



# Restoring a Constitutional, Republican Form of Government: States Push Back Against Direct Democracy and Bureaucratic Rule

During the 1787 Constitutional Convention, Elizabeth Willing Powel is said to have [asked](#) Benjamin Franklin, “Well, Doctor, what have we got — a republic or a monarchy?” His response: “A republic, if you can keep it.” The American people are rediscovering a truth that the Founding Fathers understood well: A free people cannot preserve liberty under pure [majority rule](#), and only a restoration of republican government — grounded in constitutional limits, representative lawmaking, and the rule of law — can secure liberty for future generations.



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The United States was designed as a [constitutional republic](#) — government by law, exercised through elected representatives, with safeguards that protect [God-given rights](#) against both mob passions and unelected bureaucrats. That principle is not optional. The U.S. Constitution guarantees every state a “[Republican Form of Government](#)” ([Article IV, Section 4](#)), meaning states have a duty to structure their institutions in ways that preserve representative lawmaking, checks and balances, and protections from majoritarian tyranny.

In recent legislative sessions, several states have taken meaningful steps — some modest, others sweeping — toward restoring republican government. The common thread is clear: raising the bar for constitutional change, reining in administrative overreach, and restoring accountability to elected lawmakers.

## Republic vs. Democracy

When modern politicians praise “[democracy](#),” they often mean unrestricted majority rule — policy by emotional campaigns, ballot-box fads, and well-funded special interests. The Founders rejected that model because it inevitably becomes what they feared most: [elective despotism](#).

They built structural protections precisely because human nature does not change. As James Madison observed in [The Federalist, No. 51](#), government must be designed with internal controls because “if men were angels, no government would be necessary.” The point is not cynicism; it is realism. A [republic](#) restrains power — whether that power is wielded by a king, a bureaucracy, or a bare majority whipped into a frenzy.

That is why efforts to limit direct [democracy](#), require supermajorities, or restore legislative responsibility are not “anti-voter.” Properly understood, they are pro-liberty.



## Stripping Rights Via Direct Democracy

Recent ballot initiatives show how direct democracy allows a bare majority to interfere with the most fundamental of all rights — the right to life. In 2022 and 2023, voters in [California \(Proposition 1\)](#), [Michigan \(Proposal 3\)](#), [Vermont \(Proposal 5\)](#), and [Ohio \(Issue 1\)](#) amended their state constitutions to entrench abortion rights through simple majority votes, bypassing representative lawmaking and permanently altering fundamental law. That pattern accelerated in 2024, when [Arizona \(Proposition 139\)](#), [Missouri \(Amendment 3\)](#), [Colorado \(Amendment 79\)](#), [Maryland \(Question 1\)](#), [Montana \(CI-128\)](#), and [New York \(Proposal 1\)](#) adopted similar constitutional changes through statewide ballots, needing only 50 percent plus one to pass in most cases.

In each case, sweeping moral and constitutional questions — including when human life deserves legal protection — were settled not by deliberative republican institutions, but by emotionally driven campaigns funded by national special interests. This is precisely the danger the Founders warned against. When [unalienable rights](#) — life, liberty, and pursuit of happiness — are placed on the ballot, they cease to be rights and become political preferences, revocable whenever a transient majority is persuaded to vote otherwise.

The same dynamic extends well beyond abortion, and reveals the broader constitutional flaw of direct democracy itself. When policy is decided by ballot initiatives rather than through representative lawmaking, unalienable rights become subject to emotional campaigns, activist funding, and momentary public sentiment. The [right to hunt](#) illustrates this danger clearly. In Colorado, for example, activists pushed a statewide ballot initiative to ban so-called [trophy hunting](#) under Proposition 127 in 2024, placing complex wildlife-management decisions and a God-given liberty at the mercy of a simple majority vote driven by ideology rather than stewardship or accountability.

Whether the target is preborn life or lawful hunting, the mechanism is the same: Rights are reduced to privileges, expandable or revocable at the ballot box. This is not self-government; it is elective despotism. A republican form of government exists precisely to prevent such outcomes — to ensure that rights retained by the people under the [Ninth Amendment](#) are not surrendered to the passions of a bare majority or the influence of well-funded special interests during a single election cycle.

## Reclaiming Lawmaking From Commissions

[Louisiana's SB8](#) proposed a constitutional amendment that would allow the Legislature — rather than only the [State Civil Service Commission](#) — to determine which positions are moved into or out of the unclassified service. This matters because civil-service systems often function as semi-autonomous bureaucracies, insulated from voters and resistant to reform.

A republican form of government requires that major policy decisions remain accountable to the people through their elected representatives. When unelected commissions effectively control the structure of state employment through rulemaking alone, legislators can evade responsibility and citizens lose meaningful oversight. SB8 moves Louisiana in the right direction by reasserting legislative authority over a core legislative function.

[Oklahoma's SJR34](#) would have amended the state constitution to give the governor authority to appoint [judicial officers](#) with the advice and consent of the Legislature, replacing a system that relies heavily on a judicial nominating commission populated in part by unelected members tied to the state bar.

Whatever one thinks of a particular judge, the constitutional question is larger: Who governs? A



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structure that allows private professional networks to dominate judicial selection risks turning government into a closed club. Republican government demands transparency and public accountability — not self-perpetuating appointment systems.

## Raising the Standard for Constitutional Change

A constitution is not meant to be a running policy notebook, rewritten whenever a slim majority is persuaded by slick advertising. Several states have advanced proposals to require supermajorities, or broader geographic agreement, before a constitution may be amended.

[North Dakota's HCR3003](#) would require [future constitutional amendments](#) to receive approval from at least 60 percent of voters. The premise is sound: 50 percent plus one is not a serious safeguard when fundamental law is at stake.

A constitution exists to restrain government and [protect rights](#) — especially [unpopular rights](#) with societal changes. If a [bare majority](#) can rewrite the rules at will, liberty becomes temporary and rights become negotiable.

[South Dakota's HJR5003](#) similarly proposed a 60-percent approval requirement for constitutional amendments. Its purpose is to ensure that genuine constitutional change reflects a broad and durable consensus rather than the political mood of a single election cycle.

[Ohio's SJR2](#) and [Missouri's HJR43](#) pursued the same reform: raising the threshold for constitutional amendments to prevent state constitutions from becoming vehicles for activist lawmaking.

The principle is straightforward: Rights do not come from the majority; they come from [God](#). Constitutions exist to protect God-given rights from government — especially democratic government untethered from restraint.

## Limiting Ballot-box Rule

Missouri has repeatedly confronted a central problem of direct democracy: Amendments driven by concentrated population centers can impose policies on the rest of the state, even when those policies violate God-given rights.

[SJR74](#) would require state constitutional amendments to receive not only a statewide majority, but also majority approval across a broader set of congressional districts. [HJR3](#) — the “Protect Missouri Voters” amendment — would require majority support in each congressional district for initiative petitions seeking to amend the state constitution.

These proposals reflect a core republican insight: A state is not a single, undifferentiated mass electorate. It is a political community with regions, minority interests, and diverse local needs. Requiring campaigns to persuade voters across the entire state better aligns with representative government and discourages ideologically driven efforts funded by outside interests.

## Separation of Powers: Backbone of a Republic

[Montana's SB44](#) sought to reinforce separation of powers by clarifying the authority and limits of each branch of government, while addressing the scope of boards such as the Board of Regents and the Board of Public Education.

Whether in Montana or elsewhere, “independent” agencies tend to evolve into mini-legislatures, issuing



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policy through rules and guidance never approved by the people's representatives. A republican form of government requires clear lines: Legislatures make the law, executives execute it, courts interpret it — and administrative bodies must remain subordinate, not function as a fourth branch, and in many cases be abolished altogether.

## States Start to Push Back

These measures are not isolated. In recent years, more states have debated — and in some cases enacted — reforms that:

- Raise thresholds for constitutional amendments;
- Limit initiative abuse and tighten petition requirements;
- Reassert legislative authority over commissions, boards, and rulemaking systems; and
- Strengthen the separation of powers to curb administrative lawmaking.

This trend is encouraging not because it guarantees perfect policy, but because it reflects a return to [first principles](#): Liberty requires structure, and structure requires lawmakers to stop outsourcing governance to bureaucrats, commissions, and ballot campaigns.

## The Real Issue: Who Governs?

Every one of these debates — supermajorities, initiative limits, commission reform, and separation of powers — comes down to a single question: Will states be governed as republics, under the rule of law, or as democracies, under the whims of shifting majorities and unelected managers?

A republic restrains power to protect the people. A democracy too often unleashes power — first against the minority, and eventually against everyone.

*To learn more about how your state and federal legislators vote on issues of constitutional importance, visit The New American's [Freedom Index](#) and state [Legislative Scorecards](#). You can also stay informed about what is happening in your state legislature and in Congress by signing up for legislative alerts [here](#).*



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