

# BALLOTWATCH

## Overview

- 28 ballot propositions in 9 states; 22 on November 3; 6 before November 3.
- 5 initiatives, 4 advisory measures, and 19 legislative measures.
- Most propositions: Texas 7, Washington 6, Louisiana 4, Maine 3

## ELECTION 2015 PREVIEW

Voters will decide 28 state-level ballot propositions in nine states this year. State propositions are always rare in odd-numbered years, but this year's total is the lowest for an odd-numbered year in the 21st century, further evidence of a gradual decline in citizen lawmaking since its peak in the 1990s.

Four propositions are *initiatives*, citizen-initiated proposals to create new laws. Initiatives are usually the most far reaching proposals and attract the lion's share of attention. Twenty-two propositions were *legislative propositions*, statutes or amendments placed on the ballot by the legislature. Four advisory measures were required by constitutional provisions.

For additional information on ballot measures see [ballotpedia.org](http://ballotpedia.org) and [ncsl.org](http://ncsl.org).



### *Ohio marijuana legalization*

One of the highest profile issues is Ohio's Issue 3 that would legalize recreational use of marijuana. Public opinion has been shifting rapidly on marijuana — according to survey data from the General Social Survey, for the first time ever a majority of Americans now support legalization — and four states recently decriminalized its recreational use through the ballot measure process (Alaska, Colorado, Oregon, Washington, as well as the District of Columbia).

Issue 3 goes beyond the marijuana initiatives in other states by also establishing monopolies across regions of the state for commercial growing of marijuana, and going so far as to identify the specific parcels of land that would have the monopolies. The parcels of land are owned by the initiative's sponsors. In response to this part of the initiative, the legislature placed Issue 2 on the ballot that would invalidate the granting of monopolies in Issue 3. Opinion surveys indicate strong support for the anti-monopoly provisions of Issue 2.

### *Mississippi*

Another interesting contest concerns Mississippi's Initiative Measure 42, a constitutional amendment that requires the state to provide an "adequate and efficient system of free public schools." Constitutional provisions that commit a state to provide support for education are not unusual, although the language in Measure 42 is unusually vague. The most striking aspect of the initiative is its explicit assignment of enforcement power to the judiciary. In response, the legislature placed a competing measure on the ballot, Alternative Measure 42A, that is the same in all respects except that it assigns enforcement to the legislature.

The election for Measures 42 and 42A is also notable because voters will face a convoluted set of choices in the voting booth. Standard practice would ask voters to register a yes or no opinion on each measure, and the one that receives the largest majority (if any) would be approved. In contrast, Mississippi's ballot asks voters first to indicate whether they favor approval or "either" 42 or 42A, or neither of them. Then they will be asked to indicate which of the two they prefer. Nowhere are they asked a simple up-or-down question on each measure. Ballot design has the potential to confuse voters; there is not yet any polling to suggest whether Mississippi's structure will cause problems.

### *Washington*

Washington's I-1366 represents an interesting new direction in initiative strategy. In Washington, initiatives may only be used to pass statutes; they are not permitted to amend the constitution. The only way to amend the constitution is for the state legislature to propose an amendment, and for the voters to approve the amendment in a referendum. Anti-tax advo-

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## STATE-BY-STATE LIST

cates in the state have long wanted to restrict the ability of the legislature to raise taxes, but statutory initiatives that cut taxes can and are repealed by the legislature, and attempts to change legislative structure are difficult without amending the constitution.

I-1366, sponsored by leading initiative activist Tim Eyman, proposes a statutory cut in the state sales tax from 6.5% to 5.5%. However, the cuts would not go into effect if the legislature were to propose a constitutional amendment requiring a two-thirds legislative vote or approval by the people for future tax increases. The initiative had strong support in early polling, but support has dropped as the election nears, making it a toss up at this time.

### Wisconsin

Earlier in the year (April), Wisconsin voters approved Question 1, a constitutional amendment that changed the method of selection of the state supreme court's chief justice. The state supreme court has been a lightning rod for controversy for several years, with some elections for its members attracting significant attention and funding from outside the state. Before the election, the chief justice position was assigned automatically to the most senior justice, which since 1996 has been Shirley Abramson, a member of the court's liberal minority. Question 1 allows the justices to select their own chief justice. Following the election, the conservative majority selected one of their members, Patience Roggensack, as the new chief justice. The ousted chief justice filed suit against the voters, claiming that her due process and equal protection rights were violated by being removed from her position; her claims have not been successful to date.

## STATE-BY-STATE LIST

The remainder of this report contains a complete list of state-level propositions for 2015. An "initiative" is a citizen-sponsored law that is placed on the ballot by petition. Unless otherwise noted, propositions appear on the November 3 ballot.

### Colorado

- *Prop BB. Marijuana tax revenue.* Legislative statute that permits state to spend unanticipated marijuana tax revenue, instead of rebating to voters.

### Louisiana (October 24)

All four propositions are constitutional amendments from the legislature.

- *Amendment 1. Transportation fund.* Creates new fund for transportation projects from mineral revenue currently dedicated to budget stabilization fund. FAILED 47-53
- *Amendment 2. State infrastructure bank.* Allows state to invest in bank. APPROVED 53-47
- *Amendment 3. Fiscal legislative session.* Removes restriction on allowable revenue laws during fiscal legislative sessions. FAILED 46-54
- *Amendment 4. Property tax.* Allows local governments to tax property owned by governments in other states. APPROVED 51-49

### Maine

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

- *Question 1. Campaign funding.* Increases money to publicly fund campaigns; eliminates certain corporate tax exemptions; increases disclosure requirements.
- *Question 2. \$15 million bond issue to build homes for low-income seniors.*
- *Question 3. \$85 million bond issue for transportation projects.*

### Michigan (May 5)

- *Proposal 15-1. Sales tax increase.* Legislative proposal to increase sales and gas taxes for transportation projects. FAILED 20-80

*Citizen lawmaking  
slows: only 28  
propositions in 9 states*

## STATE-BY-STATE LIST

### Mississippi

The measures are constitutional amendments; 42 is an initiative and 42A is a legislative response. Voters face a complicated voting task. First, they must indicate whether they want “either” of the measures, or neither of them. Then they must indicate which of the two they prefer. If a majority supports “either”, then the winner between the two is approved, subject to a 40% quorum requirement.

- *Initiative Measure 42. Education spending, enforced by courts.* Requires state to provide an “adequate and efficient” public education system; empowers courts to enforce.
- *Alternative Measure 42A. Education funding, enforced by legislature.* Same as Measure 42, but assigns enforcement to legislature.

### Ohio

All three issues are constitutional amendments. Issues 1 and 2 were placed on the ballot by the legislature; Issue 3 is an initiative.

- *Issue 1. Creates bipartisan redistricting commission.*
- *Issue 2. Prohibits initiatives that grant monopolies to specific individuals or organizations.*
- *Issue 3. Marijuana legalization.* Legalizes recreational use of marijuana; grants monopoly right to supply marijuana to owners of specific parcels of land.

### Texas

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

- *Prop 1. Increases exemption from public school property taxes.*
- *Prop 2. Increases property tax exemption for surviving spouse of disabled veteran.*
- *Prop 3. Removes requirement for state officials to reside in capital.*
- *Prop 4. Charitable raffles.* Allows professional sports team charitable foundations to conduct charitable raffles.
- *Prop 5. County roads.* Authorizes small counties to maintain private roads.
- *Prop 6. Recognizes right to hunt and fish.*
- *Prop 7. Dedicates some sales and car tax revenue to fund roads.*

### Washington

I-1366 and I-1401 are initiative statutes. The four advisory measures are required by the state constitution: they ask voters whether to repeal or maintain a recently approved tax increase.

- *I-1366. Sales tax cut.* Reduces sales tax from 6.5% to 5.5% unless legislature places constitutional amendment on ballot to require 2/3 approval of future tax increases.
- *I-1401. Trafficking endangered animals.* Makes it illegal under state law (currently illegal under federal law) to traffic in parts from endangered species; prohibit sales of antiques containing significant amounts of ivory.
- *Advisory Vote 10. Petroleum products tax.*
- *Advisory Vote 11. Medical marijuana sales tax.*
- *Advisory Vote 12. Gas tax.*
- *Advisory Vote 13. Business and occupation tax, removal of exemptions for software companies.*

### Wisconsin (April 7)

- *Question 1. Chief justice.* Legislative amendment that allows state supreme court justices to select the chief justice, instead of current selection based on seniority. APPROVED 53-47

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