

# BALLOTWATCH

## Notable

- 159 ballot propositions in 36 states in November; based on returns to date, 101 approved and 58 rejected.
- Of 42 initiatives: 18 approved, 24 rejected. Of 113 legislative measures: 82 approved, 31 rejected. One referendum approved (law sustained) Three proposed constitutional conventions rejected.
- Busiest states: Oklahoma approved 9 of 11; Louisiana approved 8 of 10, Arizona approved 4 of 10.
- 2010 totals, including elections before November: 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.iandrinstute.org](http://www.iandrinstute.org)

**USC** UNIVERSITY OF  
SOUTHERN CALIFORNIA

## ELECTION RESULTS 2010: TEA PARTY SPILLOVER?

As the tea party-fueled Republican Party scored massive gains at the federal and state level across the country, the impact of conservative-leaning voters was also felt in ballot propositions, as progressive measures went down to defeat and conservative measures were favored.

### Overview

Voters in 36 states decided 159 ballot propositions on November 2, approving 64% based on current returns. Compared to November 2008, the number of propositions (153) and approval rate (59%) were up slightly. Of the forty-two initiatives on the ballot — new laws placed on the ballot by citizen petitions — 43% were approved so far, slightly above the long run historical approval rate of 41%. Of the 113 propositions placed on the ballot by legislatures, 73% were approved. As usual, voters were almost twice as likely to approve legislative measures than citizen petitions.

### Conservative Victories

The unusually large turnout by conservative voters gave many of this year's ballot proposition results a conservative cast:

- **Marijuana rejected.** Marijuana proponents went 0-4 on election night. California's Proposition 19 that would have legalized marijuana was one of the highest profile initiatives this year. In early polls, it led substantially but ended up failing 46-54. The silver lining for marijuana supporters with a long-term perspective is that support for legalization appears to be growing: the last attempt to legalize marijuana in the Golden State, in 1972, failed by a much larger margin, 35-65. According to a post-election survey by Greenberg-Quinlan-Rosner, voters favored the idea of legalization 49-41, but they appeared to dislike some of the details of Prop 19 (placing regulation in the hands of local government rather than the state, and preventing employers from prohibiting marijuana use by employees unless it "actually impairs" job performance). Voters also rejected medical marijuana measures in Arizona, Oregon, and South Dakota. Before this year, only 3 of 15 medical marijuana measures had been defeated (see IRI report on marijuana initiatives, BW 2004-2, at [www.ballotwatch.org](http://www.ballotwatch.org).)
- **Symbolic votes on national health care.** Voters in Arizona (Prop 106) and Oklahoma (Question 756) approved propositions declaring that individuals and business cannot be required to participate in a government health care system, and people have a right to privately contract for medical services. In doing so, they joined Missouri voters (who ap-



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proved a similar measure in August) in making a symbolic statement against President Obama's health care plan. Bucking the trend, Colorado (Amendment 63) voters rejected a similar measure.

- **Labor unions pushed back.** Voters approved several measures that were targeted at labor unions. Arizona (Prop 103), South Carolina (Amendment 2), and Utah (Amendment A) passed propositions requiring secret ballots for union elections. These measures are intended to block the "card check" system that allows workers to unionize without a secret ballot by signing cards stating support for unionization. President Obama made approval of a federal card-check law a prominent part of his campaign in 2008. Louisiana voters approved a constitutional amendment requiring a supermajority for the legislature to increase benefits in public retirement systems.
- **Washington says no to soaking the rich.** Another high-profile initiative was Washington's I-1098 that would have established a state income tax on individuals earning more than \$200,000, with revenue dedicated to education. Despite prominent support from Bill Gates, Sr. and Bill Gates, Jr., the state's voters rejected the measure 35-66. Opponents of the measure, who included Microsoft CEO Steve Ballmer and Microsoft cofounder Paul Allen, argued that the tax would drive high-skill workers out of the state, and that once imposed, the income threshold would gradually fall, extending the tax to lower income individuals. The debate has overtones of the national discussion concerning extension of the Bush tax cuts, specifically whether the cuts should be allowed to expire for high income individuals. Some of the issues surrounding I-1098 are specific to Washington and may not apply to the Bush tax cuts, but the election results suggest that voters are not necessarily eager to soak the rich.
- **Arizona steps back from affirmative action.** By a 59-41 margin, Arizona voters approved Prop 107 that prohibits the state from discriminating for or against individuals on the basis of race and ethnicity, effectively banning many forms of affirmative action. The state joins California, Michigan, Nebraska, and Washington that previously approved such measures.

### Other Issues of Note

- **Animals.** Propositions relating to animals have been increasingly common over the last decade. Many of these measures have been promoted by animal rights groups in order to improve the living conditions of farm animals and limit hunting practices. This year's "pro-animal" Proposition B in Missouri that established minimum space requirements for dog breeders was approved, but North Dakota's Initiated Statutory Measure 2 that would have banned hunting in fenced game preserves was rejected. Voters in three states (Arkansas, South Carolina, Tennessee) approved constitutional amendments guaranteeing residents a right to hunt and fish, but a similar measure failed in Arizona.
- **Rhode Island name change.** Voters in Rhode Island rejected by more than a 3-1 margin a proposal to change the name of the state from "Rhode Island and the Providence Plantations" to simply "Rhode Island." Proponents of the measure argued that the reference to plantations in the name evokes the state's slaveholding past.
- **Washington liquor stores.** Washington voters rejected two initiatives that would have privatized its state-run retail liquor stores. Both initiatives proposed to replace lost state revenue by imposing a tax on liquor sales, but differed in how they regulated the distribution channel. I-1100, the more "free market" of the two allowed retailers to purchase alcohol directly from manufacturers, while I-1105 required retailers to purchase through distributors. I-1100 was backed by retailer Costco while I-1105 was backed by distributors including Odom Corporation, a partner of the nation's largest liquor distributor.

### 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

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- **California greenhouse gases.** Proposition 23, an initiative sponsored by two Texas oil companies, proposed to suspend (until the economy improves) a state law passed in 2006 that requires reductions in greenhouse gas emissions, as well as to abandon a number renewable and clean fuel requirements. The proposition was ahead in early polls, but a flood of money against it (as well as opposition from the current governor and both gubernatorial candidates) turned the tide, leading to a 39-61 rejection.
- **California budget process.** California is one of a small number of states that require a two-thirds vote of the legislature to approval the annual budget. Desperate for a solution to the recurrent nightmare of projected deficits, overdue budgets, and IOUs, voters approved Proposition 25 that repeals the two-thirds rule, in the hope that majority rule will restore fiscal sanity. Whether or not it will have that effect is not clear: The state still has in place a two-thirds requirement for tax increases, and voters approved a similar rule for fee increases, creating the possibility that the legislature could approve a budget that authorizes spending but not be able to raise the revenue to pay for it. California voters also approved Prop 22 that limits the state's ability to divert revenue designated for local governments and transportation projects.