

BALLOTWATCH

Notable

- 152 ballot propositions in 36 states in November
- 59 initiatives, 1 referendum, 84 legislative measures, 5 commission measures, 3 votes on constitutional conventions
- Most: Colorado 14, California and Oregon 12 (California 21 for the year, Oregon 15 for the year)
- 2008 ballot propositions not on November ballot: 21 propositions in eight states, including 9 initiatives and 4 referendums.
- 2008 totals: 173 propositions in 37 states, including 68 initiatives
- Headline issues: gay marriage in California, abortion in South Dakota, civil rights / affirmative action in Colorado and Nebraska

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ELECTION 2008 PREVIEW: A SURGE OF SOCIAL ISSUES

The big story for ballot propositions this year is the surge of social issues. Tax and spending issues that normally dominate initiatives and referendums are taking a back seat in November to a diverse collection of social issues, with intriguing potential spillovers onto the presidential election.



Overview

As of mid-October, voters in 36 states are set to decide 152 ballot propositions in November. Signatures are still being counted for an Ohio measure. Voters faced 162 propositions in November 2004, and 204 propositions in November 2006, so this is looking to be a down year for direct democracy.

Sixty of the measures were placed on the ballot by citizen petition, 59 of them initiatives (proposed new statutes or constitutional amendments) and one a referendum (proposal to repeal a law passed by the legislature). Four initiatives that had qualified for the ballot in Colorado were withdrawn by sponsors. Five measures were placed on the ballot by state commissions, and three were required by state constitutions (whether to call a constitutional convention, required every 20 years in Connecticut, Hawaii, and Illinois). The remaining 84 measures were placed on the ballot by legislatures. Continuing a trend, courts have been active in removing measures from the ballot, often because of problems in the petition process.

The 59 initiatives in November together with 9 initiatives from earlier in the year bring the annual total to 68 initiatives. There were 66 initiatives in November 2004 and November 76 initiatives in 2006, so citizen-driven activity is similar to the recent past. For the decade as a whole (2000-2008), the number of initiatives is 362, short of the record 379 for the decade 1990-1999, but still the second busiest decade since the initiative process was adopted in 1898. See IRI Report, *Overview of Initiative Use, 1904-2007*, at www.iandrinstitute.org for historical statistics.

This IRI report highlights key issues and provides a state-by-state list all of ballot measures. For additional nonpartisan information on ballot propositions, see www.iandrinstitute.org, Ballotpedia (www.ballotpedia.org), and the National Conference of State Legislatures (www.ncsl.org).

Headline Issues

A few propositions are likely to garner national attention because they could impact policy nationwide, or influence presidential or senate campaigns.

- **Gay marriage.** Gay marriage has been a hot issue since February 2004 when the supreme court of Massachusetts found a right to same-sex marriage in the state constitution. That ruling set off a backlash across the country, with citizen groups and legislatures rushing to place constitutional amendments on the ballot to head off a similar ruling by courts in their states. So far 29 of 30 propositions defining marriage as solely between one man and one woman have been approved. In 2000, before this issue ex-

HEADLINE ISSUES

ploded on the national stage, California voters approved Proposition 22, banning gay marriage, by a 61-39 margin. Because Proposition 22 was a statute rather than a constitutional amendment, however, it was vulnerable to being overturned as a violation of the state constitution. In May 2008, the Republican-dominated Supreme Court of California did just that, issuing a 4-3 ruling that the state constitution contains a fundamental "right to marry" that applies to same-sex couples. California's Proposition 8 in November is an attempt to reverse that ruling, giving voters the option to amend the state constitution this time. Arizona and Florida voters will also consider constitutional amendments banning gay marriage. For more on same-sex marriage, see Ballotwatch Report BW 2008-2, "Same-Sex Marriage: Breaking the Firewall in California?", available at www.ballotwatch.org.

Proposition 8 is important for several reasons. So far the movement to legalize gay marriage has been driven by courts, and not by the legislatures or initiatives, the more democratic parts of the government. If California voters reject Proposition 8, thereby affirming the right to gay marriage, it will be the first significant popular affirmation of the idea. Also, California has been a bellwether in the past — for tax limits, term limits, environment — and was one of the first states to approve a ban on gay marriage, so a victory in the Golden State for gay marriage supporters could position them as forward-looking, and cast their opponents as defenders of a fading world view. So far, groups for and against Proposition 8 have raised \$55 million between them, apparently a record amount for a social issue.

Proposition 8 could also have an effect on the presidential campaign. Both candidates have taken a position on the measure — John McCain in support and Barack Obama opposed — but both are trying to keep it below the radar, preferring to fight for the presidency on other terrain. Conventional wisdom is that Obama will take California, but if Proposition 8 forces the candidates to spend time discussing their positions on gay marriage, it could have a significant if unpredictable effect on the dynamic of the election in other states where the race is projected to be close.

Opinion surveys in August and September show voters inclined to reject the measure by more than a 10-point margin. Since support for ballot propositions tends to drop during the course of the campaign, Proposition 8 appears to be in critical condition.

- **Abortion.** Abortion is one the most polarizing issues in American politics, but the law has essentially been settled since the Supreme Court's *Roe v. Wade* decision in 1974. With the replacement of liberal with conservative justices, some observers believe a majority of the Supreme Court may be prepared to reverse itself on *Roe v. Wade*. In order to provide a case that gives the Court an opportunity to rule on this issue, pro-life activists in Colorado and South Dakota have placed measures banning abortion on the ballot. Colorado's Amendment 48 does not mention abortion, but rather defines a "person" as a human being from the point of fertilization, and would make abortion equivalent to murder. This amendment, which contains no exceptions for rape or the health of the mother, seems too extreme to pass in Colorado.

The more interesting proposition is in South Dakota. In 2006, the state legislature passed a law banning abortion that was challenged by a referendum placed on the ballot by citizen petition. After a heated campaign that attracted interest from pro-choice and pro-life groups across the nation, voters repealed the law by a vote of 44 to 56 percent. One factor contributing to the repeal was the omission of an exception for rape and the health of the mother. Pro-life activists regrouped from that defeat and qualified an initiative for the November ballot that would ban abortion, but this time provides exceptions for rape and the health of the mother. Given the generally conservative reputation of the South Dakota electorate, the prospects for Initiated Measure 11 appear to be reasonable. This campaign will attract a variety of out-of-state organizations, and should attract the national media.

- **Civil rights / affirmative action.** Race is another divisive issue in American politics, and one that many people, especially political candidates would prefer not to discuss. But initiatives in Colorado and Nebraska may inject race into the national debate. The measures simply say: "The state shall not discriminate against or grant preferential treatment to any group or individual on the basis of race, sex, color, ethnicity, or national origin in the operation of pub-

Terminology

Initiative: new law proposed by petition

Referendum: proposal to repeal existing law, placed on ballot by petition

Legislative measure: new law proposed by legislature

TRENDS AND INTERESTING ISSUES

lic employment, public contracting, or public education.” In effect, these measures would ban many affirmative action programs and require outreach to be based on economic circumstances, residence, or other such indicators. Identical measures were approved in California (1996, 55%-45%), Washington (1998, 58%-42%), and Michigan (2006, 58%-42%). In all three campaigns, the initiatives were opposed by leaders of both political parties, and by prominent business and social leaders, yet were passed by large margins. With sizeable victories so far in liberal states, the prospects for these measures in Colorado and Nebraska appears to be good. In addition to the substantive changes in policy these initiatives would bring about in their states, large margins of victory in the face of elite opposition would provide additional evidence that the parties and other opinion leaders are out of step with the voters on this issue. Perhaps as interesting, the measures could force the presidential candidates to engage in a discussion of race, something that neither is likely to welcome, and that could have an unpredictable effect on the presidential campaign. John McCain has endorsed the Arizona measure, and Barack Obama is opposed.

Trends and Interesting Issues

- Animals.** Animal rights have emerged as an actively contested political arena. Animal rights activists are promoting Proposition 2 in California, a constitutional amendment that requires minimum living space for farm animals, including calves, egg-laying hens, and pregnant pigs. Similar measures were approved by Florida voters in 2002 and Arizona voters in 2006, in both cases by large margins. Florida’s “pregnant pigs” measure has been ridiculed as an example of a frivolous constitutional amendment, but voters continue to be amenable to this agenda. Proposition 2 is more ambitious than its predecessors in including chickens, and that is likely to be the focus of the opposition campaign. Question 3 in Massachusetts would ban commercial dog racing in the state by 2010, requiring closure of two tracks. In Alaska, Ballot Measure 2 asks voters to ban aerial hunting of bears, wolves, and wolverines. In Oklahoma, animal rights supporters are on the defensive with State Question 742, which establishes a state constitutional right to hunt and fish.
- Energy.** California’s Proposition 7 requires all utilities to generate 20% of their energy from renewable fuel sources by 2010, rising to 40% in 2020 and 50% by 2025. Previously, renewable energy rules in the state applied only to publicly owned utilities. Missouri has a similar measure that would require 2% of electricity to be generated from renewable sources initially, rising to 15% by 2021. The trend to require utilities to produce a minimum fraction of energy with renewable fuels began with Colorado’s Amendment 37 in 2004. The standards established by Proposition 7 would be the toughest in the nation. The fate of these measures provides a signal of the public’s mood on energy conservation in light of skyrocketing oil prices. On a related theme, California’s Proposition 10 would authorize \$10 billion in borrowing for alternative fuel vehicles and renewable energy.
- Marijuana.** Question 2 in Massachusetts proposes to decriminalize the use of marijuana. Possession of an ounce would be an infraction with a fine of \$100. Proposition 5 in California would have a similar effect, changing possession of marijuana from a misdemeanor to an infraction. Marijuana activists have been extremely successful over the last two decades in passing measures allowing medical use of marijuana (and Michigan has another such measure on the ballot), but all efforts to legalize the drug for general use have failed, most recently with Alaska’s Measure 2 in 2004 that was rejected by 56% of voters. Historically, voters have not been receptive to the libertarian argument for liberalization. These measures try a different tactic, focusing on sanctions and the cost of enforcement.
- Land use.** Land use has been a common subject of ballot propositions since the Supreme Court’s ruling in *Kelo v. City of New London* in 2005. Eleven eminent domain or regulatory takings propositions were decided in 2006. California voters faced two eminent domain measures in the June Primary Election, rejecting Proposition 98 that would have outlawed use of eminent

Headline issues: gay marriage in California, abortion in South Dakota, civil rights / affirmative action in Colorado and Nebraska

ON THE HORIZON

domain for private purposes and also banned rent control, and approving Proposition 99, a moderate counterinitiative that prohibited the use of eminent domain to seize homes but continued to allow it to seize businesses property. The storm seems to be abating, but Nevada has a Kelo-type eminent domain measure in November that was also approved in 2006 (state law requires approval in two consecutive elections). Ohio has a measure that reaffirms the rights of property owners along the Great Lakes Water Compact area. Oregon has a measure that would exempt projects costing less than \$35,000 from having a building permit, and Louisiana has a constitutional amendment concerning the disposition of blighted property.

- **Public employees.** Conservatives who have viewed with the alarm the growing political influence of employee unions, particularly in the public sector, continue to promote measures to weaken the unions. In Colorado, Amendment 47 would establish a right to work, prohibiting employers from requiring union membership or payment of union dues, Amendment 48 would prohibit deduction of union dues from employee paychecks, and Amendment 54 would prohibit unions and other entities doing business with the state from making campaign contributions. A measure in Oregon would prohibit the political use of union dues — a similar measure was rejected by voters in 2000 by a 10 percent margin. South Dakota's Initiated Measure 10, which would prohibit government employees from contributing to campaigns, is probably unconstitutional. Measures restricting the use of union dues have been unsuccessful in the past, with the most notable failure being California Gov. Pete Wilson's Proposition 226 in 1998.
- **Bonds.** Ballot propositions continue to ask voters to use debt to finance public projects. In 2006, voters approved 16 of 16 bond measures, including five in California that authorized \$43 billion in borrowing. In November, there are 15 bond measures in eight states (AK, AR, CA, ME, NM, OH, PA, RI) that propose a total of \$18,561,920,000 of borrowing. California voters will decide four propositions worth a total of \$16.83 billion, for high speed trains (\$9.95 billion), alternative energy (\$5 billion), children's hospitals (\$980 million), and aid for veterans (\$900 million).
- **Suicide.** Washington's I-1000, Death with Dignity, would establish the right for a terminally ill patient to commit suicide with the help of a doctor. The campaign for this measure is being led by former Gov. Booth Gardner, a Parkinson's sufferer. Oregon narrowly adopted a similar measure in 1994. A recent poll shows the measure comfortably ahead 52-25.

STATE-BY-STATE LIST

The remainder of this report contains a list of ballot propositions that have qualified to appear on state ballots in 2008. An “initiative” is a citizen-sponsored law that is placed on the ballot by petition.

Alabama

All six measures are constitutional amendments placed on the ballot by the legislature. Amendments 2-6 apply only to a local government.

- *Amendment 1. Rainy day fund. Reestablishes education trust rainy day fund.*
- *Amendment 2. Shelby County judges*
- *Amendment 3. Madison City school tax.*
- *Amendment 4. Blount County annexations.*
- *Amendment 5. Russell County court costs.*
- *Amendment 6. Tuskegee City utility board.*

Alaska

- *Bond Proposition. \$315 million bonds for roads and ports (legislative)*

Arizona

Prop 102 and the unnumbered proposition were placed on the ballot by the legislature. Prop 300 was placed on the ballot by a state commission. The other propositions are initiatives. Props 100-105 are constitutional amendments. Props 200-300 are statutes.

- *Prop 100. Property sales taxes.* Prohibits new taxes on property sales.
- *Prop 101. Prohibition of universal health care programs.*
- *Prop 102. Same-sex marriage.* Legislative constitutional amendment that defines marriage as solely between one man and one woman.
- *Prop 105. Proposition supermajorities.* Requires approval by majority of registered voters for new tax, fee, spending propositions.
- *Prop 200. Payday loans.* Initiative statute that allows payday loan industry to exist after 2010.
- *Prop 201. Home warranties.* Requires sellers to provide 10-year warranty on new homes.
- *Prop 202. Illegal immigrants.* Reduces employer responsibility for verifying immigration status of employees.
- *Prop 300. Legislator salaries.* Raises salaries for elected officials to at least \$30,000.

Arkansas

Act 1 is an initiative statute, Amendments 1 and 2 are legislative constitutional amendments, Amendment 3 is an initiative, and Referred Question 1 is a legislative statute.

- *Act 1. Adoption.* Prohibits persons cohabiting outside marriage from adopting.
- *Amendment 1. Voting rights.* Repeals requirement that right to vote cannot depend on previous registration; repeals provision that “idiot or insane” persons cannot vote
- *Amendment 2. Legislative sessions.* Allows 30-day legislative sessions in even-numbered years (in addition to regular sessions in odd-numbered years).
- *Amendment 3. Lotteries.* Authorizes state to operate lotteries with money going to education.
- *Referred Question 1. \$300 million bonds for water projects.*

Alabama—Arkansas

STATE-BY-STATE LIST

California

Propositions 1A and 12 are legislative measures; the others are initiatives. Proposition 4 is a constitutional amendment. Propositions 9 and 11 are both constitutional amendments and statutes. The rest are statutes.

- *Prop 1A. \$9.95 billion bonds for high speed rail systems.*
- *Prop 2. Animal living space.* Requires minimum living space for farm animals, including calves, hens, and pregnant pigs.
- *Prop 3. \$980 million bonds for children's hospitals.* Dedicates 20% to Univ. of California.
- *Prop 4. Abortion parental notification.* Requires parental notification and waiting period before minor can have abortion.
- *Prop 5. Drug crimes.* Reduces penalties for nonviolent drug crimes, marijuana possession.
- *Prop 6. Gang crimes.* Increases penalties, eliminates bail for illegal immigrants in felonies.
- *Prop 7. Clean energy.* Utilities to generate 20% of power from renewable energy by 2010.
- *Prop 8. Marriage.* Defines marriage as solely between one man and one woman.
- *Prop 9. Victim rights.* Gives victims opportunity for input during trial process.
- *Prop 10. \$5 billion bonds for alternative fuel vehicles and renewable energy.*
- *Prop 11. Redistricting.* Creates nonpartisan commission of randomly selected citizens to draw lines for state legislators.
- *Prop 12. \$900 million bonds for home and farm aid for veterans.*

Colorado

All 14 measures are constitutional amendments. "Amendment #" indicates an initiative and "Referendum #" indicates a legislative proposal. Amendments 53, 55, 56, 57 qualified but were pulled from the ballot by proponents.

- *Amendment 46. Civil rights/affirmative action.* Prohibits government from discriminating or giving preferential treatment on the basis of race, sex, color, ethnicity, or national origin.
- *Amendment 47. Right to work.* Prohibits employers from requiring union membership or union dues.
- *Amendment 48. Definition of a "person" (abortion).* Defines a "person" as a human being from the moment of fertilization, presumably would ban abortion.
- *Amendment 49. Union dues.* Prohibits deduction of dues from public worker paychecks.
- *Amendment 50. Casinos.* Allows voters in three communities to extend casino hours.
- *Amendment 51. Sales tax.* Increases tax 0.2% for people with developmental disabilities.
- *Amendment 52. Highways.* Dedicates portion of severance tax to highway projects.
- *Amendment 54. Campaign contributions.* Prohibits unions and persons doing business with state from contributing to campaigns.
- *Amendment 58. Severance tax.* Increase oil and gas taxes, dedicates revenue.
- *Amendment 59. Budget windfalls.* Dedicates windfalls to education not tax rebates.
- *Referendum L.. Legislator age.* Sets minimum age at 21 instead of 25 years.
- *Referendum M.* Eliminates obsolete constitutional provisions regarding land value increases.
- *Referendum N.* Eliminates obsolete constitutional provisions regarding alcohol.
- *Referendum O. Initiative petitions.* Lowers signature requirement for statutes from 5% to 4%, increases requirement for constitutional amendments from 5% to 6%, requires geographic dispersion across congressional districts, limits amendment by legislature.

California—
Colorado

STATE-BY-STATE LIST

Connecticut

- *Question 1. Constitutional convention.* State constitution requires asking voters every 20 years if they want to call a constitutional convention.
- *Question 2. Voting.* Legislative constitutional amendment lowering voting age to 17 in primaries.

Florida

Amendment 1 is a legislative measure, Amendment 2 is an initiative, and Amendments 3-9 were placed on the ballot by the Florida Taxation and Budget Reform Commission. The Commission also placed Amendments 5, 7, and 9 on the ballot but a court removed them in September.

- *Amendment 1. Alien land ownership.* Prohibits restriction on land ownership by legal aliens.
- *Amendment 2. Marriage.* Defines marriage as solely between one man and one woman.
- *Amendment 3. Property taxes.* Exemption for wind resistance and renewable energy devices.
- *Amendment 4. Property taxes.* Exemption for property encumbered by conservation protections.
- *Amendment 6. Assessment of waterfront property.* Provides for assessment based on use.
- *Amendment 8. Sales tax.* Allows local sales tax for community colleges with voter approval.

Georgia

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

- *Amendment 1. Forest land.* Lower taxes for landowners who conserve forest land.
- *Amendment 2. Tax allocation bonds.* Authorizes local governments to issue for redevelopment.
- *Amendment 3. Infrastructure development districts.* Allows creation with local approval.

Hawaii

- *[SB 966] Governor/Lt. Governor.* Constitutional amendment lowering minimum age from 30 to 25 years.
- *Constitutional Question.* State constitution requires asking voters every 20 years if they want to call a constitutional convention.

Illinois

- *NA. Constitutional convention.* State constitution requires asking voters every 20 years if they want to call a constitutional convention. Requires 60% approval.

Iowa

- *Amendment Question. Voting rights.* Legislative constitutional amendment that denies voting rights to “mentally incompetent” and person convicted of “infamous crimes.”

Louisiana

All seven measures are constitutional amendments place on the ballot by the legislature.

- *Amendment 1. Term limits.* Establishes three-term limits on public boards and commissions.
- *Amendment 2. Extraordinary sessions.* Requires proclamation in advance of such sessions.
- *Amendment 3. Temporary legislators.* Provides temporary replacements for legislators ordered to active military duty.
- *Amendment 4. Severance taxes.* Increase share remitted to local governments.
- *Amendment 5. Expropriated property.* Allows transfer of special assessment to replacement property.

*Connecticut—
Louisiana*

CONCLUDED ELECTIONS

- *Amendment 6. Blighted property.* Removes restrictions on disposition.
- *Amendment 7. Retirement fund investment.* Permits equity investments by public non-pension retirement funds.

Maine

- *Question 1. Health care.* Referendum asking voters to repeal new taxes and fees to fund state's "universal" health care program.
- *Question 2. Casino.* Initiative statute that allows Evergreen Mountain Enterprises to operate a casino on Oxford County.
- *Question 3. \$3.4 millions bonds for clean water (legislative proposal).*

Maryland

Both constitutional amendments were placed on the ballot by the legislature.

- *NA. Gambling.* Allows 15,000 video lottery terminals in five locations across the state.
- *NA. Absentee voting.* Allows absentee voting up to two weeks before elections.

Massachusetts

All three measures are statutory initiatives.

- *Question 1. Repeals state income tax.*
- *Question 2. Bans commercial dog racing.*
- *Question 3. Decriminalizes marijuana.*

Michigan

Both measures are initiatives.

- *Proposal 1. Medical marijuana.* Statute allowing medical use of marijuana.
- *Proposal 2. Stem cells.* Amendment removing some restrictions on stem cell research.

Minnesota

- *NA. Sales tax for environment.* Legislative constitutional amendment that adds 3/8 of one percent to sales tax for clean water, natural areas, parks, and the arts. Approval requires majority of all ballots cast.

Missouri

The two constitutional amendments were placed on the ballot by the legislature. The three propositions are statutory initiatives.

- *Constitutional Amendment 1. English only.* Requires English at all governmental meetings.
- *Constitutional Amendment 4. Storm water funding.* Eases rules for state grant and loan program for storm water control.
- *Prop A. Gambling.* Increases taxes, dedicates revenue to education, eliminates minimum buy-in of \$500.
- *Prop B. Home care workers.* Allows unionization, helps recruit and train.
- *Prop C. Energy.* Requires utilities to generate 2% of electricity from renewable energy.

Maine—Missouri

STATE-BY-STATE LIST

Montana

C-44 is a legislative constitutional amendment, LR-118 is a legislative statute, and I-155 is an initiative statute.

- *C-44. Investment of public funds.* Allows 25% to be invested in equities.
- *LR-118. Tax for universities.* Extends 6-mill tax for state university system.
- *I-155. Healthy Montana Kids.* Dedicates state funds to health care for uninsured children.

Nebraska

- *Measure 24. Civil rights/affirmative action.* Initiative amendment that prohibits government from discriminating or giving preferential treatment on the basis of race, sex, color, ethnicity, or national origin.
- *Amendment 1. Local government revenue.* Legislative amendment that removes requirement for cities to use only general revenue for economic development programs.

Nevada

Question 2 is an initiative; the others are legislative measures. Question 4 is a statute; the others are constitutional amendments.

- *Question 1. Voting rights.* Removes 6-month residence requirement to vote.
- *Question 2. Eminent domain.* Restricts use of eminent domain for private purposes. Approval at two consecutive elections required — this is the second vote.
- *Question 3. Sales taxes.* Requires certain legislative findings before sales taxes are allowed.
- *Question 4. Sales tax changes.* Allows legislature to change sales taxes without voter approval.

New Jersey

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

- *Public Question 1. Bond approval.* Requires voter approval for state agencies to issue bonds.
- *Public Question 2. Municipal judges.* Legislative constitutional amendment that allows local governments to appoint judges to municipal courts.

New Mexico

All nine measures were placed on the ballot by the legislature.

- *Constitutional Amendment 1. Salaries of county officials.* Allows midterm increases.
- *Constitutional Amendment 2. School boards.* Increases size, allows elections by mail.
- *Constitutional Amendment 3. Cabinet Secretaries.* Requires confirmation at start of Governor's term.
- *Constitutional Amendment 4. School elections.* Allows them to be held at same time as nonpartisan elections.
- *Constitutional Amendment 5. Lt. Governor.* Authorizes Governor to fill vacancy.
- *Bond Question A. \$14.725 million bonds for senior facilities.*
- *Bond Question B. \$11.019 million bonds for libraries.*
- *Bond Question C. \$57.925 million bonds for health facilities.*
- *Bond Question D. \$140.133 million bonds for higher education and special schools.*

*Montana—New
Mexico*

STATE-BY-STATE LIST

New York

- *Proposal 1. Civil service exams.* Legislative amendment that makes technical change in condition allowing veterans advantage in exam.

North Dakota

The first measure was placed on the ballot by the legislature. The other three are initiatives.

- *Constitutional Measure 1. Oil Tax Trust Fund.* Requires excess revenue to be deposited in fund.
- *Statutory Measure 2. Income tax.* Lowers personal and corporate income tax rates.
- *Statutory Measure 3. Tobacco settlement.* Dedicates revenue to tobacco prevention.
- *Statutory Measure 4. Admin appointment.* Allows governor to appoint director of workplace safety.

Ohio

Issues 1-3 were placed on the ballot by the legislature. Issue 6 is an initiative. All are constitutional amendments. Signatures are being verified for Issue 5 on payday lending interest rates.

- *Issue 1. Initiative petitions.* Constitutional amendment requiring earlier submission of petitions.
- *Issue 2. \$400 million bonds for conservation and open spaces.*
- *Issue 3. Property on Great Lakes.* Constitutional amendment that protects property rights of land owners subject to the Great Lakes Water Compact.
- *Issue 6. Casino.* Allows a privately owned casino in southwest Ohio.

Oklahoma

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

- *State Question 735. Property tax exemption for disabled veterans.*
- *State Question 741. Property taxes.* Prohibits retroactive filing for exemptions.
- *State Question 742. Establishes a right to hunt and fish.*
- *State Question 743. Wine.* Allows small wine makers to sell directly to package retailers and restaurants.

Oregon

Measures 54-56 are legislative constitutional amendments. Measure 57 is a legislative statute. Measures 58-61, 63-65 are initiative statutes. Measure 62 is an initiative constitutional amendment.

- *Measure 54. Voting.* Allows under-21 to vote in school board elections.
- *Measure 55. Redistricting.* Allows legislators to finish terms in original district.
- *Measure 56. Property tax elections.* Removes requirement that 50% of registered voters cast ballots for measure to pass in local property tax elections.
- *Measure 57. Mandatory sentences for drug dealers, identity thieves, and others.* Less costly version of Measure 61.
- *Measure 58. Bilingual education.* Limits to two years.
- *Measure 59. Federal income tax deductible on state returns.*
- *Measure 60. Teacher salaries.* Compensation to be based on classroom performance.
- *Measure 61. Mandatory sentences for drug dealers, identity thieves, others.*

New York—Oregon

STATE-BY-STATE LIST

- *Measure 62. Lottery and crime.* Dedicates 15% of lottery revenue to crime prevention.
- *Measure 63. Building permits.* Not required for projects that cost less than \$35,000.
- *Measure 64. Prohibits public employee unions from using union dues for political purposes.*
- *Measure 65. Primary elections.* Establishes “top two” primary system.

Pennsylvania

- *Bond Referendum. Legislative measure authorizing \$400 million bonds for water projects and sewers.*

Rhode Island

Both measures are statutes placed on the ballot by the legislature.

- *Question 1. \$87.215 million bonds for highways and transportation projects.*
- *Question 2. \$2.5 million bonds for land conservation.*

South Carolina

These three constitutional amendments were placed on the ballot by the legislature.

- *NA. Age of consent.* Deletes provision that unmarried women younger than 14 may consent to have sex.
- *NA. Pension fund investments.* Allows state and teacher funds to invest in equities.
- *NA. Pension fund investments.* Allows local government funds to invest in equities.

South Dakota

The four amendments were placed on the ballot by the legislature. The initiatives are statutes.

- *Amendment G. Legislator travel expenses.* Increases allowable reimbursements.
- *Amendment H. Corporations.* Removes restrictions on issuance of stocks and bonds.
- *Amendment I. Legislature sessions.* Allows 40-day vs. 35-day sessions in odd-numbered years.
- *Amendment J. Term limits.* Repeals legislative term limits.
- *Initiated Measure 9. Short sales.* Prohibits short sales of stock.
- *Initiated Measure 10. Campaign.* Prohibits use of government resources for campaigning and lobbying, bans awarding to contracts to those who employ legislators.
- *Initiated Measure 11. Abortion.* Bans abortion, exceptions for rape and health of mother.

Utah

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

- *Amendment 1. Gubernatorial succession.* Establishes procedures for Gov. and Lt. Gov.
- *Amendment 2. State trust fund.* Provides that fund includes all money and asset of fund.
- *Amendment 3. Legislative sessions.* Changes first day of session to one week later.
- *Amendment 4. Redistricting.* Requires redistricting after Census count.
- *Amendment 5. Allows state to invest in stocks and bonds.*

*Pennsylvania—
Utah*

STATE-BY-STATE LIST

Washington

All three measures are initiative statutes.

- *I-985. Car pool lanes.* Opens car pool lanes to all drivers outside of rush hour.
- *I-1000. Death with Dignity.* Allows suicide by terminally ill.
- *I-1029. Long term health care workers.* Requires certification and training.

Wyoming

Both measures were placed on ballot by legislature.

- *Constitutional Amendment A. Oath of office.* Updates.
- *Constitutional Amendment B. Initiative petitions.* Changes geographic dispersion requirement to 15% of voters in 2/3 of state senate districts (from counties), presumably makes signature collection more difficult because there are more senate districts.



Twenty-one propositions were decided earlier in the year.

The following propositions were decided by voters in elections held earlier this year.

Alaska (August 26)

All four measures were initiatives.

- *Ballot Measure 1. Gambling.* Authorizes lotteries and casino games. FAILED 39-61
- *Ballot Measure 2. Aerial hunting.* Limits aerial hunting of wolves and bears. FAILED 45-55
- *Ballot Measure 3. Public campaign funding.* Established voluntary system for public funding of campaigns. FAILED 36-64
- *Ballot Measure 4. Water pollution.* Bans toxic discharges by new metallic mining operations. FAILED 44-56

California (February 5)

Propositions 91-93 were initiatives. Propositions 94-97 were referendums that asked voters to repeal gaming compacts with tribes. Voters upheld all of the compacts.

- *Prop 91. Transportation funds.* Prevented diversion of transportation funds. FAILED 42-58
- *Prop 92. Community college funds.* Guaranteed community colleges 10.46 of state education spending, capped tuition. FAILED 43-57
- *Prop 93. Term limits.* Increase in legislative term limits. FAILED 46-54
- *Prop 94. Gaming compact.* Pechanga Band of Luiseno Mission Indians. APPROVED 56-44
- *Prop 95. Gaming compact.* Morongo Band of Mission Indians. APPROVED 56-44
- *Prop 96. Gaming compact.* Sycuan Band of Kumeyaay Nation. APPROVED 55-45
- *Prop 97. Gaming compact.* Agua Caliente Band of Cahuilla Indians. APPROVED 55-45

CONCLUDED ELECTIONS

California (June 6)

Both propositions were initiatives.

- *Prop 98. Eminent domain limit and rent control ban.* FAILED 38-62
- *Prop 99. Eminent domain.* Limits eminent domain for residences. APPROVED 62-38

Florida (January 29)

- *Amendment 1. Property taxes.* Legislative measure that allows owners to maintain 3% assessment cap when they sell home, doubles homestead exemption. APPROVED 64-36

Maine (June 10)

- *Question 1. \$29.725 million bonds for transportation (legislative).* APPROVED 58-42

Nebraska (May 13)

- *Amendment 1.* Legislative measure that allows charter cities to invest public endowment funds in equities. APPROVED 58-42

North Dakota (June 10)

- *Constitutional Measure 1.* Legislative proposal to remove prohibition on appointing legislator to office when salary of office has increased during his or her term. FAILED 42-58

Oregon (May 20)

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

- *Measure 51.* Empowers crime victims to enforce Section 42 rights. APPROVED 75-25
- *Measure 52.* Empowers crime victims to enforce their Section 43 rights. APPROVED 75-25
- *Measure 53.* Allows forfeiture of property for certain crimes. APPROVED 50.1-49.9

Wisconsin (April 1)

- *Question 1. Executive veto.* Legislative measure that prohibits governor from using partial veto to create one sentence from multiple sentences. APPROVED 71-29

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————— **IRI** —————
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