideology	-0.436*** (0.112)	-0.418*** (0.115)
Registered Democrat	0.043 (0.220)	0.042 (0.222)
Registered Republican	-0.011 (0.318)	0.022 (0.325)
Registered Independent	0.211 (0.232)	0.207 (0.234)
U.S. Economy Evaluation		0.211 (0.135)
R.I. Economy Evaluation		-0.326* (0.150)
Constant	0.903 (0.465)	0.967* (0.483)
Observations	729	722
Pseudo-R ²	0.038	0.042
Akaike IC	954.6	943.5
Bayes IC	1000.5	1003.1

Note: * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$

Figure 4. Support for a Rhode Island Constitutional Convention as a Function of State Economic Perceptions



Supplementary Materials for “Economic Voting and Support for Constitutional Conventions”

1/4/2017

Table A1. Rhode Island Survey Question Wording

<p>A provision in the Rhode Island Constitution created Question 3, which would call a convention to amend or revise the Rhode Island Constitution. How much have you read or heard about Question 3?</p> <p><i>A great deal 11.2%; A fair amount 19.8%; Just a little 34.5%; Nothing at all 33.3%; Don't know 1.2%</i></p>
<p>Each state has its own constitution that is separate from the United States Constitution. Would you vote to approve or reject a convention to amend or revise the Rhode Island Constitution?</p> <p><i>Approve 42.3%; Reject 26.8%; Don't know 30.9%</i></p>
<p>As of today, which way would you lean? Would you lean towards approving a convention to amend or revise the Rhode Island Constitution or would you lean towards rejecting a convention to amend or revise the Rhode Island Constitution?</p> <p><i>Lean toward 13.5%; Lean against 7.4%; Don't know 79.1%</i></p>

Table A2. Ordered Logistic Regression Model of Individual-Level Support for Rhode Island Constitutional Convention

Predictor	
Female	-0.080 (0.148)
White	-0.006 (0.200)
Age	0.064 (0.054)
Region	0.325* (0.162)
Education	-0.195** (0.070)
Knowledge of Initiative	-0.077 (0.073)
Ideology	-0.368*** (0.104)
Democrat	0.067 (0.201)
Republican	0.102 (0.309)
Independent	0.172 (0.209)
National Economy	0.203 (0.124)
R.I. Economy	-0.331* (0.141)
Cut 1	-1.026** (0.440)
Cut 2	-0.893* (0.440)
Cut 3	-0.661 (0.440)
Observations	787
Pseudo-R ²	0.025

Note: * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$

¹ Of the 37 instances where voters passed a convention ballot measure, only 28 constitutional conventions were held. This discrepancy exists for two reasons. On three occasions, state legislatures refused to pass enabling legislation to convene the convention (Martineau 1970). The remaining convention calls failed because of disputes in Maryland, Michigan, and Hawaii about how to calculate the majority required for a convention to be called. Courts in each of those states have read the relevant provision in their constitution to require a majority of those voting in the election, rather than a majority of those voting on the convention ballot measure itself. As a result of these judicial rulings, voter abstention is a *de facto* no vote on the referendum (Snider 2012).

² The same survey found 11% of respondents were quite confident that their state did not have its own constitution. Likewise, Zink and Dawes (2015, 537) acknowledged the improbability of their status quo bias findings, observing, “It is much more surprising that we find effects at the state level, where the different nature and purpose of a constitution, the public’s lack of knowledge about state constitutions, and the relative ease and frequency of constitutional change should make for a much harder test.”

³ See <http://www.followthemoney.org/our-data/ballot-measures/>.

⁴ Arkansas provides an instructive example of how the incentives to call a constitutional convention differ from those to ratify the proposals made by a convention. In 1978, the legislature placed a convention referendum on the ballot, which the voters approved. After delegates met in 1979-1980, the proposed new constitution was placed on the November 1980 ballot for ratification. At this stage, voters, fearful of potential tax increases under the new constitution, said no to ratification (Goss 2011).

⁵ We exclude the following two convention referenda that were court-ordered. Maryland voters approved a constitutional convention in 1966 to change its method of legislative apportionment as a result of *Baker v. Carr* (Martineau 1970). Following a legal controversy about the result of a 1996 convention ballot measure in Hawaii, the Hawaii Supreme Court ordered a new referendum to take place in 1998 (Dinan 2010).

⁶ These data were collected from Carl Klarner's State Economic Data dataset (see <https://dataverse.harvard.edu/dataset.xhtml?persistentId=hdl:1902.1/20404>), and the Bureau of Labor Statistics (see <http://data.bls.gov/cgi-bin/surveymost?la>), respectively.

⁷ These data were collected from the Bureau of Economic Analysis. See http://www.bea.gov/iTable/index_regional.cfm.

⁸ Based on the results of those who had an opinion about Question 3, the Taubman Center poll estimated a majority of likely voters favored a constitutional convention. On Election Day, however, the convention referendum received only 45% support. This discrepancy exists for at least two reasons. First, nearly one-in-three voters in the survey expressed no opinion about Question 3, and it is not unreasonable to think most of these voters ended up voting 'no.' Second there is a major difference in the wording of the survey question and the ballot language for Question 3. While the Secretary of State sent an explanation of each ballot measure to all registered voters a month before the election, the ballot simply read, "Shall there be a convention to amend or revise the Constitution?" The lack of context likely led some voters to think they were calling a national constitutional convention, triggering an even stronger constitutional status quo bias (Stephanopoulos and Versteeg 2016; Zink and Dawes 2015).

⁹ See <http://www.bls.gov/news.release/laus.nr0.htm>.

¹⁰ The Kentucky Constitution of 1792 scheduled two convention referenda, one in 1787 and the other in 1798. Only if a majority voters approved both ballot measures would a convention be convened (Dinan 2010, 398).

¹¹ The Massachusetts Constitution of 1780 required a convention referendum be held once, as opposed to periodically. While a majority of Bay State residents voted to call a convention in 1795, the ballot measure fell short of the required two-thirds majority (Dinan 2010, 398).

¹² Oklahoma has not held a convention referendum since 1970. According to a 1970 advisory opinion issued by then-Attorney General G.T. Blankenship, legislative action is required for a convention referenda to be placed on the ballot, and the failure of the Oklahoma Legislature to pass such a law in 1990 and 2010 (or any time in between) explains the lack of subsequent referenda (Levinson and Blake 2016, 215–16).