

# BALLOTWATCH

## Notable

- Approved in November: 2 of 5 initiatives, 17 of 18 legislative measures. Referendums: 1 of 3 laws repealed.
- Headline issues: gay rights, tax and expenditure limits
- Total for the year: 32 propositions including 5 initiatives and 3 referendums
- 367 initiatives for the decade 2000-2009, short of the record 379 for 1990-1999, but still the second-busiest decade ever

**IRI**

Initiative & Referendum Institute

University of Southern California  
Gould School of Law  
Los Angeles CA 90089-0071  
Phone: 213.740.9690

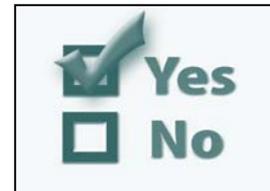
John G. Matsusaka  
President  
matsusak@usc.edu

[www.iandrinstitute.org](http://www.iandrinstitute.org)

**USC** UNIVERSITY OF  
SOUTHERN CALIFORNIA

## ELECTION 2009: SAME-SEX MARRIAGE AND TELS

Only 26 propositions were on state ballots in November, far below the 153 in November 2008, but there was no shortage of high profile contests. Gay rights and tax limits were in the spotlight, following recent trends. Overall, voters approved 19 of 23 new laws (initiatives and legislative measures), and agreed to repeal one of three existing laws that were put to a referendum.



### Gay rights

The year's highest profile issue was Maine's Question 1 that asked voters to repeal a May law legalizing same-sex marriage. Traditional marriage were victorious, by a 53-47 margin. Following California's Proposition 8 last year, this marks the second successive repeal of a same-sex marriage law by the voters. Campaign spending on Question 1 was estimated to exceed \$6.5 million, a large sum for the Bay State.

Gay marriage has now been rejected in 33 of 34 ballot propositions (with the only exception, in Arizona, reversed two years after the initial vote). Gay marriage has been a hot issue since February 2004 when the supreme court of Massachusetts found a right to same-sex marriage in the state constitution, setting off a backlash across the country, with citizen groups and legislatures rushing to place constitutional amendments on the ballot to head off a similar ruling by courts in their states. (See Ballotwatch Report BW 2008-2, "Same-Sex Marriage: Breaking the Firewall in California?," available at [www.ballotwatch.org](http://www.ballotwatch.org).) So far, the only victories for gay marriage supporters have come from courts and legislatures – the electorate continues to reject the idea of gay marriage.

Gay rights supports fared better in the state of Washington, where an attempt to repeal a state law that grants same-sex domestic partners essentially the same rights as married spouses (R-71) appears to be failing, with voters supporting the existing law 51-49. Supporters spent about \$2 million during the campaign, compared to about \$500,000 by opponents.

### Tax limits

Voters in Maine and Washington decisively rejected propositions that would have limited the growth of taxes and government spending by state and local governments, and would have required voter approval of future tax increases.

Maine's Question 4, dubbed TABOR II, was rejected 40-60. The proposition was modeled after Colorado's controversial Taxpayer Bill of Rights measure approved in 1992. Question 4 would have restricted the growth of government spending to the rate of inflation plus the growth rate of population (the state's current spending limit is linked to income growth, which typically allows a faster growth of spending). Revenue collected in excess of the limit would have been channeled to a rainy day fund (20 percent) and returned to citizens in the form of tax relief (80 percent). Maine voters rejected a similar measure in 2006 with 54 percent against.

Washington's I-1033, also a TABOR-type measure, was rejected 45-55. It would have limited the growth of state and local government spending to the rate of inflation plus population growth, and required voter approval for tax increases. Revenue collected in excess of the limit was to have been returned in the form of property tax relief. Opposition to I-1033 was led by public employee groups, but also included Microsoft Corporation and the Seattle Chamber

## STATE-BY-STATE LIST

of Commerce. The initiative's supporters were heavily outspent by its opponents, with \$3.5 million spent in the no campaign compared to \$600,000 in the yes campaign.

### Attitudes toward Spending

Rejection of spending limits in the Maine and Washington hint that voters may not be overly concerned with growth in government spending, despite a huge expansion in federal spending over the last year. Voters in Maine, New Jersey, and Ohio also approved bond propositions, which were also popular in November 2008. The electorate continues to be willing to borrow despite the ongoing economic recession.

### STATE-BY-STATE LIST

The remainder of this report contains a list of statewide ballot propositions and preliminary election results. An "initiative" is a citizen-sponsored law that is placed on the ballot by petition. A "referendum" is a proposal, placed on the ballot by petition, to repeal an existing law.

#### Maine (86% of vote counted)

Questions 1 and 3 are referendums; 2, 4, and 5 are initiatives, and 6 and 7 were placed on the ballot by the legislature. All are statutory except for Question 7, a constitutional amendment.

- *Question 1. Same-sex marriage.* Referendum asking voters to repeal a new law permitting same-sex marriage. APPROVED 53-47 (New law repealed)
- *Question 2. Car tax.* Cuts taxes on newer and alternative energy cars. FAILED 26-74
- *Question 3. School district consolidation.* Referendum asking voters to repeal a 2007 school district consolidation law. FAILED 41-59 (Consolidation not repealed)
- *Question 4. Tax and expenditure limits.* Limits state and local spending, requires voter approval for exceptions and tax increases. FAILED 40-60
- *Question 5. Medical marijuana.* Expands medical use of marijuana, and allows state-licensed dispensaries. APPROVED 59-41
- *Question 6. \$71.25 million bond issue for transportation projects.* APPROVED 65-35
- *Question 7. Initiative and referendum.* Allows officials more time to certify petitions. FAILED 48-52

#### New Jersey (99% of vote counted)

- *Public Question. \$400 million bond issue to acquire land for parks and conservation (legislative).* APPROVED 52-48

#### New York (95% of vote counted)

Both propositions are constitutional amendments proposed by the legislature.

- *Proposal 1. State forest preserve.* Allows sale of state forest land for power lines. APPROVED 67-33
- *Proposal 2. Inmates.* Allows inmates to work for nonprofit organizations. APPROVED 68-32

#### Ohio (99% of vote counted)

Issues 1 and 2 were placed on the ballot by the legislature. Issue 3 is an initiative. All three measures propose to amend the constitution.

- *Issue 1. \$200 million bond issue to pay stipends to veterans.* APPROVED 72-28
- *Issue 2. Livestock Care Standards Board.* To create board to regulate treatment of farm ani-

*Gay rights: voters repeal same-sex marriage in Maine, but sustain domestic partnership benefits for same-sex couples in Washington.*

# STATE-BY-STATE LIST

mals. Opposed by animal rights groups. APPROVED 64-36

- *Issue 3. Casinos.* Authorizes casinos in Cleveland, Columbus, Cincinnati, and Toledo. APPROVED 53-47

## Texas (99% of vote counted)

All 11 measures are constitutional amendments placed on ballot by legislature.

- *Prop 1. Land near military bases.* Allows tax-financed acquisition of open space near bases by local governments. APPROVED 55-45
- *Prop 2. Property tax.* Property tax on residence to be based only on value as residence. APPROVED 68-32
- *Prop 3. Uniform standards for property tax appraisals.* APPROVED 66-34
- *Prop 4. University research.* Establishes fund to support research at state universities. APPROVED 57-43
- *Prop 5. Board of Equalization.* Authorizes single board for adjoining appraisal entities. APPROVED 62-38
- *Prop 6. Veterans Land Board bonds.* Allows state to issue replacement bonds without voter approval. APPROVED 66-34
- *Prop 7. Office holding by military.* Allows state militia to hold civil offices. APPROVED 73-27
- *Prop 8. Veterans Hospitals.* Allows state to contribute to veterans hospitals. APPROVED 75-25
- *Prop 9. Guarantees public access to certain beaches on Gulf of Mexico.* APPROVED 77-23
- *Prop 10. Emergency service districts.* Extends terms of board members from 2 to 4 years. APPROVED 73-27
- *Prop 11. Eminent domain.* Prohibits use of eminent domain to transfer land to private entities, promote economic development, or increase tax revenue. APPROVED 81-29

## Washington (99% of vote counted)

- *I-1033. Revenue limits.* Initiative statute that limits government spending growth to inflation plus population growth, with excess revenue used to reduce property taxes. FAILED 45-55
- *R-71. Domestic partners.* Citizen referendum that asks voters if they want to uphold a law granting same-sex domestic partners the same rights as married spouses. PASSING 51-49

*Voters reject spending limits in Maine and Washington, approve bond issues in Maine, New Jersey, and Ohio.*

## PREVIOUS PROPOSITIONS

The following propositions were decided by voters in an election held earlier this year.

### California (May 19)

All six measures were placed on the ballot by the legislature as part of a budget agreement. 1A, 1B, and 1F were constitutional amendments, 1D and 1E were statutes, and 1C was an amendment and statute.

- *Prop 1A. Rainy day fund.* Complicated and difficult-to-interpret proposition that, among other things, increased the state's rainy day fund and imposed modest limits on spending. If the measure had been approved, certain emergency taxes would have been extended for several years. FAILED 35-65
- *Prop 1B. Education.* Required supplemental spending on education after the budget crisis passed. FAILED 38-62
- *Prop 1C. Lottery revenue.* Allowed state to borrow against future lottery revenue. FAILED 36-64
- *Prop 1D. Tobacco tax revenue.* Allowed state to divert tobacco tax revenue dedicated to early childhood development programs. FAILED 34-66
- *Prop 1E. Mental health revenue.* Allowed state to divert revenue dedicated to mental health services. FAILED 34-66
- *Prop 1F. Gaming compact.* Prohibited increase in legislature salaries if state has a deficit. APPROVED 72-26

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Please direct media inquiries to Gilien Silsby, Director of Public Relations, (213) 740-9690 (office), (213) 500-8693 (cell), [gsilsby@law.usc.edu](mailto:gsilsby@law.usc.edu).

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