

BALLOTWATCH

Overview

- November: 122 propositions in 32 states: 90 were approved, 31 failed, and the votes of one were not counted by court order.
- Most active states: California 12 (5 approved; 7 failed), Colorado 11 (10-1); Louisiana 7 (5-2), and Utah 7 (7-0).
- Initiatives: 27 approved, 10 failed.
- Hot issues: marijuana and drugs, election systems, and voting,
- For the year: 130 propositions in 34 states, including 39 initiatives (29 approved, 10 failed) and 4 petition referendums.

ELECTION RESULTS 2020

On November 3, citizens voted on 122 statewide ballot propositions in 32 states. They approved 90 and rejected 31 proposals. A court permanently prohibited counting the votes on one proposal. The number of proposals was down from previous years. The approval rate of 74% tied the record high for the current century.



Overall Trends

The 122 propositions was 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 130 propositions for the year was also a record low for the 21st century, well below the peak of 236 in 2000. The overall approval rate was identical to 2018, which was the highest for an even-year election in the 21st century.

“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. In November, 30% of propositions, 37 in total, were initiatives, 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 were partly due to restrictions on signature collection due to COVID. Voters approved 74% of initiatives in 2020, almost double the historical approval rate of 41%. 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 were 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 were 4 referendums in November and 1 in March.

For additional information on ballot measures see ballotpedia.org and ballotwatch.org and iandrinstitute.org. This report is based on uncertified and therefore unofficial election results.

Noteworthy Propositions

Marijuana

Marijuana legalization continues to spread across the country. This year four states legalized marijuana for recreational purposes (Arizona, New Jersey, Montana, South Dakota). This brings to 13 the number of states (also D.C.) that have legalized marijuana, and together they include 30% of the U.S. population. Mississippi voters approved a law legalizing the use of marijuana medical purposes. With so many states now in conflict with federal laws, it could put pressure on the federal government to back away from its restrictive policies.

In what may be the next stage of the drug legalization movement, Oregon voters approved two novel initiatives. Measure 109 legalized the use of hallucinogenic mushrooms in licensed facilities; and Measure 110 set a maximum fine of \$100 for possession of any drug, including cocaine, heroin, and LSD, essentially decriminalizing possession of all drugs.

IRI

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NOTEWORTHY PROPOSITIONS

Election Systems and Voting

Several states considered changes to their electoral systems.

Alaska voters narrowly approved a plan to adopt an open primary system in which the top-four finishers advance to the general election, where the winner is selected by ranked choice voting. In Florida, 57% of voters supported an amendment for an open primary system, but this fell short of the state's 60% threshold for adoption. Massachusetts voters rejected Question 2 that would have instituted ranked-choice voting for primary and general elections.

New Jersey and Virginia approved proposals to create redistricting commissions, replacing a nonpartisan state demographer in the former case and replacing the legislature and governor in the latter case.

Alabama, Colorado, and Florida approved amendments stating that only U.S. citizens are allowed to vote. California restored voting rights to felons after completion of their prison terms, but declined to lower the voting age in primary elections to 17 years.

Rideshare and Online Delivery Drivers

California voters approved Proposition 22, with 59% in favor, the most expensive proposition of the year, and of all time, with over \$220 million spent in total. The initiative's corporate backers, including Uber, DoorDash, and Lyft, massively outspent the opposition more than 10 to 1. The proposition allowed the companies to employ their drivers as independent contractors, overriding a months-old law passed by the Democratic-controlled legislature at the urging of unions.

Racial preferences/affirmative action.

California voters rejected Proposition 16, with 57% against. This proposal from the legislature would have repealed a 1996 amendment to the state constitution prohibiting governments and universities from giving preferential treatment or discriminating on the basis of race, gender, or ethnicity in employment or college admission decisions. In 2019, Washington voters also beat back an attempt by its legislature to reinstitute affirmative actions programs that give favorable treatment based on race. Rejection of racial preferences by voters in these two fairly liberal states suggests that racial preferences as a strategy for addressing racial disparities may have limited appeal overall.

Graduated income tax

Illinois voters rejected, with 55% against, a proposal to allow a progressive state income tax, choosing to retain the current flat tax requirement. This was one of the most expensive campaigns in the country, with Democratic governor J. B. Pritzker contributing almost all of the \$60 million in favor, and hedge fund manager Kenneth Griffin contributing almost all of the \$60 million against. Analysts suggested that voters did not want to give the legislature access to more revenue, given ongoing corruption scandals and a perceived mismanagement of state pension funding.

Noteworthy: marijuana legalization, election systems, voting rights, rideshare drivers, racial preferences, income tax

STATE-BY-STATE LIST

PROPOSITIONS ON THE BALLOT NOVEMBER 3

The remainder of this report contains a complete list of state-level propositions for 2020. An “initiative” is a citizen-sponsored law placed on the ballot by petition. A “petition referendum” or just “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.

Alabama (see also Pre-November propositions)

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

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

Alaska

Both proposals were initiative statutes.

- *Ballot Measure 1 (190GTX). Increases oil and gas production taxes.* FAILED
- *Ballot Measure 2 (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. APPROVED

Arizona

Both proposals were initiative constitutional amendments.

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

Arkansas

Issues 1-3 were legislative constitutional amendments. Issue 6, a referendum, was on the ballot, but votes were not counted as per a court ruling.

- *Issue 1. Extends 1/2% sales tax for roads.* APPROVED
- *Issue 2. Term limits.* Allows term-limited legislators to return to office after 4 years out of office. APPROVED
- *Issue 3. Initiatives.* Restricts initiative rights in several ways: shortening petition period, increasing signature distribution requirements, removing ability to correct deficient petitions. FAILED
- *Issue 6. Laser surgery referendum.* Approve or reject a law (Act 579) allowing optometrists to perform laser surgery. <votes not counted by court order>

Alabama - Arkansas

STATE-BY-STATE LIST (CONTINUED)

California (see also pre-November propositions)

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

- *Prop 14. \$5.5 billion bond issue for stem cell research.* APPROVED
- *Prop 15. Property taxes.* Removes limits on assessment increases for commercial property (partial repeal of Prop 13 from 1978). FAILED
- *Prop 16. Civil rights.* Removes provision prohibiting state from giving preferential treatment on the basis of race. FAILED
- *Prop 17. Voting rights—felons.* Restores rights upon completion of prison sentences. APPROVED
- *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. FAILED
- *Prop 19. Property taxes.* Allows disabled homeowners over age 55 to transfer tax basis of their home to another residence. APPROVED
- *Prop 20. Restricts parole for certain nonviolent offenses.* FAILED
- *Prop 21. Rent control.* Allows local governments to control rents. FAILED
- *Prop 22. Rideshare workers.* Allows rideshare employees to be independent contractors. APPROVED
- *Prop 23. Kidney dialysis.* Requires a physician to be on site during treatment. FAILED
- *Prop 24. Privacy.* Gives consumers right to restrict sale of their digital personal information, and establishes California Privacy Protection Agency. APPROVED
- *Prop 25. Bail referendum.* Approve or reject a law eliminating bail payments. FAILED

Colorado

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

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

California - Colorado

STATE-BY-STATE LIST (CONTINUED)

Florida

Amendments 1-4 were initiatives. Amendments 5-6 were legislative proposals. Florida requires 60% votes in favor for approval.

- *Amendment 1. Voting.* Provides that only U.S. citizens may vote. APPROVED
- *Amendment 2. Increases minimum wage to \$15 per hour.* APPROVED
- *Amendment 3. Primary elections.* Adopts open primary system in which top two vote-getters advance to the general election. FAILED (because of 60% rule)
- *Amendment 4. Ratification of amendments.* Requires voter approval in two elections. FAILED
- *Amendment 5. Property taxes.* Allows 3 vs. 2 years to transfer exemption from old to new home. APPROVED
- *Amendment 6. Property taxes.* Allows transfer of a deceased disabled veteran's homestead tax discount to spouse. APPROVED

Georgia

All three proposals were placed on the ballot by the legislature. Referendum A was a statute.

- *Amendment 1. Diversion of funds.* Allows legislature to protect special funds with dedicated tax revenue from diversion to other programs. APPROVED
- *Amendment 2. Sovereign immunity.* Allows citizens to sue the state. APPROVED
- *Referendum A. Property tax exemption for charities.* APPROVED

Idaho

- *Amendment and Question. Legislative districts.* Fixes number of districts at 35, preventing legislature from reducing the number (legislative amendment). APPROVED

Illinois

- *Proposed Amendment. Allows graduated income tax.* The constitution currently requires a flat tax (legislative amendment). FAILED

Iowa

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

Kentucky

Both proposals were constitutional amendments from the legislature.

- *Constitutional Amendment 1. Crime victims.* Provides rights for crime victims. APPROVED
- *Constitutional Amendment 2. Increases judicial terms from 4 or 6 years to 8 years.* FAILED

Louisiana

All seven propositions were 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. APPROVED
- *Amendment 2. Taxes and oil.* Allows oil reserves to be included in fair market value of property for tax purposes. APPROVED
- *Amendment 3. Disaster relief.* Allows budget stabilization fund to be used for disaster relief. APPROVED

Florida - Louisiana

STATE-BY-STATE LIST (CONTINUED)

- *Amendment 4. State spending limit.* Allows spending to increase 5% per year, instead of current limit to growth rate of income. FAILED
- *Amendment 5. Local government tax agreements.* Allows local governments to form profit sharing agreements with manufacturers in lieu of taxes. FAILED
- *Amendment 6. Property taxes.* Increases income required to qualify for exemption. APPROVED
- *Amendment 7. Unclaimed property.* Creates fund for payment of claims on abandoned property. APPROVED

Maryland

Both questions were 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. APPROVED
- *Question 2. Allows sports betting.* APPROVED

Massachusetts

Both questions were initiative statutes.

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

Michigan

Both proposals were legislative constitutional amendments.

- *Proposal 1. Search warrants.* Requires warrants to access electronic information. APPROVED
- *Proposal 2. Park funds.* Allows funds to be spent for a wider array of purposes. APPROVED

Mississippi

Measure 1 involved two proposed constitutional amendments, 65 (initiative) and 65A (proposed by legislature). Measure 2 was a legislative amendment. Measure 3 was 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. OPTION 65 APPROVED
- *Statewide Ballot Measure 2. Elections.* Removes requirement that statewide candidates also receive a majority vote in a majority of counties. APPROVED
- *Statewide Ballot Measure 3. State flag.* Adopts a proposed state flag; if rejected, alternative designs would be considered in future elections. APPROVED

Missouri (see also pre-November propositions)

Both measures were legislative amendments.

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

Louisiana - Missouri

STATE-BY-STATE LIST (CONTINUED)

Montana

C-46 and C-47 were 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 was a legislative statute.

- *C-46. Initiative amendments.* Changes required geographic distribution of signatures from counties to legislative districts. APPROVED
- *C-47. Initiative statutes.* Changes required geographic distribution of signatures from counties to legislative districts. APPROVED
- *CI-118. Allows legislature to legalize recreational marijuana.* APPROVED
- *LR-130. Guns.* Removes power of local government to regulate gun ownership. APPROVED
- *I-190. Legalizes recreational marijuana.* APPROVED

Nebraska

Amendments 1 and 2 were legislative proposals. Initiative 429 was a constitutional amendment; the other initiatives were statutes.

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

Nevada

Questions 1-4 were legislative amendments. Question 6 was an initiative amendment.

- *Question 1. State university governance.* Removes governance provisions from state constitution; charges legislature to provide by them law. FAILED
- *Question 2. Same-sex marriage.* Legalizes under state law; declares that religious organizations are not required to perform marriages. APPROVED
- *Question 3. Pardons.* Allows state board to grant pardons even if governor objects. APPROVED
- *Question 4. Establishes miscellaneous voting rights.* APPROVED
- *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.) APPROVED

New Jersey

All three questions were constitutional amendments proposed by the legislature.

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

Montana - New Jersey

STATE-BY-STATE LIST (CONTINUED)

New Mexico

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

- *Amendment 1. Public Regulation Commission.* Changes membership from elected to appointed. APPROVED
- *Amendment 2. Election dates.* Allows legislature to adjust when local officials stand for election to equalize number of races across time. APPROVED
- *Bond Question A. \$33.3 million bond issue for senior citizen facilities.* APPROVED
- *Bond Question B. \$9.8 million bond issue for libraries.* APPROVED
- *Bond Question C. \$156.4 million bond issue for higher education.* APPROVED

North Dakota

Both measures were legislative constitutional amendments.

- *Constitutional Measure 1. State board of education.* Increases number of members and length of terms. FAILED
- *Constitutional Measure 2. Ratification of initiative amendments.* Requires approval in two consecutive elections. FAILED

Oklahoma (see also pre-November propositions)

Both questions were 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. FAILED
- *State Question 814. Tobacco settlement fund.* Reduces fraction of money dedicated to anti-smoking efforts from 75% to 25%. FAILED

Oregon

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

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

Rhode Island

- *Question 1. State name.* Removes "Providence Plantations" from state's name (legislative amendment). APPROVED

South Dakota

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

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

*New Mexico - South
Dakota*

STATE-BY-STATE LIST (CONCLUDED)

Utah

All proposals were placed on the ballot by the legislature.

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

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. APPROVED
- *Amendment 2. Taxes.* Exemption for vehicle owned by a veteran. APPROVED

Washington

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

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

Wyoming

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

Utah– 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: 8
propositions in 6 states*

