

Comparison of Statewide Initiative Processes ¹

Definitions / Availability

Anything that appears on the ballot other than a candidate for office is called a **ballot measure**. Ballot measures are broken down into two distinct categories – **initiatives and referendums**.

Initiatives are when the citizens, collecting signatures on a petition, place advisory questions, memorials, statutes or constitutional amendments on the ballot for the citizens to adopt or reject. Twenty-four states have the initiative process (see table below). Of the 24 states, 18 have the **constitutional initiative process** which is further broken down into two distinct subcategories - **direct initiative amendments (DA)** and **indirect initiative amendments (IDA)**. A **direct initiative amendment (DA)** is when a constitutional amendment is proposed by the people and is placed directly on the ballot for voter approval or rejection. An **indirect initiative amendment (IDA)** is when a constitutional amendment is proposed by the people but must first be submitted to the state legislature for consideration before the amendment can be placed on the ballot for voter approval or rejection. Sixteen of the 18 states have the **direct initiative amendment** process and two have the **indirect initiative amendment** process.

Twenty-one of the 24 initiative states have the **statutory initiative process** which is further broken down into two distinct subcategories - **direct initiative statutes (DS)** and **indirect initiative statutes (IDS)**. A **direct initiative statute (DS)** is when statutes (laws) or memorials (non-binding laws) proposed by the people are directly placed on the ballot for voter approval or rejection. An **indirect initiative statute (IDS)** is when statutes (laws) or memorials (non-binding laws) proposed by the people must first be submitted to the state legislature for consideration before they can be placed on the ballot for voter approval or rejection. Fourteen of the 21 states allow **direct initiative statutes (DS)** and nine allow **indirect initiative statutes (IDS)**. That adds up to 23 – which is greater than the universe of 21 states that allow statutory initiatives. The reason for the difference is that two states – Utah and Washington – allow statutory initiatives through the direct **and** indirect process.

In many of the same states the citizens have the ability to reject laws or amendments proposed by the state legislature. This process is commonly referred to as the **referendum process**. There are two types of referendum in this country — **popular and legislative**.

Popular referendum, which is available in 24 states (see table below), is when the people have the power to refer, by collecting signatures on a petition, specific legislation that was enacted by their legislature for the people to either accept or reject. **Legislative referendum**, which is possible in all states, is when the state legislatures, an elected official, state appointed constitutional revision commission or other government

¹ The information contained in this section was derived primarily from the **Texas Interim Report on the Initiative Process** and from independent research conducted by the Initiative & Referendum Institute.

agency or department submits propositions (constitutional amendments, statutes, bond issues, etc.) to the people for their approval or rejection. This is either constitutionally required, as in proposing constitutional amendments, or because the legislature, government official or agency voluntarily chooses to submit the proposal to the people (however, not all states allow their state legislature to place statutes on the ballot for voter approval or rejection). Every state requires that constitutional amendments proposed by the legislature be submitted to the citizenry via legislative referendum for approval or rejection. **Legislative referendum** is further broken down into two subcategories. **Legislative amendments (LA)** are constitutional amendments placed on the ballot by the legislature or governmental body. This includes constitutional bond issues and amendments proposed by a constitutional revision commission. **Legislative statutes (LS)** are binding and non-binding statutes (laws) and statutory bonds placed on the ballot by the legislature or government body.

In the United States, the **initiative process** is used much more frequently than the **referendum process** and is considered by many the more important and powerful of the two processes.

Additionally, there is no national initiative or referendum process in the United States. However, the initiative and referendum process is available in thousands of counties, cities and towns across the country and is utilized far more frequently than their statewide counterpart.

States with Direct (DA) and Indirect (IDA) Initiative Amendments; Direct (DS) and Indirect (IDS) Initiative Statutes and Popular (PR) Referendum ²

State	Date adopted	Type of process available		Type of Initiative process available		Type of initiative process used to propose Constitutional Amendments		Type of initiative process used to propose States (Laws)	
		Initiative	Popular Referendum	Constitutional Amendment	Statute	Direct (DA)	Indirect (IDA)	Direct (DS)	Indirect (IDS)
AK	1956	Yes	Yes	No	Yes	No	No	No	Yes
AZ	1911	Yes	Yes	Yes	Yes	Yes	No	Yes	No
AR	1910	Yes	Yes	Yes	Yes	Yes	No	Yes	No
CA ³	1911/66	Yes	Yes	Yes	Yes	Yes	No	Yes	No
CO	1912	Yes	Yes	Yes	Yes	Yes	No	Yes	No
FL	1972	Yes	No	Yes	No	Yes	No	No	No
ID	1912	Yes	Yes	No	Yes	No	No	Yes	No
IL ⁴	1970	Yes	No	Yes	No	Yes	No	No	No
KY	1910	No	Yes	No	No	No	No	No	No
ME	1908	Yes	Yes	No	Yes	No	No	No	Yes
MD	1915	No	Yes	No	No	No	No	No	No
MA	1918	Yes	Yes	Yes	Yes	No	Yes	No	Yes

² This list does not include the states with legislative referendum (LR). Legislative referendum is when a state legislature places an amendment or statute on the ballot for voter approval or rejection. The legislative referendum process is available in every state.

³ In 1996 California repealed the in-direct initiative process for statutes.

⁴ In Illinois, the subject matter of proposed constitutional amendments is severely limited to legislative matters. Consequently, initiatives seldom appear on the ballot.

State	Date adopted	Type of process available		Type of Initiative process available		Type of initiative process used to propose Constitutional Amendments		Type of initiative process used to propose States (Laws)	
		Initiative	Popular Referendum	Constitutional Amendment	Statute	Direct (DA)	Indirect (IDA)	Direct (DS)	Indirect (IDS)
MI	1908	Yes	Yes	Yes	Yes	Yes	No	No	Yes
MS ⁵	1914/92	Yes	No	Yes	No	No	Yes	No	No
MO	1908	Yes	Yes	Yes	Yes	Yes	No	Yes	No
MT ⁶	1904/72	Yes	Yes	Yes	Yes	Yes	No	Yes	No
NE	1912	Yes	Yes	Yes	Yes	Yes	No	Yes	No
NV	1905	Yes	Yes	Yes	Yes	Yes	No	No	Yes
NM	1911	No	Yes	No	No	No	No	No	No
ND ⁷	1914	Yes	Yes	Yes	Yes	Yes	No	Yes	No
OH	1912	Yes	Yes	Yes	Yes	Yes	No	No	Yes
OK	1907	Yes	Yes	Yes	Yes	Yes	No	Yes	No
OR	1902	Yes	Yes	Yes	Yes	Yes	No	Yes	No
SD ⁸	1898/72/88	Yes	Yes	Yes	Yes	Yes	No	Yes	No
UT	1900/17	Yes	Yes	No	Yes	No	No	Yes	Yes
WA	1912	Yes	Yes	No	Yes	No	No	Yes	Yes
WY	1968	Yes	Yes	No	Yes	No	No	No	Yes
Totals	27 states	24 states	24 states	18 states	21 states	16 states	2 states	14 states	9 states

Similarities

Although the initiative process is different in every state, there are certain aspects of the process that are common to all. The five basic steps to any initiative are:

- 1) Preliminary filing of a proposed initiative with a designated state official;
- 2) Review of the initiative for compliance with statutory requirements prior to circulation;
- 3) Circulation of the petition to obtain the required number of signatures;
- 4) Submission of the petition signatures to the state elections official for verification of the signatures;
- 5) The placement of the initiative on the ballot and subsequent vote.

The Indirect Initiative Process

By Fred Silva ⁹

The indirect initiative is a process by which voters can submit a measure to their state legislature for consideration. In general, the legislature has a set period of time to adopt or reject the proposal. If it is adopted by the legislature, the measure becomes law (albeit one subject to referendum). If the measure is rejected or the legislature fails to act within a set period of time, the measure is generally placed on the ballot at the next general election. Currently, the constitutions and provisions of

⁵ Mississippi first adopted the initiative process in 1914 but a State Supreme Court ruling voided the election. The process was "readopted" in 1992.

⁶ In 1972 Montana adopted a provision that allows for directly initiated constitutional amendments.

⁷ In North Dakota prior to 1918, constitutional amendments could be initiated only indirectly.

⁸ In 1972 South Dakota adopted a provision that allows for directly initiated constitutional amendments. In 1988 South Dakota repealed the in-direct Initiative process for statutes.

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ten states provide for an indirect initiative process: Alaska, Maine, Massachusetts, Michigan, Mississippi, Nevada, Ohio, Utah, Washington, and Wyoming.

¹⁰This two-step process would in theory seem to lead to a large number of initiatives being proposed since initiative sponsors would only have to collect half of the number of signatures normally required to get their issued addressed by their lawmakers, but in reality that hasn't occurred. This is due to the fact that very rarely do state legislatures actually adopt the initiatives that are placed before them through the indirect process. California and South Dakota, which had both the direct and indirect initiative process, repealed the indirect initiative in 1966 and 1988, respectively, for lack of use. The Utah Legislature has never adopted an initiative measure and the Massachusetts legislature, according to the Secretary of State's Office, hasn't adopted an initiative measure in the last decade. The Maine legislature has only adopted two laws placed before them since adopting the indirect initiative process in 1908.

Alaska¹¹

Alaska uses a form of the indirect initiative called the legislature's option, and only statutes are eligible. Here, after collecting the proper amount of signatures (10% of those who voted in the preceding election), the petitioners must submit their request prior to the beginning of the legislative session. The legislature is not required to consider the measure, however, and if it does not, the measure goes on the next ballot. If the legislature adopts the measure or a measure that is substantially similar, the initiative does not go on the ballot. Other than Wyoming, Alaska is the only state in which the legislature may vary indirect initiative statutory proposals without creating the possibility of a vote on the amended measure.

Maine¹²

After Massachusetts, Maine is the second largest user of the indirect initiative – but only statutes are allowed. The required number of signatures is 10% of the total votes cast for governor in the last election. The legislature has the entire session in which to act and may decide to place an alternative proposal or recommendation on the ballot. If it chooses to do this, it must construct the ballot so that voters can choose between competing versions (one or more) or reject both. The Legislature can also reject the initiative, in which case it is placed on the ballot.

¹⁰ This paragraph was written by M. Dane Waters and is based on research conducted by the Initiative & Referendum Institute. The state by state overviews were written by Fred Silva.

¹¹ Alaska Constitution Article XI; Dubois, Philip L. and Floyd Feeney, *Lawmaking by Initiative: Issues, Options and Comparisons*. New York: Agathon Press, 1998.

¹² Maine Constitution Article IV; Dubois, Philip L. and Floyd Feeney, *Lawmaking by Initiative: Issues, Options and Comparisons*. New York: Agathon Press, 1998.

Following enactment, the Legislature can both repeal and amend initiatives.

Massachusetts¹³

Massachusetts is by far the largest user of the indirect initiative. Both constitutional amendments and statutes may be proposed, and signatures that total only 3% of the entire vote cast for Governor are required. The Massachusetts procedure for constitutional amendments is the most indirect of any American initiative procedure, as the proponents have no right to submit their proposal to a vote of the people unless the legislature places the measure on the ballot. The process involves a two-step procedure. In the first step the sponsor must obtain a fairly low number of signatures (3%) to have the legislature consider the proposal. Initiative amendments are acted upon by a joint session of the House and Senate; the Legislature can only amend the initiative by a ¾ majority vote in a joint session of both houses. If the legislature fails to adopt the proposal, the sponsors must seek additional signatures to get on the ballot. An initiative amendment to the Constitution will not appear on the ballot if, when it comes to a vote in either joint session, less than 25% of the legislators vote in favor of it or if no vote is taken before the legislative term ends. Following enactment, the Legislature can both repeal and amend initiatives. In practice, the indirect initiative process is rarely used for constitutional amendments.

Michigan¹⁴

Only statutes may be proposed in Michigan's indirect initiative process, and the number of signatures required to qualify is at least 8% of the total votes cast for Governor in the last general election. Once submitted, the legislature has 40 days to act on a petition and may also place an alternative on the ballot. It can approve or reject an initiative, but it cannot amend one. However, it can submit an alternative to an initiative to the ballot. If rejected, the measure can be placed on the next ballot. Following enactment, the Legislature can both repeal and amend initiatives.

Mississippi¹⁵

Mississippi is the only state in which the indirect initiative process is used for constitutional amendments only. To qualify an amendment for consideration, the number of collected signatures must equal 12% of all votes cast for governor in the last election. These initiatives always appear on the ballot, whether the legislature adopts, rejects, or proposes

¹³ Massachusetts Constitution amendment article XLVIII, Initiative part 5 (statutes), part 4 (cons. Amendment); Dubois, Philip L. and Floyd Feeney, *Lawmaking by Initiative: Issues, Options and Comparisons*. New York: Agathon Press, 1998.

¹⁴ Michigan Constitution Article II; Dubois, Philip L. and Floyd Feeney, *Lawmaking by Initiative: Issues, Options and Comparisons*. New York: Agathon Press, 1998.

¹⁵ Mississippi Constitution Section 273; Dubois, Philip L. and Floyd Feeney, *Lawmaking by Initiative: Issues, Options and Comparisons*. New York: Agathon Press, 1998.

alternatives to them. If it is amended, both the amended version and the original one are submitted to the ballot. The Legislature is empowered to both repeal and amend these initiatives following enactment. This procedure was adopted in Mississippi in 1992, but has been used only very rarely.

Nevada¹⁶

Nevada requires that 10% of the total number of voters in the last general election sign a petition in order for it to be considered by the Legislature. After submission, the Legislature has 40 days to act on a petition and may also place an alternative on the ballot. If the measure is rejected by the Legislature or if no action is taken in 40 days, the measure is placed on the ballot. The Legislature can only repeal or amend an approved initiative three years after enactment. Nevada used an indirect procedure for initiative constitutional amendments until 1962. Since then, Nevada has required that initiative constitutional amendments be approved at two separate elections but has allowed the amendments to go directly on the ballot. Because of the two separate elections requirements, the legislature still has an opportunity to deal with any matter proposed before a final ballot. As a result, some see this as really being an "indirect" procedure.

Ohio¹⁷

Ohio is one of two states (along with Massachusetts) that have a two-step procedure in the indirect initiative process. In the first step the sponsor must obtain a fairly low number of signatures (3% of the total vote cast for governor in the last election) to have the legislature consider the proposal. Only statutes are permitted. If the legislature fails to adopt the proposal (or does not act on it), the sponsors must seek additional signatures to get on the ballot. The Legislature may amend the proposed measure.

Utah¹⁸

Utah (along with Washington) is one of only two states that allow the initiative sponsor to choose whether they wish to use the direct process or indirect initiative process. In Utah, there is an incentive to use the indirect initiative, since indirect initiatives can go before the legislature with signatures equal to 5% of the last vote, while the direct initiative requires twice that number. If the legislature rejects the indirect initiative, its advantages are lost, however, because sponsors must come up with signatures equal to another 5% of the vote. Only statutes can be

¹⁶ Nevada Constitution Article XIX; Dubois, Philip L. and Floyd Feeney, *Lawmaking by Initiative: Issues, Options and Comparisons*. New York: Agathon Press, 1998.

¹⁷ Ohio Constitution Article II; Dubois, Philip L. and Floyd Feeney, *Lawmaking by Initiative: Issues, Options and Comparisons*. New York: Agathon Press, 1998.

¹⁸ Utah Code Ann. Sections 2-A-7-201, -208 (Supp. 1994); Dubois, Philip L. and Floyd Feeney, *Lawmaking by Initiative: Issues, Options and Comparisons*. New York: Agathon Press, 1998.

proposed and signatures that total at least 5% of all votes cast for governor in the last election are required. The proposed law can only be enacted or rejected without change or amendment by the Legislature. Following enactment, the Legislature can both amend and repeal initiatives.

Washington State¹⁹

Washington (along with Utah) is one of the two states that allow voters to choose between the indirect and direct initiative. The number of signatures required for each type of initiative is the same (8% of the votes cast for governor in the last election); thus, the sponsor chooses the type that seems most advantageous. In practice voters overwhelmingly choose the direct variant. Only statutes can be considered in the indirect process. Following submission to the legislature, the Legislature can approve an amended version of the proposed legislation, in which case both the amended version and the original proposal must be placed on the next state general election ballot. If the Legislature adopts the measure without amending it, it automatically becomes law. After enactment, the Legislature can repeal or amend an initiative by a $\frac{3}{4}$ vote of each house during the first two years of enactment, and a majority vote thereafter.

Wyoming²⁰

Wyoming, like Alaska, uses the "legislature's option" form of indirect initiative. Initiative sponsors must collect their signatures (15% of those voting in the last election) prior to the beginning of the next legislative session. Only statutes can be proposed using the indirect process. The legislature is not required to consider the measure, however. If it chooses not to consider the measure, it is placed on the next ballot. If the legislature adopts the measure or a measure that is substantially similar, the initiative does not go on the ballot. As mentioned above, Wyoming and Alaska are the only states in which the legislature may vary indirect initiative statutory proposals without creating the possibility of a vote on the amended measure. After a measure is enacted, the legislature can amend it, and repeal it after two years.

Pre-Circulation Filing Requirements and Review

Prior to circulating a petition, the proposed initiative and a request to circulate must be submitted to the designated public officer such as the Lieutenant Governor, Attorney General or Secretary of State for approval. Nine states require the proposed initiative to be submitted with a certain number of signatures – ranging from five in Montana to 100 in Alaska. Five states require a deposit that is refunded when the completed petition has

¹⁹ Washington Constitution Article II; Dubois, Philip L. and Floyd Feeney, *Lawmaking by Initiative: Issues, Options and Comparisons*. New York: Agathon Press, 1998.

²⁰ Wyoming Constitution Article III, Section 52; Dubois, Philip L. and Floyd Feeney, *Lawmaking by Initiative: Issues, Options and Comparisons*. New York: Agathon Press, 1998.

been filed – Alaska (\$100), Mississippi (\$500), Ohio (\$25), Washington State (\$5), and Wyoming (\$500).

Depending, on the state the petition may be reviewed for form, language and/or constitutionality. Ten states require the Secretary of State's office or the Attorney General to review initiatives for proper form only. Twelve states **require** some form of pre-circulation/certification review regarding language, content or constitutionality. However, in all but four of these states, the results of the review are advisory only. In Arkansas, the Attorney General has authority to reject a proposal if it utilizes misleading terminology. In Utah, the Attorney General can reject an initiative if it is patently unconstitutional, nonsensical, or if the proposed law could not become law if passed. In Oregon, the Attorney General can stop an initiative from circulating if he believes it violates the single amendment provision for initiatives and in Florida, the State Supreme Court – during its mandatory review – can stop an initiative if it is unconstitutional or violates the state's very strict single subject requirement for initiatives.

Pre-Circulation State Review of Initiative Petitions

State	Assistance Provided
Alaska	Lieutenant Governor reviews for form and legal restrictions on content.
Arizona	Secretary of State reviews for form only.
Arkansas	Attorney General may reject confusing title and summary and instruct petitioners to redesign proposal.
California	Optional assistance from Legislative Council.
Colorado	Mandatory content review by Legislative Council.
Florida	Supreme Court reviews for constitutionality and compliance to single subject after petitioners gather 10% of the signature requirements.
Idaho	Mandatory review of content by Attorney General.
Illinois	None
Maine	Secretary of State reviews for form only.
Massachusetts	Mandatory review of subject by Attorney General
Michigan	Optional public hearing on draft before the Board of State Canvassers.
Mississippi	The state makes advisory recommendations regarding the initiative language. The sponsor may accept or reject any of these recommendations.
Missouri	Attorney General reviews form only.

State	Assistance Provided
Montana	Mandatory review of content by Legislative Council. The sponsor may accept or reject any of these recommendations.
Nebraska	The state makes advisory recommendations regarding the initiative language. The sponsor may accept or reject any of these recommendations.
Nevada	Secretary of State reviews for form only.
North Dakota	Secretary of State reviews for form only.
Ohio	Petitioners may revise draft after the indirect initiative legislative hearing.
Oklahoma	Secretary of State reviews for form only.
Oregon	Mandatory review for single subject. The Attorney General can stop an initiative from circulating if he believes it violates the single amendment provision for initiatives.
South Dakota	Legislative Research Council reviews for style and form and makes advisory recommendations regarding the initiative language.
Utah	Attorney General reviews for constitutionality and will reject the measure if it is patently unconstitutional, nonsensical; or if the proposed law could not become a law if passed.
Washington	Mandatory review by Code Reviser. The sponsor may accept or reject any recommendations.
Wyoming	Secretary of State reviews for form only.

Ballot Title/Circulation Title/Summary

At two points in the petition process, an official summary and title must be prepared. A circulation title must be prepared for the signature collection phase, and a ballot title must be prepared for the voter pamphlet (if there is one) and the actual ballot. Typically, the circulation and ballot titles are the same. Procedures for writing the circulation title vary. Some states allow the sponsors to write the title; other states use a committee. Eleven states provide for expedited court challenges to the circulation title.

Every initiative state requires review and approval of the election-day ballot title, caption and summary. Arizona, Arkansas, Florida, Illinois, Ohio and Oklahoma permit proponents to write the ballot title, but it is subject to approval by the Attorney General or Secretary of State. Oklahoma additionally requires that the ballot title be certified by the superintendent of public instruction for readability at the eighth-grade level. Eleven states place responsibility for drafting the ballot title and summary with the Attorney General, Secretary of State or comparable official. Five states

assign the task to a special committee or drafting board. Colorado and Oregon allow public comment in drafting the ballot title. Fourteen states make available expedited court review of contested ballot title wording.

Circulation Title and Summary

State	Action	Expedited Review
Alaska	Proponent writes caption and summary, subject to approval by Lt. Governor.	Superior Court
Arizona	Proponent writes caption; no summary.	No
Arkansas	Proponent proposes caption and summary, subject to approval by Attorney General.	Supreme Court
California	Attorney General writes caption and summary.	No
Colorado	Drafting board prepares caption and summary in conduct of public hearings with input from proponent.	Rehearing: Supreme Court
Florida	Proponent writes caption and summary.	No
Idaho	Attorney General writes caption and summary.	Superior Court
Illinois	Proponent writes caption and summary, subject to approval by Board of Elections.	No
Maine	Ballot question written by Secretary of State; no summary.	No
Massachusetts	Proponent writes caption; Secretary of Commonwealth writes summary, approval by Attorney General.	No
Michigan	Proponent writes caption; no summary	No
Mississippi	The Attorney General writes the title and summary.	District Court
Missouri	No caption or summary.	No
Montana	The Attorney General writes the title and summary.	District Court
Nebraska	No caption; proponents writes summary.	No
Nevada	No caption or summary.	No

State	Action	Expedited Review
North Dakota	No caption; summary drafted by Secretary of State, subject to approval by Attorney General.	No
Ohio	Proponents write caption and summary, subject to approval by Attorney General.	No
Oklahoma	No caption, proponent writes summary.	No.
Oregon	Attorney General writes caption and summary after receiving public comments.	Supreme Court
South Dakota	No caption or summary.	No
Utah	No caption or summary.	No
Washington	Attorney General writes caption and summary.	Superior Court
Wyoming	No caption; Secretary of State writes summary.	District Court

How an initiative's ballot title is worded can make or break the initiative. In some states, proponents get to recommend a ballot title with final approval being left to the state – but in most states, government officials write the ballot title. Regardless of who writes it, the exact language appearing on the ballot may end up being a subject of a court case. Proponents will sometimes file multiple initiatives very similar in nature but not exact, in the hopes of getting a ballot title that they “like.” They will then begin circulating that petition. This is only possible, however, in states in which the ballot title is set before proponents begin gathering signatures. In many states, the ballot title is decided after proponents turn in their signatures and the measure is qualified for the ballot.

Official Ballot Title and Summary

State	Title and Summary Procedures	Is Ballot Title Set Before or After Circulation	Expedited Review
Alaska	Written by Attorney General; but proponent may negotiate wording with Lt. Governor.	Before	Yes
Arizona	Proponent writes the caption and the Secretary of State drafts the summary, subject to approval by Attorney General.	After	No

State	Title and Summary Procedures	Is Ballot Title Set Before or After Circulation	Expedited Review
Arkansas	Proponent proposes caption and summary, subject to approval by Attorney General.	Before	Yes
California	Attorney General writes caption and summary.	Before	Yes
Colorado	Drafting Board prepares caption and summary in conduct of public hearings, with input from proponents.	Before	Yes
Florida	Proponent writes caption and summary, subject to approval by Secretary of State.	Before	No
Idaho	Attorney General writes caption and summary.	Before	Yes
Illinois	Proponent writes caption and summary, subject to approval by Board of Elections.	Before	No
Maine	Ballot question and summary written by Secretary of State.	Before	No
Massachusetts	Secretary of Commonwealth writes caption and summary, subject to approval by Attorney General.	Before	Yes
Michigan	No caption; Board of State Canvassers writes summary.	After	Yes
Mississippi	The Attorney General writes the title and summary.	Before	Yes
Missouri	No caption, Attorney General writes summary.	Before	Yes
Montana	Attorney General writes ballot title and summary.	Before	Yes
Nebraska	Attorney General writes caption and summary.	After	Yes
Nevada	No caption; Secretary of State writes summary, subject to approval by the Nevada Legislative Commission.	After	No
North Dakota	No caption; summary drafted by Secretary of State, subject to approval by Attorney General.	Before	No

State	Title and Summary Procedures	Is Ballot Title Set Before or After Circulation	Expedited Review
Ohio	Proponent writes caption and summary, subject to approval by Attorney General and Secretary of State.	After	No
Oklahoma	Proponent proposes caption and summary, subject to approval by Attorney General.	After	Yes
Oregon	Attorney General drafts preliminary caption and summary, receives public comments and writes final version.	Before	Yes
South Dakota	Drafted by State Board of Elections.	After	No
Utah	Attorney General writes caption and summary.	After	Yes
Washington	Attorney General writes caption and summary.	Before	Yes
Wyoming	No caption; Secretary of State, with assistance of Attorney General, writes summary.	After	Yes

Subject Limitations

Every state prohibits initiatives from adopting policies that are beyond the permissible boundaries of the legislature. Some states have prohibited initiatives in the subject areas of taxes or appropriations. Nevada, for example, forbids any appropriation by initiative unless the measure also includes a tax sufficient to cover the appropriation. Alaska, Massachusetts, and Wyoming prohibit initiatives from dedicating revenues, making or repealing appropriations, creating courts, and affecting the judicial process. Several states, like Montana and Oregon, distinguish between constitutional amendments, which are permitted and constitutional revisions, which are not. Several states impose a single subject rule for initiatives meaning that all parts of the initiative must be germane.

Initiative Subject Restrictions

State	Restriction
Alaska	Single subject only. No revenue measures, appropriations, acts affecting the judiciary, or any local or special legislation. Also, no laws affecting peace, health or safety.
Arizona	Single subject only; legislative matters only.
Arkansas	Limited to legislative measures.
California	Single subject only.
Colorado	Single subject only.

State	Restriction
Florida	Single subject only.
Idaho	No restrictions.
Illinois	Legislative matters only. Can only deal with structural and procedural subjects.
Maine	Any expenditure in excess of appropriations is void 45 days after legislature convenes.
Massachusetts	No measures involving religion, the judiciary, local or special legislation, or specific appropriations.
Michigan	Applicable to statutes that legislature may enact.
Mississippi	No modifications of bill of rights and no modifications of public employees' retirement system or labor-related items. Initiatives rejected by the voters cannot be placed on the ballot for two years after the election.
Missouri	Single subject only; no appropriations without new revenue, and nothing that is prohibited by the constitution.
Montana	Single subject only; no appropriations, and no special or local legislation.
Nebraska	Single subject only. Limited to matters that can be enacted by the legislature. Same subject can't appear on the ballot more than once in three years.
Nevada	No appropriations or expenditures of money, unless the measure includes a sufficient tax not prohibited by Nevada's constitution.
North Dakota	No emergency measures, or appropriations for support and maintenance of state departments and institutions.
Ohio	Single subject only. No measures involving property taxes. Legislative matters only.
Oklahoma	Single subject only. The same subject cannot appear on the ballot more than once every three years. Legislative matters only.
Oregon	Single subject only. Legislative matters only.
South Dakota	Except laws as necessary for the immediate preservation of public peace, health or safety, support of state government and existing public institutions.
Utah	Legislative matters only.
Washington	Single subject only. Limited to legislative matters.
Wyoming	Single Subject. No earmarking, making or repealing appropriations, creating courts, defining jurisdiction of courts or court rules, and no local or special legislation. No measure that is similar to a measure that has been defeated at the ballot within 5 years.

Popular Referendum Limitations

While some states allow voters to undertake a popular referendum on any act of the legislature, others impose restrictions. Twenty-four states grant their citizens the right of popular referendum. The constitutions of fourteen, however, impose some level of restriction on popular referendums when **they concern state appropriations**.

Popular Referendum Limitations

State	Restriction	Comments
Alaska	Yes	Can't repeal appropriations.

State	Restriction	Comments
Arizona	Yes	Exempts from referendums laws immediately necessary for the support and maintenance of the departments of state government and state institutions.
Arkansas	No	Not Applicable
California	Yes	Exempts from referendum, statutes providing for tax levies or appropriations for current expenses of the state.
Colorado	Yes	Exempts from referendums appropriations for the support and maintenance of the departments of state and state institutions and emergency legislation.
Idaho	No	Not Applicable
Kentucky	Yes	Referendums are only allowed on local tax increases.
Maine	No	Not Applicable
Maryland	No	Not Applicable
Massachusetts	Yes	Exempts from referendums any law that appropriates money for the current or ordinary expenses of the commonwealth or for any of its departments, boards, commissions, or institutions.
Michigan	Yes	The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds.
Missouri	Yes	A referendum may be ordered except as to laws making appropriations for the current expenses of the state government.
Montana	Yes	The people may approve or reject by referendum any act of the legislature except an appropriation of money.
Nebraska	Yes	The referendum may be invoked against any act or part of an act except those making appropriations for the expense of the state government or a state institution existing at the time of such act.
Nevada	No	Not Applicable
New Mexico	Yes	The people reserve the power to disapprove, suspend and annul any law enacted by the legislature, except general appropriation laws.
North Dakota	No	Not Applicable
Ohio	No	Explicitly allows referendums on appropriations.
Oklahoma	No	Not Applicable
Oregon	No	Not Applicable
South Dakota	Yes	Except such laws as may be necessary for the support of the state government and its existing public institutions.
Utah	No	Not Applicable
Washington	Yes	Except such laws as may be necessary for the support of the state government and its existing public institutions.
Wyoming	Yes	The referendum shall not be applied to dedications of revenue or to appropriations.

Limits on the Number and Frequency of Ballot Measures

Six states place restrictions on the number and frequency of ballot measures. In Nebraska, an initiative petition may not be filed that is substantially the same as one that failed on the ballot within the preceding three years. Wyoming has a similar provision, except the time period is five years. Massachusetts's law states that "substantially the same

petition cannot have appeared on the ballot at either of the two immediately preceding biennial state elections." Mississippi limits the number of initiative proposals to five; the first five measures meeting the submission requirements will be placed on the ballot. Initiatives rejected by the voters cannot be placed on the ballot for two years after the election.

Limits on the Number and Frequency of Ballot Measures

State	Limitation
Illinois	Limits the number of citizen initiated non-binding advisory questions to no more than three on the same ballot.
Massachusetts	Substantially the same petition cannot have appeared on the ballot at either of the two immediately preceding biennial state elections.
Mississippi	Limits the number of ballot initiatives on the same ballot to five. The first five measures meeting the submission requirements are the ones placed on the ballot. Additionally, an initiative rejected by the voters cannot be placed on another ballot for two years after the election.
Nebraska	Same subject can't appear on the ballot more than once in three years.
Oklahoma	Same subject can't appear on the ballot more than once in three years.
Wyoming	No measure can be put on the ballot that is similar to a measure that has been defeated at the ballot within 5 years.

Petition Circulator Requirements

Up until 1999, several states required petition circulators to be registered voters. The U.S. Supreme Court in **Buckley v. ACLF** ruled that states couldn't require circulators to be registered voters. However, almost all of the states with prior registered voter requirements have now adopted laws requiring that circulators be residents of the state. This new law will most likely be litigated as well. Additionally, several states have limited the amount of money that can be paid to signature gatherers. In Alaska, you can only pay up to \$1.00 per signature collected and in North Dakota and Oregon you cannot pay signature gatherers on a per signature basis (a similar ban was struck down in Maine and is being challenged in Oregon).

Circulation Period

Circulation periods range from as brief as 64 days in Massachusetts to an unlimited duration – though there are limits on how long a petition signature is valid. Most states also have deadlines for submitting initiative petitions, so that officials will have time to verify the signatures, publish the initiative, and prepare the ballot. Arkansas, Ohio and Utah have no time limit for signature gathering. Oklahoma at 90 days, California at 150 days,

and Massachusetts at 64 days have the shortest circulation periods (see chart below for additional information).

Signature Requirements

Central to the initiative process is gathering the required number of valid signatures. Although the requirements and formulas may differ, all states set the signature threshold at some percentage of the voting public, rather than an absolute number of signatures. Some states require that the number of signatures match a predetermined percentage of the registered voters for the state. Others require a percentage of a previous vote for a designated office to qualify. Signature thresholds vary from a high of 15 percent of qualified voters based on votes cast in the last general election in Wyoming to a low of two percent of the state's resident population in North Dakota. Most states, which have both constitutional and statutory initiatives, require a higher percentage of signatures for constitutional initiatives with Colorado and Nevada being the exceptions. The average number of signatures required for a statute is 7.23% of the votes cast for governor in the last election and 9.17% for a constitutional amendment.

Net Number of Signatures Required for Initiatives

State	Net Signature Requirement for Constitutional Amendments	Estimated NET Number for 2002 Election	Net Signature Requirement for Statutes	Estimated NET Number for 2002 Election
Alaska	Not allowed by state constitution	N/A	10% of votes cast in last general election.	28,782
Arizona	15% of votes cast for Governor	152,643	10% of votes cast for Governor	101,762
Arkansas	10% of votes cast for Governor	70,602	8% of votes cast for Governor	54,481
California	8% of votes cast for Governor	670,816	5% of votes cast for Governor	419,094
Colorado	5% of votes cast for SOS	80,571	5% of votes cast for SOS	80,571
Florida	8% of ballots cast in the last Presidential election	488,722	Not allowed by state constitution	N/A
Idaho	Not allowed by state constitution	N/A	6% of registered voters	43,685
Maine	Not allowed by state constitution	N/A	10% of votes cast for Governor	42,101
Massachusetts	3% of votes cast for Governor	57,100	3½% of votes cast for Governor	57,100
Michigan	10% of votes cast for Governor	302,710	8% of votes cast for Governor	242,169
Mississippi	12% of votes cast for Governor	91,673	Not allowed by state constitution	N/A

State	Net Signature Requirement for Constitutional Amendments	Estimated NET Number for 2002 Election	Net Signature Requirement for Statutes	Estimated NET Number for 2002 Election
Missouri	8% of votes cast for Governor	120,571	5% of votes cast for Governor	75,356
Montana	10% of votes cast for Governor	41,019	5% of votes cast for Governor	20,500
Nebraska	10% of registered voters	108,500	7% of registered voters	76,000
Nevada	10% of registered voters	61,366	10% of votes cast in last general election.	61,366
North Dakota	4% of population	25,552	2% of population	12,776
Ohio	10% of votes cast for Governor	334,624	6% of votes cast for Governor	200,774
Oklahoma	15% of votes cast for Governor	185,135	8% of votes cast for Governor	98,739
Oregon	8% of votes cast for Governor	89,048	6% of votes cast for Governor	66,786
South Dakota	10% of votes cast for Governor	26,019	5% of votes cast for Governor	13,010
Utah	Not allowed by state constitution	N/A	Direct statute: 10% of votes cast for Governor In-direct statute: 10% of votes cast for Governor	76,181
Washington	Not allowed by state constitution	N/A	8% of votes cast for Governor	197,588
Wyoming	Not allowed by state constitution	N/A	15% of votes cast in the last general election	33,253
Totals	-----	2,906,671	-----	2,002,074

Signature Collection at Polling Locations

As the initiative process has grown in popularity, states have passed new laws to make the collection of signatures more difficult. One of the primary methods has been to limit when and where signatures could be collected. One of the most popular changes has been to limit signature collection at polling locations. Polling locations are a great place to collect signatures since it is a location where signature gatherers can find a high concentration of registered voters and therefore increase their petition signature validity rates and decrease the total number of signatures necessary to qualify the initiative for the ballot.

Signature Collection at Polling Locations

State	Restriction
Alaska	Circulating petitions within 200 feet of polling places on election day is prohibited.

State	Restriction
Arizona	Circulating petitions within 75 feet of polling places on election day is prohibited.
Arkansas	Circulating petitions within 100 feet of polling places on election day is prohibited.
California	Circulating petitions within 100 feet of polling places on election day is prohibited.
Colorado	Circulating petitions within 100 feet of polling places on election day is prohibited.
Florida	Circulating petitions within 50 feet of polling places on election day is prohibited.
Idaho	Circulating petitions within 300 feet of public polling places on election day is prohibited – with 100 feet of private polling places.
Illinois	Circulating petitions within 100 feet of polling places on election day is prohibited.
Maine	The election warden delegates a spot outside of the voting enclosure and a petitioner can gather signatures but cannot approach a voter until after he or she has voted.
Massachusetts	Circulating petitions within 150 feet of polling places on election day is prohibited.
Michigan	Circulating petitions within 100 feet of polling places on election day is prohibited.
Mississippi	Circulating petitions within 150 feet of polling places on election day is prohibited.
Missouri	Circulating petitions within 25 feet of polling places on election day is prohibited.
Montana	No prohibition.
Nebraska	Circulating petitions within 200 feet of polling places on election day is prohibited.
Nevada	Circulating petitions within 100 feet of polling places on election day is prohibited.
North Dakota	“it is unlawful to obstruct the voting process” - there is no set distance that signature gatherers have to be away from polling locations however an election board has the right to ask them to move back further if they feel there is a problem/obstruction.
Ohio	Circulating petition within 100 feet of polling places on election day is prohibited.
Oklahoma	Circulating petitions within 300 feet of polling places on election day is prohibited.
Oregon	Not applicable – all voting conducted by mail.
South Dakota	Circulating petitions within 100 feet of polling places on election day is prohibited.
Utah	Circulating petitions within 150 feet of polling places on election day is prohibited.
Washington	Circulating petitions within 100 yards of polling places on election day is prohibited.
Wyoming	Circulating petitions within 100 yards of polling places on election day is prohibited.

Geographic Distribution Requirements

Numerous states require some geographic distribution of signatures, often a specified number of signatures from each of a certain number of counties or districts. Distribution requirements can be a deterrent to the use of the initiative process. Over 60% of all initiative activity has taken place in just six states – Arizona, California, Colorado, North Dakota, Oregon and Washington, all without a geographic distribution requirement. States with severe distribution requirements like Idaho, Mississippi, Utah, and Wyoming rarely have initiatives on their ballot. However, Idaho's and Utah's distribution requirement – which were based on a county requirement – were struck down by the courts as unconstitutional. Montana's distribution requirement is currently being challenged in the courts (see chart below for additional information on geographic distribution requirements).

Verification of Petition Signatures

There are three methods to verifying signatures: presumed valid, random sampling, and full certification. Three states use the presumed valid test. This means that the state simply counts the names and assumes that all of the signatures are legitimate. Twelve states require full certification and ten states use the random sampling method.

Signature Verification Process

State	Process
Alaska	Signatures are turned into the Division of Elections who verify each signature until the minimum number needed is met.
Arizona	Signatures are verified by the Secretary of State using a random sampling method.
Arkansas	The Secretary of State will verify signatures up to 10% above the designated number required. However, the Secretary of State will not accept additional signatures if the petition is determined to be sufficient after the initial submission even if the number is one signature over the required number. Nor will the Secretary of State accept additional signatures after the initial submission until a determination of sufficiency is made. If a petition is determined not to contain the requisite number of valid signatures, a sponsor may within 30 days of notification of insufficiency from the Secretary of State do any or all of the following: a) solicit and obtain additional signatures; b) submit proof that the rejected signatures or some of them are good and should be counted; or c) make the petition more definite or certain. The Secretary of State will set designated times to accept the additional signatures from a notified sponsor.
California	The signatures are submitted to the county clerks who verify them using a random sampling method and then provide the results to the Secretary of State who will certify the measure for the ballot.

State	Process
Colorado	The Secretary of State verifies signatures by a random sample procedure. Not less than 5% of the signatures, and in no event fewer than 4,000 signatures, are to be verified. If the sample indicates that the number of valid signatures is 90% or less of the required total, the petition is deemed to have insufficient signatures. If the valid signatures are found to be 110% or more of number required, the petition is deemed sufficient. However, if the number of valid signatures is found to be over 90% but less than 110% of the required number, the law requires that each signature on the petition be verified.
Florida	Proponents must turn their petitions into each county for certification. The county clerks will verify each signature. Florida charges proponents to verify their signatures. For each signature checked, ten cents, or the actual cost of checking a signature, whichever is less, is paid to the supervisor at the time of submitting the petitions, by the political committee sponsoring the initiative petition. However, if a committee is unable to pay the charges without imposing an undue burden on the organization, the organization must submit a written certification of such inability given under oath to the Division of Elections to have the signatures verified at no charge. However, a sponsor of a proposed initiative amendment who uses paid petition circulators <u>may not</u> file an oath of undue burden in lieu of paying the fee required for the verification of signatures gathered. The Division of Elections will then circulate the undue burden oath submitted by the committee to each supervisor of elections in the state.
Idaho	Petitions are turned into the county clerks of the counties in which the petitions are circulated. The county clerks verify every signature.
Maine	Signatures fully verified by the Secretary of State.
Massachusetts	All signatures must be certified by a majority (at least three) of the local registrars or election commissioners in the city or town in which the signatures are collected.
Michigan	Signatures are verified by the Secretary of State using a random sampling method.
Mississippi	County circuit clerks verify every signature.
Missouri	Secretary of State verifies signatures by use of a random sampling.
Montana	County officials check the names of all signers to verify they are registered voters. In addition, they randomly select signatures on each sheet and compare them with the signatures of the electors as they appear in the registration records of the office. If any of the randomly selected signatures do not appear to be genuine, all signatures on that sheet must be compared with the signatures in the registration records of the office.
Nebraska	Petitions are turned into the Secretary of State, who then gives the petitions to the respective counties to verify. Each signature is compared with the voter registration records.
Nevada	The Secretary of State using the random sampling method verifies signatures.
North Dakota	North Dakota does not have a voter registration process. As a result, there are no registered voters. Proponents, however, must collect the signatures of North Dakota residents. The Secretary of State then conducts a representative random sampling of the signatures contained in the petitions by the use of questionnaires, post cards, telephone calls, personal interviews, or other accepted information gathering techniques to determine the validity of the signatures.

State	Process
Ohio	The petition and signatures on such petition shall be presumed to be in all respects sufficient, unless, it shall be otherwise proved, and in such event ten (10) additional days shall be allowed for the filing of additional signatures. Each signer must be a qualified elector of the state. Each part-petition must contain signatures of electors of only one county. If a part-petition contains signatures of more than one county, the Secretary of State determines the county from which the majority of signatures came from, and only signatures from that county will be counted.
Oklahoma	Signatures are presumed valid unless challenged.
Oregon	The Secretary of State highlights a random sample and sends them to the appropriate counties for verification.
South Dakota	The Secretary of State verifies each signature until reaching the minimum number of valid signatures needed to qualify the initiative.
Utah	Petitions are verified by the county clerks who verify every signature.
Washington	Signatures verified by the Secretary of State using a random sampling method.
Wyoming	The Secretary of State's office verifies every signature to ensure that they are registered voters. They do not, however, match the signatures on the petition to the actual signatures on the voter registration cards.

When Initiatives Can Appear on the Ballot

In most states it is mandatory that a statewide initiative appear on the general election ballot. In some states, an initiative can appear on either a primary or general election ballot. There are exceptions - in Oklahoma for example, the Governor can set any date that he chooses for a vote to take place on an initiative or referendum.

When Initiatives Can Appear On The Ballot

States that Allow Initiatives on General Election Ballots	
Alaska	Missouri
Arizona	Montana
Arkansas	Nebraska
California	Nevada
Colorado	North Dakota
Florida	Ohio
Idaho	Oklahoma
Illinois	Oregon
Maine	South Dakota
Massachusetts	Utah

Michigan	Washington
Mississippi	Wyoming
States that Allow Initiatives on Primary or Special Election Ballots	
Alaska	North Dakota
California	Oklahoma
States that Allow Initiatives on Odd-Year Ballots²¹	
Colorado ²²	Mississippi
Maine	Ohio
Washington	

Publication of Initiatives

A majority of the initiative states distribute a voter pamphlet. Several states also inform the electorate about ballot measures through publication in major newspapers with some states using both methods. States that use the newspaper as their medium for voter information use a variety of styles and format. Some states will publish the entire initiative text in the newspaper; most publish an impartial analysis along with an argument for and against.

The voter pamphlet usually includes the official ballot title, a fiscal impact statement, an “impartial” analysis by public officials and arguments and rebuttals for and against each measure.

Arizona, California, Montana, Nevada, Oregon and Utah specifically mandate that a fiscal impact statement be printed in the pamphlet.

Both Oregon and Montana use a committee system to draft the voter pamphlet analyses. In Oregon, the committee is two proponents and two opponents selected by the Secretary of State. These individuals then select a fifth committee member. Montana establishes a similar committee for each analysis, however the fifth committee member is the Attorney General.

Massachusetts makes full use of legislative hearings to assist in voter information. A summary of the majority and minority reports of the legislative committee that conducted public hearings on the proposal is printed in the pamphlet. Committee members representing both the majority and minority opinions on the issue draft a brief summary of their reasons for supporting or opposing the measure.

The majority of states produce a voter pamphlet essentially at state expense with the exception of Alaska, Arizona, and Oregon. Alaska does

²¹ All the states but Mississippi allow initiatives on the ballot in an even numbered year as well.

²² Only initiatives that raise taxes can appear on the ballot in odd numbered years.

not charge to print ballot measure arguments, but it does charge political parties and candidates a “per page” fee to have information included in the pamphlet. Arizona charges \$100 per argument printed in its pamphlet. Oregon charges \$500 per argument. This fee may be waived if the submitter collects 2,500 valid signatures in support of the argument.

Voter Guide, Fiscal Impact and Pro/Con Argument Information

State	Does the state publish a voter's pamphlet?	What's in it?	How is it distributed?	Do they allow for pro and con statements?	Who writes the pro and con statements?	Is there a fiscal impact statement?	Are there hearings on the initiative?	How many hearings and when and where?
AK	Yes	Title, full text, ballot language, neutral Legislative Affairs Agency summary and pro and con arguments.	Mailed to every registered voter.	Yes	Whoever wants to submit one but can't exceed 500 words.	No	No	N/A
AZ	Yes	Title, full text, form in which it appears on the ballot, a Legislative Council analysis, fiscal impact statement, and pro and con.	Mailed to every registered voter.	Yes	Anyone who agrees to pay \$100 but can't exceed 300 words.	Yes	Yes	Hearings in at least three different counties.
AR	No	N/A	N/A	N/A	N/A	No	No	N/A
CA	Yes	Title, summary, full text, fiscal statements and pro and con (and rebuttals to pro and con).	Mailed to every registered voter.	Yes	Proponents – opponents chosen by SOS if more than one.	Yes	Yes	One in the state legislature.
CO	Yes	Title, summary and text, and pro and con.	Mailed to every registered voter.	Yes	The Legislative Council writes the pro and con	Yes	Yes	At least one
FL	No	N/A	N/A	No	N/A	Yes	No	N/A
ID	Yes	Title, Ballot form, full text, pro and con arguments and rebuttal.	Mailed to every registered voter in the state.	Yes	Selected by the state.	No	No	N/A
ME	Yes	Title, summary, explanatory statement, fiscal statement	Two to every town office and libraries. Also, posted in poster form at every voting center. Also, available on request.	No	N/A	NO, except for bond issues.	No	N/A
MA	Yes	Title, ballot language, full text and pro and con.	Mailed to every registered voter.	Yes	State legislative committees and proponents	No	Yes	At least one
MI	No	N/A	N/A	No	N/A	No	No	N/A
MS	Yes	Title, summary, full text, fiscal analysis and pro and con.	Newspaper	Yes	Whoever submits one but not to exceed 300 words.	Yes	Yes	At least one in every Congressional district.
MO	No	N/A	N/A	N/A	N/A	Yes	No	N/A
MT	Yes	Title, text, fiscal statement and pro and con.	Mailed to every registered voter.	Yes	Written by a committee of three chosen by the legislative leadership.	Yes	No	N/A
NE	No	N/A	N/A	No	N/A	No	No	N/A

State	Does the state publish a voter's pamphlet?	What's in it?	How is it distributed?	Do they allow for pro and con statements?	Who writes the pro and con statements?	Is there a fiscal impact statement?	Are there hearings on the initiative?	How many hearings and when and where?
NV	Yes	Title, text, fiscal statement and pro and con.	Mailed to every registered voter.	No	N/A	Yes	No	N/A
ND	No	N/A	N/A	N/A	N/A	No	No	N/A
OH	Yes	Title, text, fiscal statement and pro and con.	Mailed to every registered voter.	Yes	Groups chosen by the state	Yes	No	N/A
OK	No	N/A	N/A	N/A	N/A	No	No	N/A
OR	Yes	Title, summary, explanatory statement, fiscal statement, etc.	Mailed to every registered voters home.	Yes	Anyone who wants to pay \$500	Yes	No	N/A
SD	Yes	Explanation of measure, proponent's and opponent's statement.	Available online and available at any County Auditor's office.	Yes	Proponent writes a statement and the SOS chooses an opponent to write a statement.	No	No	N/A
UT	Yes	Impartial analysis of all ballot issues. Arguments for and against each ballot issue. Complete text of all ballot issues.	In every newspaper in general circulation.	Yes	Proponent writes argument for and state chooses who writes con argument	Yes	No	N/A
WA	Yes	Official ballot title and explanatory statement, statement for and against, fiscal impact statement, and complete text of measure.	Mailed to registered voters and available at county election offices.	Yes	Supporters and opponents who apply with the Secretary of State's office.	Yes	No	N/A
WY	No	N/A	N/A	No	N/A	No	No	N/A

Voter Approval

Once an initiative is on the ballot, the general requirement for passage is a simple majority vote. Exceptions are Nebraska, Massachusetts and Mississippi. These states require a majority, provided the votes cast on the initiative equals a percentage of the total votes cast in the election (35% in Nebraska, 30% in Massachusetts, and 40% in Mississippi.) Wyoming requires "an amount in excess of 50% of those voting in the preceding general election." An initiated constitutional amendment in Nevada must receive a majority vote in two successive general elections. Washington requires a simple majority approval for all measures except those concerning gambling (which requires 60% affirmative vote for passage). Utah has a requirement that any initiative pertaining to the taking of wildlife must pass by a 2/3 vote.

Conflicting Measures

Most states have adopted policies addressing conflicting propositions especially in states that allow the state legislature to place an "alternative" measure on the ballot. Fifteen states have determined that if two or more conflicting initiatives receive voter approval, the one with the most affirmative vote controls.

In Utah, the governor makes the initial decision whether provisions conflict and declares which proposal controls based on the highest number of votes. Voters may challenge this determination within 30 days. In Washington, voters are asked to express two preferences: first, between either measure or neither; second, between one or the other. Maine also forces voters to choose between competing propositions or against both, with a warning that a “yes” vote for both measures will invalidate the ballot. In Massachusetts, the legislature designates prior to the election which initiatives conflict. Voters are then encouraged to choose between one or the other.

Amending Initiative Statutes and Veto Authority

In no state does the governor have the right to veto laws passed by initiative. California is the only initiative state where the legislature may not repeal or amend a statutory initiative. Eleven states allow their legislatures to amend or repeal a statutory initiative statute at any time after its adoption by a simple majority vote of both houses. Nine states impose restrictions on changes to statutory initiatives. Nevada, for example, prohibits legislative amendment or repeal for three years after passage of the statutory initiative. Alaska and Wyoming permit simple majority amendments at any time but prohibit a legislative repeal of the initiative for two years after its passage. Michigan requires a 3/4 vote of the legislature to amend to repeal an initiative (unless otherwise specified by the initiative.) Arkansas imposes a 2/3 legislative vote requirement, and North Dakota requires a 2/3 legislative vote but only in the first seven years after enactment. In states with the constitutional initiative process, any changes proposed by the legislature must be placed on the ballot for a subsequent vote.

Legislative and Executive Power to Change or Repeal Statutory Initiatives

State	Legislative Power
Alaska	Can repeal only after two years but can amend anytime
Arizona	Cannot repeal but can amend an initiative law if the amending legislation furthers the purposes of such measure and at least 3/4 of both houses, by a roll call vote, vote to amend the measure
Arkansas	Can repeal or amend by a 2/3 vote of each house
California	Cannot repeal or amend unless permitted by the initiative
Colorado	Can repeal and amend at anytime
Florida	Florida's initiative process only allows constitutional amendments
Idaho	Can repeal and amend
Maine	Can repeal and amend
Massachusetts	Can repeal and amend
Michigan	Can repeal and amend by a ¾ vote of each house or as otherwise provided by the initiative
Mississippi	Mississippi's initiative process only allows constitutional amendments
Missouri	Can repeal and amend

State	Legislative Power
Montana	Can repeal and amend
Nebraska	Can repeal and amend
Nevada	Can only repeal or amend after three years of enactment
North Dakota	Can repeal or amend by a 2/3 vote of each house for seven year after passage, majority vote thereafter
Ohio	Can repeal and amend
Oklahoma	Can repeal and amend
Oregon	Can repeal and amend
South Dakota	Can repeal and amend
Utah	Can amend only at subsequent sessions
Washington	Can repeal or amend by a 2/3 vote of each house during the first two years of enactment, majority vote thereafter
Wyoming	Cannot repeal for at least two years after enactment, but may amend at any time

Signature, Geographic Distribution and Single Subject (SS) Requirements for Initiative Petitions

State	Type	SS	Net Signature Requirement for Constitutional Amendments	Net Signature Requirement for Statutes	Geographic Distribution	Deadline for Signature Submission	Circulation Period
AK	IDS	Yes	Not allowed by state constitution	10% of votes cast in last general election.	At least 1 signature in 2/3 of Election Districts	Prior to the convening of the legislature ²³	1 year
AZ	DA/DS	Yes	15% of votes cast for Governor	10% of votes cast for Governor	No geographical distribution	Four months prior to election	20 months
AR	DA/DS	No	10% of votes cast for Governor	8% of votes cast for Governor	5% in 15 of 75 counties	Four months prior to election	Unlimited
CA	DA/DS	Yes	8% of votes cast for Governor	5% of votes cast for Governor	No geographical distribution	To be determined by state each year ²⁴	150 days
CO	DA/DS	Yes	5% of votes cast for SOS	5% of votes cast for SOS	No geographical distribution	Three months prior to election	6 months
FL	DA	Yes	8% of ballots cast in the last Presidential election	Not allowed by state constitution	8% in 12 of 23 Congressional Districts	90 days prior to election ²⁵	4 years
ID	DS	No	Not allowed by state constitution	6% of registered voters	6% in 22 of 44 counties ²⁶	Four months prior to election	18 months
ME	IDS	No	Not allowed by state constitution	10% of votes cast for Governor	No geographical distribution	To be determined by state each year ²⁷	1 year
MA	IDA/IDS	No	3% of votes cast for Governor	3½% of votes cast for Governor ²⁸	No more than 25% from a single county	To be determined each year by state ²⁹	64 days
MI	DA/IDS	No	10% of votes cast for Governor	8% of votes cast for Governor	No geographical distribution	Constitutional amendment ³⁰ Statute ³¹	180 days
MS	IDA	No	12% of votes cast for Governor	Not allowed by state constitution	20% from each Congressional District	90 days prior to the convening of the legislature	1 year
MO	DA/DS	Yes	8% of votes cast for Governor	5% of votes cast for Governor	5% in 6 of 9 Congressional Districts	Eight months prior to election	16 months
MT	DA/DS	Yes	10% of votes cast for Governor	5% of votes cast for Governor	Statute: 5% in 34 Legislative Districts Amendment: 10% in 40 Legislative Districts ³²	Second Friday of the fourth month prior to election	1 year
NE	DA/DS	Yes	10% of registered voters	7% of registered voters	5% in 38 of 93 counties	Four months prior to election	1 year

²³ In Alaska, signatures must be submitted prior to the convening of the legislative session in the year in which the initiative is to appear on the ballot. The lieutenant governor shall place the initiative on the election ballot of the first statewide general, special, or primary election that is held after (1) the petition and any supplementary petition signatures have been submitted, (2) a legislative session has convened and adjourned, and (3) a period of 120 days has expired since the adjournment of the legislative session.

²⁴ In California, each year the Secretary of State will set a complete schedule showing the maximum filing deadline and the certification deadline by the counties to the Secretary of State. There is a recommended submission date for "full check" and "random check". These dates are only recommended. Notwithstanding any other provision of law, no initiative shall be placed on a statewide election ballot that qualifies less than 131 days before the date of the election.

²⁵ In Florida, certification must be received by the Secretary of State from the county supervisors stating the number of valid signatures submitted by the initiative proponent no later than 90 days prior to the general election ballot for the initiative to be considered for that ballot. However, there are several additional criteria that must be met prior to the certification of an initiative for the ballot. This includes the requirement that the proposed initiative has been approved for the ballot by the state supreme court. An initiative can only be submitted to the court for review after 10% of the required number of signatures have been collected and certified to the Secretary of State by the county supervisors. The court is under no statutory time frame to render a decision. Therefore, there is no precise date in which the signatures must be submitted in order to insure that you qualify for any specific general election ballot.

²⁶ This distribution requirement was struck down as unconstitutional by the Federal District Court of Idaho in early 2002. The decision was appealed by the state and as of the writing of this Almanac, the appeal had not been decided.

²⁷ In Maine, signatures must be submitted on or before the 50th day after the convening of the Legislature in the first regular session or on or before the 25th day after the convening of the Legislature in the second regular session.

²⁸ In Massachusetts, the initial petition must include 3% of the total votes cast for Governor. If the legislature has not passed an initiated statute by the first Wednesday in May, petitioners must file a supplementary petition with petitions equal in number to one-half of one percent of the total votes cast in the previous gubernatorial election to place the issue on the ballot.

²⁹ In Massachusetts, the initial petition signatures shall be submitted no later than the first Wednesday in December in the year in which the Initiative was submitted. If the legislature has not passed the initiated statute by the first Wednesday in May, petitioners must file a supplementary petition with petitions equal in number to one-half of one percent of the total votes cast in the previous gubernatorial election no sooner than the first Wednesday in June and no later than the first Wednesday in July in for the initiative statute to be placed on the ballot.

³⁰ In Michigan, signatures for constitutional amendments must be submitted not less than 120 days prior to the general election.

³¹ In Michigan, signatures for statutes must be submitted ten days prior to the start of the legislative session.

³² The legislature placed a constitutional amendment on the November 2002 that was adopted by the voters that increased the state's distribution requirement. The new requirement, which is being challenged in Federal Court requires a percentage of signatures to be gathered in half of the counties.