

BALLOTWATCH

Overview

- November: 124 propositions in 33 states, including 39 initiatives, 4 referendums, and 76 legislative measures.
- Most active states: California 12; Colorado 11; Louisiana and Utah 7; Alabama, Arkansas, Florida, Washington 6.
- Hot issues: marijuana and drugs, election systems, and voting,
- Bond issues: 7 propositions totaling \$20.8 billion for the year (4 for \$5.7 billion in November). Biggest single proposal: \$15 billion for schools in California (rejected in March)
- Pre-November: 8 propositions in 6 states, including 2 initiatives and 1 referendum.
- For the year: 132 propositions in 34 states, including 41 initiatives and 5 referendums.

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ELECTION 2020 PREVIEW

On November 3, voters in 33 states will decide 124 statewide ballot propositions. Ballot proposition activity is down compared to previous years, especially petition-based proposals, likely due to the difficulty of collecting signatures amidst COVID quarantines.

Overall Trends

The 124 propositions is the lowest number in an even-numbered year in the 21st century, well below the peak of 204 in 2006 and the 156 propositions in 2018. Including elections held before November, the total of 132 propositions is also a record low for the 21st century, well below the peak of 236 in 2000.

“Proposition” or “measure” is an umbrella term for a law that comes to a vote of the people. Under this umbrella are several variants. The highest profile propositions are *initiatives*, new laws proposed by citizen petition. This November, 30% of propositions, 39 in total, are initiatives. This is down from 61 in 2018, and well below the 21st century peak of 76 in 2006, but above the 35 in 2014. The low numbers are partly due to limits on signature collection due to COVID-related quarantines. For more information on initiative trends, see *IRI Report on Initiative Use (1904-2019)*.

The most common type of 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, down from 84 in 2018.

A relatively rare type of proposition is the *referendum* (sometimes *popular referendum* or *veto referendum*), in which citizens challenge an act of the legislature by petition. There are 4 referendums in November and 1 was decided earlier this year.

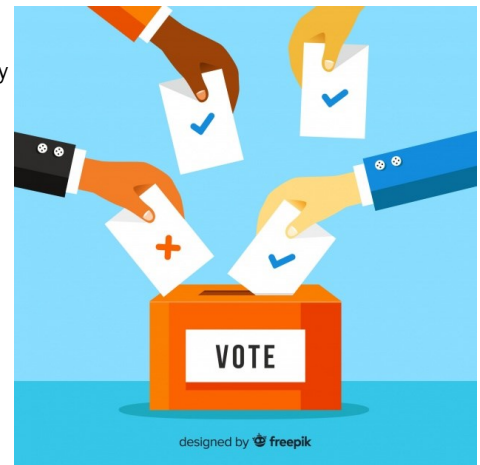
For additional information on ballot measures, particularly updates of individual state ballots, see ballotpedia.org and updates of this report on ballotwatch.org and iandrinstitute.org. The information in this report reflects the state of ballots as of early September; propositions can be added and removed before the election.

Multistate Issues

Every year, some issues appear in multiple states. This can happen because 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 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

As has been the case for several years now, marijuana legalization continues to be one of, if not the leading issue on the ballot this year. States began approving use of marijuana for medical purposes in the 1990s. In 2012, voters in Colorado and Washington took the next step by legalizing recreational use of the drug, followed by Alaska, Oregon, and DC in 2014; California, Maine, Massachusetts, and Nevada in 2016; and Michigan in 2018. Marijuana remains illegal under federal law, but so far states representing one-quarter of the country's population have decriminalized it under state law.



MULTI-STATE ISSUES & PROPS TO WATCH

This year, four more states are voting on legalization for recreational purposes (Arizona, New Jersey, South Dakota, Montana). New Jersey is an interesting case because it is the first time that a legislature has put a marijuana legalization proposal on the ballot; all other cases were by initiative.

In addition to outright legalization, Mississippi and South Dakota are voting on proposals to legalize use of marijuana for medical purposes. In Oregon, voters have the option to take the drug legalization process one step farther: Measure 109 would legalize the use of hallucinogenic mushrooms in licensed facilities; and Measure 110 would set a maximum fine of \$100 for possession of any drug, including cocaine, heroin, and LSD, essentially decriminalizing possession of all drugs.

Election Systems and Voting

Several states are voting on changes to their electoral systems. Recent years have seen many states consider changes in their primary systems and traditional first-past-the-post majority voting. Massachusetts is considering ranked-choice voting for primary and general elections. Florida voters will decide a proposal to replace its party-based close primaries with an open primary system in which the top-two vote getters advance to the general election. Alaska and Arkansas voters will consider an open primary system in which the top four vote-getters advance to the general election, where the winner is chosen by ranked-choice voting. Maine voters are being asked to repeal a previously approved ranked-choice voting system.

Voting rights are on the ballot in several states. Alabama, Colorado, and Florida have proposals to restrict voting to U.S. citizens. The California legislature placed two voting rights proposals on the ballot, one that would allow 17-year-olds to vote in primary elections if they will be 18 years old by the general election, and another to restore voting rights to felons once their time has been served.

California Issues

California propositions can have impact the national discussion; ideas that succeed there sometimes spark similar measures in other states. This year, three proposals are particularly worth watching.

- *Prop 22.* Earlier in 2020, the state legislature passed a law preventing rideshare companies like Uber and Lyft from employing drivers as independent contractors. The companies complained that classifying drivers as full-time employees would require benefit payments that would increase costs, and force them to leave the market entirely. They responded with Prop 22, which would override the legislature and allow them to hire drivers as independent contractors. Contributions in support of the measure have reached \$181 million so far, eclipsing by a large amount any previous measure. Opponents, mainly unions, have raised only \$4.8 million so far.
- *Prop 16.* In the 1990s, voters in California and several other states approved measures prohibiting their governments from giving preferential treatment or discriminating on the basis of race, gender, or ethnicity in employment or college admission decisions. The effect of these measures has been to prohibit affirmative action programs explicitly based on race, and force college admissions to focus on socioeconomic conditions instead of race. The legislature placed Prop 16 on the ballot to repeal the ban on race-based programs. The legislature in the state of Washington attempted to repeal its similar law last year, and was narrowly turned down by voters.
- *Prop 15.* The legislature also proposed to repeal part of the state's famous Prop 13, approved in 1978. Prop 13, which capped property taxes at 1% and limited growth in assessed values, set off a nationwide tax revolt that ran for about a decade. Critics of Prop 13 have long complained that it allows businesses to pay less than residential taxpayers because business property turns over less often than residential property, and therefore is marked to market less often. The legislature's new Prop 15 would repeal Prop 13's protection against rate increases for commercial property. So far, supporters have raised \$20.8 million, most of it from public employee unions. Opponents have raised \$5.5 million, largely from real estate companies and taxpayer groups.

A minor controversy hangs over the election. The state's elected attorney general is charged to provide a neutral ballot title for each proposition. Historically, the AG carries out this responsibility in a nonpartisan manner. This election, however, the Democratic AG, Xavier Becerra, adopted titles that were widely criticized by editorial boards across the state as misleading and slanted toward the outcome favored by Democrats. Lawsuits were initiated challenging his titling decisions, so far unsuccessful, and there were calls to put the power in the hands of a nonpartisan official instead.

Hot topics: marijuana legalization, election systems, voting rights

STATE-BY-STATE LIST

PROPOSITIONS ON THE BALLOT NOVEMBER 3

The remainder of this report contains a list of state-level propositions for 2020, as of early September. 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 yet available.

Alabama (see also Pre-November propositions)

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

- *Amendment 1. Voting.* Provides that only U.S. citizens may vote.
- *Amendment 2. Courts and judges.* Various changes to court system and judicial discipline procedures.
- *Amendment 3. Judicial terms.* Limits vacancy appointments to 2 years.
- *Amendment 4. Removes redundant constitutional language.*
- *Amendment 5. Self defense.* People not liable for defensive deadly force in Franklin County.
- *Amendment 6. Self defense.* People not liable for defensive deadly force in Lauderdale Country.

Alaska

Both proposals are initiative statutes.

- *<19AKBE>. Election system.* Establishes an open primary system in which the top 4 finishers advance to the general election, where the winner is selected by ranked-choice voting.
- *<19OGTX>. Increases oil and gas production taxes.*

Arizona

Both proposals are initiative constitutional amendments.

- *Prop 207. Legalizes marijuana for recreational purposes.*
- *Prop 208. Income tax.* Imposes 3.5% surtax on incomes over \$250,000.

Arkansas

Issues 1-3 are legislative constitutional amendments. Issues 4 and 5 are initiative constitutional amendments. Issue 6 is a referendum.

- *Issue 1. Extends 1/2% sales tax for roads.*
- *Issue 2. Term limits.* Allows term-limited legislators to return to office after 4 years out of office.
- *Issue 3. Initiatives.* Restricts initiative rights in several ways: shortening petition period, increasing signature distribution requirements, removing ability to correct deficient petitions.
- *Issue 4. Redistricting.* Creates a citizen commission to redistrict.
- *Issue 5. Election system.* Replaces party primaries with open primary system in which the top 4 finishers advance to the general election, where the winner is selected by ranked-choice voting.
- *Issue 6. Laser surgery referendum.* Approve or reject a law (Act 579) allowing optometrists to perform laser surgery.

California (see also pre-November propositions)

Props 14, 20-24 are initiative statutes. Prop 15 is an initiative amendment. Props 16-19 are legislative amendments. Prop 25 is a referendum.

- *Prop 14. \$5.5 billion bond issue for stem cell research.*

Alabama - California

STATE-BY-STATE LIST (CONTINUED)

- *Prop 15. Property taxes.* Removes limits on assessment increases for commercial property (partial repeal of Prop 13 from 1978).
- *Prop 16. Civil rights.* Removes provision prohibiting state from giving preferential treatment on the basis of race.
- *Prop 17. Voting rights—felons.* Restores voting rights to felons upon completion of prison sentences.
- *Prop 18. Voting rights—youth.* Allows 17-year-olds to vote in primary elections if they will be 18 years old at time of general election.
- *Prop 19. Property taxes.* Allows disabled homeowners over age 55 to transfer tax basis of their home to another residence.
- *Prop 20. Restricts parole for certain nonviolent offenses.*
- *Prop 21. Rent control.* Allows local governments to control rents.
- *Prop 22. Rideshare workers.* Allows rideshare employees to be independent contractors.
- *Prop 23. Kidney dialysis.* Requires a physician to be on site during treatment.
- *Prop 24. Privacy.* Gives consumers right to restrict sale of their digital personal information, and establishes California Privacy Protection Agency.
- *Prop 25. Bail referendum.* Approve or reject a law eliminating bail payments.

Colorado

Amendment 76 is an initiative amendment. Amendment 77 is an initiative that both amends the constitution and introduces new statutory material. Amendments B and C are legislative amendments. Props 113-118 are initiative statutes. Prop EE is a legislative statute.

- *Amendment 76. Voting.* Provides that only U.S. citizens may vote.
- *Amendment 77. Gambling.* Expands gambling in Central City, Black Hawk, Cripple Creek.
- *Amendment B. Property taxes.* Removes provision limiting property taxes to 45% of state tax base.
- *Amendment C. Charitable gambling.* Allows charities to operate gaming after 3 instead of 5 years of existence.
- *Prop 113. National Compact.* Joins multistate agreement to select president by popular vote.
- *Prop 114. Wolves.* Requires state to reintroduce gray wolves into western part of state.
- *Prop 115. Ban on late-term abortion.*
- *Prop 116. Income tax rate.* Reduces from 4.65% to 4.55%.
- *Prop 117. Tax limits.* Requires voter approval of state enterprises that raise more than \$100 million in revenue.
- *Prop 118. Family leave.* Requires employers to provide 12 weeks paid family leave, partially funded by employer and employee taxes.
- *Prop EE. Tobacco taxes.* Increases tobacco taxes; imposes new tax on e-cigarettes.

Florida

Amendments 1-4 are initiatives. Amendments 5-6 are legislative proposals.

- *Amendment 1. Voting.* Provides that only U.S. citizens may vote.
- *Amendment 2. Increases minimum wage to \$15 per hour.*
- *Amendment 3. Primary elections.* Adopts open primary system in which top two vote-getters advance to the general election.
- *Amendment 4. Ratification of amendments.* Requires voter approval in two elections.

California - Florida

STATE-BY-STATE LIST (CONTINUED)

- *Amendment 5. Property taxes.* Allows 3 instead of 2 years to transfer exemption from old to new home.
- *Amendment 6. Property taxes.* Allows transfer of a deceased disabled veteran's homestead tax discount to spouse.

Georgia

Both amendments were placed on the ballot by the legislature.

- *<HR 164>. Diversion of funds.* Allows legislature to protect special funds with dedicated tax revenue from diversion to other programs.
- *<HR 1023>. Sovereign immunity.* Allows citizens to sue the state.

Idaho

- *<HJR 4>. Legislative districts.* Fixes number of districts at 35, preventing legislature from reducing the number (legislative amendment).

Illinois

- *<NA>. Allows graduated income tax.* The constitution currently requires a flat tax (legislative amendment).

Iowa

- *Constitutional Convention Question.* Calls a constitutional convention (referendum required every 10 years by constitution)

Kentucky

Both proposals are constitutional amendments from the legislature.

- *Marsy's Law Amendment. Crime victims.* Provides rights for crime victims.
- *Judge Term Limit Amendment.* Increases judicial terms from 4 or 6 years to 8 years.

Louisiana

All seven propositions are constitutional amendments placed on the ballot by the legislature.

- *Amendment 1. Abortion.* Declares that the state constitution does not provide a right to abortion or a right to public funding of abortion.
- *Amendment 2. Taxes and oil.* Allows oil reserves to be included in fair market value of property for tax purposes.
- *Amendment 3. Disaster relief.* Allows budget stabilization fund to be used for disaster relief.
- *Amendment 4. State spending limit.* Allows spending to increase 5% per year, instead of current limit to growth rate of income.
- *Amendment 5. Local government tax agreements.* Allows local governments to form profit sharing agreements with manufacturers in lieu of taxes.
- *Amendment 6. Property taxes.* Increases income required to qualify for exemption.
- *Amendment 7. Unclaimed property.* Creates fund for payment of claims on abandoned property.

Maine (see also pre-November propositions)

- *Question 1. Ranked-choice voting referendum.* Approve or reject a law establishing ranked-choice voting for general elections and presidential primaries.

Florida - Maine

STATE-BY-STATE LIST (CONTINUED)

Maryland

Both questions are legislative proposals, the first an amendment and the second a statute. The state constitution requires voter approval for gambling-related laws.

- *Question 1. State budget.* Allows legislature to modify items in governor's budget proposal.
- *Question 2. Allows sports betting.*

Massachusetts

Both questions are initiative statutes.

- *Question 1. Right to repair.* Requires car companies to make telematic information available to independent repair shops.
- *Question 2. Elections.* Establishes ranked-choice voting for primary and general elections.

Michigan

Both proposals are legislative constitutional amendments.

- *<SJR G>. Search warrants.* Requires search warrants to access electronic information.
- *<SJR O>. Park funds.* Allows funds to be spent for a wider array of purposes.

Mississippi

Measure 1 involves two proposed constitutional amendments, 65 (proposed by initiative) and 65A (proposed by legislature). Measure 2 is a legislative amendment. Measure 3 is a legislative statute.

- *Statewide Ballot Measure 1 (two parts). Medical marijuana.* Voters face three options: (1) Initiative 65 = legalize medical marijuana; (2) Alternative Measure 65A = legalize medical marijuana only for terminally ill patients; (3) do not legalize medical marijuana. Voter first choose (i) "either 65/65A" vs. "neither 65/65A"; then choose (ii) 65 vs. 65A.
- *Statewide Ballot Measure 2. Elections.* Removes requirement that statewide candidates also receive a majority vote in a majority of counties.
- *Statewide Ballot Measure 3. State flag.* Adopts a proposed state flag; if rejected, alternative designs would be considered in future elections.

Missouri (see also pre-November propositions)

Both measures are legislative amendments.

- *Amendment 1. Term limits.* Restricts Lt. Governor, Secretary of State, Auditor, and Attorney General to two terms.
- *Amendment 3. Redistricting.* Transfers responsibility from nonpartisan state demographer to bipartisan commission appointed by governor.

Montana

C-46 and C-47 are legislative amendments that address a court ruling invalidating county-based signature distribution requirements. CI-118, an initiative amendment, and I-190, an initiative statute, together legalize marijuana. LR-130 is a legislative statute.

- *C-46. Initiative amendments.* Changes required geographic distribution of signatures from counties to legislative districts.
- *C-47. Initiative statutes.* Changes required geographic distribution of signatures from counties to legislative districts.
- *CI-118. Allows initiatives to legalize recreational marijuana.*
- *LR-130. Guns.* Removes power of local government to regulate gun ownership.

Maryland - Montana

STATE-BY-STATE LIST (CONTINUED)

- *I-190. Legalizes recreational marijuana.*

Nebraska

Amendments 1 and 2 are legislative proposals. Initiative 429 is a constitutional amendment; the other initiatives are statutes. In the second week of September, a medical marijuana initiative was removed from the ballot by the state supreme court for violating the single subject rule.

- *Proposed Amendment 1. Eliminates obsolete constitutional language pertaining to slavery.*
- *Proposed Amendment 2. Municipal debt.* Allows cities to repay their debt over 20 instead of current 15 years.
- *Initiative Measure 428. Payday loans.* Limits interest to 36% annually.
- *Initiative Measure 429. Gambling.* Authorizes state laws legalizing gambling.
- *Initiative Measure 430. Allows gambling at racetracks.*
- *Initiative Measure 431. Gambling tax.* Imposes 20% tax on racetrack gambling revenue.

Nevada

Questions 1-4 are legislative amendments. Question 6 is an initiative amendment.

- *Question 1. State university governance.* Removes governance provisions from state constitution; charges legislature to provide by them law.
- *Question 2. Same-sex marriage.* Legalizes under state law; declares that religious organizations are not required to perform marriages.
- *Question 3. Pardons.* Allows state board to grant pardons even if governor objects.
- *Question 4. Establishes miscellaneous voting rights.*
- *Question 6. Electricity.* Requires utilities to provide 50% of power from renewable sources. (Second vote on this measure, as required for ratification by state constitution.)

New Jersey

All three questions are constitutional amendments proposed by the legislature.

- *Public Question 1. Legalizes recreational marijuana.*
- *Public Question 2. Property tax exemption for veterans who did not serve during war.*
- *Public Question 3. Redistricting.* Changes date if Census not completed on time.

New Mexico

All measures were placed on the ballot by the legislature. The first two are constitutional amendments; the rest are bond proposals.

- *<SJR 1>. Public Regulation Commission.* Changes membership from elected to appointed.
- *<HJR 8>. Election dates.* Allows legislature to adjust when local officials stand for election to equalize number of races across time.
- *Bond Question <senior facilities>.* \$33.3 million bond issue for senior citizen facilities.
- *Bond Question <libraries>.* \$9.8 million bond issue for libraries.
- *Bond Question <higher ed>.* \$156.4 million bond issue for higher education.

Montana - New Mexico

STATE-BY-STATE LIST (CONTINUED)

North Dakota

Both measures are legislative constitutional amendments.

- <SCR 4016>. *State board of education*. Increases number of members and length of terms.
- <SCR 4001>. *Ratification of initiative amendments*. Requires approval in two consecutive elections.

Oklahoma (see also pre-November propositions)

Both questions are constitutional amendments, 805 an initiative and 814 a legislative proposal.

- *State Question 805. Crime*. Prohibits use of previous felonies to increase penalties for subsequent crimes.
- *State Question 814. Tobacco settlement fund*. Reduces fraction of money dedicated to anti-smoking efforts from 75% to 25%.

Oregon

Measures 107 and 108 are legislative amendments. Measures 109 and 110 are initiative statutes.

- *Measure 107. Allows legislature to limit campaign contributions and spending*.
- *Measure 108. Increases tobacco taxes; establishes tax on e-cigarettes*.
- *Measure 109. Hallucinogenic mushrooms*. Legalizes use at licensed facilities.
- *Measure 110. Controlled substances*. Sets maximum penalty for possession of any controlled substance at \$100.

Rhode Island

- *Question 1. State name*. Removes “Providence Plantations” from state’s name (legislative amendment).

South Dakota

Initiated Measure 26 is a statute. Amendment A is an initiative and Amendment B is a legislative proposal.

- *Initiated Measure 26. Legalizes medical marijuana*.
- *Constitutional Amendment A. Legalizes recreational marijuana*.
- *Constitutional Amendment B. Allows sports betting in Deadwood City*.

Utah

All proposals were placed on the ballot by the legislature.

- *Amendment A. Removes gendered language from constitution*.
- *Amendment B. Requirements to hold elected office*. Declares requirements must be satisfied at time of election.
- *Amendment C. Eliminates obsolete constitutional language relating to slavery*.
- *Amendment D. Municipal water districts*. Allows cities to define boundaries of their water service areas.
- *Amendment E. Right to hunt and fish*.
- *Amendment F. Changes starting date of legislative sessions*.
- *Amendment G. Use of revenue*. Allows state to use certain tax revenue to support children and disabled persons.

North Dakota - Utah

STATE-BY-STATE LIST (CONTINUED)

Virginia

Both amendments were placed on the ballot by the legislature.

- *Amendment 1. Redistricting.* Creates citizen/legislature redistricting commission instead of current system of redistricting by the legislature.
- *Amendment 2. Taxes.* Exemption for vehicle owned by a veteran.

Washington

Referendum 90 is a referendum qualified by petition. The advisory votes are required by the constitution. The final proposal is a legislative constitutional amendment.

- *Referendum 90. Sex education.* Approve or reject a law requiring sex education in all school districts.
- *Advisory Vote 32. Maintain or repeal new tax on pass-through charges for carryout bags at retailers.*
- *Advisory Vote 33. Maintain or repeal new tax on heavy equipment rentals.*
- *Advisory Vote 34. Maintain or repeal increased business tax.*
- *Advisory Vote 35. Maintain or repeal increased tax on commercial airplane manufacturers.*
- *<ESJR 8212>. Investment of public funds.* Allows funds for long-term care to be invested in stocks.

Wyoming

- *Constitutional Amendment A. City debt.* Removes debt limits for sewer projects (legislative amendment).

Virginia - Wyoming

RESULTS FROM PRE-NOVEMBER ELECTIONS

Alabama (March 3)

- *Amendment 1. State school officials.* Changes state board of education and state superintendent of education from elected to appointed (legislative amendment). FAILED 25-75

California (March 3)

- *Prop 13. \$15 bond issue for schools and colleges (legislative proposal).* FAILED 47-53

Maine (March 3)

- *Question 1. Vaccination referendum.* Approve or reject law removing exemption on religious grounds from vaccination requirement to attend public schools. APPROVED 73-27

Maine (July 14)

Both questions were proposed by the legislature.

- *Question 1. \$15 million bond issue for internet infrastructure.* APPROVED 75-25
- *Question 2. \$105 million bond issue for transportation projects.* APPROVED 79-21

Missouri (August 4)

- *Amendment 2. Health care (initiative).* Expands Medicaid eligibility to incomes up to 133% of the poverty line. APPROVED 53-47

Oklahoma (June 30)

- *State Question 802. Health care (initiative).* Expands Medicaid eligibility to incomes up to 133% of the poverty line. APPROVED 50.5-49.5

Wisconsin (April 7)

- *Marsy's Law Amendment. Provides rights to crime victims* (legislative amendment). APPROVED 75-25

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Pre-November: 12 propositions in 8 states

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