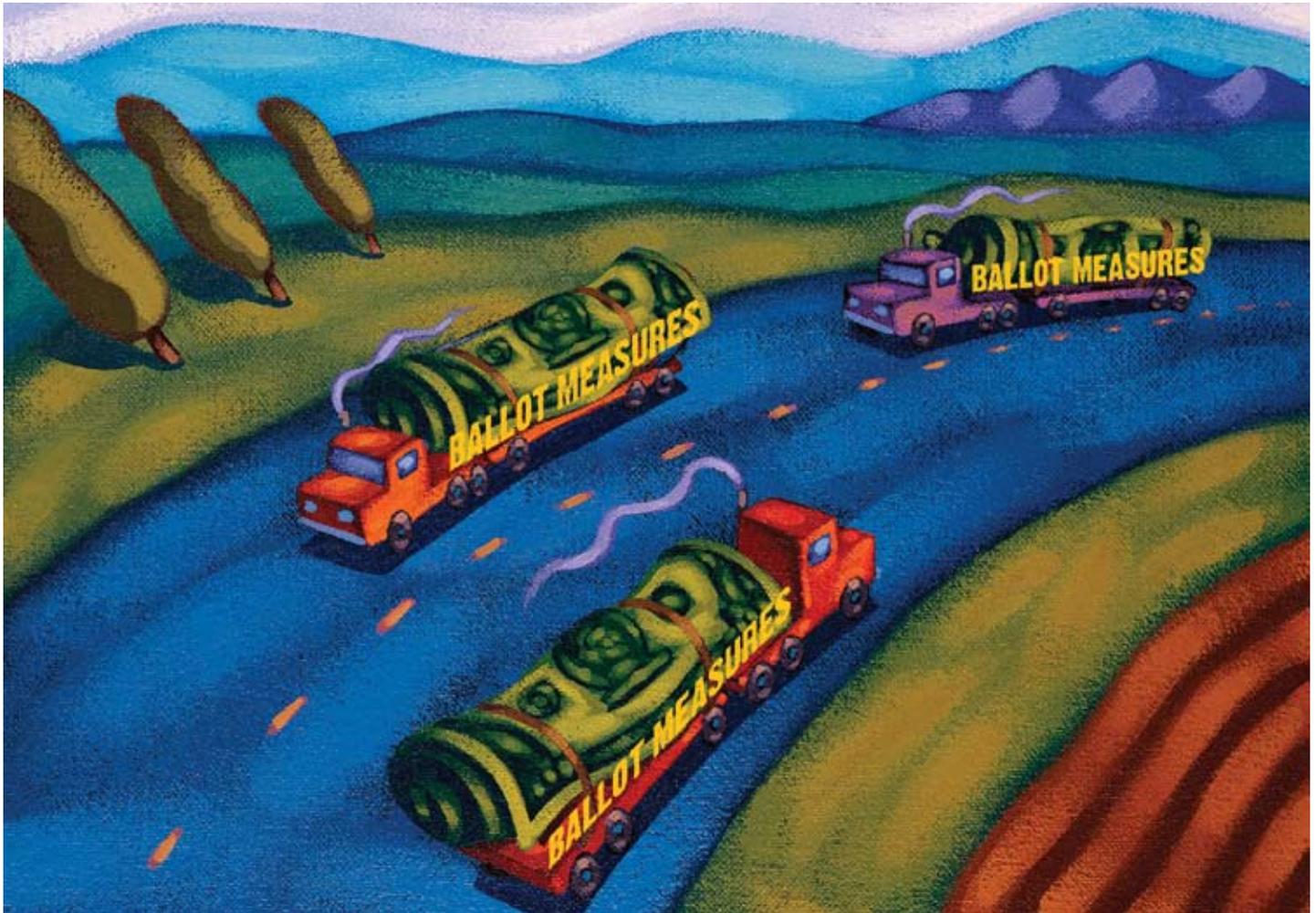


# MEASURE FOR MEASURE

A sour economy keeps down the number of ballot initiatives on this year's ballot.



BY JENNIE DRAGE BOWSER

It's the economy.

The lingering effects of the recession might at first appear to have little to do with what ends up on November's ballot. But a limping economy actually has contributed to a relatively small number of ballot measures and to the type of measures that will make it before voters.

The total number of initiatives—measures placed on the ballot by voter petition in the 24 states that allow it—has topped out at 43. You have to go back to 1986—when there were just 38—to find a year with fewer ini-

*Jennie Drage Bowser is NCSL's expert on ballot measures.*

tiatives on the November ballot.

In the context of the last 50 years, 2010 may be a return to normal. Before the '80s, it was typical to see about 40 initiatives on the ballot nationwide.

Don't bank on the numbers staying low, though. A dramatic increase in the 1990s in initiatives is attributable in large part to the discovery that the process could earn many people a living. Drafting initiatives, conducting opinion polls, gathering signatures, and running campaigns have all contributed to a profitable industry. The people who've built their careers on it aren't likely to give it up any time soon.

But voters will face more than just the 43 initiatives on the ballot. Legislatures also

are referring 102 measures for citizens to decide.

## MONEY, MONEY, MONEY

Then why so few initiatives this year? That's where the economy figures in. Qualifying a ballot initiative is an expensive proposition, and many campaigns simply couldn't raise the funds to achieve ballot status.

Some initiatives didn't face that problem. Sponsors of California's Proposition 23, which would temporarily suspend the state's greenhouse gas emission limits, spent nearly \$3.6 million in the first half of 2010 to qualify for the ballot. And the combined total fundraising for two Washington initiatives to allow private liquor sales was just

over \$3.1 million as of mid-July.

What sets these measures apart from many that failed to qualify are the deep pockets of the industries supporting them. California's Proposition 23 is funded by the oil industry, primarily Texas-based Valero. In Washington, it's retailer Costco and two liquor wholesalers.

Another reason some say there are fewer initiatives is because of legislation regulating the signature-gathering process. Instances of fraud in gathering signatures led to legislation in some states that makes it impossible to

qualify with volunteer circulators, according to advocates of the process.

#### BUDGETS AND SAVINGS

So what will voters see on their November ballots this year? A common theme stands out: the economy. Statewide ballots this year feature a dizzying array of attempts at belt-tightening and creative revenue-raising.

Arizona lawmakers want approval to transfer the balance of the Land Conservation Fund—currently at \$123.5 million—to the general fund. They're also asking voters to repeal early childhood health and development programs established by a 2006 citizen initiative that included a hike in cigarette taxes. Instead, they want to transfer that revenue to the general fund and allow the Legislature to decide how it should be allocated. The stipulation that it be spent on early childhood health and development would be retained, but without the specific program allocations.

In California, Proposition 22 would prohibit the state from redirecting revenues already dedicated by law to funding local government services, community redevelopment projects or transportation. In Hawaii, the Legislature would like the authority to decide whether excess revenues should be returned to taxpayers or diverted to special funds for use during an emergency or economic downturn.

Question 3 in Virginia would increase the size of the state's rainy day fund by 50 percent. North Dakota lawmakers would like to deposit 30 percent of oil and gas tax revenues into a Legacy Fund, the principal and earnings of which would remain untouchable until 2017.

In Oklahoma, a battle is brewing over K-12 education funding. Question 744, an initiative, would repeal the current per-pupil spending requirement in the state constitution, and instead require the state to spend a minimum amount equal to the average K-12 spending of neighboring states. The Legislature has responded with Question 754, which would prohibit mandating the Legislature from spending a certain amount on any particular government service or function, or from requiring the state to make spending decisions based on how neighboring states spend.

#### TAXES, TOO

Examples of states looking for new ways to raise revenue include a proposal from the Georgia legislature to fund a trauma trust fund

through a surcharge on motor vehicle registrations. A California proposal would add an \$18 surcharge on motor vehicle registrations to pay for free access to state parks.

Tax-cutting proposals are on ballots, too. Indiana voters will consider a legislative proposal to cap property taxes. A Massachusetts initiative would slash the state's income tax rate from 6.25 percent to 3 percent. CI-105 in Montana is an initiative that would prohibit any new tax on the sale or transfer of real estate. Missouri has a similar initiative on the ballot.

In Washington, Initiative 1098 would impose a tax on income above \$200,000 for an individual or \$400,000 for joint filers to offset cuts in statewide property tax and business and occupation taxes. It would also provide about \$1.6 billion annually for education and health care programs.

#### THE INSTITUTION

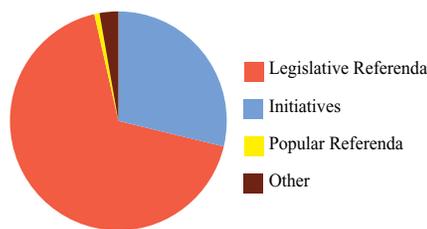
Several states are considering major changes to the legislature this year. Alaska lawmakers would like to increase the Legislature's size by 10 percent, growing from 40 to 44 members of the House and from 20 to 22 in the Senate. Oregon would like to hold annual sessions; currently, the legislature is one of five that meets in regular session only in odd-numbered years. In California, Proposition 25 would change the current two-thirds vote requirement to pass a budget to a simple majority, while Proposition 26 would tighten the existing two-thirds vote requirement to increase taxes by expanding it to include certain fees and charges.

In Washington, Initiative 1053 would undo the Legislature's temporary suspension of the two-thirds vote requirement for tax increases, reinstating it immediately instead of in the summer of 2011, as is currently scheduled. And Utah voters are being asked to approve creation of a legislative ethics commission.

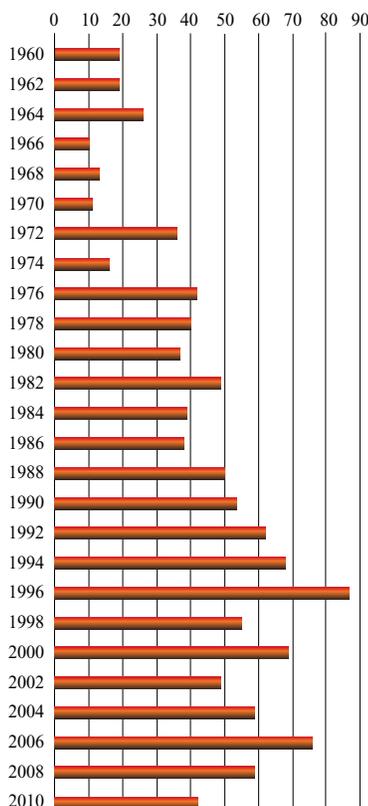
#### ELECTIONS AND REDISTRICTING

The Illinois General Assembly is asking voters if the state should have a way to allow voters to recall the governor. In Kansas, the Legislature would like to repeal a constitutional provision that excludes the mentally ill from voting. In Michigan, voters will be asked to decide if certain felons should be barred from elected and appointed office, and in North Carolina if they should be allowed to serve as sheriff. The Oklahoma Legislature decided to refer the question of whether vot-

### NOVEMBER 2010 BALLOT MEASURES



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ers should be required to present identification to the voters themselves after the governor vetoed a similar bill last year.

Redistricting is on the ballot in three states. In California, Proposition 20 would create an independent commission to draw congressional lines, similar to the commission created by initiative in 2008 for drawing legislative lines while Proposition 27 would repeal the new legislative redistricting commission. Voters in Florida will decide on initiatives that would create standards the Legislature would be required to follow in legislative and congressional redistricting. (The Legislature referred its own redistricting measure to the ballot in the form of Amendment 7, but the Florida Supreme Court barred it from the ballot last month, saying its title was misleading.) In Oklahoma, the Legislature is asking voters to approve a change in the name and composition of the Apportionment Commission.

**AND MORE**

There are a variety of other topics ranging from health reform to global warming to keep an eye on.

**Health care:** Voters in Arizona, Colorado and Oklahoma will consider a question similar to one Missouri voters approved in the primary: Withdrawing the state from the new federal health care reform law. The Florida Legislature referred a similar question to the ballot, but it was barred by the courts on the grounds that its title was misleading.

**Drugs, tobacco and alcohol:** California voters will consider Proposition 19, which would legalize, regulate and tax the sale of marijuana to anyone age 21 or older, no medical need required. Several states have rejected initiatives legalizing the possession and use of marijuana over the past few years. This is the first attempt, however, to legalize and tax the sale of marijuana via the statewide initiative process.

Voters in Arizona and South Dakota will consider legalizing medical marijuana, while Oregon voters will decide whether to permit the sale of medical marijuana through dispensaries (the use of medical marijuana is already legal there).

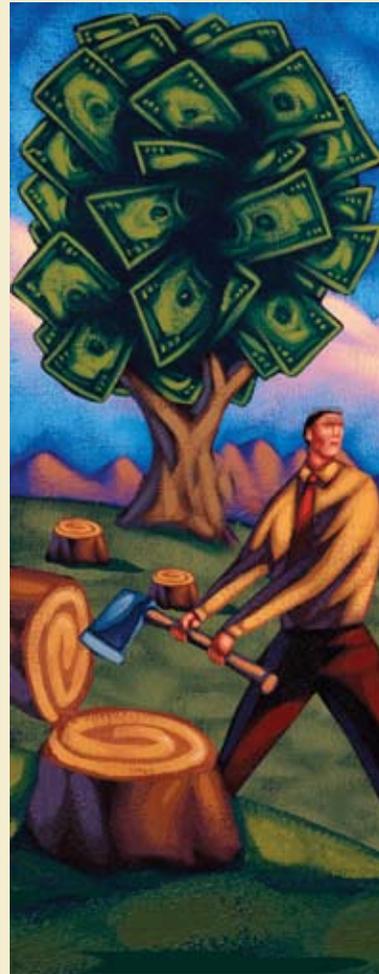
South Dakota voters will consider a popular referendum—a measure requiring petitions that can only be used to call for a repeal of an existing law—to overturn a ban on smoking recently adopted by the Legislature. In Massachusetts, voters are being asked to repeal

Colorado's budget faces a triple threat this November from Amendments 60 and 61 and Proposition 101.

Amendment 60 would reduce property taxes, reducing revenue for school districts by \$337 million in the first year. By the time the measure is fully implemented, school district revenue would drop by \$1.5 billion per year. The state is required to replace the lost revenue.

Amendment 61 would prohibit all state borrowing after 2010, limit local government borrowing after 2010 unless voters approve it, and require that taxes be reduced once current borrowing is repaid. State estimates pin the reduction in tax revenue at \$2.8 billion per year once the measure is fully implemented; \$2.6 billion of that would be felt by local governments; and \$200 million by the state.

Proposition 101 would reduce the state income tax from 4.63 percent to 3.5 percent over about 20 years; reduce or eliminate taxes on vehicle purchases, registrations, leases and rentals; and eliminate all state and local telecommunications taxes and fees except for 911 fees. The



tax and fee reductions are expected to be \$1.3 billion in the first year, growing to \$2.9 billion by the time it's fully implemented.

Questions surrounding the sponsorship of Proposition 101 and Amendments 60 and 61 are drawing attention in Colorado. Opponents believe former Republican legislator and author of Colorado's Taxpayers Bill of Rights Douglas Bruce is behind them. His involvement is not disclosed in campaign finance filings with the state. He is currently facing a contempt of court citation for his failure to appear at a hearing in the campaign finance case.

A July 8 memo by the Colorado Legislative Council Staff illustrated the impact

of the three measures if all were fully implemented in FY 2011. The state would lose \$2.1 billion in revenue and would be required to increase its K-12 spending by \$1.6 billion. That adds up to 99 percent of the state's General Fund budget going to K-12 education, leaving just \$38 million for all other state general fund expenditures. The tax savings for an average family would be about \$1,800 per year.

the sales tax on alcohol. In Washington, voters will face two questions withdrawing the state from the business of selling alcohol and instead permitting its sale by private retailers.

**Constitutional conventions:** Voters in Iowa, Maryland, Michigan and Montana will weigh in on whether their state should hold a constitutional convention. In all four states, the periodic placement of a constitutional convention question on the ballot is required

by the state constitution.

**Global warming:** Proposition 23 in California would suspend the state's Global Warming Solutions Act, passed back in 2006, until the state unemployment rate drops to 5.5 percent or less.

**CHECK OUT** Jennie Drage Bowser's Prop\*50 blog for the latest on ballot measures at [www.ncsl.org/magazine](http://www.ncsl.org/magazine).