

BALLOTWATCH

Important Facts

- 162 measures statewide
- 34 states
- Hot issues: marriage, gambling, education

STATE-BY-STATE SUMMARIES 2004

This report describes the statewide ballot measures on the November 2004 ballot for each state.

ALABAMA

Alabama has eight measures on the ballot all proposed by the Legislature. Most of the measures concern powers of county officials, with specific measures targeted to Baldwin, Crenshaw, and Macon Counties, and the city of Trussville. There is also a measure to promote shrimp and seafood, a measure to authorize the Legislature to levy an excise tax in lieu of ad valorem taxes on designated motor vehicles, and provide for the proceeds of the excise tax to be distributed to those entities currently authorized to receive ad valorem taxes on motor vehicles, and an amendment that would repeal obsolete portions of the Alabama Constitution related to separation of schools by race, constitutional construction against the right to education, and the poll tax.

There are also 27 local measures on the ballots of individual counties. Ten counties are voting on measures to allow elected officials to participate in the state's public employee retirement system (Retirement Systems of Alabama) instead of requiring counties to provide their retirement pay. Dallas, Macon, and Mobile Counties are considering establishment of free trade zones for trade with Africa under the U.S. Africa Growth and Opportunities Act.

ALASKA

Hot Issues: Marijuana Legalization & Nepotism

Alaska has four measures on the November ballot. Perhaps the most interesting is Ballot Measure 2, an initiative that would make it legal for individuals over age 21 to grow, sell, use, or give away marijuana. It would also prohibit laws that stop doctors from providing marijuana for medical use. The measure allows for limits on marijuana use in public and to protect public safety and does not apply to marijuana use by minors. Alaska voters rejected a similar measure (with an age limit of 18) in 2000, with 61% against.

Ballot Measure 4, which concerns the relatively technical issue of how vacant U.S. Senate seats are filled, is an outgrowth of a high profile "nepotism" controversy in the state. Governor Frank Murkowski appointed his daughter to Lisa to the U. S. Senate seat he vacated when he became governor in 2002. The initiative, which was submitted by the Democratic-dominated group Trust the People, would require that all U.S. Senate vacancies are filled by election not by appointment. Currently, the Governor is allowed to temporarily fill a vacant seat until an election can be held. Instead the seat would remain vacant for three to five months leaving Alaska without full representation in the Senate. This measure was placed on the ballot by a superior court judge after the Lieutenant Governor denied it certification on the grounds that it was "substantially similar" to a measure already passed by the legislature.

Ballot Measure 1, sponsored by Republican Rep. Bill Williams, would make it more difficult to gather signatures for an initiative or referendum. It requires signatures from at least thirty of the forty house districts, three more than are currently required. It also requires that the signatures in these thirty districts be equal to at least seven percent of the voters who voted in each of these dis-

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tricts in the last general election. This measure was placed on the ballot by the legislature, not by citizen petition.

Ballot Measure 3, an initiative, seeks to prevent intentional baiting and feeding of bears. The measure is sponsored by hunters, former Lt. Gov. Lowell Thomas, Jr. and supported by the Alaska Wildlife Alliance.

ARIZONA

Hot Issue: Illegal Immigrants

Arizona has eight measures on the November ballot. Prop. 200 is the most controversial, with potential ramifications for the presidential race in the states. The measure would require proof of citizen to register to vote, and would require state agencies to check the immigration status of program beneficiaries. Failure to report violations of immigration law by employees of state agencies would be a misdemeanor. The measure is sponsored by the non-partisan Protect Arizona Now group, and supported by a number of Republican candidates for state offices. The measure is opposed by a variety of civil rights organizations, Senators John McCain and John Kyle, Gov. Jane Napolitano, the state's eight congressmen, and the chairs of the state Democratic and Republican Parties.

Two measures placed on the ballot by the legislature are designed to restrict the initiative process. Prop. 101, sponsored by the Legislature, requires that any initiative or referendum that calls for an expenditure of state revenues, establishes a fund, or allocates funding must also provide a source of revenues to cover the cost of the proposal. The revenues may not come from the general fund or cause a reduction in general fund revenues. If the identified revenue source does not fund the entire proposal, the legislature may reduce the amount of funding for that purpose for that fiscal year to the amount available from that identified revenue source. Prop. 104 would amend the constitution to require that initiative petitions are filed with the Secretary of State at least seven months prior to the date of the election as opposed to the current four month time period. It also states that an initiative may be circulated for signatures for up to twenty-seven months prior to the general election at which the measure is to be voted on.

The remaining measures are attracting less attention. Prop. 300 would increase the salaries of state legislators from \$24,000 to \$36,000. The measure was placed on the ballot by the state's Commission on Salaries for Elected State Officers. Prop. 100, a legislative measure, allows the state to exchange lands for military airports or conservation after public notice in order to conserve open lands or preserve military airports if certain conditions are met. The conditions include: the value of the lands received equals or exceeds the value of the land exchanged, public hearings are held, and the fiscal and environmental impact of the exchange are analyzed. Prop. 102, another legislative measure, would allow state universities to hold stock in ventures using intellectual property owned by the state universities. Prop. 103, also placed on the ballot by the legislature, adjusts judicial qualifications. Prop. 105, the last legislative measure, amends the composition of the state board of education to include a president or chancellor of a community college and an owner or administrator of a charter school.

ARKANSAS

Hot Issue: Marriage

The highest profile measure is Constitutional Amendment 3, which would define marriage as solely the union between one man and one woman. It also prohibits the state from recognizing legal status for unmarried persons which is substantially similar to marital status unless it is a common law marriage between a man and a woman from another state. The measure is sponsored by the Arkansas Marriage Amendment Committee.

Constitutional Amendment 1, sponsored by the legislature, proposes to increase the term limits for members of the Arkansas House of Representatives from three two-year terms to two six-year terms and for members of the Arkansas Senate from two-four year terms to three four-year terms. Constitutional Amendment 3 would allow that state to issue \$500 million in bonds for an economic development project. Referred Question 1 would increase the property tax by 3 mills for public schools.

CALIFORNIA

Hot Issues: \$3 Billion for Stem Cell Research, Employer Health Coverage

California has 16 propositions on the November ballot, the most of any state.

Gaming. Two initiatives would expand gambling. Gov. Arnold Schwarzenegger has vowed to “destroy” both measures, and they are his top priorities on the ballot. Prop. 68, sponsored by race tracks and card houses, asks the Indian tribes to pay the state 25% of their revenue, and if they refuse, authorizes existing race tracks and card houses to operate slot machines. More specifically, all Indian tribes with compacts must agree to pay 25 percent of their “net win” to the Gambling Revenue Trust Fund (GRTF) and to comply with state laws related to environmental protection, gambling regulation, and political campaign contributions. If the tribes do not agree, which is widely expected, the state’s five existing racetracks and 11 existing cardrooms could operate slot machines, paying 30% of the net win from their slot machines to the GRTF, 2% to the city and 1% to the county in which the gambling facility is located. Funds from the GRTF would be distributed as follows: up to 1 percent for administrative costs of the initiative; \$3 million annually for “responsible gambling programs”; 50 percent allocated to counties to provide services for abused and foster care children; 35 percent to local governments to provide for additional sheriffs and police officers; and 15 percent to local governments for additional firefighters.

Prop. 70, sponsored by the Agua Caliente Band of Cahuilla Indians of Palm Springs, would require the governor to amend existing compacts to allow tribes an unlimited number of slot machines in exchange for an 8.84% net income payment. The tribes would no longer have to make these payments if they lost the exclusive right to conduct certain types of gambling within California. The proposition also expands the types of games authorized.

Health. Prop. 71, would establish a constitutional right to conduct research using stem cells and authorizes a \$3 billion bond issue for stem cell research. The size of the proposed bond issue is one of the largest ever proposed, after the deficit reduction and education bonds on the April ballot. The measure has been endorsed by Sen. Dianne Feinstein, former U. S. Secretary of State George Schultz, and Bill Gates, the California Medical Association, and the American Lung Association. The measure is opposed by the California Catholic Conference, and a scattering of tax limitation groups. Prop. 63 imposes a 1% tax on personal income above \$1 million and dedicates the funds to expand mental health service programs. The initiative is sponsored by Democratic Assemblyman Darrell Steinberg and the California Council of Mental Health Agencies. Prop. 67 imposes a 3% surcharge on telephone services and dedicates the funds to the reimbursement of physicians and hospitals for uncompensated emergency medical care. Prop. 61 authorizes \$750,000 in general obligation bonds for grants to eligible children’s hospitals for construction, remodeling, expansion, renovation, and furnishing and equipping.

Primary elections. Prop. 62 establishes a modified blanket primary system to go into effect in 2006. This system allows voters to choose candidates from different parties for different offices with the top two vote getters for any office advancing to the general election regardless of party affiliation. It also allows candidates attempting to get on the primary ballot to collect signatures from any registered voter regardless of party affiliation. The measure is a departure from the blanket primary system which California used in 1998 and 2000, but that was struck down by the courts. In that system the top vote getter in each party advanced to the general election. Prop. 60, a countermeasure placed on the ballot by the legislature, essentially maintains the current primary ballot system by providing that any political party participating in the primary election also has the right to participate in the general election for that category.

Crime. Prop. 66 relaxes the state’s Three Strikes Law (Prop. 184, approved November 1994) so that only specific violent and serious felonies count as strikes. Under the current law, any felony counts. The measure also redefines crimes that qualify as violent or serious and these new definitions are not just limited to Three Strikes crimes. Crimes that would no longer be considered violent or serious include burglary of an unoccupied residence, attempted burglary, and participation in felonies committed by a criminal street gang. The measure also provides that only specified violent and/or serious felony convictions that were brought and tried separately would qualify for second and third strike sentence increases. Finally it increases punishment for specified sex crimes against children. The initiative is sponsored by Citizens Against Violent Crime. It is opposed by Republican Gov. Schwarzenegger and Democratic Attorney General Bill Lockyer. Prop. 69 requires the collection of DNA from all convicted felons and some nonfelons (non felony sex offenses and arson) and individuals arrested for certain offenses (sex offenses, murder, voluntary manslaughter). The measure was written by public safety experts and has been endorsed by Republican Governor Schwarzenegger and Democratic Attorney General Lockyer.

California

Local revenue. Two initiatives on the ballot relate to local fees/taxes. Prop.1A, proposed by the Legislature and endorsed by Governor Schwarzenegger, asks California voters to decide whether local property tax and sales tax revenues should remain with local governments. These provisions could only be suspended if the governor declares a fiscal emergency and two-thirds of the legislature agrees. Prop. 65 asks whether reductions in local fee/tax revenues by the legislature should require voter approval.

Business provision of health insurance. In the waning days of the Gray Davis administration, the California Legislature passed Senate Bill 2 which required businesses to provide health insurance coverage for their employees and dependents either by arrangement with a health insurance provider or by paying into a state program. The provisions would have taken effect in January 2004 but prior to that date, enough signatures were collected to qualify Prop. 72 the ballot. Prop. 72 is a referendum on Senate Bill 2: the bill will take effect only if Prop. 72 is approved by voters. Prop. 72 is supported by the California Labor Federation, California Medical Association, a coalition of organizations representing health care consumers and providers, including doctors, seniors, patients, and working families and opposed by the California Chamber of Commerce and Gov. Schwarzenegger.

Lawsuits. Like a number of states California also has a measure related to lawsuits. Prop. 64, supported by the California Chamber of Commerce, business groups, and Governor Schwarzenegger, provides that an individual may bring a lawsuit under California's Unfair Business Practices Act only if the person actually suffered injury and lost money or property. Previously an individual was not required to show injury before bringing a lawsuit. Sponsors have raised \$12 million so far. The measure is opposed by consumer and environmental groups who argue that the measure would inhibit lawsuits where it was difficult to prove that actual monetary damages had been suffered.

COLORADO

Hot Issues: Presidential Electors and Clean Energy

Colorado has six measures on the November ballot, among them some of the most interesting measures in the country this year. One measure with national implications is Amendment 36, which would allocate the state's electoral college votes proportionately to a candidate's popular vote instead of the current winner-take-all system. Currently, all states but Maine and Nebraska use a winner-take-all system. The measure is written to take effect retroactively, so it would likely shift 4 electoral votes from George Bush (currently leading in the polls) to John Kerry. The initiative is financed by wealthy California activist Jorge Klor de Alva, and opposed by state's GOP leadership. The constitutionality of the measure is in question since the U.S. Constitution specifically says that the state legislature shall decide the procedure for choosing electors. Amendment 37, another initiative, would require large Colorado utilities to generate or purchase at least 10% of their electricity from renewable sources. Currently, about 2% of state electricity comes from clean sources. At the same time, the measure caps at 50 cents the amount that monthly residential rates can rise in response to higher power costs from the clean sources. Customers of a utility can vote to exempt the utility from the renewable energy requirement. The measure is sponsored by Coloradans for Clean Energy, co-chaired by Democratic U.S. Representative Mark Udall and Republican State House Speaker, Lola Spradley,

Amendment 35, another initiative, imposes an increase in cigarette taxes from 20 to 84 cents a pack, and an increase in taxes on other tobacco products from 20 to 40 percent of the purchase price. The funds are dedicated to several programs, chief among them: fund health care services for low income adults and children (46%), community health care centers (19%), and tobacco education and cessation programs (16%), information on cancer and heart disease (16%), and miscellaneous health-related purposes (3%). With a two-thirds vote the legislature may declare a fiscal emergency and use all of the new revenue for any health-related purpose for up to one budget year.

A final initiative, Amendment 34, backed by trial lawyers, prohibits limits on a property owner's ability to recover damages when improvements to property are not constructed in a "good and workmanlike manner", which is defined as suitable for all intended purposes. Existing law requires property owners to give builders a chance to correct defects or offer compensation before proceeding to litigation.

The ballot also contains two measures placed there by the legislature. Referendum A implements changes to the state personnel system recommended by an independent commission.

FLORIDA**Hot Issue: Medical Malpractice**

The most popular topic on the Florida ballot is medical malpractice, with dueling initiatives from doctors and trial lawyers. Amendment 3, the measure backed by doctors, limits contingency fees by requiring that an injured claimant who enters into a contingency fee agreement with an attorney in a claim for medical liability is entitled to no less than the first \$250,000 in all damages received by the claimant and 90% of damages in excess of \$250,000. Amendment 7, sponsored by trial lawyers, gives patients the right to review records of health care providers pertaining to adverse medical incidents. Amendment 8, another trial lawyers measure, would prohibit medical doctors who have been found to have committed three or more incidents of medical malpractice from being licensed to practice medicine in Florida.

Amendment 1 authorizes the legislature to pass a law requiring parental notification when teens seek an abortion. The measure is championed by Republican House Speaker Johnnie Byrd. The measure is a response to 2003 state Supreme Court ruling that parental notification violates a teen's right to privacy under the Florida Constitution.

Amendment 2, placed on the ballot by the legislature, is an attempt to curtail the initiative process. It would require any measure proposed by citizen petition to be submitted to the Secretary of State by February 1 of the year of a general election in order to get the measure on the November ballot. The current deadline is early August. The measure also requires the Florida Supreme Court issue to an advisory opinion regarding the validity of the initiative by April 1 of the year in which the petition is to be on the ballot. This is the only measure that emerged from extensive discussions and hearings in the Florida legislature on how to restrict the initiative process.

Amendment 4, backed by horse and greyhound race tracks, would authorize Miami-Dade and Broward County to hold referendum on whether to allow racing and jai alai facilities to set up slot machines.

Amendment 5 would create a state minimum wage \$6.15 that is indexed to inflation. The signature collection was financed by ACORN, a national organization.

Amendment 6 asks voters to repeal an initiative they approved in 2000 that required development of a high speed ground transportation system. The initiative is supported by Gov. Jeb Bush, who argues that the project is too expensive.

*Florida-Indiana***GEORGIA****Hot Issue: Marriage**

Georgia has two measures on the November ballot. One is a constitutional amendment related to marriage on the November ballot. The question asks whether the constitution should be amended to recognize only the marriage between a man and a woman. The other constitutional amendment on the ballot provides the Supreme Court with the jurisdiction and authority to answer questions of law from any state appellate or federal district or appellate court.

HAWAII

Four legislative measures are on the ballot in Hawaii. All of them concern relatively technical issues relating to crime.

INDIANA

Voters in Indiana will decide three measures proposed by the legislature. Public Question 1 asks whether the General Assembly shall have the power to make certain property exempt from property taxes, including (1) a homeowner's primary residence; (2) personal property used to pro-

duce income; and (3) inventory. Public Question 2 asks whether the General Assembly shall establish a uniform date for the beginning of the terms of the county offices of clerk of the circuit court, auditor, recorder, treasurer, sheriff, coroner, and surveyor. Public Question 3 asks whether the Indiana's Constitution shall be amended to specify: (1) which state official acts as governor when the offices of governor and lieutenant governor are both vacant; and (2) the deadline for the General Assembly to meet when either the House or the Senate cannot assemble a quorum within forty-eight hours after both offices become vacant.

KENTUCKY

Hot Issue: Marriage

Kentucky voters will vote on one measure, a constitutional amendment placed on the ballot by the legislature. The measure would define marriage as the union of a man and a woman, and prohibit legal status similar to marriage for unmarried individuals.

LOUISIANA

Ballot No. 1 would establish a constitutional right to hunt, fish, and trap subject to regulation, restriction, or prohibition pursuant to law. The measure is supported by the NRA-ILA and the Louisiana Wildlife Federation.

Ballot No. 2 expands the homestead exemption from ad valorem property taxes. Louisiana gives veterans preferential treatment for state and city civil service jobs. Ballot No. 3 expands the definition of veterans to include those on active duty for 90 days after September 11, 2001, and those who served in other conflicts identified by the legislature.

Ballot No. 4 establishes the Agricultural and Seafood Products Support Fund as a special fund in the state treasury and authorizes the state legislature to provide for programs of assistance to Louisiana farmers and fishermen.

In September, Louisiana voters approved a constitutional amendment defining marriage as between one man and one woman.

Indiana-Michigan

MAINE

Hot Issue: Property Tax Limit

Maine has two measures on the November ballot. Voters will decide whether to limit property taxes to 1% of assessed value of property. Maine also has a proposal that would make it a crime to hunt bears with bait, traps, or dogs.

MICHIGAN

Hot Issue: Marriage

Proposal 04-1, and initiative, would require popular approval at both the state and local level before new forms of gambling facilities could be established. The measure is backed by tribes and Detroit casinos. Proposal 04-2, another initiative, would amend the state constitution to define marriage as between a man and a woman. Michigan law already defines marriage in this way. The measure was placed on the ballot by the Michigan Court of Appeals after the state's election board refused to certify the measure on a 2-2 party line vote, even though sufficient signatures had been collected.

MISSISSIPPI**Hot Issue: Marriage**

Mississippi's sole measure is a constitutional amendment that defines marriage as the union between a man and a woman and provides that the marriage of same gender persons performed in another state will not be recognized in Mississippi.

MISSOURI

Missouri voters will decide on one measure in November. The initiative amendment would require that all revenue from the existing motor vehicle fuel tax be used only for state and local highways, roads, and bridges. The measure is opposed by liberal groups concerned that it would divert revenue from education, health, and welfare programs.

Two measures were on the ballot in the August 3 primary election. A legislative measure defining marriage as between a man and a woman passed with 71% in favor. An initiative to allow riverboat gambling on the White River (currently restricted to the Missouri and Mississippi rivers) was rejected. The campaign in favor was financed by Southwest Casino and Hotel Corp., and the opposition was led by competing business interests in a community near the expected site of the casino.

MONTANA**Hot Issues: Marriage, Mining, and Marijuana**

Montana has seven measures on the ballot, covering a wide variety of issues. There are four constitutional amendments. The sole initiative, CI-96, would require that only marriage between one man and one woman be valid or recognized in Montana. C-40, placed on the ballot by the legislature, would establish a \$10 million fund for the management of noxious weeds. C-41, another legislative amendment, would establish a right to hunt and fish. The final legislative amendment, C-42, would extend term limits for legislators from eight years in a sixteen-year period to twelve years in a twenty-four-year period.

Three initiative statutes are also on the ballot. I-147 would repeal a 1998 initiative (I-137) that bans using cyanide to extract gold and silver in mines. The measure is bankrolled by Canyon Resources, Inc., a Colorado mining company. The measure is opposed by conservation groups, but little money is being spent in opposition.

I-148 would allow Montanans to grow, possess and use limited amounts of marijuana to treat certain medical conditions and combat related pain, nausea, seizures and muscle spasms is on the ballot. Patients could use marijuana under medical supervision to alleviate symptoms related to such diseases as cancer, glaucoma and AIDS.

I-149 would increase tobacco taxes and use the money to provide health services. The tax on a pack of cigarettes would rise from 70 cents to \$1.70, the tax on chewing tobacco would rise from 35 cents to 85 cents an ounce, and the tax rate on other tobacco products would double from 25 percent to 50 percent of the wholesale price. Most of the revenue created would be dedicated to programs providing health insurance to poor children and prescription drugs to poor children, the elderly and the chronically ill and disabled.

NEBRASKA**Hot Issue: Gambling**

Nebraska voters will face eight measures in November, five of which concern gambling. Three initiatives (417, 419, 420) would allow establishment of two casinos in Omaha near the state border. The argument is that gambling is already available across the border, so Nebraska is ex-

Mississippi-Nebraska

posed to whatever are the downsides of casinos, but is receiving none of the revenue. The measure would also allow 4,900 slot machines and video gambling machines in bars, restaurants, and horse tracks. The initiatives are supported by the Coast Casino in Las Vegas and local keno and horse racing interests. The legislature placed two competing measures on the ballot, Amendments 3 that would also authorize two casinos (without specifying the locations) but not the slots, and Amendment 4 that would dedicate the revenue to specific uses, primarily the environment and education. The campaign for Amendment 3 is being financed by the Venetian casino in Las Vegas. Investor Warren Buffett is a prominent opponent of the measures. The state already allows horse racing, keno, and has a lottery.

Another initiative, Measure 418, would make it harder for the legislature to amend adopted initiatives, requiring a two-thirds vote instead of simple majority of members.

The legislature also placed two relatively technical measures on the ballot. Amendment 1 would create a property tax exemption for improvements to historical properties. Amendment 2 would make the Speaker rather than the Lt. Governor the presiding officer of the legislature.

NEVADA

Hot Issue: Education and Torts

Two education initiatives are the most prominent of the seven measures on the Nevada ballot. Question 1, the Education First question, would require the legislature to appropriate funds for K-12 public schools before appropriating funds for any other part of the state budget. Since this measure affects only the sequence of appropriations and not the levels, its effect on education spending is unclear. The measure is being pushed by Republican Rep. Jim Gibbons and his wife Republican state Assemblywoman Dawn Gibbons. Question 2, the National Average question, would amend the state constitution to require that the annual per-pupil education expenditure in the state equals or exceeds the national average, beginning July 1, 2012. This measure could have significant budgetary implications between the state's spending is currently near the bottom nationwide. The measure is backed by the Nevada State Education Association.

The ballot also contains three initiatives pertaining to insurance, malpractice, and legal fees. Question 3 would limit attorney fees in medical malpractice cases, cap pain and suffering damages at \$350,000, and hold physicians responsible only for their portion of damages (rather than all the damages, as it stands). The initiative is supported by doctors including the president of the American Medical Association and liability insurers. Question 4 would require insurers to reduce casualty insurance rates by 20% from their December 2005 levels. The initiative also provides for a 20 percent good driver discount and requires that persons be appointed to represent the public in hearings before the insurance commissioner. The measure also voids a series of medical malpractice reforms approved during a special legislative session in 2002, and would nullify most of Question 3. Question 5 would increase penalties on lawyers who willfully initiate or defend frivolous litigation. The measure also prohibits the legislature from capping lawyer fees. Questions 4 and 5 are supported by trial lawyers. Opposition groups claim that both measures are Trojan Horses designed to roll back or preempt legislative attempts to limit damages. Questions 4 and 5, if approved, would have to go before the voters again in 2006 under Nevada's initiative laws.

Question 6 would raise the minimum wage to \$5.15 per hour if the employer provides health benefits and \$6.15 per hour if the employer does not provide health benefits. The initiative states that providing health benefits means that health insurance will be made available to employees and dependents with premiums paid by the employee not to exceed 10% of the employee's gross taxable income from that employer. The initiative allows the minimum wage to be adjusted for increases in the federal minimum wage or the cumulative cost of living. It is supported by the Nevada AFL-CIO and the Progressive Leadership Alliance of Nevada.

The ballot also has two questions placed there by the legislature. Question 7 removes obsolete language concerning the mentally ill from the state constitution and Question 8 makes minor revisions to sales tax exemptions.

NEW HAMPSHIRE

New Hampshire voters will decide on a measure to amend New Hampshire's Constitution to clarify that both the legislature and the judiciary have the authority to regulate court practices and procedures and to resolve potential conflicts that may arise.

NEW MEXICO

New Mexico has seven measures on the November ballot, all placed there by the legislature. There are four bond measures, one each for senior citizen facilities, public libraries, university buildings, and kindergarten classrooms.

There are also three constitutional amendments. Amendment 3 would allow runoff elections for municipalities with more than 20,000 residents. Amendment 4 would increase the property tax exemption for veterans from \$2,000 to \$3,000, rising to \$4,000 in 2006. Amendment 5 would change the name of the New Mexico School for the Visually Handicapped to the New Mexico School for the Blind and Visually Impaired.

NORTH CAROLINA

North Carolina voters will be deciding three legislative constitutional amendments. Amendment 1 would remove a constitutional prohibition on self-financing bonds used for local development projects. It allows the General Assembly give counties, cities, and towns the power to form special districts and to finance public improvements in those districts with bonds, and to dedicate property tax revenues to repay the bonds. The measure is backed by local governments and business groups. North Carolina is one of only two states in the Union that does not allow such bonds. Amendment 2 would allow the General Assembly to use proceeds from fines and civil penalties for public schools. The primary sponsor of the amendment is Democratic state senator Walter Dalton. Amendment 3 would adjust the terms of magistrates of the General Court of Justice, setting the first term at two years and subsequent terms at four years.

NORTH DAKOTA**Hot Issue: Marriage**

North Dakota voters will decide on an initiated constitutional amendment that defines marriage as a legal union between a man and a woman and provides that no other domestic union may be given the same legal effect.

OHIO**Hot Issue: Marriage**

The lone measure on the is an initiative defining marriage as between a man and a woman. The measure was challenged in court and its ballot position secured in late September.

New Hampshire-Ohio

OKLAHOMA**Hot Issue: Gambling**

Oklahoma has nine legislative measures on the November ballot, three related to gambling. Questions No. 705 and 706 would create a state lottery and dedicate the funds to education. The most prominent lottery supporter is Democratic Gov. Brad Henry. Question No. 712 would enact a new Model Tribal Gaming Compact that changes the type of gaming allowed on tribal land. Indian tribes that agree to the Compact can use new types of gaming machines and offer some card games. If at least four tribes enter into the Compact, three state licensed racetracks could use a limited number of the same electronic gaming machines. Proceeds from authorized gaming at racetracks go to: the racetrack, the owner's of the winning horses, horsemen's organizations, breed organizations, and the State to be used for educational purposes. Some revenue from authorized gaming by Indian tribes go to the state to be used for educational purposes and compulsive gambling programs.

Question No. 711, defines marriage to be the union of one man and one woman. It also prohibits giving the benefits of marriage to people who are not married and provides that same sex marriages in other states are not valid in Oklahoma.

Question No. 713 would change the way tobacco is taxed. It ends the sales tax on tobacco product and imposes a new tax of four cents per cigarette and a new tax on tobacco products. Monies from the tax will be given to state, local, and county government and used for various health-related purposes. The measure also makes income tax changes. It makes the highest Method One individual income tax rate 6.65%, increases the amount of certain retirement benefits not subject to income tax, and allows certain gains of an individual to not be subject to income tax. Finally, the measure sets maximum income levels for individuals making claims under the Sales Tax Relief Act.

Question No. 707 would allow local governments to pledge future tax revenues from development districts to bond payments. Question No. 708 reduces the amount of the state's Rainy Day Fund that can be spent in emergencies. Question No. 714 changes the method for assessing property of senior citizens. Question No. 715 creates an exemption from property tax for disable veterans and surviving spouses.

OREGON**Hot Issue: Marriage**

Oregon has eight measures on the ballot, six of which are initiatives. The legislative measures are uncontroversial. Measure 31 established procedures for holding a special election if a candidate dies in the midst of an election (an issue, since Oregon votes by mail.) Measure 32 adjusts constitutional language to treat mobile homes as homes and not as vehicles for tax purposes.

Measure 33 expands the state's medical marijuana law by allowing the creation of licensed non-profit dispensaries regulated that could produce, possess, and sell marijuana to registered patients and/or caregivers. The measure also increases the amount of marijuana allowed to patients, and makes it easier to qualify for medical marijuana.

Measure 34 would restrict logging in the Tillamook and Clatsop State Forests. The measure is opposed by the timber industry, AFL-CIO, Democratic Gov. Ted Kulongoski, and former Republican Governor Victor Atiyeh. It is supported by environmental groups.

Measure 35 would establish a \$500,000 limit on pain and suffering awards in medical malpractice suits. The measure is sponsored by Oregonians for Quality, Affordable, and Reliable Health Care, a group supported mostly by doctors, hospitals, and insurance companies, and is also supported by the Chamber of Commerce. The measures is opposed by the AFL-CIO, Oregon Common Cause and PIRG, trial lawyers, and Gov. Kulongoski.

Measure 36 would amend the constitution to recognize as marriage only a union between one man and one woman as valid.

Measure 37 would require governments to compensate property owners for land use regulations that reduce the value of the property. The government that proposed the regulation has a choice to either pay the owner of the property an amount equal to the reduction or modify, change, or not apply the regulation to the owner's property. The measure is opposed by county farm bureaus and the League of Women Voters.

Measure 38 would abolish the SAIF Corporation, a publicly-owned corporation that provides workers compensation insurance to businesses. The SAIF Corp. is the subject of an ongoing federal investigation and has experienced a series of recent scandals. The is backed by Liberty Mutual Insurance of Boston, SAIF's main competitor, that contributed \$2 million to qualify the measure for the ballot. The measure is opposed by the AFL-CIO and various industry trade associations.

RHODE ISLAND

Rhode Island has 14 measures, all placed on the ballot by the legislature. Question 1 amends the Rhode Island Constitution to ensure the separation of governmental powers among the three branches of state government and Question 2 asks whether there should be a convention to amend or revise the constitution. The remaining 12 measures authorize bond issues for: improvements to the state's roads, highways, and bridges and the purchase of buses; the construction, renovation, and rehabilitation of the state's regional center and technical schools; the construction, renovation and rehabilitation of residence halls and other buildings at the University of Rhode Island and Rhode Island College; the restoration of historic Cranston Street Armory; the development of interconnections between and among water systems to be used in emergency situations; open space, recreation, bay and watershed protection;; capital preservation to fund renovation projects for public and nonprofit historical sites; the rehabilitation of state owned facilities; and building demolition and site preservation at Quonset Point/Davisville Industrial Park.

SOUTH CAROLINA

The legislature placed two constitutional amendments on the ballot. The first proposed amendment authorizes the General Assembly to establish the size of containers in which alcoholic beverages may be sold in South Carolina and deletes the requirement that alcoholic liquors and beverages sold by licensed establishments for on premises consumption must in sealed containers of two ounces or less. The amendment is supported by Mothers Against Drunk Driving. The second proposed amendment deletes the specific limit of ten shareholders as the most shareholders a corporation may have for it to be eligible for a four percent assessment ratio on its agricultural real property and authorizes the General Assembly to set the shareholder limit by law.

Oregon-Utah

SOUTH DAKOTA

South Dakota has three measures on the November ballot. Constitutional Amendment A, placed on the ballot by the legislature, would establish an appointment and retention election process for judges. Under this process new judges would be appointed by the Governor from nominees selected from the judicial qualifications commission. Judges would be subject to a retention election on a non-political ballot three years after appointment, and every eight years after that, by the voters of the circuit the judge represents. Currently judges are elected on a non-political ballot for eight year terms. Constitutional Amendment B, also a legislative measure, would allow the state to provide food and transportation funding for children who attend religious schools. Initiated Measure 1 would exempt food from state and municipal sales and use taxes. The measure is opposed by Republican Gov. Mike Rounds.

UTAH

Hot Issue: Marriage and Park Bonds

Three proposed constitutional amendments were placed on the ballot by the legislature. Amendment 1 would give the House of Representatives the authority to convene for the purposes of impeaching a state officer. The state Senate would be required to convene for a trial of im-

peachment if the House of Representatives has voted to impeach. There is no organized opposition to the change.

The Utah constitution prohibits governments from acquiring stock of new corporations. Amendment 2 carves out an exception for public colleges and universities. They would be allowed to accept stock in new ventures in exchange for the right to use intellectual property owned by the institution. There is no organized opposition.

Amendment 3 provides that marriage consists only of the legal union between a man and a woman; and no other domestic union may be recognized as a marriage or given the same or substantially equal legal effect.

Initiative 1, the only measure to reach the ballot by petition, authorizes a \$150 million bond issue to fund projects that preserve or enhance lakes, rivers, and streams, wildlife habitat, farms and ranches, trails, historical sites, parks, open space, and water and air quality; facilitate growth management; and build park, wildlife, or trail facilities; and build local community facilities and improve natural history and cultural museums. The measure is endorsed by environmental groups, and is opposed by leaders of the legislature and taxpayer groups.

VIRGINIA

Virginia voters will decide on two constitutional amendments, both placed on the ballot by the legislature. Amendment 1 would continue the requirement that the General Assembly must reapportion every ten years in the year after a new federal census. The proposed amendment makes it clear that the redrawn lines will not be used until the November general election held immediately before the end of the terms being served in the of the redistricting. Additionally members in office when a decennial redistricting occurs shall complete their terms in office and continue to represent the districts from which they were elected for the duration of those terms of office and vacancies that occur before terms end must be filled from the district as it existed when the member who has died or resigned was elected.

Amendment 2 was proposed by the Secure Virginia Panel, which was created by an executive order to make recommendations for improving Virginia's preparedness and ability to respond to disasters and emergencies. The amendment would expand the list of persons who may serve as Acting Governor in the event of an emergency or enemy attack that prevents the House of Delegates from meeting to elect a person to fill the vacancy. The expanded list includes the person designated to succeed the Speaker of the House, the President pro tempore of the Senate, and the majority leader of the Senate.

Utah-Washington

WASHINGTON

Hot Issue: Education

Washington has four initiatives and referendum on the November ballot. Washington voters have rejected two measures in the last eight years that would have authorized the state to create charter schools. Charter schools would be operated by qualified nonprofit corporations, under contracts with local education boards, and allocated certain public funds. Nevertheless, last year the state legislature passed a charter school bill. Referendum 55 would repeal the bill. The campaign to repeal the bill is led by the teachers union. The repeal is also supported by the AFL-CIO, public employee union, League of Women Voters, and state Democratic Party. The charter school bill was supported by Democratic Gov. Gary Locke and has received financial backing from Microsoft CEO Bill Gates.

Initiative 297 was originally submitted to legislature and was placed on the ballot after the legislature did not act. The measure would establish additional requirements for regulating mixed waste sites including setting standards for cleanup and granting permits. Permits would not allow adding more wastes to facilities until existing contamination was cleaned up.

Initiative 872 would create an open primary in which the two candidates with the most votes in the primary advanced to the general election (regardless of their parties).. The measure would only take effect if the court decision invalidating the traditional blanket primary becomes final. The proposal continues the current practice of permitting voters to vote for any office in primary and general elections, without limitations based on party. The primary sponsor is the Washington State Grange

The Seattle-based League of Education Voters is sponsoring Initiative 884, which would increase the sales tax by 1% and dedicate the fund for preschool through college education. The state sales tax would rise to 7.5%, the highest in the country. The fund would support preschool assistance for low income children; additional K-12 programs; additional higher education enrollments, scholarships, and research; and salary increases for certain teachers and other employees of the school districts and community and technical college districts. The measure is supported by Democratic Gov. Gary Locke, the teachers union, the state PTA, the AFL-CIO, Democratic Party organizations, and a variety of local school boards. Small businesses are opposed.

Initiative 892, which was organized by Washington initiative-for-profit sponsor Tim Eyman and backed by casinos, would authorize licensed gambling establishments to operate electronic scratch ticket machines of the same type, and in the same total number as authorized in state-tribal gaming compacts. Each licensee would keep 65% of the net win. Of the remaining amount, the state would cover administrative expenses, use 1% to address problem gambling, and use the remainder to reduce the state property tax.

WEST VIRGINIA

The lone measure on the West Virginia ballot, placed there by the legislature, would authorize an \$8 million bond issue to provide bonuses to veterans. The bonuses would be awarded to veterans who served in the War in Iraq, Kosovo, or Afghanistan.

WYOMING

Wyoming has four proposed amendments on the November ballot all of which were placed there by the legislature. Amendment A would eliminate a maximum on the revenues rebated from school districts with assessed valuations exceeding statewide averages. Amendment B would authorize the legislature to enact laws for local governments to use local sources of revenue for economic or industrial development subject to approval of the voters. Amendment C would allow the legislature to enact laws requiring alternative dispute resolution or medical panel review before a person files a lawsuit against a health care provider for injury or death. Amendment D would allow the legislature to limit the pain and suffering awards in medical malpractice suits.

Washington-Wyoming