Overview

- November: 157 propositions in 34 states, including 74 initiatives, 4 referendums, and 76 legislative measures. Most active states: California 17, Alabama 14, South Dakota 10, Washington 9.
- Hot issues: marijuana, minimum wage, animals.
- Bond issues: 13 propositions for the year, proposing a total of $11.7 billion. Biggest: $9 billion for schools in California; $2 billion for schools, infrastructure, and economic development in North Carolina (approved June 14).
- Pre-November: 12 propositions in 7 states.
- For the year: 165 propositions in 35 states, including 74 initiatives and 5 referendums. Most active states: California 15, Missouri 9, California 8, Alabama 15.

Election 2016 Preview

On November 8, voters in 34 states will decide 157 ballot propositions. While the presidential election dominates news coverage, Americans will be facing a variety of state propositions that could have an important impact on their communities, including marijuana legalization, minimum wage, capital punishment, and rights for crime victims, as well as numerous tax and bond measures.

Overall Trends

The 157 propositions on November ballots is up from 144 in 2014, but below the 21st century peak of 204 in 2006. Including proposition elections that were held before November, the total of 165 proposition this year is up from 156 in 2014, but below the 21st century peak of 236 in 2000.

Propositions come in several flavors: The highest profile propositions tend to be initiatives, new laws proposed by citizen petition. This November, 47% of propositions are initiatives, and the total number of 74 is the highest in the 21st century. The reason for the surge in initiatives is unclear, but they are often indicators of dissatisfaction with legislators. For more information on initiative trends, see IRI Report on Initiative Use (1904-2012).

The most common propositions are those placed on the ballot by legislatures, often called legislative measures or legislative propositions. There are 76 legislative measures on the ballot in November and 83 for the year. A relatively rare type of proposition is the referendum (sometimes popular referendum or veto referendum), in which citizens place an act of the legislature on the ballot by petition. There are four referendums in November and one was decided earlier this year. For additional information on ballot measures, particularly updates of individual state ballots, see ballotpedia.org and updates of this report on ballotwatch.org.

Multistate Issues

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

Marijuana

The breakout issue this year is marijuana legalization. The issue has been slowly gaining traction since the 1990s when states began to approve medical use of marijuana, but had a big breakthrough in 2012 when voters in Colorado and Washington legalized recreational use of the drug. In 2014, voters in Alaska, Oregon, and the District of Columbia followed suit by passing their own legalization laws. (In 2015, Ohio voters turned down a self-interested legalization initiative that would have granted monopolies to the measure’s sponsors.) With the dire warnings of legalization opponents not coming to pass in the pioneering states, this year it seems as if the floodgates have opened: legalization initiatives are on the ballot in Arizona, California, Maine, Massachusetts, and Nevada, and medical marijuana initiatives are on the ballot in Arkansas, Florida, Montana, and North Dakota. If all of
this year’s initiatives pass, recreational use of marijuana will have been legalized in states that account for almost one-quarter of the country’s population. At some point, this may start to create pressure on the federal government to reconsider its position on marijuana.

Minimum Wage
The minimum wage has been an extremely popular issue with voters in the 21st century. Since 2000, 15 state-level propositions have suggested increasing the minimum wage, and every one of them has passed, usually by majorities in the 2-1 range. Minimum wage measures also have had good success at the city level. In November, voters in Arizona, Colorado, Maine, and Washington will have the option to increase the state minimum wage, and South Dakota voters will decide whether to repeal a new law creating a subminimum wage for workers younger than the age of 18. With the overwhelming success of minimum wage measures to date, Progressive groups have expanded the scope of their proposals: the initiatives in Arizona and Washington also require employers to provide guaranteed minimum amounts of paid sick leave.

Gambling
Gambling is a perennially popular topic for ballot propositions and 2016 is no exception. Arkansas voters will decide whether to approve the operation of three casinos, Massachusetts voters will decide whether to approve a second slots parlor, Rhode Island voters will decide whether to approve a gaming facility in the town of Tiverton, and New Jersey voters will decide whether to permit casinos outside Atlantic City.

Animals
Although animal-related issues are rarely discussed at the federal level, they appear to be a topic of interest among ordinary citizens based on the continuing popularity of animal-related ballot propositions. Animal rights groups remain the most active. Oregon’s Measure 100 would prohibit the purchase and sale of parts from 12 endangered species; Washington approved a similar measure last year. Massachusetts’ Question 3 would guarantee farm animals a minimum amount of living space; several states have passed similar measures over the last decade. Montana’s I-117 would prohibit the use of traps and snares on public lands. Legislatures in several states have placed constitutional amendments on the ballot that appear intended to head off future proposals from animal rights groups: Indiana and Kansas propose to establish a constitutional right to hunt and fish and Oklahoma proposes to establish a right to farm and ranch. Several states, mostly in the “interior” of the country, have passed similar amendments recently.

Capital Punishment
The death penalty has reemerged as a hot button issue. There are dueling initiatives on the California ballot, one that would end the use of capital punishment (Prop 62) and another that would expedite executions (Prop 66). In 2015, the Nebraska legislature abolished the death penalty over the governor’s veto; in November, voters will have the option to repeal the law and reinstate the death penalty. Similarly, in 2015, Oklahoma’s attorney general suspended executions until protocols could be reviewed; State Question 776 would explicitly establish that the use of capital punishment is constitutional in the state.

Taxes
Tax issues are the most common subject of ballot propositions historically and this year is no different. There are 23 tax-related measures on the November ballot and one tax-related measure was decided in August. Most tax propositions concern relatively minor changes, such as providing limited property tax exemptions to spouses of first responders who died in the line of duty. Tobacco companies seem prepared to spend large amounts opposing proposed cigarette tax increases in California, Colorado, Missouri, and North Dakota. Another prominent measure is California’s Proposition 55 that would extend a “temporary” income tax increase on high incomes that voters approved in 2012 to address a budget crisis.
Spillovers

Bond Issues
Many states require voter approval before state bonds can be issued. This November voters in six states are being asked to approve a total of $11.7 billion in new debt, a modest total by historical standards. The most expensive proposal is California’s Proposition 51 that would authorize $9 billion for K-12 and community college buildings. In March, North Carolina voters approved a $2 billion bond issue for education and transportation projects. Overall, states do not appear to be borrowing aggressively, despite historically low interest rates. By comparison, voters approved almost $31 billion in bonds in 2006, one year before the onset of the financial crisis.

Crime victims
Three states are giving voters the option to approve packages of extended rights for crime victims: Montana, North Dakota, and South Dakota. These rights typically include restitution and being notified of sentencing and parole decisions. Several states adopted similar measures in the 1990s.

The “Long” California Ballot
California has the longest ballot in November, with 17 propositions. Some media outlets have expressed concern over the length of this ballot. From a historical perspective, the number of propositions is unremarkable: since the initiative and referendum were adopted in 1911, even-year California ballots have averaged 17 propositions, so this year’s total is right at the historical norm. Existing research does not show that ballots of this length are prohibitively challenging for voters. The longest ballot in California contained 48 propositions, in 1914.

Multistate issues:
minimum wage,
gambling, animals,
taxes
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 2016. 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. Auburn University. Adds 3 members to board of trustees.
- Amendment 2. Park funds. Prohibits diversion of state park fund revenue.
- Amendment 3. Local amendments. Allows amendments affecting only one local government to be adopted by local instead of statewide vote.
- Amendment 4. County commissions. Allows commissions to adopt certain programs without requiring a law.
- Amendment 5. Technical. Updates language with no substantive change.
- Amendment 6. Impeachment. Specifies vote required to impeach.
- Amendment 7. Etowah County. Concerning employees of sheriff’s office.
- Amendment 8. Right to work law.
- Amendment 9. Pickens County. Sets mandatory retirement age for judges of probate.
- Amendment 11. Enterprise zone. Allows tax increment revenue to support manufacturing.

Alaska
- Ballot Measure 1. Voter registration. Initiative statute that automatically registers person who applies for Permanent Fund dividend.
- Ballot Measure 2. Bond authority. Legislative amendment that allows state to issue bonds for postsecondary student loans.

Arizona
Both propositions are initiative statutes.

- Prop 205. Legalizes marijuana.
- Prop 206. Minimum wage. Increases to $12 per hour, requires paid sick leave.

Arkansas
Issues 1-3 are legislative constitutional amendments. Issues 4-6 are initiative constitutional amendment. Issue 7 is an initiative statute.

- Issue 1. Terms. Increases terms of county officials from 2 to 4 years.
- Issue 2. Governor powers. Allows governor to retain powers when out of state.
- Issue 3. Bond limits. Removes current limit on state bonds of 5% of revenue; allows local governments to subsidize development.
STATE-BY-STATE LIST (CONTINUED)

- **Issue 5. Casinos.** Allows specific companies to operate three casinos.
- **Issue 6. Marijuana.** Allows medical use.
- **Issue 7. Marijuana.** Allows medical use.

**California**

All propositions are initiatives except for Props 58 and 59 (legislative) and Prop 67 (referendum); and all propositions are statutes except Props 52, 54, 56, 57 (amendment + statute) and Props 53 and 55 (amendment).

- **Prop 51. $9 billion bond issue for school buildings.**
- **Prop 52. Hospital fees.** Requires voter approval to divert hospital fees.
- **Prop 53. Bonds.** Requires voter approval to issue revenue bonds in excess of $2 billion.
- **Prop 54. Legislative bills.** Requires bills to be posted on internet before approval.
- **Prop 55. Tax increase.** Extends temporary income tax increase of Prop 30 by 12 years.
- **Prop 56. Tobacco tax.** Increases cigarette tax by $2 per pack.
- **Prop 57. Parole.** Increases parole opportunities for nonviolent offenders.
- **Prop 58. Bilingual education.** Removes requirement of English-only instruction in public schools.
- **Prop 59. Citizens United.** Advisory measure asking if voters would like Supreme Court decision to be reversed.
- **Prop 60. Porn films.** Requires adult film actors to wear condoms.
- **Prop 61. Drug prices.** Prohibits state from paying more for drugs than federal government pays.
- **Prop 62. Death penalty.** Prohibits capital punishment.
- **Prop 63. Ammunition.** Prohibits large capacity gun magazines.
- **Prop 64. Legalizes marijuana.**
- **Prop 65. Revenue.** Directs bag revenue to Wildlife Conservation Board.
- **Prop 66. Death penalty appeals.** Limits appeals, overrides Prop 62.
- **Prop 67. Plastic bags.** Asks voters to approve or repeal law banning plastic grocery bags.

**Colorado**

Amendments T and U are legislative constitutional amendments; Amendments 69-72 are initiative amendments; Props 106-108 are initiative statutes.

- **Amendment T. Constitution.** Deletes obsolete provision regarding slavery.
- **Amendment U. Property tax.** Exemption for people using government property for benefit less than $6,000.
- **Amendment 69. ColoradoCare.** Creates state-run universal health care system, financed by additional 10% income tax.
- **Amendment 70. Minimum wage.** Increases to $12 per hour.
- **Amendment 71. Initiatives.** Increases signature requirement to include 2% in each senate district; requires 55% approval to pass amendments.
- **Amendment 72. Tobacco tax.** Increases from 84 cents to $2.59 per pack.
- **Prop 106. Suicide.** Allows physician-assisted suicide for terminally ill.
- **Prop 107. Primary.** Creates open primary system; restores presidential primary to March.
- **Prop 108. Party nominations.** Allows parties to nominate candidates by convention instead of open primary.
Florida
Amendments 1 and 2 are initiatives; Amendments 3 and 5 are legislative proposals.
- **Amendment 1. Solar power.** Allows consumers to generate electricity from solar equipment on their own property.
- **Amendment 2. Legalizes medical marijuana.**
- **Amendment 3. Property tax.** Exemption for disabled first responders.
- **Amendment 5. Property tax.** Exemption for seniors.

Georgia
All four measures were placed on the ballot by the legislature.
- **Constitutional Amendment 1. Opportunity School District.** Allows legislature to intervene with failing schools.
- **Constitutional Amendment 2. Prostitution.** Allows extra penalties and fines.
- **Constitutional Amendment 3. Judicial commission.** Allows legislature to create new disciplinary commission.
- **Constitutional Amendment 4. Fireworks tax.** Dedicates revenue to trauma care.

Hawaii
Both measures are legislative constitutional amendments.
- **<SB 143>. Jury trials.** Raises value threshold for civil cases.
- **<SB 2554>. Budget surplus.** Allows surplus revenue to be used for debt service, instead of returning money to taxpayers.

Idaho
- **HJR 5. Administrative rules.** Legislative constitutional amendment that declares legislature has the right to approve agency rules.

Illinois
- **Constitutional Amendment. Car tax.** Legislative proposal that restricts license fee revenue to be used only for transportation projects.

Indiana
- **Public Question 1. Establishes right to hunt and fish.** Legislative amendment.

Kansas
- **Constitutional Amendment 1. Establishes right to hunt and fish.** Legislative proposal.

Louisiana
All six propositions are constitutional amendments placed on the ballot by the legislature.
- **Amendment 1. Registrar of voters.** Allows legislature to establish qualifications.
- **Amendment 2. College tuition.** Authorizes boards to set tuition instead of legislature.
- **Amendment 3. Corporate income tax.** Eliminates deductibility of federal income tax in computing state tax.
- **Amendment 4. Property tax.** Exemption for spouse of deceased military members.
STATE-BY-STATE LIST (CONTINUED)

- **Amendment 5. Trust Fund.** Establishes fund for mineral and corporate income taxes, dedicated revenue to transportation.
- **Amendment 6. Deficit.** Allows certain funds to be used to eliminate projected deficit.

**Maine**
Questions 1-5 are initiative statutes. Question 6 is a legislative proposal.
- **Question 1. Legalizes marijuana.**
- **Question 2. Income tax.** 3% surtax on incomes over $200,000, with revenue dedicated to education.
- **Question 3. Guns.** Background check required for sales by nonlicensed dealers.
- **Question 4. Minimum wage.** Increases to $12 per hour.
- **Question 5. Primary elections.** Creates instant runoff system for state and federal elections.
- **Question 6. $100 million bond issue for transportation projects.**

**Maryland**
- **Question 1. Vacancies.** Legislative amendment that requires vacancies in AG and Comptroller offices to be filled by person from same party as previous occupant.

**Massachusetts**
All four measures are initiative statutes.
- **Question 1. Gambling.** Allows second slots parlor in state.
- **Question 2. Charter schools.** Allows 12 new schools to be approved each year.
- **Question 3. Animals.** Guarantees farm animals a minimum living space.
- **Question 4. Legalizes marijuana.**

**Minnesota**
- **Constitutional Amendment 1. Legislator salaries.** Legislative proposal to establish independent council to set salaries.

**Missouri**
Amendment 1 was placed on the ballot automatically by a constitutional provision. Amendments 2-4 are initiatives. Amendment 6 is a legislative proposal. Proposition A is an initiative statute.
- **Constitutional Amendment 1. Sales tax.** Renews 0.1% sales tax for conservation.
- **Constitutional Amendment 2. Campaign contributions.** Limits contributions for state and judicial offices.
- **Constitutional Amendment 3. Tobacco tax.** Increases tax from 17 to 77 cents per pack, adds 67 cents per pack tax on wholesalers.
- **Constitutional Amendment 4. Sales tax.** Prohibits extension.
- **Constitutional Amendment 6. Voter ID.** Permits state to require ID to vote.
- **Proposition A. Tobacco tax.** Increases from 17 to 40 cents per pack.
Montana
All four measures are initiatives. The first is a constitutional amendment and the others are statutes.
- I-181. $200 million bond authorization for biomedical research.

Nebraska
- Referendum 426. Death penalty. Votes can approve or reject new law that bans use of capital punishment.

Nevada
Questions 1 and 2 are initiative statutes. Questions 3 and 4 are initiative amendments.
- Ballot Question 1. Guns. Requires background checks for sales from unlicensed dealers.
- Ballot Question 2. Legalizes marijuana.
- Ballot Question 3. Electricity. Allows consumers to choose their provider, prohibits monopolies.

New Jersey
Both measures are legislative constitutional amendments.
- Public Question 1. Casinos. Authorize casino gambling outside Atlantic City.
- Public Question 2. Gas revenue. Dedicates additional revenue to transportation fund.

New Mexico
All measures were placed on the ballot by the legislature.
- Bond Question A. $15.44 million bond issue for senior citizen facilities.
- Bond Question B. $10.167 million bond issue for libraries.
- Bond Question C. $142.356 million bond issue for higher education and tribal schools.
- Bond Question D. $18.196 million bond issue for public safety facilities.

North Dakota
Measures 1-2 were placed on the ballot by the legislature. Measures 3-5 are initiatives.
- Constitutional Measure 1. Legislator residency. Requires legislators to be residents of the district they represent.
- Constitutional Measure 2. Stabilization fund. Allows legislature to allocate excess revenue from fund to education.
- Initiated Statutory Measure 4. Tobacco tax. Increases tax from 44 cents to $2.20 per pack.
STATE-BY-STATE LIST (CONTINUED)

Oklahoma
SQ 779 is an initiative amendment. SQ 780-781 are initiative statutes. The remaining four measures are legislative constitutional amendments.
- **State Question 776.** Death penalty. Establishes legality of capital punishment in constitution.
- **State Question 777.** Right to farm and ranch.
- **State Question 779.** Sales tax. Increases tax 1%, with revenue dedicated to education.
- **State Question 780.** Drug crimes. Reclassifies certain crimes as misdemeanors.
- **State Question 781.** Rehabilitation. Creates rehabilitation program, contingent on approval of SQ 780.
- **State Question 790.** Religion. Removes constitutional prohibition on use of public funds for religious purposes.
- **State Question 792.** Alcohol. Allows grocery stores to sell wine and beer.

Oregon
Measures 94-96 are legislative constitutional amendments. Measures 97-100 are initiative statutes.
- **Measure 94.** Judges. Eliminates mandatory retirement age.
- **Measure 95.** University investment. Allows investment in equities.
- **Measure 96.** Veterans. Dedicates 0.2% of lottery revenue to veterans’ services.
- **Measure 97.** Corporate income tax. Increases minimum tax for large companies.
- **Measure 98.** High school dropouts. Requires creation of fund to prevent dropouts.
- **Measure 99.** Outdoor school programs. Creates a fund for outdoor school programs.
- **Measure 100.** Animal parts. Prohibits sale of parts from endangered species.

Pennsylvania

Rhode Island
Questions 1 and 2 are legislative constitutional amendments. Questions 3-7 are legislative statutes.
- **Question 1.** Authorizes casino in Tiverton.
- **Question 2.** Ethics commission. Grants commission power to investigate legislator misconduct.
- **Question 3.** $27 million bond issue for veterans’ homes.
- **Question 4.** $45.5 million bond issue for higher education.
- **Question 5.** $70 million bond issue for port infrastructure.
- **Question 6.** $45 million bond issue for environmental and health initiatives.
- **Question 7.** $50 million bond issue for affordable housing.

South Dakota
Constitutional Amendment R was placed on the ballot by the legislature. The two Referred Laws are referendums. The other measures are initiatives.
- **Constitutional Amendment R.** Technical schools. Allows state to create board of regents for state-funded postsecondary technical schools.
- **Constitutional Amendment S.** Crime victims. Expands rights of crime victims.
- **Constitutional Amendment T.** Redistricting. Creates independent redistricting commission.
STATE-BY-STATE LIST (CONTINUED)

- **Constitutional Amendment U. Payday lending.** Deregulates interest rates.
- **Constitutional Amendment V. Primary elections.** Makes primary elections nonpartisan.
- **Initiated Measure 21. Payday lending.** Limits interest rate on payday loans to 36%.
- **Initiated Measure 22. Campaign finance.** Creates publicly funded campaign program.
- **Initiated Measure 23. Unions.** Allows unions to charge nonmembers for services.
- **Referred Law 19. Petitions.** Asks voters to approve or reject a new law requiring nominating petitions to be filed earlier.
- **Referred Law 20. Minimum wage.** Asks voters to approve or reject a new law that provides a lower minimum wage for children.

**Utah**
All three measures are legislative constitutional amendments.
- **Amendment A. Oath of office.** Minor technical change to oath.
- **Amendment B. State school fund.** Limits amount that can be spent each year from fund.
- **Amendment C. Property tax.** Exemption for low-value property leased out by state.

**Virginia**
Both measures are constitutional amendments placed on ballot by legislature.
- **<Amendment.> Right to work.** Prohibits closed union shops.
- **<Amendment> Property tax.** Exemption for spouses of deceased first responders.

**Washington**
The I-prefixed measures are initiative statutes. The two advisory votes are required by the constitution. SJR 8210 is a legislative constitutional amendment.
- **I-1433. Minimums wage.** Increases to $13.30 per hour, requires paid sick leave.
- **I-1464. Campaign finance.** Creates a program for direct contributions by residents.
- **I-1491. Guns.** Allows courts to prevent dangerous individuals from acquiring guns.
- **I-1501. Identity theft.** Increases penalties.
- **I-732. Carbon emission tax.** Creates a tax, reduces sales tax.
- **I-735. Corporate speech.** Asks state congress members to propose a constitutional amendment stating that corporations do not have the same speech rights as people.
- **Advisory Vote 14. Dental insurance tax.** Asks voters to maintain or repeal a new tax on dental insurance premiums.
- **Advisory Vote 15. Clean vehicle tax.** Asks if voters would like to maintain or repeal a new sale tax exemption for clean energy vehicles.
- **SJR 8210. Redistricting.** Requires redistricting to be completed by an earlier date.

**Wyoming**
- **Constitutional Amendment A. Investment.** Legislative proposal that allows all state funds to be invested in equities.
RESULTS FROM PRE-NOVEMBER ELECTIONS

PROPOSITIONS DECIDED IN PRE-NOVEMBER ELECTIONS

Alabama (March 1)
- Amendment. Legislative proposal that authorized legislature to provide mandatory retirement age for district attorneys and circuit clerks. APPROVED 63-37

Arizona (May 17)
Both propositions were legislative constitutional amendments.
- Prop 123. Increased distributions from state trust fund for education. APPROVED 51-49
- Prop 124. Allowed state to cap cost-of-living adjustments for public employees at 2% per year. APPROVED 70-30

California (June 7)
- Prop 50. Legislative amendment that stopped salary payments for suspended legislators. APPROVED 76-24

Florida (August 30)
- Amendment 4. Legislative proposal that provided property tax break for solar energy. APPROVED 73-27

North Carolina (March 15)
- $2 billion bond issue proposed by legislature for education, infrastructure, and development. APPROVED 66-34

North Dakota (June 14)
- Referred Measure 1. Referendum on a law allowing corporations to operate dairy farms. FAILED (law was repealed) 24-76

Pennsylvania (April 26)
Amendment 1 appeared on the ballot but its results were not certified by court order.
- Proposed Constitutional Amendment 2. Legislative proposal that abolished Philadelphia Traffic Court. APPROVED 60-40

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