

# BALLOTWATCH

## Important Facts

- 41 ballot propositions in November
- 8 states with measures
- 17 initiatives, 1 petition referendum, 23 legislative measures
- Most: 9 in Texas, 8 in California
- Elections held in 2005 so far: 4 propositions in 4 states.
- Hot issues: Gay rights, taxes and spending, bonds

## ELECTION 2005 PREVIEW

Voters in eight states will weigh in on 41 ballot propositions in November. The number of propositions is far below the 162 decided in November 2004, as expected since 2005 is an off year.

Eighteen of the measures were placed on the ballot by citizen petition, 17 initiatives and a referendum in Maine. The other 23 measures were placed on the ballot by the legislature. At the midpoint of the decade, a total of 236 initiatives have come before the voters.

This IRI report highlights the key issues and lists all the ballot measures state by state. This is an updated version of the report that includes new measures placed on the ballot after the initial report was released.



### Hot Issues

**Gay rights** continue to be worked out through ballot propositions. In April, Kansas joined more than a dozen other states in adopting a measure that defined marriage as solely between a man and a woman. Texas voters will face a similar measure in November. In Maine, voters will decide whether to repeal a law passed by the legislature that prohibits discrimination based on sexual orientation.

**Taxes and spending**, perennial favorites of direct democracy, are featured in two high profile measures. In Colorado, Republican Governor Bill Owens and the Democratic-controlled legislature are asking voters to relax the state's tough TABOR law that restricts taxes and to forego promised tax refunds. In California, GOP Governor Arnold Schwarzenegger is sponsoring an initiative to cap the growth of state spending and give the governor the power to cut the budget unilaterally if it falls out of balance.

In a hostile tax environment, politicians and voters continue to see **bonds** as an attractive way to finance projects. Topping the list is New York's Measure 2 that would authorize \$2.9 billion for transportation projects. Colorado's Referendum D that would issue \$2.1 billion in bonds for transportation projects. Ohio's Issue 1 that would authorize \$1.85 billion in bonds for infrastructure. Maine voters will be deciding five separate bond issues with a total authorization of \$83 million. A bond-related measure of a different sort is Texas's Prop. 3 that would eliminate the requirement that voters approve bond issues for development projects by local governments. West Virginia's proposal to borrow \$5.5 billion for its employee pension funds was rejected by the voters 46%-54% in June.

### IRI

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## STATE-BY-STATE LIST

### California

All eight measures are initiatives. Props. 74, 76, and 77 are part of Gov. Schwarzenegger's reform agenda. Prop. 80 was declared unconstitutional and removed from the ballot by a lower court, but then restored by the California Supreme Court. Prop. 77 was also disqualified by a lower court and then put back on the ballot by the Supreme Court in a dispute over the petition process.

- *Prop. 73. Abortion.* Requires parental notification before a minor can receive an abortion.
- *Prop. 74. Teacher Tenure.* Extends from 2 to 5 years the amount of time that must be served before a public school teacher can be tenured.
- *Prop. 75. Union Dues.* Requires public employee unions to get written approval from members before using dues for political purposes.
- *Prop. 76. "Live Within Our Means".* Caps the growth of state spending and relaxes minimum spending requirements for education.
- *Prop. 77. Redistricting.* Creates a nonpartisan commission to draw district lines instead of the legislature.
- *Prop. 78. Prescription Drugs (Industry).* Creates a program for prescription drug discounts that would be voluntary for drug companies. Sponsored by pharmaceutical firms.
- *Prop. 79. Prescription Drugs (Health Access California).* Creates a program for prescription drug discounts and prohibits the state from granting Medi-Cal contracts to non-participating drug companies. Sponsored by Health Access California
- *Prop. 80. Electricity Regulation.* Restricts competition among suppliers of electricity.

### Colorado (November 1 Election)

The two measures make up the "Colorado Economic Recovery Plan" sponsored and placed on the ballot by the Gov. Owens and the General Assembly.

- *Referendum C. TABOR Reform.* Temporarily lifts TABOR spending limits and allows the state to keep an estimated \$3.7 billion over the next five years that would otherwise be returned to taxpayers.
- *Referendum D. \$2.1 billion bonds for roads.* Authorizes state to borrow \$2.1 billion for roads, fire and police pensions, and school maintenance. Invalid if Referendum C fails.

### Maine

Question 1 is a referendum qualified by petition. The other measures were placed on the ballot by the legislature.

- *Question 1. Sexual Orientation Discrimination.* Prohibits discrimination on the basis of sexual orientation. Voters are being asked to repeal the law passed by the legislature.
- *Question 2. \$33.1 Million Bonds for Transportation*
- *Question 3. \$8.9 Million Bonds for Water Systems*
- *Question 4. \$20 Million Bonds to Promote Research*
- *Question 5. \$12 Million Bonds for Land Conservation*
- *Question 6. \$9 Million Bonds for Higher Education Facilities*
- *Question 7. Commercial Fishing Property.* Provides for lower assessment of waterfront property used for commercial fishing activities.

*"In a hostile tax environment, politicians and voters continue to see bonds as an attractive way to finance projects."*

# STATE-BY-STATE LIST

## New Jersey

Both measures were placed on the ballot by the legislature.

- *Public Question. Lieutenant Governor.* Creates the office of Lieutenant Governor.
- *Public Question. Environmental Funds.* Allows money dedicated for hazardous waste cleanup to be used for air pollution control.

## New York

Both measures were placed on the ballot by the legislature.

- *Proposal 1. Contingency Budget.* According to this amendment, if the legislature does not approve the governor's budget on time, a contingency budget with spending equal to the previous year automatically goes into effect.
- *Proposal 2. \$2.9 Billion Bonds for Transportation.*

## Ohio

Issue 1 was placed on the ballot by the legislature. The other four measures are initiatives.

- *Issue 1. \$1.85 Billion Bonds for Infrastructure and R&D*
- *Issue 2. Absentee Ballots.* Gives citizens the right to an absentee ballot for any reason up to 35 days before election.
- *Issue 3. Campaign Contribution Limits*
- *Issue 4. Redistricting.* Creates a nonpartisan commission of judges to redistrict.
- *Issue 5. Board of Elections.* Creates an independent, bipartisan board to oversee elections instead of Secretary of State.

## Texas

All nine measures are constitutional amendments placed on the ballot by the legislature.

- *Prop. 1. Railway Fund.* Establishes a state fund to finance railway projects.
- *Prop. 2. Marriage.* Defines marriage as between a man and a woman.
- *Prop. 3. Local Bond Approval.* Removes the requirement that local governments seek voter approval before borrowing for economic development projects.
- *Prop. 4. Bail.* Expands conditions under which a judge can deny bail to a criminal defendant.
- *Prop. 5. Usury.* Allows legislature to exempt commercial loans from state laws that set maximum interest rates.
- *Prop. 6. Judicial Conduct Commission.* Adds two members to State Commission on Judicial Conduct.
- *Prop. 7. Mortgages.* Allows a variety of reverse mortgages.
- *Prop. 8. State Land Ownership.* State relinquishes claim to land near Gilmer and Tyler in Texas.
- *Prop. 9. Transportation Board Term Limits.* Sets six year term limits for board members of Regional Mobility Authorities.

## Washington

All measures are initiatives except for SJR-8207, which was placed on the ballot by the legislature.

- *I-330. Malpractice Awards.* Limits pain and suffering awards and attorney fees in medical malpractice lawsuits. Fairly complicated, running 20 pages. Backed by doctors and medical providers, opposed by trial lawyers.
- *I-336. Malpractice Insurance.* Establishes state supplemental medical malpractice insurance

*“A total of 226 initiatives have come before the voters since 2000”*

## CONCLUDED ELECTIONS

program. Revokes licenses of doctors with three malpractice incidents. A complicated measure, 32 pages long. Trial lawyer alternative to Measure 330.

- *I-900. Government Performance Audits.* Requires performance audits for state and local governments.
- *I-901. Smoking Ban.* Bans indoor smoking in public places.
- *I-912. Gas Tax.* Repeals 9.5 cent per gallon gas tax enacted by the legislature in 2005.
- *SJR-8207. Commission on Judicial Conduct.* Allows municipal court judges to serve on the Commission on Judicial Conduct.

The following propositions were decided by voters earlier this year.

### Kansas (April 5)

- *Constitutional Amendment. Marriage.* This measure, placed on the ballot by the legislature, defined marriage as solely between a man and a woman. APPROVED: 70%-30%

### Oklahoma (September 13)

- *Question 723. Bridges and Highways.* This initiative proposed to dedicate funds and sets minimum support levels for highways and bridges, and raises the gas tax by 5 cents per gallon for unleaded and 8 cents per gallon for diesel. REJECTED: 13%-83%.

### West Virginia (June 25)

- *Amendment 1. Pension Bonds.* This constitutional amendment, placed on the ballot by the legislature, authorized \$5.5 billion bonds for public employee pensions. REJECTED: 46%-54%

### Wisconsin (April 5)

- *Referendum. Term Limits.* This constitutional amendment, placed on the ballot by the legislature, set four year term limits for certain county offices. APPROVED: 75%-25%

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