

# BALLOTWATCH

## Overview

- November: 176 propositions in 38 states, including 44 initiatives, 12 referendums, 117 legislative measures, 3 votes on constitutional conventions. States with most propositions: Alabama 11, Florida 11, California 10, Arizona 9, Louisiana 9, Oregon 9
- Hot issues: marijuana, health, marriage, taxes
- Bond issues: 16 proposals for a total of \$3.2 billion
- For the year: 188 propositions in 39 states, including 50 initiatives, 13 referendums, 122 legislative measures, 3 votes on constitutional conventions. States with most propositions: California 13, Alabama 12, Florida 11, Arizona 9, Louisiana 9, Oregon 9

## ELECTION 2012 PREVIEW

Voters will decide 176 ballot propositions across 38 states on November 6, based on the latest information. Marijuana legalization is one of the hottest topics this year, with six states voting on this issue. There are also high profile votes in several states on same-sex marriage, health care, tax increases, public employee unions, and gambling. (This report is an updated version of the original report issued September 4.)

### Overall Trends

The 176 propositions in November are up from 159 in 2010, and the 153 in 2008, and the highest total since 204 measures appeared in November 2006. For the year (that is, including propositions decided in elections before November), voters will decide 188 propositions, up from 183 in 2010, up from 174 in 2008, and down from 225 in 2006.

In a typical year, the most visible and controversial propositions are initiatives and referendums, issues that are placed on the ballot by citizen petition. For 2012, the number of initiatives is 50, up from 46 in 2010 but down from 68 in 2009. Overall, initiative activity seems to have cooled off slightly from its feverish pace in the 1990s. For more information on initiative trends, see *IRI Report on Initiative Use (1904-2011)*. For additional information on ballot measures see [ballotpedia.org](http://ballotpedia.org).

### Multistate Issues

Every year, several issues appear on the ballot of multiple states. This may happen as a result of a coordinated campaign by an interest group, or more often, as individual states respond to a common event, such as a court ruling. Multistate issues can take on life and spread across the country if they meet with voter approval initially and reveal unexpected popular support for an issue. For this reason, multistate issues are worth watching as possible leading indicators of national trends.

### Marijuana

Marijuana-related measures are on the ballot in six states. The most far reaching propositions are citizen proposals that would legalize recreational use of cannabis: Colorado's Amendment 64, Oregon's Measure 80, and Washington's I-502. Although federal law prohibits possession of marijuana, advocates of legalization believe that public opinion may be shifting in their favor. In 2008, Massachusetts voters approved Question 2 that decriminalized small amounts of the drug, making possession of less than one ounce subject only to a \$100 fine. In 2010, California voters narrowly rejected (47-53) Proposition 19 that would have legalized personal use. Both the Colorado and Washington initiatives are leading in early polls, 47-38 and 55-32, respectively, and could provide a bellwether victory for legalization.

Beginning in the 1990s, legalization advocates pursued a strategy of promoting laws that allowed medical use of marijuana. Currently, 17 states permit medical marijuana., most of them adopting their laws through the initiative process. This year, three more states will be voting on medical marijuana. Perhaps the most interesting state to watch is Arkansas, which would be the first Southern state to approve medical marijuana if the initiative is approved. Question 3 in Massachusetts give voters the option to permit medical use of marijuana, and IR-124 in Montana asks voters to repeal recent action by the legislature (SB 423) that cut back significant parts of the state's voter-approved medical marijuana law from 2004.



**IRI**  
Initiative & Referendum Institute

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

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

**USC** University of  
Southern California

## ISSUES TO WATCH

### *Marriage*

Same-sex marriage has been a prominent issue on ballot propositions for almost a decade. Despite what appears to be some movement in public opinion in favor of gay marriage and a growing number of states that permit gay marriage, all state-level victories for same-sex marriage have come from courts or legislatures; voters have consistently voted to restrict marriage to one man and one woman when given the choice, with 30 of 31 measures banning gay marriage having passed to date. See *IRI Report BW 2012-1* on same-sex marriage for more information.

This year five states have marriage-related propositions on the ballot. Maine's Question 1 and Maryland's Question 6, both placed on the ballot by citizen petition, ask voters to repeal laws previously approved by voters that ban same-sex marriage. Washington's R-74, also placed on the ballot by petition, asks voters to repeal a new law from the legislature that legalizes same-sex marriage. One interesting thing to watch for this year is if gay marriage advocates can achieve their first affirmative endorsement from the electorate directly in Maine, Maryland, or Washington. Minnesota voters will decide whether to adopt a constitutional amendment banning same sex-marriage. In May, North Carolina voters approved such a ban.

### *Health Care*

President Obama's health care law, the Affordable Care Act, remains a source of controversy in the states. Four states (AZ, MO, OH, OK) have approved propositions declaring that no individual or business shall be compelled to participate in a health care system, what appears to be a partly symbolic judgment on the merits of Obamacare; while Colorado voters rejected a similar proposal. This year, Alabama, Florida, Montana, and Wyoming voters will have the opportunity to express their views. These states are generally seen as moderate to conservative, but the election returns on these propositions will provide some insight into how the health care reform plan is being viewed and what the political landscape looks like for further health care reform.

### *Taxes*

Taxes remain the most prevalent issue for ballot propositions this year, as is the case in almost every election year. Voters are facing 31 tax-related measures, most of which make small changes to the tax code, such as providing property tax exemptions to spouses of veterans who died in combat.

The most visible and controversial tax measures propose revenue increases. These measures will give a temperature reading about whether voters are warming towards taxes after several years of extreme hostility. Two major tax initiatives will be decided in California. Proposition 30, sponsored by Governor Jerry Brown, increases the income tax on earnings over \$250,000 and increases the sales tax by 0.25%, for seven and four years respectively. The proposition is supported by public employee unions and opposed by taxpayer groups; most business groups are remaining on the sideline in this campaign. Governor Brown has argued that draconian cuts in state spending will be required if the measure is not approved. Proposition 38, sponsored by lawyer and education activist Molly Munger, raises income taxes across the board and for 12 years, and dedicates 60% of revenue to education. Proposition 38 is opposed by Governor Brown's coalition, largely out of fear that it may confuse voters and lead to the defeat of both tax measures. A minor controversy broke out during the summer when the legislature changed state law to list Governor Brown's proposition before all others on the ballot, breaking with standard practice that lists them in the order signatures are submitted. Prop 30's backers believe that listing it first on the ballot increases its chance of passage, although there does not appear to be any evidence in support of this belief.

Arizona's Proposition 204 makes permanent a temporary sales tax increase from 5.5% to 6.5% that is due to expire in 2013, and mandates annual increases in state education spending. Similarly, South Dakota's Initiated Measure 15 increases the state sales tax from 4% to 5% with revenue dedicated to education and health care. Arkansas voters will decide whether to raise the sales tax to pay for interest on a proposed bond issues related to transportation projects.

Missouri's Proposition B, an initiative statute, proposes to increase tobacco taxes by \$1 per pack, with revenue dedicated to health education. In June, California voters rejected Proposition 29 that also would have increased tobacco taxes by \$1 per pack, with revenue dedicated to cancer research. The failure of Proposition 29 appears to have been attributable to its locking in spending on a particular program (cancer research) rather than to citizen aversion to higher tobacco taxes.

On the tax-cutting side, Oregon's Measure 84 eliminates estate/inheritance taxes. Oklahoma's

*Issues on the ballot in multiple states: Marijuana legalization, same-sex marriage, health care, taxes*

## SINGLE-STATE ISSUES

State Question 758 limits growth of property taxes to 3% annually, down from the current limit of 5% annually. In June, North Dakota voters soundly rejected Initiated Constitutional Measure 2 that would have eliminated all property taxes, and replaced them with a mix of income, sales, and other taxes.

### *Bond Issues*

Many states require voter approval before state bonds can be issued. Since the onset of the financial crisis and recession, legislators have been cautious about proposing new bond issues. In 2010, voters approved only \$2 billion in new bonds compared to \$13 billion in 2008. This year, legislatures in seven states have placed 16 bond proposals before the voters, with a total authorization to borrow of \$3.2 billion. The largest proposal, \$1.3 billion for roads and highways, comes from the relatively small state of Arkansas. The measure includes a 0.5% sales tax increases to fund repayment of debt. Other large proposals are New Jersey's measure to borrow \$750 million for colleges and Alaska's Bonding Proposition A to borrow \$453 million for transportation projects.

### **Single-State Issues**

*Civil Rights.* Oklahoma's State Question 759, placed on the ballot by the legislature, prohibits discrimination or preferable treatment based on race, sex, ethnicity, and national origin. The measure would undercut some affirmative action programs in the state. Similar measures seeking a "color blind" approach to race have passed in Arizona, California, Michigan, Nebraska, and Washington.

*Death Penalty Repeal.* California's Proposition 34 abolishes capital punishment in the state. The initiative statute would be retroactive, converting all existing death row sentences to life imprisonment without the possibility of parole. It would also create a \$100 million fund to help police with unsolved murder cases. California is one of 33 states that currently sanction capital punishment.

*Illegal Immigrants.* In 2011, Maryland's legislature passed SB 167 that allowed illegal immigrants to pay in-state tuition at state universities, if they attended high school in the state and their parents paid taxes. Question 4, the so-called Dream Act Referendum, asks voters to repeal SB 167. Montana's LR-121 is a legislative measure that denies state services to illegal immigrants. The law works by requiring individuals who apply for state services to provide proof of citizenship.

*Redistricting.* Election reformers have long been concerned with the practice in most states of legislators drawing the lines for their own electoral districts, claiming this leads to "politicians choosing their voters" rather than voters choosing their representatives. Ohio's Issue 2, an initiated constitutional amendment, creates a bipartisan commission to draw district lines, comprised of four Democrats, four Republicans, and four members from neither party. The initiative is sponsored by Democratic groups frustrated with the Republican-controlled apportionment plan adopted in 2011.

*Suicide.* Massachusetts' "Death with Dignity" Question 2, an initiative statute, would allow a terminally ill person to be given a lethal injection. A late August poll showed voters in support of the initiative by more than a two-to-one ratio. Five states have held votes on physician-assisted suicide, beginning with Washington in 1991. Washington voters rejected the proposal in 1991 but approved a similar measure in 2008. Oregon voters also legalized this form of suicide in 1994. Similar proposals were rejected by California and Michigan voters in the 1990s.

*Union dues and political campaigns.* California's Proposition 32 prohibits union dues from being used for political purposes without explicit authorization of members, prohibits union and corporate contributions to campaigns, and prohibits government contractors from contributing to campaigns. This measure is intended to undercut the power of public employee unions in the state. Voters rejected similar measures in 1998 and 2005 by small margins.

*Interesting single-state issues: civil rights, death penalty, illegal immigrants, redistricting, suicide, union dues*

## STATE-BY-STATE LIST

### STATE-BY-STATE LIST OF BALLOT PROPOSITIONS ON NOVEMBER 8

The remainder of this report contains a complete list of state-level propositions for 2012. An “initiative” is a citizen-sponsored law placed on the ballot by petition. A “referendum” is a proposal to repeal an existing law placed on the ballot by petition. “Legislative” measures were placed on the ballot by the legislature. “[NA]” or similar indicates that an official ballot number is not available.

#### Alabama

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

- *Amendment 1. Land trust fund.* Extends by 20 years the Forever Wild trust fund.
- *Amendment 2. Debt limit.* Allows state to issue up to \$750 million in bonds.
- *Amendment 3. Conservation.* Defines Stockton Landmark District to preserve property.
- *Amendment 4.* Removes obsolete constitutional language pertaining to segregation.
- *Amendment 5. Water utility.* Transfers water utility assets from the city of Prichard to Mobile.
- *Amendment 6. Health care.* Prohibits individuals and businesses from being compelled to participate in health care system.
- *Amendment 7. Union elections.* Requires secret ballots.
- *Amendment 8. Legislator salaries.* Sets salaries equal to median state income.
- *Amendment 9. Telephone company regulation.* Removes restrictions on merger of telephone companies.
- *Amendment 10. Bank regulation.* Allows legislature to create and regulate banks.
- *Amendment 11.* Lawrence County. Prohibits cities outside Lawrence County from taxing and regulating in the county.

#### Alaska

- *Bonding Prop A. \$453.5 million bond issue for transportation projects.*
- *Ballot Measure 1. Calls constitutional convention.* Vote required by constitution every 10 years.

#### Arizona

Props 121 is an initiative amendment and Prop 204 is an initiative statute. The other seven measures are constitutional amendments placed on the ballot by the legislature.

- *Prop 114. Crime.* Establishes that crime victims are not subject to claim for damages by a person who is harmed while committing a crime.
- *Prop 115. Judge terms.* Increases terms of judges from 6 to 8 years, increases mandatory retirement age from 70 to 75 years.
- *Prop 116. Property taxes.* Limits tax exemption for personal property used for business.
- *Prop 117. Property tax assessment.* Lowers assessed value of property.
- *Prop 118. Permanent funds.* Sets maximum distribution from permanent funds to 2.5% of value.
- *Prop 119. Public lands.* Allows state to exchange public lands to manage development.
- *Prop 120. Natural resources.* Declares state sovereignty over natural resources within borders.
- *Prop 121. Open primary.* Establishes top-two primary system for all elections in state.
- *Prop 204. Sales tax.* Makes permanent temporary sales tax increase from 5.5% to 6.5% expiring in 2013, dedicates revenue to education, mandates annual increases in education spending.

#### Arkansas

The first two issues were placed on the ballot by the legislature; the last three are initiatives. The first four are constitutional amendments and the last one is a statutes.

- *Issue 1. Sales tax.* Levies 0.5% sales tax to fund \$1.3 billion bond issue for roads.
- *Issue 2. Special districts.* Allows cities to creating special districts that can issue bonds.

*Alabama - Arkansas*

## STATE-BY-STATE LIST (CONTINUED)

- *Issue 3. Casinos.* Authorizes Nancy Todd's Poker Palace to operate four casinos tax.
- *Issue 4. Casinos.* Authorizes Arkansas Hotels and Entertainment to operate seven casinos.
- *Issue 5. Medical marijuana.* Permits medical use of marijuana.

### California

Props 30-39 are initiatives and Prop 40 is a referendum. Prop 30 is a constitutional amendment, Prop 31 is an amendment and a statute, and the others are statutes.

- *Prop 30. Income and sales tax.* Increases income taxes on wealthy, increases sales taxes. Gov. Brown's measure.
- *Prop 31. Budget cycle.* Establishes two-year budget cycle.
- *Prop 32. Union dues.* Prohibits political uses of payroll-deducted union dues.
- *Prop 33. Car insurance.* Permits car premiums to depend on previous coverage.
- *Prop 34. Abolishes death penalty.*
- *Prop 35. Crime.* Increases criminal penalties for human trafficking.
- *Prop 36. Three Strikes Law.* Allows life sentence only for third strikes that are serious crimes.
- *Prop 37. Food labels.* Requires food labels for genetically altered products.
- *Prop 38. Income tax.* Increases income tax rates. Munger's measure.
- *Prop 39. Corporate taxes.* Restricts accounting choices to increase corporate taxes on multi-state firms.
- *Prop 40. Redistricting.* Asks voters to repeal new apportionment plan for the state senate.

### Colorado

- *Amendment 64. Marijuana.* Initiative amendment that legalizes and taxes marijuana.
- *Amendment 65. Campaign spending.* Initiative amendment that instructs state legislators to propose amendment to U.S. Constitution that limits campaign spending.
- *Amendment S. Personnel system.* Legislative amendment to revise state personnel system.

### Florida

All 11 measures are constitutional amendments placed on the ballot by the legislature. Amendment 7 was removed from the ballot by a circuit court judge on the grounds that the ballot summary was misleading.

- *Amendment 1. Health care.* Prohibits individuals and businesses from being required to participate in health care system.
- *Amendment 2. Property taxes.* Exemption for veterans who were not originally state residents.
- *Amendment 3. Spending limits.* Changes limit formula from income growth to inflation plus population growth.
- *Amendment 4. Property tax assessment.* Places more limits on increases in assessments.
- *Amendment 5. Court rules.* Allows legislature to repeal rules of court with majority instead of 2/3 vote.
- *Amendment 6. Abortion.* Prohibits use of public funds for abortion.
- *Amendment 8. Religion.* Prohibits denial of government benefits on the basis of religion.
- *Amendment 9. Property taxes.* Exemption for surviving spouse of veteran.
- *Amendment 10. Property taxes.* Increases exemption for tangible personal property.
- *Amendment 11. Tax relief for elderly.* Allows local government tax relief for poor, elderly homeowners.
- *Amendment 12. University board.* Changes student representative to state university board of governors.

*Arkansas - Florida*

## STATE-BY-STATE LIST (CONTINUED)

### Georgia

- *Amendment 1. Charter schools.* Legislative constitutional amendment that reverses court ruling that charter schools are unconstitutional.
- *Amendment 2. Rental agreements.* Legislative constitutional amendment that authorizes certain state agencies to enter into multiyear rental agreements without requiring state to provide full funding.

### Hawaii

Both measures are legislative constitutional amendments.

- *[HB 2594]. Revenue bonds for dams.* Authorizes revenue bonds to repair dams and reservoirs.
- *[SB 650]. Retired judges.* Authorizes chief justice to recall retired judges to serve temporarily.

### Idaho

Props 1-3 are referendums qualified for the ballot by petitions sponsored by teachers union; they ask voters to repeal laws passed by the legislature. The other two measures are legislative statutes.

- *Prop 1. Teacher contracts.* Proposes to repeal a law limiting negotiated agreements between teachers and school districts.
- *Prop 2. Teacher performance pay.* Proposes to repeal a law tying teacher pay to student performance on standardized tests.
- *Prop 3. School funding.* Proposes to repeal a law changing school district funding and requiring provision of computers and online courses.
- *HJR 2. Hunting and fishing.* Establishes right to hunt and fish.
- *SJR 102. Probation.* Assigns adult felony probation to state board of correction.

### Illinois

- *Amendment. Pensions.* Legislative amendment that requires 3/5 vote of appropriate legislative body to increase pension benefit for public employees. Requires 60% vote in favor for approval.

Georgia - Louisiana

### Kansas

- *<HCR 5017>. Boat tax.* Legislative amendment that permits lower property tax on boats.

### Kentucky

- *[NA]. Hunting and fishing.* Legislative amendment that establishes right to hunt and fish.

### Louisiana

All nine propositions are constitutional amendments from the legislature.

- *Amendment 1. Medicaid Trust Fund.* Prohibits diversion of money to general fund.
- *Amendment 2. Gun possession.* Requires "strict scrutiny" from courts when evaluating laws that restrict gun possession.
- *Amendment 3. Retirement systems.* Requires advance filing of bills pertaining to public retirement systems.
- *Amendment 4. Property taxes.* Exemption for spouses of veterans who died in service.
- *Amendment 5. Retirement benefits.* Allows legislature to deny benefits to public employees who are found guilty of a felony.
- *Amendment 6. New Iberia.* Allows city to grant certain property tax exemptions.
- *Amendment 7. Boards and commissions.* Changes composition.
- *Amendment 8. Property taxes.* Exemption for businesses that sell to out-of-state customers.
- *Amendment 9. Special districts.* Procedural requirements for bills recreating special districts.

## STATE-BY-STATE LIST (CONTINUED)

### Maine

Question 1 is an initiative. The bond issues are legislative proposals.

- *Question 1. Marriage.* Legalizes same-sex marriage, would overturn a 2009 initiative.
- *Question 2. \$11.3 million bond issue for higher education.*
- *Question 3. \$5 million bond issue for land conservation projects.*
- *Question 4. \$51.5 million bond issue for transportation projects.*
- *Question 5. \$7.9 million bond issue for water projects.*

### Maryland

Questions 1-3 are legislative constitutional amendments. Question 4-6 are petition referendums. Question 7 is a legislative statute.

- *Question 1. Judges.* Requires Prince George's county judges to be admitted to practice law in state.
- *Question 2. Judges.* Requires Baltimore county judges to be admitted to practice law in state.
- *Question 3. Removal from office.* Allows elected officials convicted of crimes to be removed from office more quickly.
- *Question 4. Illegal immigrants.* Asks voters to repeal new Dream Act that allows illegal immigrants to pay in-state tuition rates.
- *Question 5. Redistricting.* Asks voters to repeal new congressional district lines.
- *Question 6. Marriage.* Asks voters to repeal new law permitting same-sex marriage.
- *Question 7. Gambling.* Expands gaming, allows new casino in Prince George's County.

### Massachusetts

All three measures are initiative statutes.

- *Question 1. Used cars.* Requires dealers to provide information on repair history.
- *Question 2. Suicide.* Permits physician-assisted suicide.
- *Question 3. Medical marijuana.* Permits medical use of marijuana.

### Michigan

[A] is a petition referendum. [B]-[F] are initiative constitutional amendments.

- *[A]. Emergency powers.* Asks voters to repeal law granting emergency powers to local governments.
- *[B]. Collective bargaining.* Establishes right to collective bargaining for public and private sector workers.
- *[C]. Renewable energy.* Utilities must generate 25% of electricity from clean renewable fuels.
- *[D]. Home care providers.* Regulates home care providers.
- *[E]. Tax limits.* Requires 2/3 vote of legislature or vote of people to increase taxes.
- *[F]. Votes on bridges and tunnels.* Requires approval by voters before state can build international bridge or tunnel.

### Minnesota

Both measures are constitutional amendments placed on ballot by legislature.

- *Proposed Amendment 1. Same-sex marriage.* Defines marriage as solely between one man and one woman.
- *Proposed Amendment 2. Voter ID.* Requires citizens to show identification in order to vote.

*Maine - Minnesota*

## STATE-BY-STATE LIST (CONTINUED)

### Missouri

Amendment 3 and Proposition E are legislative amendments. Props A and B are initiative statutes.

- *Constitutional Amendment 3. Appointment of judges.* Gives governor more control over Appellate Judicial Commission that nominates state judges.
- *Prop A. St. Louis police.* Allows St. Louis to create city police force.
- *Prop B. Tobacco taxes.* Increases tobacco taxes, dedicates revenue to health education.
- *Prop E. Health care.* Prohibits state from establishing health care exchange without legislative or voter approval.

### Montana

- *I-166. Campaign spending.* Initiative statute declaring that corporations do not have constitutional rights; intended to allow campaign spending regulations.
- *IR-124. Medical marijuana.* Asks voters to repeal state law (SB 423) that weakens a voter-approved initiative allowing medical use of marijuana.
- *LR-120. Abortion.* Legislative statute requiring parental notification before minor's abortion.
- *LR-121. Illegal immigrants.* Legislative statute denying state services to illegal immigrants.
- *LR-122. Health care.* Legislative statute that prohibits individuals and businesses from being required to participate in health care system.

### Nebraska

All four measures are constitutional amendments proposed by the legislature.

- *Proposed Amendment 1. Crimes in pursuit of office.* Allows impeachment for such crimes.
- *Proposed Amendment 2. Hunting and fishing.* Establishes right to hunt and fish.
- *Proposed Amendment 3. Term limits.* Weakens term limits by allowing legislators to serve 3 instead of 2 terms.
- *Proposed Amendment 4. Legislator salaries.* Increases from \$12,000 to \$22,500.

### Nevada

- *Ballot Question 1. Legislative session.* Legislative constitutional amendment that allows legislature to convene a special session with 2/3 vote of members.

### New Hampshire

- *Amendment Question 1. Courts.* Legislative amendment that declares chief justice administrative head of state courts.
- *Amendment Question 2. Income tax.* Legislative amendment prohibiting new taxes on income.
- *Question 3. Calls a constitutional convention.* Vote required by constitution every 10 years.

### New Jersey

- *Public Question 1. Judge salaries.* Legislative amendment allowing cost of benefits to be subtracted from salaries of judges.
- *Public Question 2. \$750 million bond issue for state universities and colleges.*

### New Mexico

All measures were placed on the ballot by the legislature.

- *Bond Question A. \$10.3 million bond issue for senior citizen facilities.*
- *Bond Question B. \$9.83 million bond issue for libraries.*
- *Bond Question C. \$120 million bond issue for higher education facilities.*
- *Amendment 1. Judicial standards commission.* Adds two members.

Missouri - New Mexico

## STATE-BY-STATE LIST (CONTINUED)

- *Amendment 2. Public Regulation Commission.* Increases educational requirement to serve.
- *Amendment 3. Regulation of corporations.* Transfers regulatory power from Public Regulation Commission to Secretary of State.
- *Amendment 4. Insurance regulation.* Transfers regulatory power from Public Regulation Commission to new Superintendent of Insurance.
- *Amendment 5. Public Defender.* Establishes new state agency of public defender.

### North Dakota

The first two measures are legislative amendments. The last three are initiatives.

- *Constitutional Measure 1. Poll tax.* Repeals provision allowing poll tax.
- *Constitutional Measure 2. Oath of office.* Requires executive officials to take oath.
- *Initiated Constitutional Measure 3. Farming.* Declares right to farm using modern methods.
- *Initiated Statutory Measure 4. Smoking.* Prohibits smoking in public and work places.
- *Initiated Statutory Measure 5. Animal cruelty.* Makes it a felony to maliciously hurt a dog, cat, or horse; excludes farming, research, veterinarians, and self defense.

### Ohio

- *Issue 1. Calls a constitutional convention.* Vote required every 20 years by constitution.
- *Issue 2. Redistricting.* Initiative constitutional amendment that creates a bipartisan redistricting commission, instead of having legislature draw district lines.

### Oklahoma

All six measures are legislative constitutional amendments.

- *State Question 758. Property taxes.* Limits annual increase to 3%, currently 5%.
- *State Question 759. Civil rights.* Prohibits discrimination or preferential treatment based on race, sex, ethnicity, and national origin.
- *State Question 762. Paroles.* Removes governor from parole process.
- *State Question 764. \$300 million bonds.* Authorizes bond issue to create reserve fund for state water resources board.
- *State Question 765. Welfare Commission.* Authorizes legislature to create state commission.
- *State Question 766. Property taxes.* Exempts intangible property.

### Oregon

Measures 77 and 79 are legislative proposals; the others are initiatives. Measures 77-79, 82, 85 are constitutional amendments; Measures 80, 81, 83, 84 are statutes.

- *Measure 77. Catastrophic disasters.* Allows governor to declare emergency, grants governor and legislature special temporary powers.
- *Measure 78.* Minor changes in terminology in constitution.
- *Measure 79. Real estate taxes.* Prohibits new real estate transfer taxes.
- *Measure 80. Marijuana.* Legalizes possession and sale through state-licensed stores.
- *Measure 81. Fishing.* Bans gill nets in inland waters.
- *Measure 82. Gambling.* Authorizes privately owned casinos if approved by local voters.
- *Measure 83. Gambling.* Authorizes one specific person to operate privately owned casino.
- *Measure 84. Estate taxes.* Eliminates estate/inheritance taxes.
- *Measure 85. Corporate taxes.* Allocates unanticipated corporate income tax revenue to education; currently the revenue must be refunded to taxpayers.

*New Mexico - Oregon*

## STATE-BY-STATE LIST (CONTINUED)

### Rhode Island

Both measures are legislative proposals; the first two are constitutional amendments.

- *Question 1. Gambling.* Permits Twin River slot parlor to become full casino.
- *Question 2. Gambling.* Permits Newport Grand slot parlor to become full casino.
- *Question 3. \$50 million bond issue for higher education facilities.*
- *Question 4. \$94 million bond issue for veterans' homes.*
- *Question 5. \$20 million bond issue for clean water.*
- *Question 6. \$20 million bond issue for conservation and recreation.*
- *Question 7. \$25 million bond issue for affordable housing.*

### South Carolina

- *Amendment 1. Governor and Lt. Governor.* Legislative proposal that requires candidates to run for office together.

### South Dakota

Referred Laws 14 and 16 are referendums. Initiated Measure 15 is a statutory initiative. The constitutional amendments are legislative proposals.

- *Referred Law 14. Contractor excise taxes.* Asks voters to repeal law that diverts 22% of revenue to a large project development fund.
- *Referred Law 16. Teacher evaluation.* Asks voters to repeal law that creates uniform standard for evaluating teachers, a merit bonus system, and removes tenure.
- *Initiated Measure 15. Sales tax.* Increases rate from 4% to 5%, with revenue split between education and Medicaid.
- *Amendment M. Shareholder rights.* Removes requirement for cumulative voting for directors, no longer requires stockholder approval for certain corporate decisions.
- *Amendment N. Legislator expenses.* Allows legislature to set mileage reimbursement rate.
- *Amendment O. Cement trust fund.* Transfers 4% of revenue to general fund.
- *Amendment P. Balanced budget.* Requires governor to propose balanced budget, prohibits appropriation from exceeding anticipated revenue.

### Utah

Both measures are legislative constitutional amendments.

- *Amendment A. Permanent fund.* Dedicates fraction of severance tax to permanent fund.
- *Amendment B. Property tax.* Exemption for military personnel and their spouses.

### Virginia

Both measures are legislative constitutional amendments.

- *Ballot Question 1. Eminent domain.* Prohibits use of eminent domain to transfer property to a private use.
- *Ballot Question 2. Legislative sessions.* Permits legislature to delay start of special sessions by no more than one week.

### Washington

I-1185, I-1240, and I-502 are initiative statutes. R-74 is a referendum. SJR 8221 and SJR 8223 are constitutional amendments placed on the ballot by the legislature.

- *I-1185. Tax increases.* Requires two-thirds vote of legislature to raise taxes.
- *I-1240. Charter schools.* Authorizes creation of 40 charter schools.
- *I-502. Marijuana.* Legalizes production, possession, distribution of marijuana.
- *R-74. Same-sex marriage.* Asks voters to repeal SB 6239 that legalized same-sex marriage.

*Rhode Island -  
Washington*

## STATE-BY-STATE LIST (CONTINUED)

- *SJR 8221. Debt.* Raises state debt limit.
- *SJR 8223. Authorizes universities to invest funds.*
- *Advisory Vote 1. Tax deduction.* Asks if voters favor elimination of tax deduction for banks.
- *Advisory Vote 2. Oil tax.* Asks if voters favor extension of oil tax.

### West Virginia

- *Amendment 1. Term limits.* Legislative proposal to remove term limits on sheriffs.

### Wyoming

All three measures are legislative constitutional amendments.

- *Amendment 1. Health care.* Declares that no person shall be required to participate in a health care system.
- *Amendment 2. Hunting and fishing.* Establishes right to hunt and fish.
- *Amendment 3. District courts.* Allows district court commissioners to perform additional duties assigned by district court judge.

*Washington - Wyoming*

## PRE-NOVEMBER ELECTIONS

### PROPOSITIONS DECIDED IN PRE-NOVEMBER ELECTIONS

#### Alabama (September 18)

- *Amendment. Budget.* Authorizes state to transfer \$145.8 million from Alabama Trust Fund to alleviate budget shortfalls. APPROVED 65-35

#### Alaska (August 28)

Both measures were initiative statutes.

- *Ballot Measure 1. Property taxes.* Allows cities to increase property tax exemption from \$20,000 to \$50,000, subject to approval of local voters. APPROVED 50.1-49.9
- *Ballot Measure 2. Creates Alaska Coastal Management Program.* FAILED 38-62

#### California (June 6)

- *Prop 28. Term limits.* Initiative constitutional amendment that allows state legislators to serve longer terms if entirely within one chamber. APPROVED 61-39
- *Prop 29. Tobacco taxes.* Initiative statute that increases tobacco taxes by 5 cents/pack, dedicates revenue to cancer research. FAILED 49.8-50.2

#### Georgia (July 31)

- *Amendment. TSPLOST.* 1% sales tax for transportation projects. Decided separately by 12 regions, 3 approving (Central Savannah River Area, River Valley, and Heart of Georgia Altamaha), and 9 rejecting. Overall FAILED 39-61.

#### Missouri (August 7)

- *Constitutional Amendment 2. School prayer.* Legislative proposal declaring that children have right to pray in school. APPROVED 83-17

#### North Carolina (May 8)

- *Amendment 1. Same-sex marriage.* Legislative constitutional amendment defining marriage as only between one man and one woman. APPROVED 61-39

#### North Dakota (June 12)

- *Constitutional Measure 1. Appointment to office.* Legislative proposal that prohibits appointment of legislators to an office in which salary has been increased during legislator's term of office. APPROVED 60-40
- *Initiated Constitutional Measure 2. Taxes.* Eliminates property taxes, replaces revenue with income, sales, and other taxes. FAILED 23-77
- *Initiated Constitutional Measure 3. Religion.* Prohibits government from withholding benefits based on religious beliefs. FAILED 36-64
- *Referendum 4. "Fighting Sioux" nickname.* Petition referendum to approve or repeal law prohibiting use of Fighting Sioux nickname by University of North Dakota. APPROVED 67-33. [Voters approved, or declined to repeal, the law.]

\* \* \*

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).

*12 propositions  
decided in 7 states in  
pre-November  
elections*

**IRI**

Initiative & Referendum Institute

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

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

**USC** University of  
Southern California