

BALLOTWATCH

Overview

- November: 174 propositions in 38 states, including 42 initiatives, 12 referendums, 117 legislative measures, 3 votes on constitutional conventions. Approved 65% of all propositions, 41% of initiatives. States with most propositions: Alabama 11, Florida 11, California 10, Arizona 9, Louisiana 9, Oregon 9
- Hot issues: marijuana, health, marriage, taxes
- Bond issues: 16 proposals for a total of \$3.2 billion
- For the year: 186 propositions in 39 states, including 48 initiatives, 13 referendums, 122 legislative measures, 3 votes on constitutional conventions.

ELECTION RESULTS 2012: BREAKTHROUGH WINS FOR MARIJUANA AND SAME-SEX MARRIAGE

Voters decided 174 ballot propositions across 38 states on November 6, delivering breakthrough victories for advocates of marijuana legalization and same-sex marriage. Based on current returns, 112 measures have been approved, 60 have failed, and 2 are too close to call. The 65% approval rate is up from 59% in 2010 and 2008. Noteworthy outcomes include approval of initiatives legalizing possession and use of marijuana in Colorado and Washington, voter approval of same-sex marriage in Maine, Maryland, and Washington, and rejection of a marriage ban in Minnesota.



Overall Activity in Perspective

Voters decided 174 proposition in November (two other propositions were on the ballot in Arkansas, but their votes will not be counted by court order) and 12 propositions in elections earlier in the year. The 174 propositions in November is up from 159 in 2010, and 153 in 2008, and the highest total since 204 measures appeared in November 2006. The 186 propositions for the year is up from 183 in 2010, up from 174 in 2008, and down from 225 in 2006.

In a typical year, the most visible and controversial propositions are initiatives and referendums, issues that are placed on the ballot by citizen petition. For 2012, the number of initiatives is 48, up from 46 in 2010 but down from 68 in 2009. The approval rate for initiatives (counting those that have been decided) this year is 41%, exactly the historical average. For more information on initiative trends, see *IRI Report on Initiative Use (1904-2011)*. For additional information on ballot measures see ballotpedia.org.

Noteworthy Issues

Colorado and Washington Legalize Marijuana

Marijuana may be the biggest ballot proposition story of the year. For the first time ever, two states approved propositions that legalize possession and use of marijuana. Colorado's Amendment 64 was approved 55-45 and Washington's I-502 was approved 55-45. A third legalization initiative, Oregon's Measure 80, was rejected 45-55. The approval of these initiatives represents a significant breakthrough in a decades-long campaign by legalization advocates, and is the first evidence at the ballot box that public opinion is changing on this issue. In 2008, Massachusetts voters approved Question 2 that decriminalized small amounts of the drug, making possession of less than one ounce subject only to a \$100 fine. In 2010, California voters narrowly rejected (47-53) Proposition 19 that would have legalized personal use. Legalization initiatives in the more distant past had failed by large margins. Legalization advocates hope that the experience of Colorado and Washington will demonstrate that decriminalization will not give rise to greater crime and addiction, and encourage other states to follow suit. The wild card in all of this is the position that will be take by federal authorities because federal law prohibits possession of marijuana.

Legalization advocates also scored victories in Massachusetts (Question 3) and Montana (IR-124) where voters approved laws enabling medical use of marijuana. Before election day, 17 states permitted medical marijuana. In a setback to marijuana advocates, Arkansas voters were narrowly

IRI

Initiative & Referendum Institute

University of Southern California
Gould School of Law
Los Angeles CA 90089-0071
Phone: 213.740.9690

www.iandrinstitute.org

USC University of
Southern California

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rejecting (49-51) Issue 3 that would have allowed medical use of marijuana. Arkansas would have been the first Southern state to permit medical marijuana if Issue 3 had passed.

Voters Approve Same-Sex Marriage for the First Time

Another big story from the election concerns same-sex marriage, as gay marriage advocates achieved their first victory at the polls after a long run of defeats across the country. Opinion surveys suggest that public opinion has shifted dramatically in support of gay marriage over the last decade, yet so far all state-level victories for same-sex marriage have come from courts or legislatures. Voters have chosen to ban gay marriage in 30 of 31 proposition elections before this year (see *IRI Report BW 2012-1* on same-sex marriage for more information.) On November 6, Maine voters approved Question 1 by a 53-47 margin and Maryland voters approved Question 6 by a 52-48 margin, in both cases approving laws passed by their legislatures allowing same-sex marriage. Washington voters also appear to have affirmed a same-sex marriage law by a current margin of 52-48 margin, with 69% of votes counted. With these outcomes, voters for the first time have directly sanctioned same-sex marriage; same-sex marriage proponents hope that these are the breakthrough victories that trigger a wave of legalization across the country.

Almost All Bond Issues Pass

Many states require voter approval before state bonds can be issued. Since the onset of the financial crisis and recession, legislators have been cautious about proposing new bond issues. In 2010, voters approved only \$2 billion in new bonds compared to \$13 billion in 2008. This year, legislatures in seven states placed 16 bond proposals before the voters, with a total authorization to borrow of \$3.2 billion. The largest proposal, \$1.3 billion for roads and highways, came from the relatively small state of Arkansas. The measure included a 0.5% sales tax increases to fund repayment of debt. Other large proposals were New Jersey's measure to borrow \$750 million for colleges and Alaska's Bonding Proposition A to borrow \$453 million for transportation projects. On November 6, voters approved 15 of 16 bond proposals, with only Maine's Question 2 going down to defeat.

Oklahoma Approves Civil Rights Measure

Oklahoma voters approved State Question 759 by a 59-41 margin, prohibiting discrimination or preferable treatment based on race, sex, ethnicity, and national origin. The measure undercuts some affirmative action programs in the state. Similar measures seeking a "color blind" approach to race have passed in Arizona, California, Michigan, Nebraska, and Washington.

California Keeps the Death Penalty

California voters declined to abolish capital punishment in the state, rejecting Proposition 34 by a 47-53 vote. The initiative statute would have been retroactive, converting all existing death row sentences to life imprisonment without the possibility of parole. Proponents argued that taxpayers would save up to \$100 million per year by converting death row inmates to lifetime terms. California is one of 33 states that currently permit capital punishment.

Mixed Messages on Illegal Immigrants.

Voters sent mixed messages about how to address the situation of illegal immigrants. In 2011, Maryland's legislature passed SB 167 that allowed illegal immigrants to pay in-state tuition at state universities, if they attended high school in the state and their parents paid taxes. On November 6, the state's voters resoundingly approved (58-42), Question 4, the so-called Dream Act Referendum, that gave voters the option to approve or repeal SB 167. By an even larger margin (80-20), Montana voters approved LR-121 that denies state services to illegal immigrants. The law requires individuals who apply for state services to provide proof of citizenship. It remains to be seen whether LR-121 can withstand anticipated court challenges.

Redistricting

Election reformers have long been concerned with the practice in most states of legislators drawing the lines for their own electoral districts, claiming this leads to "politicians choosing their voters" ra-

Voters legalized marijuana in Colorado and Washington

NOTEWORTHY ISSUES

ther than voters choosing their representatives. Ohio voters rejected by a 36-64 margin Issue 2, an initiated constitutional amendment that would have created a bipartisan commission to draw district lines, comprised of four Democrats, four Republicans, and four members from neither party. The initiative was sponsored by Democratic groups frustrated with the Republican-controlled apportionment plan adopted in 2011. Maryland voters rejected Issue 5 by a 64-36 margin that proposed to repeal the state's new congressional district lines.

Suicide

Massachusetts' "Death with Dignity" Question 2, an initiative statute that would have allowed a terminally ill person to be given a lethal injection was rejected in close election 51-49. Five states have held votes on physician-assisted suicide, beginning with Washington in 1991. Washington voters rejected a proposal in 1991 but approved a similar measure in 2008. Oregon voters also legalized this form of suicide in 1994. Similar proposals were rejected by California and Michigan voters in the 1990s.

Mixed Results for Unions

The results were mixed for unions. They received good news in California where voters decisively rejected Proposition 32 by a 44-56 margin. The initiative would have prohibited union dues from being used for political purposes without explicit authorization of members, prohibited union and corporate contributions to campaigns, and prohibited government contractors from contributing to campaigns. Voters rejected similar measures in 1998 and 2005 by small margins. The news was less positive for unions in Michigan, where voters rejected Proposal 12-2 by a 42-58 margin; the proposition would have placed a right to collective bargaining in the state constitution. Alabama voters approved Amendment 7 67-33 that requires secret ballots in union elections.

First time voters have approved same-sex marriage, in Maine, Maryland, and Washington

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 2012. 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. The percent of votes that have been counted is in parentheses after the state name.

Alabama (99%)

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

- *Amendment 1. Land trust fund.* Extends Forever Wild trust fund by 20 years. APPROVED 75-25
- *Amendment 2. Debt limit.* Allows state to issue up to \$750 million in bonds. APPROVED 69-31
- *Amendment 3. Conservation.* Defines Stockton Landmark District to preserve property. APPROVED 68-32
- *Amendment 4.* Removes obsolete constitutional language about segregation. FAILED 39-61
- *Amendment 5. Water utility.* Transfers water utility assets from the city of Prichard to Mobile. APPROVED 69-31
- *Amendment 6. Health care.* Prohibits individuals and businesses from being compelled to participate in health care system. APPROVED 59-41
- *Amendment 7. Union elections.* Requires secret ballots. APPROVED 67-33
- *Amendment 8. Legislator salaries.* Sets salaries at median state income. APPROVED 68-32
- *Amendment 9. Telephone company regulation.* Removes restrictions on merger of telephone companies. APPROVED 58-42
- *Amendment 10. Bank regulation.* Allows legislature to regulate banks. APPROVED 54-46
- *Amendment 11. Lawrence County.* Prohibits cities outside Lawrence County from taxing and regulating in the county. APPROVED 66-34

Alabama - Arizona

Alaska (99%)

- *Bonding Prop A. \$453.5 million bond issue for transportation projects.* APPROVED 57-43
- *Ballot Measure 1. Calls constitutional convention.* Vote required by constitution every 10 years. FAILED 32-68

Arizona (99%)

Props 121 is an initiative amendment and Prop 204 is an initiative statute. The other seven measures are constitutional amendments placed on the ballot by the legislature.

- *Prop 114. Crime.* Establishes that crime victims are not subject to claim for damages by a person who is harmed while committing a crime. APPROVED 80-20
- *Prop 115. Judge terms.* Increases terms of judges from 6 to 8 years, increases mandatory retirement age from 70 to 75 years. FAILED 27-73
- *Prop 116. Property taxes.* Limits exemption for business-related personal property. FAILED 43-57
- *Prop 117. Property tax assessment.* Lowers assessed value of property. APPROVED 57-43
- *Prop 118. Permanent funds.* Sets maximum distribution from permanent funds to 2.5% of value. FAILING 49.9-50.1
- *Prop 119. Public lands.* Allows state to exchange public lands to manage development. APPROVED 62-38
- *Prop 120. Natural resources.* Declares state sovereignty over natural resources within borders. FAILED 32-68
- *Prop 121. Open primary.* Establishes top-two primary system for all elections. FAILED 33-67
- *Prop 204. Sales tax.* Makes permanent temporary sales tax increase from 5.5% to 6.5% expiring in 2013, dedicates revenue to education, mandates annual increases in education spending. FAILED 35-65

STATE-BY-STATE LIST (CONTINUED)

Arkansas (88%)

The first two issues were placed on the ballot by the legislature; the last three are initiatives. The first four are constitutional amendments and the last one is a statute.

- *Issue 1. Sales tax.* Levies 0.5% sales tax to fund \$1.3 billion bonds for roads. APPROVED 58-42
- *Issue 2. Special districts.* Allows cities to creating special districts that can issue bonds. FAILED 43-57
- *Issue 3. Casinos.* Authorizes Nancy Todd's Poker Palace to operate four casinos tax. NOT COUNTED BY COURT ORDER
- *Issue 4. Casinos.* Authorizes Arkansas Hotels and Entertainment to operate seven casinos. NOT COUNTED BY COURT ORDER
- *Issue 5. Medical marijuana.* Permits medical use of marijuana. FAILING 49-52

California (99%)

Props 30-39 are initiatives and Prop 40 is a referendum. Prop 30 is a constitutional amendment, Prop 31 is an amendment and a statute, and the others are statutes.

- *Prop 30. Income and sales tax.* Increases income taxes on wealthy, increases sales taxes. Gov. Brown's measure. APPROVED 54-46
- *Prop 31. Budget cycle.* Establishes two-year budget cycle. FAILED 39-61
- *Prop 32. Union dues.* Prohibits political uses of payroll-deducted union dues. FAILED 44-56
- *Prop 33. Car insurance.* Permits car premiums to depend on previous coverage. FAILED 45-55
- *Prop 34. Abolishes death penalty.* FAILING 47-53
- *Prop 35. Crime.* Increases criminal penalties for human trafficking. APPROVED 81-19
- *Prop 36. Three Strikes Law.* Allows life sentence only for third strikes that are serious crimes. APPROVED 69-31
- *Prop 37. Food labels.* Requires food labels for genetically altered products. FAILED 47-53
- *Prop 38. Income tax.* Increases income tax rates. Munger's measure. FAILED 28-72
- *Prop 39. Corporate taxes.* Restricts accounting choices to increase corporate taxes on multi-state firms. APPROVED 60-40
- *Prop 40. Redistricting.* Asks voters to approve or repeal new apportionment plan for the state senate. APPROVED 71-29

Colorado (83%)

- *Amendment 64. Marijuana.* Initiative amendment that legalizes and taxes marijuana. APPROVED 55-45
- *Amendment 65. Campaign spending.* Initiative amendment that instructs state legislators to propose amendment to U.S. Constitution that limits campaign spending. APPROVED 74-26
- *Amendment S. Personnel system.* Legislative amendment to revise state personnel system. APPROVED 56-44

Florida (99%)

All 11 measures are constitutional amendments placed on the ballot by the legislature. Amendment 7 was removed from the ballot by a circuit court judge on the grounds that the ballot summary was misleading. Amendments require 60% approval to pass.

- *Amendment 1. Health care.* Prohibits individuals and businesses from being required to participate in health care system. FAILED 49-51
- *Amendment 2. Property taxes.* Exemption for veterans who were not originally state residents. APPROVED 63-37
- *Amendment 3. Spending limits.* Changes limit formula from income growth to inflation plus population growth. FAILED 42-58
- *Amendment 4. Property tax assessment.* Places more limits on increases in assessments. FAILED 43-57

Arkansas - Florida

STATE-BY-STATE LIST (CONTINUED)

- *Amendment 5. Court rules.* Allows legislature to repeal rules of court with majority instead of 2/3 vote. FAILED 37-63
- *Amendment 6. Abortion.* Prohibits use of public funds for abortion. FAILED 45-55
- *Amendment 8. Religion.* Prohibits denial of government benefits on the basis of religion. FAILED 44-56
- *Amendment 9. Property taxes.* Exemption for surviving spouse of veteran. APPROVED 62-38
- *Amendment 10. Property taxes.* Increases exemption for tangible personal property. FAILED 45-55
- *Amendment 11. Tax relief for elderly.* Allows local government tax relief for poor, elderly homeowners. APPROVED 61-39
- *Amendment 12. University board.* Changes student representative to state university board of governors. FAILED 41-59

Georgia (98%)

- *Amendment 1. Charter schools.* Legislative constitutional amendment that reverses court ruling that charter schools are unconstitutional. APPROVED 58-42
- *Amendment 2. Rental agreements.* Legislative constitutional amendment that authorizes certain state agencies to enter into multiyear rental agreements without requiring state to provide full funding. APPROVED 63-37

Hawaii (99%)

Both measures are legislative constitutional amendments.

- *[HB 2594]. Revenue bonds for dams.* Authorizes revenue bonds to repair dams and reservoirs. APPROVED 55-45
- *[SB 650]. Retired judges.* Authorizes chief justice to recall retired judges to serve temporarily. APPROVED 56-44

Florida - Kentucky

Idaho (99%)

Props 1-3 are referendums qualified for the ballot by petitions sponsored by teachers union; they ask voters to repeal laws passed by the legislature. The other two measures are legislative statutes.

- *SJR 102. Probation.* Assigns felony probation to state board of correction. APPROVED 74-26
- *HJR 2aa. Hunting and fishing.* Establishes right to hunt and fish. APPROVED 73-27
- *Prop 1. Teacher contracts.* To approve or repeal a law limiting negotiated agreements between teachers and school districts. FAILED 43-57 (repealed)
- *Prop 2. Teacher performance pay.* To approve or repeal a law tying teacher pay to student performance on standardized tests. FAILED 42-58 (repealed)
- *Prop 3. School funding.* To approve or repeal a law changing school district funding and requiring provision of computers and online courses. FAILED 33-67 (repealed)

Illinois (94%)

- *Amendment. Pensions.* Legislative amendment that requires 3/5 vote of appropriate legislative body to increase pension benefit for public employees. Requires 60% vote in favor for approval. FAILED 56-44

Kansas (99%)

- *Constitutional Amendment. Boat tax.* Legislative amendment that permits lower property tax on boats. APPROVED 54-46

Kentucky (99%)

- *Constitutional Amendment. Hunting and fishing.* Legislative amendment that establishes right to hunt and fish. APPROVED 84-16

STATE-BY-STATE LIST (CONTINUED)

Louisiana (99%)

All nine propositions are constitutional amendments from the legislature.

- *Amendment 1. Medicaid Trust Fund.* Prohibits diversion of money to general fund. APPROVED 71-29
- *Amendment 2. Gun possession.* Requires “strict scrutiny” from courts when evaluating laws that restrict gun possession. APPROVED 74-26
- *Amendment 3. Retirement systems.* Requires advance filing of bills pertaining to public retirement systems. APPROVED 64-36
- *Amendment 4. Property taxes.* Exemption for spouses of veterans who died in service. APPROVED 73-27
- *Amendment 5. Retirement benefits.* Allows legislature to deny benefits to public employees who are found guilty of a felony. APPROVED 70-30
- *Amendment 6. New Iberia.* Allows city to grant certain property tax exemptions. FAILED 42-58
- *Amendment 7. Boards and commissions.* Changes composition. APPROVED 61-39
- *Amendment 8. Property taxes.* Exemption for businesses that sell to out-of-state customers. APPROVED 52-48
- *Amendment 9. Special districts.* Procedural requirements for bills recreating special districts. APPROVED 56-44

Maine (98%)

Question 1 is an initiative. The bond issues are legislative proposals.

- *Question 1. Marriage.* Legalizes same-sex marriage. APPROVED 53-47
- *Question 2. \$11.3 million bond issue for higher education.* FAILED 49-51
- *Question 3. \$5 million bond issue for land conservation projects.* APPROVED 61-39
- *Question 4. \$51.5 million bond issue for transportation projects.* APPROVED 71-29
- *Question 5. \$7.9 million bond issue for water projects.* APPROVED 63-37

Maryland (97%)

Questions 1-3 are legislative constitutional amendments. Question 4-6 are petition referendums. Question 7 is a legislative statute.

- *Question 1. Judges.* Requires Prince George’s county judges to be admitted to practice law in state. APPROVED 88-12
- *Question 2. Judges.* Requires Baltimore county judges to be admitted to practice law in state. APPROVED 88-12
- *Question 3. Removal from office.* Allows elected officials convicted of crimes to be removed from office more quickly. APPROVED 88-12
- *Question 4. Illegal immigrants.* Asks voters to repeal new Dream Act that allows illegal immigrants to pay in-state tuition rates. APPROVED 58-42
- *Question 5. Redistricting.* Asks voters to approve or repeal new congressional district lines. APPROVED 64-36 (approved)
- *Question 6. Marriage.* Asks voters to approve or repeal new law permitting same-sex marriage. APPROVED 52-48
- *Question 7. Gambling.* Expands gaming, allows new casino in Prince George’s County. APPROVED 52-48

Massachusetts (99%)

All three measures are initiative statutes.

- *Question 1. Used cars.* Requires dealers to give information on repair history. APPROVED 85-15
- *Question 2. Suicide.* Permits physician-assisted suicide. FAILED 49-51
- *Question 3. Medical marijuana.* Permits medical use of marijuana. APPROVED 63-37

*Louisiana -
Massachusetts*

STATE-BY-STATE LIST (CONTINUED)

Michigan (97%)

Proposal 12-1 is a petition referendum; the others are initiative constitutional amendments.

- *Proposal 12-1. Emergency powers.* Asks voters to repeal law granting emergency powers to local governments. FAILED 48-52
- *Proposal 12-2. Collective bargaining.* Establishes right to collective bargaining for public and private sector workers. FAILED 42-58
- *Proposal 12-3. Renewable energy.* Utilities must generate 25% of electricity from clean renewable fuels. FAILED 37-63
- *Proposal 12-4. Home care providers.* Regulates home care providers. FAILED 43-57
- *Proposal 12-5. Tax limits.* Requires 2/3 legislature vote or vote of people to increase taxes. FAILED 31-69
- *Proposal 12-6. Votes on bridges and tunnels.* Requires approval by voters before state can build international bridge or tunnel. FAILED 40-60

Minnesota (99%)

Both measures are constitutional amendments placed on ballot by legislature. Approval requires a majority of all votes cast, including abstentions.

- *Proposed Amendment 1. Same-sex marriage.* Defines marriage as solely between one man and one woman. FAILED 48-52
- *Proposed Amendment 2. Voter ID.* Requires voter identification in order to vote. FAILED 46-54

Missouri (99%)

Amendment 3 and Proposition E are legislative amendments. Props A and B are initiative statutes.

- *Constitutional Amendment 3. Appointment of judges.* Gives governor more control over Appellate Judicial Commission that nominates state judges. FAILED 24-76
- *Prop A. St. Louis police.* Allows St. Louis to create city police force. APPROVED 64-36
- *Prop B. Tobacco taxes.* Increases taxes, revenue dedicated to health education. FAILED 49-51
- *Prop E. Health care.* Prohibits state from establishing health care exchange without legislative or voter approval. APPROVED 62-38

Montana (97%)

- *I-166. Campaign spending.* Initiative statute declaring that corporations do not have constitutional rights; intended to allow campaign spending regulations. APPROVED 75-25
- *IR-124. Medical marijuana.* Asks voters to repeal state law (SB 423) that weakens a voter-approved initiative allowing medical use of marijuana. APPROVED 57-43
- *LR-120. Abortion.* Legislative statute requiring parental notification before minor's abortion. APPROVED 70-30
- *LR-121. Illegal immigrants.* Legislative statute denying state services to illegal immigrants. APPROVED 80-20
- *LR-122. Health care.* Legislative statute that prohibits individuals and businesses from being required to participate in health care system. APPROVED 67-33

Nebraska (99%)

All four measures are constitutional amendments proposed by the legislature.

- *Proposed Amendment 1. Crimes in pursuit of office.* Allows impeachment for such crimes. APPROVED 83-17
- *Proposed Amendment 2. Establishes right to hunt and fish.* APPROVED 77-23
- *Proposed Amendment 3. Term limits.* Weakens term limits by allowing legislators to serve 3 instead of 2 terms. FAILED 35-65
- *Proposed Amendment 4. Legislator salaries.* Increases from \$12,000 to \$22,500. FAILED 32-68

Michigan - Nebraska

STATE-BY-STATE LIST (CONTINUED)

Nevada (99%)

- *Ballot Question 1. Legislative session.* Legislative constitutional amendment that allows legislature to convene a special session with 2/3 vote of members. APPROVED 54-46

New Hampshire (99%)

- *Amendment Question 1. Courts.* Legislative amendment that declares chief justice administrative head of state courts. APPROVED 57-43
- *Amendment Question 2. Income tax.* Legislative amendment prohibiting new taxes on income. FAILED 49-51
- *Question 3. Calls a constitutional convention.* Vote required by constitution every 10 years. FAILED 36-64

New Jersey (99%)

- *Public Question 1. Judge salaries.* Legislative amendment allowing cost of benefits to be subtracted from salaries of judges. APPROVED 83-17
- *Public Question 2. \$750 million bond issue for state universities/colleges.* APPROVED 62-38

New Mexico (99%)

All measures were placed on the ballot by the legislature.

- *Bond Question A. \$10.3 million bond issue for senior citizen facilities.* APPROVED 62-38
- *Bond Question B. \$9.83 million bond issue for libraries.* APPROVED 62-38
- *Bond Question C. \$120 million bond issue for higher education facilities.* APPROVED 62-38
- *Amendment 1. Judicial standards commission.* Adds two members. APPROVED 60-40
- *Amendment 2. Public Regulation Commission.* Increases educational requirement to serve. APPROVED 80-20
- *Amendment 3. Regulation of corporations.* Transfers regulatory power from Public Regulation Commission to Secretary of State. APPROVED 51-49
- *Amendment 4. Insurance regulation.* Transfers regulatory power from Public Regulation Commission to new Superintendent of Insurance. APPROVED 51-49
- *Amendment 5. Public Defender.* Establishes new state agency of public defender. APPROVED 61-39

North Dakota (99%)

The first two measures are legislative amendments. The last three are initiatives.

- *Constitutional Measure 1. Poll tax.* Repeals provision allowing poll tax. APPROVED 71-29
- *Constitutional Measure 2. Oath of office.* Requires executive officials to take oath. APPROVED 89-11
- *Initiated Constitutional Measure 3. Farming.* Declares right to farm using modern methods. APPROVED 67-33
- *Initiated Statutory Measure 4. Smoking.* Prohibits smoking in public and work places. APPROVED 67-33
- *Initiated Statutory Measure 5. Animal cruelty.* Makes it a felony to maliciously hurt a dog, cat, or horse; excludes farming, research, veterinarians, and self defense. FAILED 35-65

Ohio (95%)

- *Issue 1. Calls a constitutional convention.* Vote required every 20 years by constitution. FAILED 32-68
- *Issue 2. Redistricting.* Initiative constitutional amendment that creates a bipartisan redistricting commission, instead of having legislature draw district lines. FAILED 36-64

Nevada - Ohio

STATE-BY-STATE LIST (CONTINUED)

Oklahoma (98%)

All six measures are legislative constitutional amendments.

- *State Question 758. Property taxes.* Limits annual increase to 3%, now 5%. APPROVED 68-32
- *State Question 759. Civil rights.* Prohibits discrimination or preferential treatment based on race, sex, ethnicity, and national origin. APPROVED 59-41
- *State Question 762. Paroles.* Removes governor from parole process. APPROVED 59-41
- *State Question 764. \$300 million bonds.* Authorizes bond issue to create reserve fund for state water resources board. APPROVED 57-43
- *State Question 765. Welfare Commission.* Authorizes legislature to create state commission. APPROVED 60-40
- *State Question 766. Property taxes.* Exempts intangible property. APPROVED 65-35

Oregon (93%)

Measures 77 and 79 are legislative proposals; the others are initiatives. Measures 77-79, 82, 85 are constitutional amendments; Measures 80, 81, 83, 84 are statutes.

- *Measure 77. Catastrophic disasters.* Allows governor to declare emergency, grants governor and legislature special temporary powers. APPROVED 58-42
- *Measure 78.* Minor changes in terminology in constitution. APPROVED 72-28
- *Measure 79. Real estate taxes.* Prohibits new real estate transfer taxes. APPROVED 59-41
- *Measure 80. Marijuana.* Legalizes possession/sale through state-licensed stores. FAILED 46-54
- *Measure 81. Fishing.* Bans gill nets in inland waters. FAILED 34-66
- *Measure 82. Gambling.* Authorizes privately owned casinos if local voters approve. FAILED 29-71
- *Measure 83. Gambling.* Authorizes specific person to run privately owned casino. FAILED 29-71
- *Measure 84. Estate taxes.* Eliminates estate/inheritance taxes. FAILED 46-54
- *Measure 85. Corporate taxes.* Allocates unanticipated corporate income tax revenue to education; currently the revenue must be refunded to taxpayers. APPROVED 59-41

Rhode Island (95%)

All measures are legislative proposals; the first two are constitutional amendments.

- *Question 1. Gambling.* Permits Twin River slot parlor to become full casino. APPROVED 71-29
- *Question 2. Gambling.* Permits Newport Grand slot parlor to become full casino. APPROVED 67-33
- *Question 3. \$50 million bond issue for higher education facilities.* APPROVED 66-34
- *Question 4. \$94 million bond issue for veterans' homes.* APPROVED 77-23
- *Question 5. \$20 million bond issue for clean water.* APPROVED 74-26
- *Question 6. \$20 million bond issue for conservation and recreation.* APPROVED 70-30
- *Question 7. \$25 million bond issue for affordable housing.* APPROVED 62-38

South Carolina (99%)

- *Amendment 1. Governor and Lt. Governor.* Legislative proposal that requires candidates to run for office together. APPROVED 56-44

South Dakota (99%)

Referred Laws 14 and 16 are referendums. Initiated Measure 15 is a statutory initiative. The constitutional amendments are legislative proposals.

- *Referred Law 14. Contractor excise taxes.* Asks voters to approve or repeal law that diverts 22% of revenue to a large project development fund. FAILED 42-58 (repealed)
- *Referred Law 16. Teacher evaluation.* Asks voters to approve or repeal law that creates standard for evaluating teachers, a merit bonus system, and removes tenure. FAILED 33-67 (repealed)

Oklahoma - South
Dakota

STATE-BY-STATE LIST (CONTINUED)

- *Initiated Measure 15. Sales tax.* Increases rate from 4% to 5%, with revenue split between education and Medicaid. FAILED 43-57
- *Amendment M. Shareholder rights.* Removes requirement for cumulative voting for directors, no longer requires stockholder approval for certain corporate decisions. FAILED 30-70
- *Amendment N. Legislator expenses.* Allows legislature to set mileage reimbursement rate. FAILED 37-63
- *Amendment O. Cement trust fund.* Transfers 4% of revenue to general fund. APPROVED 57-43
- *Amendment P. Balanced budget.* Requires governor to propose balanced budget, prohibits appropriation from exceeding anticipated revenue. APPROVED 65-35

Utah (99%)

Both measures are legislative constitutional amendments.

- *Amendment A. Permanent fund.* Dedicates fraction of severance tax to permanent fund. APPROVED 51-49
- *Amendment B. Property tax.* Exemption for military personnel and spouses. APPROVED 68-32

Virginia (99%)

Both measures are legislative constitutional amendments.

- *Ballot Question 1. Eminent domain.* Prohibits use of eminent domain to transfer property to a private use. APPROVED 75-25
- *Ballot Question 2. Legislative sessions.* Permits legislature to delay start of special sessions by no more than one week. APPROVED 82-18

Washington (69%)

I-1185, I-1240, and I-502 are initiative statutes. R-74 is a referendum. SJR 8221 and SJR 8223 are constitutional amendments placed on the ballot by the legislature.

- *I-1185. Tax increases.* Requires two-thirds vote of legislature to raise taxes. APPROVED 65-35
- *I-1240. Charter schools.* Authorizes creation of 40 charter schools. PASSING 51-49
- *I-502. Marijuana.* Legalizes production, possession, distribution of marijuana. APPROVED 55-45
- *R-74. Same-sex marriage.* Asks voters to repeal SB 6239 that legalized same-sex marriage. APPROVED 52-48
- *SJR 8221. Debt.* Raises state debt limit. APPROVED 63-37
- *SJR 8223. Authorizes universities to invest funds.* FAILED 44-56
- *Advisory Vote 1. Tax deduction.* Asks if voters favor maintenance or elimination of tax deduction for banks. FAILED 44-56 (eliminate)
- *Advisory Vote 2. Oil tax.* Asks if voters favor maintenance or elimination of oil tax. FAILED 44-46 (eliminate)

West Virginia (98%)

- *Amendment 1. Term limits.* Legislative proposal to remove term limits on sheriffs. FAILED 48-52

Wyoming

All three measures are legislative constitutional amendments. (99%)

- *Amendment 1. Health care.* Declares that no person shall be required to participate in a health care system. APPROVED 77-23
- *Amendment 2. Hunting and fishing.* Establishes right to hunt and fish. APPROVED 89-21
- *Amendment 3. District courts.* Allows district court commissioners to perform additional duties assigned by district court judge. APPROVED 55-45

*South Dakota -
Wyoming*

PRE-NOVEMBER ELECTIONS

PROPOSITIONS DECIDED IN PRE-NOVEMBER ELECTIONS

Alabama (September 18)

- *Amendment. Budget.* Authorizes state to transfer \$145.8 million from Alabama Trust Fund to alleviate budget shortfalls. APPROVED 65-35

Alaska (August 28)

Both measures were initiative statutes.

- *Ballot Measure 1. Property taxes.* Allows cities to increase property tax exemption from \$20,000 to \$50,000, subject to approval of local voters. APPROVED 50.1-49.9
- *Ballot Measure 2. Creates Alaska Coastal Management Program.* FAILED 38-62

California (June 6)

- *Prop 28. Term limits.* Initiative constitutional amendment that allows state legislators to serve longer terms if entirely within one chamber. APPROVED 61-39
- *Prop 29. Tobacco taxes.* Initiative statute that increases tobacco taxes by 5 cents/pack, dedicates revenue to cancer research. FAILED 49.8-50.2

Georgia (July 31)

- *Amendment. TSPLOST.* 1% sales tax for transportation projects. Decided separately by 12 regions, 3 approving (Central Savannah River Area, River Valley, and Heart of Georgia Altamaha), and 9 rejecting. Overall FAILED 39-61.

Missouri (August 7)

- *Constitutional Amendment 2. School prayer.* Legislative proposal declaring that children have right to pray in school. APPROVED 83-17

North Carolina (May 8)

- *Amendment 1. Same-sex marriage.* Legislative constitutional amendment defining marriage as only between one man and one woman. APPROVED 61-39

North Dakota (June 12)

- *Constitutional Measure 1. Appointment to office.* Legislative proposal that prohibits appointment of legislators to an office in which salary has been increased during legislator's term of office. APPROVED 60-40
- *Initiated Constitutional Measure 2. Taxes.* Eliminates property taxes, replaces revenue with income, sales, and other taxes. FAILED 23-77
- *Initiated Constitutional Measure 3. Religion.* Prohibits government from withholding benefits based on religious beliefs. FAILED 36-64
- *Referendum 4. "Fighting Sioux" nickname.* Petition referendum to approve or repeal law prohibiting use of Fighting Sioux nickname by University of North Dakota. APPROVED 67-33. [Voters approved, or declined to repeal, the law.]

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Please direct media inquiries to Gilien Silsby, Director of Public Relations, (213) 740-9690 (office), (213) 500-8693 (cell), gsilsby@law.usc.edu.

12 propositions
decided in 7 states in
pre-November
elections



Initiative & Referendum Institute

University of Southern California
Gould School of Law
Los Angeles CA 90089-0071

www.landrinstitute.org

