

# BALLOTWATCH

## Important Facts

- A total of 208 propositions in 37 states on the ballot for November, up from 162 in 2004.
- Most propositions in November: Arizona (19), Colorado (14), California (13), South Dakota (11), Oregon (10), Nevada (10). Louisiana has 21 measures for the year (13 in September and 8 in November).
- Most initiatives: Arizona (10), Oregon (10), California (8), South Dakota (8), Colorado (7).
- Hot issues: eminent domain (13 states, 12 in November), tobacco and smoking (10 measures), gay marriage (9 states, 8 in November),

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## FALL BALLOT MEASURES 2006

A total of 208 propositions are currently set to go before the voters in 37 states in November, up from 162 measures in November 2004. This report overviews and lists the November ballot propositions. Of the measures, 79 are initiatives (new laws qualified by petition), five are referendums (proposals to repeal existing laws), one was placed on the ballot by a commission, and the rest are legislative measures. In 2004, there were 62 initiatives and referendums. The 82 initiatives for the year (including the three that were voted on in the summer) is the third largest total since the initiative process was first used in 1902, and shows that the initiative wave set off by California's tax-cutting Proposition 13 in 1978 is still swelling. (For an historical overview of initiative use, see IRI report *Initiative Use 1902-2005*), at [www.iandrinstitute.org](http://www.iandrinstitute.org).) Courts may still intervene so these numbers may change slightly.



### HOT TRENDS

One of the hottest issues this year is **eminent domain**. In the wake of the U. S. Supreme Court's *Kelo v. New London* decision in 2005 that allowed governments to condemn property for use by a private developer, legislatures and citizens in several states are trying to foreclose such takings with constitutional amendments. Thirteen states have measures on the ballot that restrict or ban the use of eminent domain for private purposes: Arizona, California, Florida, Georgia, Idaho, Michigan, Montana, Nevada, New Hampshire, North Dakota, Oregon, South Carolina, and Louisiana (approved in September). The measures in Arizona, California, Idaho, and Montana also require compensation for **regulatory takings**, following Oregon's Measure 37 from 2004, and Washington has an initiative focused only on compensation for regulatory takings.

Another hot issue is a carryover from 2004: **gay marriage**. Since the Massachusetts supreme court sparked this issue with its holding in February 2004 that the state constitution contained a right to gay marriage, 16 states have amended their constitutions to preclude such interpretations (Alabama was the more recent, in June), explicitly defining marriage as between one man and one woman. Eight more states have marriage amendments on the ballot in November: Arizona, Colorado, Idaho, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin. In Colorado, the legislature placed Referendum I on the ballot that would create "domestic partnerships" giving same-sex couples the same legal rights as married couples.

**Tobacco and smoking** are the focus of 10 measures. Dueling measures sponsored by the health and tobacco industries that ban smoking in public places are on the ballot in Arizona, Nevada, and Ohio. In Arizona, California, Missouri, and South Dakota, voters will decide whether to increase the tax on tobacco products, with proceeds dedicated to health and other programs. Initiatives in Colorado and Nevada propose to legalize possession of one ounce of **marijuana**, and South Dakota voters will consider legalizing marijuana for medical purposes.

**Taxes and spending**, as usual, are the subject of many ballot propositions. At least 40

## FALL BALLOT MEASURES

measures propose to increase or decrease taxes or restrict or lock in spending. Maine, Montana, Nebraska, and Oregon have TABOR-style measures on the ballot that restrict spending growth to inflation plus the population growth rate. TABOR-type measures were removed from the ballot by the state supreme courts in Nevada and Oklahoma because of single subject violations and problems with petitions (Nevada) and illegal signature collection (Oklahoma). South Carolina and South Dakota have measures limiting the growth of property tax assessments to approximately 3% per year. **Education** is another perennially popular subject, with 20 measures concerning education slated for November.

One issue that failed to emerge in a big way despite some hype is the **minimum wage**. Progressive groups fastened on this issue as a way to increase turnout for Democratic candidates, as a counterbalance to the gay marriage amendments perceived by some to have helped the GOP in 2004 (although political scientists have generally concluded that they did not help.) Proponents of the minimum wage measures announced plans to place measures on the ballot in 11 states, to match the number marriage amendments in 2004, but ended up with only six measures (Arizona, Colorado, Missouri, Montana, Nevada, Ohio).

### STATES TO WATCH

**South Dakota.** In an effort to create a test case for the U. S. Supreme Court to reverse *Roe v. Wade*, the South Dakota legislature passed a law banning abortion in early 2006. Abortion rights activists promptly collected enough signatures to hold a referendum on the new law, in which the people will have the option to repeal the law. This election will be watched closely by pro-choice and pro-life activists nationwide. A Mason-Dixon poll in late July showed voters are leaning toward repeal of the ban by an 8% margin.

**Arizona.** The busiest state this year with 19 measures, Arizona is a microcosm of the national landscape. The ballot contains a marriage amendment (Prop 107), an eminent domain measure (Prop 207), a proposal to increase the minimum wage (Prop 202), competing anti-smoking measures (Props 201, 206), and competing land conservation measures (Props 105, 106). There is also a cluster of issues placed on the ballot by the legislature focusing on illegal immigration. Prop 300 would deny state services to illegal aliens, Prop 100 would deny them bail in certain circumstances, Prop 102 would prohibit them from receiving punitive damages in lawsuits, and Prop 103 declares English the state's official language. Two somewhat unusual initiatives are also on the Arizona ballot. Prop 200 would award \$1 million to a random voter each general election as a way to increase turnout, and Prop 204 would require farmers to provide pregnant pigs and calves a certain minimal amount of living space.

**California.** "Only" 13 propositions are on the ballot in the Golden State, down from the historical average of 18 in even-numbered years, but those measures propose combined spending of close to \$50 billion, almost all of it with borrowed money. Topping the list are five bond issues authorizing the state to borrow a combined \$43 billion. The money is dedicated to highways and roads (Prop 1B), school buildings (Prop 1D), water projects (Prop 1E, 84), and low-income housing (Prop 1C). A citizen initiative would establish a \$4 billion alternative energy program funded by a severance tax on oil (Prop 87); spending on the measure by late October was about \$130 million, a record. Tax increases are also on the agenda, with Prop 86 proposing a whopping \$2.60 per pack cigarette tax increase to fund tobacco awareness programs and hospitals, and Prop 88 proposing a \$50 parcel tax for public schools. "Voters turned down an initiative to tax millionaires for universal preschool and a \$600 million bond measure for libraries in June, so the public's appetite for government spending is not unlimited, but the fate of these measures will give a barometer on whether big government is coming back," said IRI president and University of Southern California professor John G. Matsusaka.

**Louisiana.** In the aftermath of hurricane Katrina, the Louisiana legislature held special sessions in 2005 and 2006, producing a set of 21 constitutional amendments for the voters to ponder this fall. Thirteen proposed amendments were approved in a September special election and eight are on the ballot in November. Some amendments were placed on the ballot over strong opposition from New Orleans politicians. Among the most contentious is a measure to combine the seven tax assessors in New Orleans into a single office (November ballot), and another to combine the scattered levee boards in the region in a single board (approved in September).

The **Michigan** ballot presents an interesting mix of issues. Proposal 2 would prohibit the University of Michigan and other state universities from giving preferential treatment on the basis of

*Two of the hottest issues this year, gay marriage and eminent domain, were sparked by court rulings that were greeted with much outrage.*

## FALL BALLOT MEASURES

race. An endorsement by voters could revive the campaign to ban racial preferences, which seems to have stalled after early successes in California and Washington. The initiative will also test the idea that voters oppose such measures when “affirmative action” is mentioned since the Secretary of State included the phrase in the ballot description, against the wishes of proponents. Proposal 5 would set minimum spending levels for schools, part of a growing trend to use initiatives to take budget decisions out of the hands of legislatures. Proposition 3 provides a little local color, a referendum that asks voters to repeal a recently enacted law that allows hunting of mourning doves.

### REMOVED AND STRUCK DOWN

An interesting development this year is the frequent removal of measures from the ballot. In June, the Colorado Supreme Court removed an initiative intended to deny government services to illegal aliens on the grounds that it violated the rule that a measure concern only a single subject. In Florida, the state supreme court took a redistricting off the ballot also on single subject grounds. In Oklahoma, State Question 729, a land use measure covering eminent domain and regulatory takings, was removed on single subject grounds. In Montana, a spending limit initiative was declared invalid by a district judge because it authorizes judges to modify the spending cap, allegedly a different subject than the rest of the measure. In Nevada, rather than remove a land use measure with eminent domain and regulatory takings sections entirely from the ballot, the court simply deleted the regulatory takings section. “State courts are aggressively wielding the single-subject requirement to deny voters the ability to vote on important policy issues. The Colorado decision is particularly problematic because the Court reasoned that multiple *purposes* behind the measure meant that it encompasses multiple *subjects*,” said IRI director and University of Southern California professor Elizabeth Garrett.

In South Dakota, Secretary of State Chris Nelson (R) refused to place two initiatives on the ballot even though petitioners submitted the required signatures. Both initiatives would have repealed existing laws, one authorizing a video lottery and the other a tax on cell phones. The measures were disqualified on the grounds that only a referendum could be used to repeal an existing law — initiatives can only be used to propose new laws. When the legislature originally passed the laws being challenged, a clause was attached to each declaring that they were “necessary for the support of state government,” a legal trick that made them not subject to a referendum. The decision was reversed by the state Supreme Court and the measures will appear on November ballot.



In Missouri, Secretary of State Robin Carnahan (D) refused to count petitions for TABOR and eminent domain initiatives after questions arose about the petition process. The TABOR petitions were not counted because the pages were not numbered sequentially by county. The eminent domain petitions were not counted because the ballot title on the petition pages was

“insufficient.” This was a Catch-22 for the petitioners since their ballot title had been approved by the Secretary of State, but was declared insufficient by a circuit court after the petitions had already been circulating.

In Maine, a superior court judge refused to allow the secretary of state to accept petitions for a TABOR initiative on the grounds that they were received after the statutory deadline for submission. Roughly 4 percent of the signatures were submitted one working day after the deadline in what promoters called an oversight. The state supreme court subsequently overruled the lower court and put the measure back on the ballot.

In Ohio, Secretary of State and gubernatorial candidate Ken Blackwell (R) qualified a TABOR amendment, but then had it withdrawn when the legislature passed similar legislation in May. In another case of second thoughts, the Florida legislature removed a constitutional amendment to lengthen term limits that the legislature itself had put on the ballot earlier in the year. “A move like this is unprecedented,” said Paul Jacob, senior fellow at US Term Limits.

In Nebraska, the Secretary of State removed several initiatives from the ballot on the ground that they were substantially similar to measures that came before the voters recently, Nebraska law requires a waiting period of three years before a similar measure can reappear on the ballot.

In Montana, judges disqualified three initiatives (CI-97, CI-98, I-154) on single subject grounds and because of petition fraud. The measures will still be on the ballot because it was too late to remove them, but the votes may not be counted. The state Supreme Court will review the decisions.

*Two regular and two special sessions of the Louisiana legislature in the wake of Katrina produced 21 constitutional amendments for voters to decide this fall.*

## STATE-BY-STATE (ALABAMA — CALIFORNIA)

**Alabama.** Three amendments go before the voters in November, one of which would require the state to levy a supplementary property tax in school districts where property taxes are low.

**Alaska.** One initiative taxes natural gas leases and another limits legislature sessions to 90 days.

**Arizona.** Props 100-105, 300, 301 were put on the ballot by the legislature. Props 106-207 are initiatives. Prop 302 was put on the ballot by a commission.

Prop 100. Denies bail to illegal immigrants under certain conditions.

Prop 101. Lowers local property tax limits.

Prop 102. Prohibits illegal immigrants from receiving punitive damage awards in lawsuits.

Prop 103. Makes English the official language of the state.

Prop 104. Authorizes cities to borrow more for streets and public safety.

Prop 105. Preserves 43,000 acres of state trust land (response to 106 by cattlemen).

Prop 106. Preserves 690,000 acres of state trust land.

Prop 107. Defines marriage as solely between a man and a woman.

Prop 200. Awards \$1 million to a randomly chosen voter after each general election.

Prop 201. Prohibits smoking in public places (health industry version; see Prop 206).

Prop 202. Raises minimum wage and indexes it to inflation.

Prop 203. Increases tobacco tax to fund early childhood development.

Prop 204. Mandates minimum living space for pregnant pigs and calves.

Prop 205. Requires absentee ballots to be mailed to all voters.

Prop 206. Prohibits smoking in public places except bars (industry alternative to 201).

Prop 207. Prohibits use of eminent domain for private projects, requires compensation for regulatory takings.

Prop 300. Prohibits illegal aliens from receiving state subsidies for education and child care.

Prop 301. Limits probation for methamphetamine convicts.

Prop 302. Increases legislator salaries.

**Arkansas.** Amendment 1, a legislative measure, would allow charities to run bingo games and raffles. Referred question 1 authorizes the state to borrow \$250 million for education.

**California.** Heading the list are four bond measures sponsored by Republican governor Arnold Schwarzenegger and the Democratic-controlled legislature (1B-1E). Props 83-90 are initiatives.

Prop 1A. Prevents diversion of gas tax revenue meant for roads.

Prop 1B. \$19.925 billion bonds for road projects

Prop 1C. \$2.85 billion bonds for low-income housing

Prop 1D. \$10.416 billion bonds for public school facilities

Prop 1E. \$4.09 billion bonds for levee repairs and flood control projects

Prop 83. Increases penalties for sex crimes.

Prop 84. \$5.388 billion bonds for water and conservation projects.

Prop 85. Requires waiting period and parental notification for abortion by minor.

Prop 86. \$2.60 per pack cigarette surtax with funds for hospitals.

Prop 87. Spends \$4 billion for alternative energy research, profit tax on energy companies.

Prop 88. Establishes a \$50 parcel tax for schools.

Prop 89. Provides public funding for candidates that agree to spending limits.

Prop 90. Restricts eminent domain for private projects, requires compensation for regulatory takings.

*South Dakota's  
referendum to repeal  
the abortion ban will  
be watched  
nationwide.*

## STATE-BY-STAT (COLORADO—GEORGIA)

**Colorado.** Amendments 38-44 are initiatives. Referendums E-K are legislative measures.

Amendment 38. Extends initiative rights throughout state and limits scope of single subject rule.

Amendment 39. Requires at least 65% of school spending to be spent on “classroom instruction” (Republican measure, more restrictive than Referendum J).

Amendment 40. Establishes terms limits for appellate court judges.

Amendment 41. Prohibits government officials from accepting certain gifts and from lobbying for two years after leaving office.

Amendment 42. Increases minimum wage and indexes it to inflation.

Amendment 43. Defines marriage as solely between one man and one woman.

Amendment 44. Legalizes possession of one ounce of marijuana.

Referendum E. Reduces property taxes for disabled veterans.

Referendum F. Extends time to contest recall petitions.

Referendum G. Removes obsolete constitutional provisions.

Referendum H. Prohibits businesses from deducting wages paid to illegal aliens from taxes.

Referendum I. Establishes “domestic partnerships” that give same-sex couples legal rights of marriage.

Referendum J. Requires 65% of school spending to be spent on classroom instruction (Democratic measure, defines “classroom instruction” more broadly than Amendment 39).

Referendum K. Directs attorney general to sue federal government to enforce immigration laws.

**Florida.** Five constitutional amendments were placed on the ballot by the legislature and one (number 4) by initiative. Amendment 2, a legislative measure to weaken term limits, was removed from the ballot by the legislature. Amendment 5, concerning nonpartisan redistricting, was removed by the state supreme court on single subject grounds.

Amendment 1. Changes budget procedures to limit use of nonrecurring revenue.

Amendment 3. Requires 60% approval for constitutional amendments.

Amendment 4. Requires state to use tobacco settlement money for tobacco education.

Amendment 6. Increases homestead tax exemption for low-income seniors.

Amendment 7. Reduces homestead tax for disabled veterans.

Amendment 8. Restricts use of eminent domain for private projects.

**Georgia.** Initiatives are not allowed so all measures were placed on the ballot by the legislature.

Amendment 1. Restricts use of eminent domain for private projects.

Amendment 2. Requires the state to preserve the “tradition of fishing and hunting.”

Amendment 3. Allows state to issue special vehicle license plates.

Question A. Sales tax exemption for farm equipment.

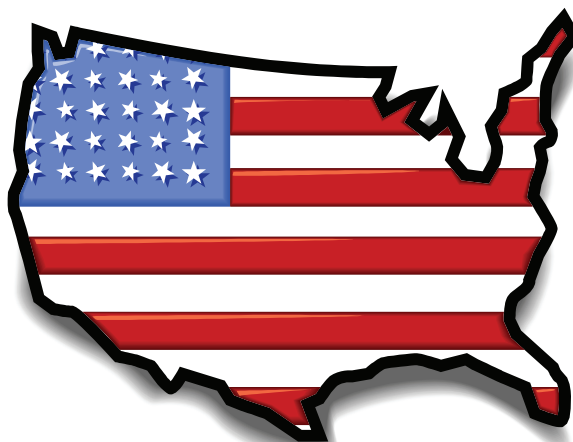
Question B. Sales tax exemption for historic aircraft.

Question C. Sales tax exemption for property of charitable organizations.

Question D. Property tax exemption for people 65 and older.

Question E. Homestead tax exemption for spouse of peace officer killed in line of duty.

Question F. Limits assessment increases for house of spouse of peace officer killed in line of duty.



*California's \$43 billion in bonds appears to be record amount of debt for a single ballot.*

## STATE-BY-STATE (HAWAII—MASSACHUSETTS)

**Hawaii.** Five amendments placed on the ballot by the legislature.

Amendment 1. Requires governor to choose regents from pool nominated by commission.

Amendment 2. Creates commission to recommend state salaries.

Amendment 3. Repeals mandatory retirement age of 70 for judges.

Amendment 4. Allows legislature to set standard for conviction in sex crimes against minors.

Amendment 5. Authorizes state to issue bonds for agricultural enterprises.

**Idaho.** Two initiatives, two legislative constitutional amendments, and an advisory measure.

Prop 1. Adds 1% to sales tax with funds dedicated to K-12 education.

Prop 2. Restricts use of eminent domain for private projects, requires compensation for regulatory takings.

HJR 2. Defines marriage as solely between one man and one woman.

SJR 107. Creates restricted endowment from tobacco settlement money.

Advisory. Asks if state should retain 3 mill property tax relief program adopted in 2006.

**Louisiana.** Thirteen amendments were approved in a September special election. Eight more amendments are on the November ballot, including a controversial measure that would combine the seven New Orleans tax assessors into a single office.

No. 1. Freezes property tax assessments for disabled veterans.

No. 2. Increases share of severance taxes allocated to local governments.

No. 3. Property tax exemption for medical equipment.

No. 4. Exempts motor vehicle from municipal taxes.

No. 5. Exempts consigned art from ad valorem taxes.

No. 6. Authorizes legislature to create new district court judgeships.

No. 7. Replaces seven New Orleans tax assessors with single office.

No. 8. Expands financing authority of East Baton Rouge school district.

**Maine.**

Question 1. Initiative that would impose Colorado-style tax and spending limits (TABOR).

Question 2. Amendment that requires initiative to be submitted by constitutional deadline.

**Maryland.** Three legislative amendments (1-3) and a referendum (4).

Question 1. Prohibits public works board from selling park lands with legislative approval.

Question 2. Allows more appeals to Court of Special Appeals.

Question 3. Limits right to jury trial for civil cases with less than \$10,000 at stake.

Question 4. To approve or repeal law requiring supermajorities at state election board, and change local election board procedures. An early voting part of this law was already struck down.

**Massachusetts.** Three initiatives.

Prop 1. Allows food stores to sell wine.

Prop 2. Allows fusion candidates (nominated by more than one party.)

Prop 3. Allows child care providers in private homes to bargain collectively with state.

*This year's total number of initiatives, 81, is the third highest since initiatives were first used in 1902.*

## STATE-BY-STATE (MICHIGAN—NEBRASKA)

**Michigan.** Proposals 1 and 4 are legislative measures, 2 and 5 are initiatives, and 3 is a referendum. Proposal 6, a TABOR-like initiative, was removed from the ballot by the state election board in early September because of fraudulent signatures. An early September poll for the Detroit Free Press found the Michigan Civil Rights Initiative trailing 41%-43%. An indirect initiative to repeal the small business tax did not go the ballot because the legislature adopted the initiative.

Proposal 1. Prevents diversion of state conservation funds to other purposes.

Proposal 2. Prohibits state universities from discriminating for/against individuals on basis of race.

Proposal 3. Asks voters to repeal a recently adopted law allowing hunting of mourning doves.

Proposal 4. Restricts use of eminent domain for private purposes.

Proposal 5. Sets minimum spending levels for schools.

**Minnesota.** A constitutional amendment sponsored by Gov. Tim Pawlenty (R) would require motor vehicle tax revenue to be used for transportation projects.

### **Missouri.**

Amendment 2. Initiative that allows stem cell research.

Amendment 3. Initiative to tax tobacco products, use revenue for health services.

Amendment 6. Legislative measure that gives property tax exemption to nonprofit veteran groups.

Amendment 7. Legislative measure stripping pensions from government officials convicted of felonies.

Prop B. Initiative to increase minimum wage and index it to inflation.

**Montana.** In mid-September, state judges ruled that CI-97, CI-98, and I-154 were invalid because of single subject violations and noncompliance with petition laws. It is too late to change ballots, so the questions will still appear, but votes may not be counted. The Montana Supreme Court has agreed to review the rulings. Results from a Mason-Dixon poll in late September are in parentheses (yes%-no%).

C-43. Changes name of State Auditor to Insurance Commissioner.

CI-97. Restricts state spending to inflation plus population growth (TABOR). (34%-43%)

CI-98. Allows recall of judges for any reason, not just incompetence. (45%-39%)

I-151. Raises minimum wage and indexes it to inflation. (73%-16%)

I-153. Prohibits lobbying by government officials for two years after leaving office. (70%-15%)

I-154. Restricts eminent domain for private purposes, requires compensation for regulatory takings. (51%-24%)

**Nebraska.** Two initiatives, one referendum, and six legislative constitutional amendments.

Measure 421. An initiative that would permit a limited number of video keno machines.

Measure 422. A referendum to repeal a school district consolidation law.

Measure 423. An initiative that limits the growth of state spending to inflation plus population growth.

Amendment 1. Allows local governments to acquire land for use by nonprofit organizations.

Amendment 2. Allows local government to manage endowments as "prudent investor."

Amendment 3. Allocates \$1 million for compulsive gamblers.

Amendment 4. Allows executive and courts to supervise parolees.

Amendment 5. Dedicates \$40 million to early childhood development.

Amendment 6. Allows public debt for property that is not blighted.

*Land use — eminent domain and regulatory takings — is the hot issue for this year's ballot propositions.*

## STATE-BY-STATE (NEVADA—NORTH DAKOTA)

**Nevada.** Constitutional amendments in Nevada must be approved in two consecutive elections. Questions 1 and 6 were approved for the first time in 2004. Questions 1, 2, 4-7 are initiatives. A TABOR-style initiative, Question 3, was struck from the ballot by the state supreme court on single subject grounds and because of a failure to comply with petition regulations.

Question 1. Requires the legislature to appropriate funds for education before other programs.

Question 2. Restricts use of eminent domain for private purposes.

Question 4. Bans smoking in public places except bars/restaurants (industry response to Question 5).

Question 5. Bans smoking in public places with children (tougher than Question 4).

Question 6. Increases minimum wage and indexes it to inflation.

Question 7. Legalizes possession of one ounce of marijuana.

Question 8. Removes sales tax on trade-in cars and farm equipment.

Question 9. Reduces board of regents from 13 to 9 members.

Question 10. Allows legislature to call special session.

Question 11. Doubles legislator pay.

**New Hampshire.** Both measures were placed on the ballot by the legislature.

Amendment 1. Restricts the use of eminent domain for private purposes.

Amendment 2. Prohibits division of cities when drawing legislative districts.

**New Mexico.** All measures were placed in the ballot by the legislature.

Amendment 1. Repeals obsolete Alien Land law.

Amendment 2. Removes debt limits and referendum requirements for lease-purchases.

Amendment 3. Creates but does not fund water trust fund.

Amendment 4. Permits state to pay costs of affordable housing.

Bond Issue A. \$15.958 million bonds for senior citizen facilities.

Bond Issue B. \$118.36 million bonds for higher education capital improvements.

Bond Issue C. \$9.09 million bonds for libraries.

**New Jersey.** Three amendments from the legislature.

Public Question 1. Dedicates state revenue to reduce property taxes.

Public Question 2. Dedicates fraction of state environment funds to recreational areas.

Public Question 3. Increases fraction of gas tax dedicated to transportation projects.

**North Dakota.**

Constitutional Amendment 1. Public universities may spend more than endowment interest.

Initiated Constitutional Amendment 2. Prohibits use of eminent domain for private projects.

Initiated Statutory Measure 3. Requires joint custody of children after divorce.

*Direct democracy  
shows no signs of  
losing popularity: the  
2008 ballot  
propositions in  
November is up from  
162 in 2004.*



## STATE-BY-STATE (OHIO—RHODE ISLAND)

**Ohio.** Four initiatives and one referendum are on the ballot, but the votes for some might not be counted. The Secretary of State ruled that Issue 1 fell short of the required signatures, but instructed the 88 county election boards to print it on the ballot because his ruling is being challenged. Opponents of Issue 5 are seeking to have it removed from the ballot. A Columbus Dispatch poll in late September showed Issue 3 narrowly ahead, 48%-43%, and both smoking bans with 55% or more support.

Issue 1. A referendum to repeal a law that cuts workers' compensation benefits.

Issue 2. Increases the minimum wage and indexes it to inflation.

Issue 3. Allows limited slot machines, dedicating the revenue for college scholarships.

Issue 4, the tobacco industry's response to Issue 5, bans smoking in many public spaces but allow it in bars (Smoke Less Ohio). Issue 5. Bans smoking in public places (SmokeFreeOhio).

**Oklahoma.** All four measures were put on the ballot by legislature. A TABOR-type measure, Question 723, was removed from ballot by state supreme court because of illegal signature collection.

Question 724. Prohibits paying legislators who are in jail.

Question 725. Allows use of rainy-day funds to subsidize at-risk manufacturers.

Question 733. Allows sale of alcohol on election day by package stores.

Question 734. Exempts from property taxes goods that are shipped through the state.

**Oregon.** All 10 measures are initiatives.

Measure 39. Restricts use of eminent domain for private purposes.

Measure 40. Requires appellate court judges to be elected by district.

Measure 41. Increases state income tax deductions to federal level.

Measure 42. Prohibits use of credit scores when calculating insurance premiums.

Measure 43. Requires waiting period and parental notification for abortion by minor.

Measure 44. Allows residents without prescription drug coverage to participate in state program.

Measure 45. Restores voter-approved term limits struck down by court.

Measure 46. Amends constitution to allow limits on campaign contributions/expenditures.

Measure 47. Sets limits on individual campaign contributions and bans campaign contributions from corporations and unions. Takes effect only if Measure 46 is approved.

Measure 48. Limits state spending growth to inflation plus population growth (TABOR).

**Pennsylvania.** \$20 million legislative bond issue to make payments to Gulf War (1990-91) veterans.

**Rhode Island.** All nine measures were placed on the ballot by the legislature. Questions 1-3 are constitutional amendments and 4-9 are statutes. Gov. Donald Carcieri (R) unilaterally placed two nonbinding advisory measures on the ballot, one asking if citizens would like to adopt the initiative and another if they would like to limit taxes and spending, but then the legislature repealed his authority to do so.

Question 1. Controversial constitutional amendment placed on the ballot by the Democratic legislature over the objections of governor would authorize a privately run resort casino in state.

Question 2. Prohibits incarcerated felons from voting, restores voting rights when discharged.

Question 3. Increases rainy day funds, restricts use.

Question 4. \$72.79 million bonds for buildings at state university and college.

Question 5. \$88.5 million bonds for transportation projects.

Question 6. \$11 million bonds for zoo improvements.

Question 7. \$4 million bonds for state park in Newport.

Question 8. \$3 million bonds for recreation projects.

Question 9. \$50 million bonds for affordable housing.

*Arizona leads with 19  
measures in  
November, including  
10 initiatives.*

## STATE-BY-STATE (SOUTH CAROLINA—WYOMING)

**South Carolina.** All seven constitutional amendments were placed on the ballot by the legislature.

Amendment 1. Defines marriage as solely between one man and one woman.

Amendment 2A. Allows either house of legislature to adjourn by majority vote.

Amendment 2B. Deletes constitutional provision contrary to 2A.

Amendment 3A. Allows state retirement systems to invest in foreign companies.

Amendment 3B. Eliminates state investment advisory panel.

Amendment 4. Limits growth of property tax assessments to 15% every five years.

Amendment 5. Prohibits use of eminent domain for private projects.

**South Dakota.** Amendments C and F were placed on the ballot by the legislature. Referred Law 6 is a referendum placed on the ballot by petition. The other measures are initiatives.

Amendment C. Defines marriage as solely between one man and one woman.

Amendment D. Limits annual increase in property tax assessments to 3%.

Amendment E. Establishes grand jury to evaluate civil lawsuits involving judges.

Amendment F. Revises technical constitutional language regarding legislature.

Measure 2. Increases tobacco tax, dedicates revenue to health services and education.

Measure 3. Prohibits school year from beginning before September.

Measure 4. Allows medical use of marijuana.

Measure 5. Requires state-owned aircraft to be used only for official business.

Measure 7. Repeals video lottery.

Measure 8. Repeals 4% tax on wireless phone service.

Referred Law 6. Repeals the state's ban on abortion.

**Tennessee.** Both measures were placed on the ballot by the legislature.

Amendment 1. Defines marriage as solely between one man and one woman.

Amendment 2. Allows legislature to provide property tax relief for people 65 and older.

**Utah.** Legislative amendment would allow tax exemption of property producing no revenue.

**Virginia.** The legislature placed three constitutional amendments on the ballot.

Question 1. Defines marriage as solely between one man and one woman.

Question 2. Allows churches to incorporate.

Question 3. Allows tax breaks for new structures in development areas.

**Washington.**

I-920. Repeals estate tax.

I-933. Requires compensation for regulatory takings.

I-937. Requires utilities to use minimum amounts of renewable fuels.

SJR 4233. Legislative measure that authorizes increased property tax exemptions.

**Wisconsin.** Amendment on gay marriage, and advisory measure on death penalty reinstatement.

**Wyoming.** Four constitutional amendments placed on the ballot by the legislature.

Amendment A. Prohibit diversion of money in the state's Mineral Trust Fund.

Amendment B. Repeals limits on redistribution of property taxes for schools.

Amendment C. Creates a fund for higher education scholarships.

## STATE-BY-STATE (CONCLUDED ELECTIONS)

### ELECTION RESULTS FROM EARLIER IN 2006

*Alabama* (June 6). Marriage amendment approved with 81% in favor.

*Alaska* (August 22). Voters approved two initiatives, one lowering campaign contribution limits and another taxing commercial passenger ships that visited the state.

*California* (June 6). Voters rejected an initiative to increase taxes on high income individuals to fund universal preschool (61% against), and a \$600 million bond issue for libraries (53% against).

*Louisiana* (September 30). Voters approved all 13 constitutional amendments proposed by legislature.

No. 1. Dedicates federal money from oil drilling to coastal conservation. (82-18)

No. 2. Dedicates 20% of tobacco settlement money to coastal conservation. (79-21)

No. 3. Merges regional levee boards. (81-19)

No. 4. Prohibits government from paying more than market value for expropriated property. (61-39)

No. 5. Restricts use of eminent domain for private projects. (55-45)

No. 6. Allows original owner to buy back expropriated property that is no longer needed. (50.1-49.9)

No. 7. Allows 35% of Medicaid Trust Fund to be invested in stocks. (63-37)

No. 8. Extends tax exemption for homes damaged by natural disasters. (79-21)

No. 9. Requires legislative supermajority to mandate higher spending by school districts. (51-49)

No. 10. Allows 35% of state university funds to be invested in stocks. (59-41)

No. 11. Extends homestead tax exemption to property owned by living trust. (66-34)

No. 12. Requires election to fill vacant offices. (69-31)

No. 13. Increases number of years of law practice required to be a judge. (70-30)

*Missouri* (August 8). Voters approved an amendment that extended for 10 years a 1/10 percent sales tax surtax for parks (71% in favor).

*Nebraska* (May 9). Amendment to increase legislator salaries rejected with 55% against.

*North Dakota* (June 13). Voters approved two constitutional amendments that removed obsolete language (73% in favor of both).

*This report was compiled with the help of IRI Research Associate Cyrus Cheung. Media inquiries, please contact Gilien Silsby, Director of Public Relations, (213) 740-9690 (office), (213) 500-8693 (cell), [gsilsby@law.usc.edu](mailto:gsilsby@law.usc.edu).*

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