

BALLOTWATCH

Notable

- 159 ballot propositions in 36 states in November.
- 42 initiatives, 1 referendum, 113 legislative measures, and 3 votes on constitutional conventions.
- Most: Oklahoma 11; Louisiana and Arizona 10; California, Colorado, New Mexico, and Washington 9. For the year: California 14, Louisiana 12, Arizona and Oregon 11.
- 2010 ballot propositions not on November ballot: 24 propositions in 10 states, including 4 initiatives and 3 referendums.
- 2010 totals: 183 propositions in 37 states, including 46 initiatives

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

USC UNIVERSITY OF
SOUTHERN CALIFORNIA

ELECTION 2010 PREVIEW: NOT ABOUT THE ECONOMY

As the states struggle to emerge from the recession and legislatures continue to focus on difficult budget decisions, ballot propositions have emerged as an outlet to resolve a host of issues unrelated to the economy.

Overview

Voters in 36 states will decide 159 ballot propositions in November. The number of propositions is down slightly from the 153 decided in November 2008, and down substantially from the 204 in 2006.

Forty-three propositions were placed on the ballot by citizen petitions, including 42 initiatives (proposed new statutes or constitutional amendments) and one referendum in South Dakota (proposal to repeal a law passed by the legislature). Three propositions were placed on the ballot by state constitutions, asking whether to call a constitutional convention. The remaining 113 propositions were placed on the ballot by legislatures.

Initiatives are the most visible type of proposition and have the biggest impact on state policy. The 42 initiatives in November together with four initiatives from earlier in the year bring the annual total to 46 initiatives. This annual total is down from 68 in 2008 and is the lowest total since 1986. After record numbers of initiatives in the first decade of the twenty-first century, initiative use appears to have cooled. Oregon remains the historical leader with 354 initiatives, but California is closing the gap with 340. For more information, see *Overview of Initiative Use, 1904-2009*, at www.iandrinstitute.org.

This IRI report highlights key issues and provides a state-by-state list all of ballot measures for the year. For additional nonpartisan information, see www.iandrinstitute.org, *Ballotpedia* (www.ballotpedia.org), and National Conference of State Legislatures (www.ncsl.org).

Recurrent Issues

Several issues have bubbled to the surface in multiple states. In some cases, recurrent issues are the result of a coordinated national campaign, but in other cases the issues reach the ballot entirely for local reasons. When the same issue appears in multiple states spontaneously, it points to undercurrents in the national mood.

- **Animals.** Propositions relating to animals have been increasingly common over the last decade. Many of those measures have been promoted by animal rights groups to improve the living conditions of farm animals and limit hunting practices. This year's "pro-animal" initiatives are Missouri's Proposition B that establishes minimum space requirements for dog breeders, and North Dakota's Initiated Statutory Measure 2 that bans hunting in fenced game preserves. Four states (AR, AZ, SC, TN) have propositions that declare a constitutional right to hunt and fish, and can be seen as a reaction to a perceived threat from animal rights groups. Montana's I-161 that increases fees for nonresident big game hunters is a contest between competing hunting interests, and does not involve animal rights.



HEADLINE ISSUES

- **Health care.** In response to the Obama health care law approved earlier in the year, several states are offering citizens the opportunity to cast a symbolic vote against it. Propositions in Arizona, Colorado, and Oklahoma would amend the state constitution to declare that individuals and businesses may not be required to participate in a health insurance system, and establish a right to direct payment for medical services. Missouri voters approved a similar measure in an August primary election with 71 percent in favor.
- **Marijuana.** The most visible marijuana measure this year is California's Proposition 19 that would legalize cultivation, possession, and transportation of marijuana for personal use. California voters rejected a similar measure (also numbered Prop 19, in 1972) almost four decades ago, but opinion polls showing the race very close suggest today's Golden State voters may be ready to approve legalization this time. Massachusetts voters, in a somewhat under-the-radar election in 2008, approved a similar measure (Question 2) that decriminalized possession of small amounts of marijuana, subjecting it only to civil penalties. Marijuana legalization initiatives have not fared well in other states recently, failing in Alaska (2004), Colorado (2006), Nevada (2002, 2006), and South Dakota (2002). Medical marijuana measures, on the other hand, have done well: since 1990, voters have approved more than a dozen medical marijuana initiatives. This year, voters in three states (AZ, OR, SD) will decide propositions allowing medical use of marijuana or extending existing medical marijuana systems.
- **Unions.** During his campaign, President Obama promised to support the "card check" system that allows workers to unionize without a secret ballot by signing cards stating support for unionization. Gaining approval for the card check system has been a high priority for organized labor. In another reaction to an issue on the national agenda, four states (AZ, SC, SD, UT) have constitutional amendments on the ballot that would require secret elections for union elections. All four measures were sponsored by state legislatures. The measures in South Dakota and Utah also guarantee secret ballots for government elections.
- **Taxes.** Taxes are the single most popular topic of ballot propositions historically, and 2010 is not an exception. Among the more significant measures are **Washington's I-1098** that would establish a state income tax, applying it to individuals earning more than \$200,000. The initiative's opponents are arguing that once approved, the tax will gradually be adjusted downward to apply to lower incomes, and that it would put the state at a disadvantage when competing for high-skilled workers. Some of the state's wealthiest businessmen are leading the battle, with William Gates Sr. and Jr. campaigning in favor, and Steve Ballmer (Microsoft CEO), Paul Allen, Jeff Bezos (Amazon.com founder) and John Nordstrom contributing to the no campaign. September opinion surveys showed the race a dead heat. **Washington's I-1053** would reinstate a requirement that two-thirds of the legislature approve tax increases, a requirement that was suspended by the legislature this year. **Massachusetts' Question 3** would reduce the state sales tax from 6.25% to 4%. The initiative, which comes on the heels of a sales tax increase last year, is opposed by both candidates for governor and would reduce revenue by more than \$2 billion per year. Initial polling shows a narrow majority in support of the measure. **California's Proposition 21** and **Georgia's Amendment 2** propose to increase vehicle license fees with revenue channeled to parks in California and trauma centers in Georgia. Several states (CO, FL, GA, LA, MO, NM, UT, VA) have propositions creating property tax exemptions for veterans, the elderly, and other individuals. Results from earlier in the year show that voters are not necessarily allergic to tax increases: in January Oregon voters declined to repeal a newly approved income tax surcharge, and in May Arizona voters approved a 1% sale tax surtax with to fund education and public safety.
- **Fiscal limits.** Voters in three states will be deciding tax limitation amendments: **Colorado's Proposition 1** cuts vehicle license fees, reduces income tax rates, limits fees on telecommunications services, and caps revenue growth; and the state's **Amendment 60** limits and repeals some recent tax increases and requires voter approval for others. **Indiana's Public Question 1** limits property taxes on homes to 1% of assessed value and restricts other prop-

Terminology

Initiative: new law
proposed by petition

Referendum (sometimes
"popular referendum"):
proposal to repeal existing
law, placed on ballot by
petition

Legislative measure: new
law proposed by legislature

INTERESTING LOCAL ISSUES

erty taxes. **Louisiana's Amendment 4** limits the size of tax increases that can be approved by nonelected officials. **Colorado's Amendment 61** prohibits all borrowing by the state and requires voter approval for borrowing.

- **Rainy day funds.** In a symptom of the times, three states are voting on measures concerning "rainy day" funds that are held for budget emergencies. Oklahoma's State Question 757, South Carolina's Amendment 3 and Amendment 4, and Virginia's Ballot Question 3 increase the size of the rainy day funds. North Dakota's Constitutional Measure 1 establishes a state "legacy fund" that saves a fraction of severance fees. All five measures were placed on the ballot by state legislatures.
- **Campaigns, Elections, and Redistricting**
Dissatisfaction with partisanship, polarization, and the performance of elected officials is the fuel for several propositions attempting to reform the political process. California (Propositions 20, 27), Florida (Amendments 5,6), and Oklahoma (Question 748) citizens will vote on propositions to create nonpartisan or bipartisan redistricting commissions and require voter approval of redistricting plans. Citizens in Florida will decide whether repeal a law providing public funding for campaigns (Amendment 1). Alaska voters declined to repeal their public funding law in August, and California voters declined to create a public funding system for the office of the Secretary of State in June. New Mexico and Oklahoma have measures establishing term limits for county officials and statewide officers, respectively. In June California voters approved an open primary system in which the top two vote-getters in the primary advance to the general election regardless of their party.

Noteworthy Local Issues

- **Rhode Island name change.** Voters in Rhode Island will decide whether to amend the constitution to change the name of the state from "Rhode Island and the Providence Plantations" to simply "Rhode Island." Proponents of the measure argue that the reference to plantations in the name evokes the state's slaveholding past.
- **Washington liquor stores.** Washington is one of a small number of states in which the state owns and operates all hard liquor stores. Two dueling initiatives, I-1100 and I-1105, propose to shut down the state's liquor stores and allow sales through normal retail channels. Both initiatives would replace lost state revenues by imposing a tax on liquor sales. The initiatives differ in how they regulate the distribution channel. I-1100, the more "free market" of the two allows retailers to purchase alcohol directly from manufacturers, while I-1105 requires retailers to purchase through distributors. I-1100 is backed by retailer Costco while I-1105 is backed by distributors including Odom Corporation, a partner of the nation's largest liquor distributor. The no campaigns are being bankrolled by the beer and wine industries.
- **California greenhouse gases.** Proposition 23, an initiative sponsored by several major oil companies, would suspend (until the economy improves) a state law passed in 2006 that requires reductions in greenhouse gas emissions, and would abandon a number renewable and clean fuel requirements. An L.A.Times/USC survey in late September found a narrow lead for the initiative 40-38. Both candidates for governor oppose the initiative. Controversy has surrounded the funding sources: roughly half of the \$8 million raised by the yes campaign has been come Texas oil companies, while large amounts of the \$16 million raised by the no campaign has come from renewable energy interests.
- **Arizona civil rights.** Arizona's Prop 107 would prohibit the state from discriminating for or against individuals on the basis of race and ethnicity. Similar measures have been approved in California, Michigan, Nebraska, and Washington, but rejected narrowly in Colorado.

*Popular issues: animals,
election reform, health
care, marijuana, union
elections, taxes*

ON THE BALLOT IN NOVEMBER

The following is a complete list of ballot propositions scheduled to appear on state ballots in November 2010.

Alabama

All measures were placed on the ballot by the legislature.

Amendment 1. Assessment fees. Allows fees for special property taxes.

Amendment 2. Property taxes. Lowers referendum approval from three-fifths to simple majority.

Amendment 3. Trust Fund. Allows state to spend up to \$100 million per year from fund for transportation projects.

Amendment 4. Blount County. Prohibits taxes in Blount County by cities outside county.

Alaska

All three measures were placed on the ballot by the legislature.

- *Ballot Measure 1. Legislature size.* Increases number of members in state legislature.
- *Bond Prop A. \$600 million bond issue for mortgages for veterans.*
- *Bond Prop B. \$397.2 million bond issue for research facilities.*

Arizona

Props 106-113 are legislative constitutional amendments. Prop 203 is a statutory initiative. Props 301 and 302 are legislative statutes.

- *Prop 106. Health care.* Declares that no person or business shall be required to participate in a health care system, and private payments for medical services cannot be banned.
- *Prop 107. Discrimination.* Prohibits discrimination for or against individuals on the basis of race in public sector.
- *Prop 109. Hunting.* Establishes constitutional right to hunt and fish.
- *Prop 110. Land.* Allows state to dispose/exchange land near military bases.
- *Prop 111. Lieutenant Governor.* Creates office of Lieutenant Governor with functions of the existing office of Secretary of State.
- *Prop 112. Initiative petitions.* Requires petitions to be filed more in advance of elections.
- *Prop 113. Union elections.* Requires secret ballots.
- *Prop 203. Marijuana.* Legalizes medical use of marijuana.
- *Prop 301. Conservation Fund.* Transfers balance to General Fund.
- *Prop 302. Childhood Development Fund.* Transfers balance to General Fund.

Arkansas

All three measures are constitutional amendments proposed by the legislature.

- *Issue 1. Hunting.* Establishes constitutional right to hunt and fish.
- *Issue 2. Interest rates.* Removes interest rate cap on government bonds.
- *Issue 3. Development bonds.* Allows state to issue more bonds for economic development.

*Alabama - Alaska -
Arizona - Arkansas*

STATE-BY-STATE LIST

California

All of the propositions are initiatives.

- *Prop 19. Marijuana.* Legalizes marijuana.
- *Prop 20. Redistricting.* Congressional districts to be drawn by citizen commission.
- *Prop 21. Vehicle license fee.* \$18 annual license fee with revenue used to maintain parks.
- *Prop 22. State-local revenue.* Prohibits state from borrowing certain local revenue.
- *Prop 23. Greenhouse gases.* Suspends state law reducing greenhouse gas emissions.
- *Prop 24. Corporate taxes.* Repeals recent law allowing corporations to shield more income from taxes.
- *Prop 25. Budget.* Allows legislature to pass budget with majority rather than 2/3 vote.
- *Prop 26. Charges.* Requires 2/3 vote of legislature for new charges.
- *Prop 27. Redistricting.* Eliminates citizen redistricting commission, requires voter approval for new redistricting plans.

Colorado

Amendments 60-63 are initiative constitutional amendments. Amendments P, Q, R are legislative constitutional amendments. Prop 101 is an initiative statute.

- *Amendment 60. Property taxes.* Amends TABOR to allow more voting on tax referendums, limits and repeals some tax increases.
- *Amendment 61. Government debt.* Prohibits state borrowing, requires voter approval for local borrowing.
- *Amendment 62. Abortion.* Defines a “person” as a human being from the moment of fertilization, presumably would ban abortion.
- *Amendment 63. Health care.* Prohibits state from requiring participation in health insurance plan, or limiting direct payments for medical services.
- *Amendment P. Gambling regulation.* Removes regulatory authority from Secretary of State.
- *Amendment Q. State capital.* Allows government to leave Denver in emergency.
- *Amendment R. Property taxes.* Exemption for possessory interest in property.
- *Prop 101. Taxes and fees.* Reduces income tax rates, vehicle fees, telephone taxes.
- *Prop 102. Pretrial release.* Limits eligibility for supervised release programs.

Florida

Amendments 1, 2, and 8 are legislative proposals. Amendments 4, 5, 6 are initiatives and require 60% in favor for approval. Referendum 1 is a nonbinding legislative measure.

- *Amendment 1. Campaigns.* Repeals public funding of campaigns.
- *Amendment 2. Property taxes.* Tax credit for deployed military personnel.
- *Amendment 4. Land use.* Requires voter approval of zoning changes.
- *Amendment 5. Redistricting.* Requires compact districts, prohibits plans designed to favor individuals or parties — applies to state legislature.
- *Amendment 6. Redistricting.* Requires compact districts, prohibits plans designed to favor individuals or parties — applies to Congress.
- *Amendment 8. Class size.* Increases maximum allowable K-12 class sizes.
- *Referendum 1. Balanced budget.* Calls for federal balanced budget amendment.

*California - Colorado -
Florida*

ON THE BALLOT IN NOVEMBER

Georgia

All measures were placed on the ballot by the legislature. Referendum A is a legislative statute, not a popular referendum.

- *Amendment 1. Non-competes.* Allows contracts with non-compete clauses.
- *Amendment 2. Vehicle license fee.* Imposes \$10 fee with revenue used for trauma centers.
- *Amendment 3. Transportation projects.* Allows multiyear contracts.
- *Amendment 4. Borrowing.* Allows government to borrow for energy efficiency projects.
- *Amendment 5. Land use.* Allows property owners to exit industrial area.
- *Referendum A. Property tax exemption for business inventories.*

Hawaii

Both measures are constitutional amendments placed on the ballot by the legislature.

- *[HB 2376]. Board of Education.* Replaces elected with appointed state board of education.
- *[NA]. Revenue rebates.* Removes requirement for state to rebate any excess revenue.

Idaho

All four measures are constitutional amendments proposed by the legislature.

- *HJR 4. Hospital debt.* Allows public hospitals to incur debt without voter approval.
- *HJR 5. Airport debt.* Allows airports to incur debt without voter approval.
- *HJR 7. Electric utility debt.* Allows municipal electricity providers to borrow with 2/3 rather than 50% approval of voters.
- *SJR 101. Tuition.* Clarifies that state colleges may charge tuition not just fees.

Illinois

- *[HJCA 31]. Recall.* Legislative amendment allowing voters to recall the governor. Requires 60% votes in favor for adoption.

Indiana

- *Public Question 1. Property taxes.* Legislative amendment that establishes property tax limits.

Iowa

- *Measure 1. Sales tax.* Legislative constitutional amendment that creates fund for conservation projects, to be funded with 3/8% sales tax revenue if sales tax subsequently increased.
- *Measure 2. Calls constitutional convention.*

Kansas

Both measures are constitutional amendments placed on the ballot by the legislature.

- *Question 1. Guns.* Establishes a right to own guns, even if not for defense.
- *Question 2. Voting.* Deletes provision prohibiting mentally ill from voting.

*Georgia - Hawaii -
Idaho - Illinois -
Indiana - Iowa - Kansas*

STATE-BY-STATE LIST

Louisiana

All 10 measures are legislative constitutional amendments.

- *Amendment 1. State official salaries.* Salary increases cannot go into effect until subsequent term.
- *Amendment 2. Severance taxes.* Increases share remitted to local governments.
- *Amendment 3. Veterans' property taxes.* Increases exemption for veterans.
- *Amendment 4. Property tax increases.* Limits increases by non-elected governments to 2.5% without voter approval.
- *Amendment 5. Property tax exemption.* Extends exemption for property damaged in disasters.
- *Amendment 6. Public retirement fund.* Requires 2/3 votes of legislature to increase benefits.
- *Amendment 7. Tax sales.* Authorizes bidders to bid down existing 5% penalty.
- *Amendment 8. Land use.* Property taken due to threat to public health does not have to be offered back to original owner.
- *Amendment 9. Workers' compensation.* Requires trial before 5-judge panel if one appeals court judge dissents on a change to an administrative ruling.
- *Amendment 10. Jury trials.* Limits criminal defendants' right to waive jury trial.

Maine

Question 1 is an initiative statute. Questions 2 and 3 are legislative statutes.

- *Question 1. Authorizes casino in Oxford County subject to voter approval.*
- *Question 2. \$5 million bond issue to subsidize dental care.*
- *Question 3. \$9.75 million bond issue for land and waterfront conservation.*

Maryland

All measures were placed on the ballot by the legislature. Question 1 is advisory. Questions 2 and 3 are constitutional amendments.

- *Question 1. Calls a constitutional convention.*
- *Question 2. Jury trials.* Limits jury trials in civil cases with less than \$15,000 at stake.
- *Question 3. Orphans' (probate) Court.* Requires judges to be lawyers.

Massachusetts

All three measures are statutory initiatives.

- *Question 1. Sales tax on alcohol.* Removes duplicative tax.
- *Question 2. Low income housing projects.* Repeals law allowing expedited zoning approval.
- *Question 3. Sales tax reduction from 6.25% to 3%.*

Michigan

- *Proposal 10-1. Calls constitutional convention (vote required every 16 years).*
- *Proposal 10-2. Felons.* Legislative amendment prohibiting felons from holding certain offices.

*Louisiana - Maine -
Maryland -
Massachusetts -
Michigan*

ON THE BALLOT IN NOVEMBER

Missouri

Amendments 1 and 2 were placed on the ballot by legislature. Amendment 3 is an initiative. The propositions are statutory initiatives.

- *Constitutional Amendment 1. County assessor.* Requires officeholder to be elected.
- *Constitutional Amendment 2. Property tax.* Exempts veterans who were prisoners of war.
- *Constitutional Amendment 3. Sales tax.* Prohibits new taxes on property sales.
- *Prop A. Income taxes.* Limits city earnings taxes.
- *Prop B. Dog breeders.* Establishes minimum space requirements for dog breeders.

Montana

CC-2 is required by the state constitutional every 20 years. The other measures are initiatives.

- *CC-2. Calls constitutional convention.*
- *CI-105. Property taxes.* Amendment prohibiting new taxes on sale of property.
- *I-161. Hunting fees.* Increases fees on nonresident big game hunters.
- *I-164. Payday loans.* Reduces maximum interest rate to 36%.

Nebraska

Both amendments were placed on the ballot by the legislature.

- *Amendment 1. Development funding.* Allows cities to use local tax revenue to promote economic development.
- *Amendment 2. State treasurer.* Abolishes the office.

Nevada

All measures are legislative constitutional amendments.

- *Question 1. State judges.* Allows governor to make interim appointments to fill vacancies.
- *Question 2. Appellate court.* Creates intermediate appellate court.
- *Question 3. Sales taxes.* Allows legislature to amend law without voter approval to resolve conflicts with federal law or interstate agreements.
- *Question 4. Eminent domain.* Creates five exceptions to prohibition on taking land for private purposes.

New Mexico

All nine measures were placed on the ballot by the legislature.

- *Amendment 1. College tuition.* Allows veterans to pay in-state tuition rates.
- *Amendment 2. Term limits.* Limits county officials to two consecutive 4-year terms.
- *Amendment 3. Voting eligibility.* Permits felons and mentally disabled to vote.
- *Amendment 4. Property taxes.* Exemption for certain veterans' organizations.
- *Amendment 5. Former legislators.* Allows their appointment to civil offices.
- *Bond Question A. \$7.8 million bond issue for senior citizen facilities.*
- *Bond Question B. \$7 million bond issue for libraries.*
- *Bond Question C. \$5.1 million bond issue for pre-K, books, school buses.*
- *Bond Question D. \$155.6 million bond issue for higher education facilities.*

*Missouri - Montana -
Nebraska - Nevada -
New Mexico*

STATE-BY-STATE LIST

North Carolina

- *Constitutional Amendment. Felons.* Legislative measure prohibiting felons from running for county sheriff.

North Dakota

- *Constitutional Measure 1. Legacy Fund.* Legislative measure that establishes trust fund that receives 30% of oil and gas extract revenue.
- *Initiated Statutory Measure 2. Hunting.* Initiative that bans hunting in fenced game preserves.

Oklahoma

Question 744 is an initiative amendment, Question 746 is a legislative statute, and the others are legislative amendments.

- *State Question 744. Education.* Significantly increases education spending by changing minimum spending requirement from fixed dollar amount to average of surrounding states.
- *State Question 746. Proof of identity required to vote.*
- *State Question 747. Term limits.* 8-year limit for statewide officers.
- *State Question 748. Redistricting.* Establishes bipartisan commission.
- *State Question 750. I&R.* Lowers signature requirement to qualify petitions for ballot.
- *State Question 751. Declares English the state's official language.*
- *State Question 752. Judicial Nominating Commission.* Adds two members.
- *State Question 754. Formula spending.* Prohibits amendments requiring spending based on a formula, declares itself unamendable.
- *State Question 755. Courts.* Prohibits judges from considering international law or Sharia in their decisions.
- *State Question 756. Health care.* Prohibits state from requiring participation in health insurance plan, or limiting direct payments for medical services
- *State Question 757. Reserve Fund.* Increases contributions from surplus funds to reserve.

Oregon

Measures 70-72 are legislative amendments, Measures 73-75 are initiative statutes, and Measure 76 is an initiative amendment.

- *Measure 70. Veterans' home loan program.* Expands eligibility for program.
- *Measure 71. Legislative sessions.* Limits length of sessions.
- *Measure 72. Debt limits for state projects.* Removes debt limit of \$50,000 for state owned or operated projects.
- *Measure 73. Sex crimes.* Increases minimum sentences for repeat offenders.
- *Measure 74. Medical marijuana.* Establishes supply system.
- *Measure 75. Casino.* Authorizes private casino in Multnomah County.
- *Measure 76. Lottery funds.* Extends duration of lottery funding program for conservation projects.

*North Carolina -
North Dakota -
Oklahoma - Oregon*

ON THE BALLOT IN NOVEMBER

Rhode Island

All measures were placed on the ballot by the legislature. Questions 1-3 are statutes.

- *Question 1. \$78 million bond issue for college buildings.*
- *Question 2. \$84.7 million bond issue for transportation projects.*
- *Question 3. \$14.7 million bond issue for parks.*
- *Amendment. Deletes "Providence Plantations" from state name.*

South Carolina

All four constitutional amendments were placed on the ballot by the legislature.

- *Amendment 1. Hunting.* Establishes right to hunt and fish.
- *Amendment 2. Union elections.* Requires secret ballots.
- *Amendment 3. Rainy day fund.* Increases required size of fund.
- *Amendment 4. Capital Reserve Fund.* Must be used to replenish rainy day fund before spending.

South Dakota

The amendments were placed on the ballot by the legislature. The initiative is a statute. Referred Law 12 is a popular referendum.

- *Amendment K. Secret ballots.* Requires secret ballots in union and government elections.
- *Amendment L. Cement plant trust fund.* Reduces required transfer to state.
- *Initiated Measure 13. Allows use of marijuana for medical purposes.*
- *Referred Law 12. Smoking.* Asks voters to repeal a smoking ban.

Tennessee

- *Constitutional Amendment. Legislative measure establishing right to hunt and fish.*

Utah

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

- *Amendment A. Union elections.* Requires secret ballots, also for government elections.
- *Amendment B. Residency requirements to hold office.* Applies to mid-term appointments.
- *Amendment C. Property tax exemption for nonprofit water suppliers.*
- *Amendment D. Creates Legislative Ethics Commission.*

Vermont

- *Proposal 5. Voting.* Legislative amendment allowing 17-year-olds to vote in primary elections.

Virginia

All three measures are legislative constitutional amendments.

- *Ballot Question 1. Property tax exemption for citizens older than 65 years.*
- *Ballot Question 2. Property tax exemption for disabled veterans.*
- *Ballot Question 3. Revenue Stabilization Fund.* Increases permissible size of rainy day fund.

*Rhode Island - South
Carolina - South
Dakota - Tennessee -
Utah - Vermont -
Virginia*

STATE-BY-STATE LIST

Washington

HJR 4220 and Referendum Bill 52 are legislative statutes. SJR 8225 is a legislative constitutional amendment. The other measures are initiative statutes.

- *HJR 4220. Bail.* Authorizes courts to deny bail to potentially violent defendants.
- *I-1053. Tax increases.* Reinstates law (suspended by legislature) requiring 2/3 vote of legislature or voter approval for tax increases.
- *I-1082. Workers' compensation.* Authorizes employers to opt out of state program.
- *I-1098. Income tax.* Establishes income tax on individuals earning more than \$200,000.
- *I-1100. Liquor stores.* Closes state liquor stores, allows private sales (retailer version).
- *I-1105. Liquor stores.* Closes state liquor stores, allows private sales (distributor version).
- *I-1107. Sales tax.* Ends sales tax on candy, bottled water, carbonated beverages.
- *Referendum Bill 52. \$505 million bond issue for energy projects in school buildings, and extends sales tax.*
- *SJR 8225. Debt limits.* Allows state to borrow more by calculating debt limit differently.

Washington

CONCLUDED ELECTIONS

Prior to November, 24 ballots measures came before the voters in 10 states, including four initiatives and three referendums.

Alabama (June 1)

- *Constitutional Amendment. Gas industry.* Legislative proposal to tax propane gas producers to fund industry promotion programs. FAILED 40-60

Alaska (August 24)

- *Ballot Measure 1. Campaign spending.* Initiative prohibiting campaign spending by public employee unions. FAILED 39-61
- *Ballot Measure 2. Abortion.* Initiative requiring parental notification before a minor has an abortion. APPROVED 56-44

Arizona (May 18)

- *Prop 100. Sales tax.* Legislative amendment increasing sales tax by 1% for three years, with money dedicated to education (2/3) and health (1/3). APPROVED 64-36

California (June 8)

Propositions 13-15 were legislative measures and Propositions 16-17 were initiatives.

- *Prop 13. Property tax exemption.* Minor expansion in exemption for certain seismic retrofits. APPROVED 85-15
- *Prop 14. Primary elections.* Creates a top-two open primary system. APPROVED 54-46
- *Prop 15. Campaign funding.* Public funding for Secretary of State elections. FAILED 43-57
- *Prop 16. Public electricity provision.* Requires 2/3 voter approval for governments to enter electricity provision business. FAILED 47-53
- *Prop 17. Car insurance.* Permits insurers to base premiums on history of previous coverage. FAILED 48-52

Louisiana (October 2)

Both measures are constitutional amendments placed on the ballot by the legislature.

- *Amendment 1. Legislative sessions.* Changes day legislature convenes. APPROVED 63-37
- *Amendment 2. Civil service.* Gives state homeland security workers civil service classification. APPROVED 52-48

Maine (June 8)

Question 1 was a citizen referendum; the other measures were legislative proposals.

- *Question 1. Income tax.* Referendum to repeal new law that lowered income tax rates and broadened tax base. REPEALED 61-39
- *Question 2. \$26.5 million bond issue for energy projects.* APPROVED 59-41
- *Question 3. \$47.8 million bond issue for highways, roads, and marine facilities.* APPROVED 58-42
- *Question 4. \$23.75 million bond issue for R&D.* APPROVED 51-49
- *Question 5. \$10.25 million bond issue for water projects.* APPROVED 56-44

*Twenty-four propositions
were decided earlier in
the year.*

CONCLUDED ELECTIONS

Missouri (August 3)

- *Proposition C. Health insurance.* Legislative measure prohibiting government from requiring purchase of health insurance (protest against Obama health care plan). APPROVED 71-29

Nebraska (May 11)

- *Amendment 1. Revenue bonds.* Legislative measure that authorizes use of revenue bonds by nonprofit enterprises. APPROVED 53-47

Ohio (May 4)

Both measures were placed on the ballot by the legislature.

- *Issue 1. \$700 million bond issue for R&D.* APPROVED 62-38
- *Issue 2. Casino location.* Authorizes different location of Columbus casino. APPROVED 68-32

Oregon (January 26)

Both measures were citizen referendums that proposed to repeal recently approved laws.

- *Measure 66. Income tax.* Increases income taxes on high earners. NOT REPEALED 54-46
- *Measure 67. Corporate tax.* Increases corporate taxes. NOT REPEALED 54-46

Oregon (May 18)

Both measures were constitutional amendments proposed by the legislature.

- *Measure 68. School bonds.* Removes restrictions on state bonds for schools. APPROVED 65-35
- *Measure 69. Higher education bonds.* Allows state to issue bonds for colleges. APPROVED 72-28

* * *

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

————— **IRI** —————
Initiative & Referendum Institute

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

www.iandrinstute.org

USC UNIVERSITY OF
SOUTHERN CALIFORNIA