

BALLOTWATCH

Overview

- 34 ballot propositions in 9 states; 26 on November 8; 6 before November 8, and 1 on November 19.
- 10 initiatives, 2 petition referendums, and 22 legislative measures.
- Most propositions: Texas 10, Louisiana 6, Washington 5, Maine 4
- Hot issues: collective bargaining by public employees, health care, and gambling

ELECTION 2011 PREVIEW

Voters are set to decide 34 state-level ballot propositions in 9 states in October and November 2011. Among the more interesting contests to watch are a referendum in Ohio on collective bargaining by public employees, an initiative proposing higher income and property taxes in Colorado, and an initiative in Ohio declaring that the state's residents cannot be forced to participate in President Obama's health care system.

As usual for an odd-numbered year, the overall number of propositions is well below the previous year. In 2010, there were 159 propositions in 36 states. By way of comparison with previous odd-numbered years, there were 26 state-level propositions in November 2009, 34 in November 2007, 39 in November 2005, and 22 in November 2003.

For additional information on ballot measures see ballotpedia.org and ncsl.org.

Ohio

Perhaps the highest profile contest in the nation is Ohio's Issue 2, a referendum that was placed on the ballot by a union-backed petition drive. Issue 2 gives voters the option to repeal Senate Bill 5, approved by the Republican-controlled legislature in March. Senate Bill 5 limits collective bargaining with public employee unions over topics such as the number of employees overall and on duty, employer contributions to pensions, and health care costs; allows workers to not pay union dues; and prohibits strikes by public employees. Supporters of Senate Bill 5 argue that controlling public employee costs is critical for closing the budget deficit and that performance-based pay for teachers will improve education in the state. Opponents argue that the law seeks to undermine unions and the middle class, and have run ads claiming that Senate Bill 5 endangers public safety by preventing firefighters and other public employees from negotiating for more workers. The battle over Issue 2 echoes a similar controversy in Wisconsin early this year, and could give a hint of the disposition of Ohio voters heading into the 2012 election. Opponents appear to be outspending supporters by a 2-1 ratio on TV ads. Opinion polls show more than 50% of the electorate in favor of repealing Senate Bill 5, with under 40% in favor of keeping it.

Ohio citizens will also be voting on Issue 3, a citizen initiative that amends the


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STATE-BY-STATE LIST

state constitution to declare that no person or business may be compelled to participate in a health care system. This proposition is an attempt to opt out of President Obama's health care plan. Voters in Arizona, Missouri, and Oklahoma approved similar measures in 2010, while voters in Colorado rejected a similar measure in 2010.

Colorado

Another interesting contest is Colorado's Proposition 103, an initiative that would increase the income tax from 4.63% to 5.0% and the sales tax from 2.9% to 3.0% for five years. The increases are expected to increase state revenue by more than \$500 million per year. Proposition 103 has been spearheaded by Democratic state senator Rollie Heath and is supported by public employee unions. The opposition at this point seems scattered, but is centered on Republican groups. Although campaign spending has not been heavy so far, this election returns could give an indication of how voters in this tossup state are leaning when it comes to taxes. Last year, Colorado voters rejected a proposal to cut the state income tax as well as charges on cars and phones.

Bond Issues

Many states require voter approval before state bonds can be issued. Since the onset of the financial crisis, legislators have been cautious in proposing new bond issues. In 2010, voters approved only \$2 billion in new bonds compared to \$13 billion in 2008. This year, Texas voters will decide whether to allow the Texas Water Development Board to issue \$6 billion of bonds on a rolling basis (Proposition 2), and whether to increase bonding authority of the Texas Higher Education Coordinating Board from \$125 million to \$350 million per year. Arkansas voters will decide whether to approve a \$575 million bond program for highways, and

Hot issue: public employee collective bargaining in Ohio

STATE-BY-STATE LIST

The remainder of this report contains a complete list of state-level propositions for 2011. An "initiative" is a citizen-sponsored law that is placed on the ballot by petition. A "referendum" is a proposal, placed on the ballot by petition, to repeal an existing law. Unless otherwise noted, propositions appear on the November 8 ballot.

Arkansas

- *Question. \$575 million bond issue for highways proposed by legislature.*

Louisiana (October 22)

All five propositions are constitutional amendments from the legislature.

- *Amendment 1. Tobacco tax.* Permanently increases the tobacco tax by 4 cents/pack, dedicates revenue to education.

STATE-BY-STATE LIST

- *Amendment 2. State pensions.* Diverts nonrecurring revenue to state pension funds.
- *Amendment 3. Malpractice fund.* Prohibits diversion to state of money in Patient's Compensation Fund that is used for medical malpractice insurance.
- *Amendment 4. Rainy day fund.* Removes provision requiring state to contribute mineral revenue to rainy day fund in same year that rainy day funds are withdrawn (technical).
- *Amendment 5. Technical change.* Protects New Orleans' exemption from minimum bid requirement in property tax sales.

Louisiana (November 19)

- *Amendment 1. Property tax.* Legislative measure prohibiting new taxes on sale or immovable property.

Maine

Question 1 is a petition referendum, Questions 2 and 3 are initiative statutes, and Question 4 is a legislative constitutional amendment.

- *Question 1. Election-day registration.* Asks voters to repeal ("yes" vote) or sustain ("no" vote) a new law banning Election Day registration.
- *Question 2. Slot machines.* Allows slot machines at race tracks.
- *Question 3. Casino.* Authorizes a casino in Lewiston.
- *Question 4. Redistricting.* Changes redistricting to years ending in 1 from years ending in 3 (for example, 2021 instead of 2023).

Mississippi

All three propositions are initiative constitutional amendments.

- *Initiative 26. Abortion ban.* Defines life to begin at the moment of conception.
- *Initiative 27. Requires photo ID to vote.*
- *Initiative 31. Eminent domain.* Prohibits property taken by eminent domain to be transferred to a private party (anti-Kelo measure).

New Jersey

- *Public Question 1. Allows sports betting if permitted by federal law (advisory measure placed on ballot by legislature).*

Ohio

Issues 1 is a constitutional amendment placed on ballot by legislature. Issue 2 is a petition referendum to repeal an existing law. Issue 3 is an initiative constitutional amendment.

- *Issue 1. Increases the maximum age for judge to take office from 70 to 75.*

Tax measures in Colorado, Louisiana, Texas; gambling measures in Maine and New Jersey; abortion measure in Mississippi

STATE-BY-STATE LIST

- *Issue 2. Collective bargaining.* To approve ("yes" vote) or reject ("no" vote) a new law passed by legislature that limits collective bargaining rights of public employees.
- *Issue 3. Health care.* Prohibits government from requiring individuals or businesses to participate in a health care system.

Texas

All 10 measures are constitutional amendments placed on ballot by legislature.

- *Prop 1. Property tax exemption for surviving spouse of disable veteran.*
- *Prop 2. Water bonds.* Authorizes \$6 billion in rolling debt for water project.
- *Prop 3. Education bonds.* Increases higher education bond authority from \$125 million to \$350 million per year.
- *Prop 4. Redevelopment bonds.* Allows counties to issue redevelopment bonds.
- *Prop 5. Local government.* Reduces restrictions on intergovernmental contracts.
- *Prop 6. Permanent school fund.* Increases allowable withdrawals from fund.
- *Prop 7. Allows El Paso County to create a conservation district with taxing authority.*
- *Prop 8. Open space.* Reduces property tax on open space devoted to water.
- *Prop 9. Pardons.* Governor may pardon persons who complete deferred adjudication.
- *Prop 10. Resign-to-run.* Requires officials to resign to run for office if they declare more than one year and 30 days before term ends (versus existing one year).

Washington

I-1125, I-1163, and I-1183 are initiative statutes. SJR 8205 and SJR 8206 are constitutional amendments placed on the ballot by the legislature.

- *I-1025. Motor vehicle fund.* Requires motor vehicle fund revenue to be used only for transportation purposes.
- *I-1163. Long-term care workers.* Increases oversight and training required for long-term care workers.
- *I-1184. State liquor stores.* Closes state liquor stores, allows private sales of liquor.
- *SJR 8205. Voter registration.* Deletes inoperative provision requiring registration far in advance of elections.
- *SJR 8206. Rainy day fund.* Increases required contribution to budget stabilization fund.

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