

# IN THE VOTERS' HANDS

BY JENNIE DRAGE BOWSER

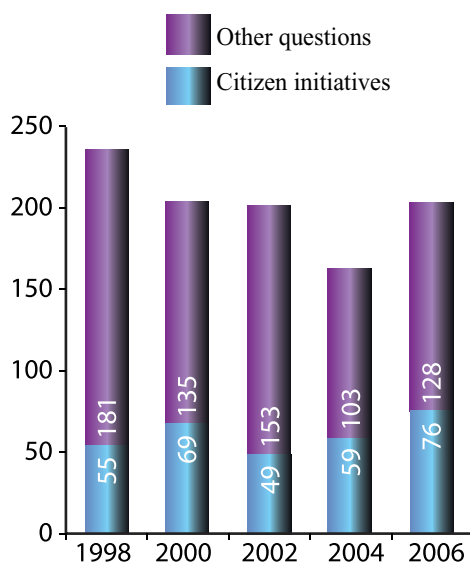
Statewide ballot questions have been high-profile at the national level since the 2004 election, when a whopping 11 states considered same-sex marriage bans. It was on Ohio's ballot then and is credited by some for drawing more conservative voters to the polls and helping swing the presidential election to George W. Bush. In 2006, liberals tried their hand at this game, qualifying minimum wage increases to the ballot in six states in hopes of turning out Democrats.

Whether ballot issues significantly influence who shows up on election day is a hotly debated question, but that hasn't stopped pundits from speculating on how ballot issues may have a broader influence on elections this year. Ballot questions have always reflected the issues on Americans' minds, and 2008 is no exception. Energy and the environment, immigration, election processes and same-sex marriage will all be represented on state ballots in November.

At press time, 36 citizen initiatives had qualified for statewide ballots. But petition deadlines for some of the most active states, including Arizona, Oregon and Washington, fell in early July, and 28 petitions were submitted and were in the signature verification process at press time. Petitions were still circulating in just three states with deadlines for at least 30 petitions falling in early August. The total number of initiatives will likely top out somewhere between 50 and 60.

If you include constitutional amendments, bond measures and other statewide questions proposed by legislatures, those placed on the ballot by Florida's Taxation and Budget Reform Commission, and the automatic calls for a constitutional convention that are gener-

## STATEWIDE BALLOT QUESTIONS 1998 - 2006



ated by state constitutions, the total number of questions on statewide ballots so far this year is 108. If this is a typical election year for ballot questions, there will be about 200 total questions on the ballot.

Ten of the ballot initiatives so far are in California. That's no surprise. Typically, California is surpassed only by Oregon in terms of the number of initiatives. It's no surprise either that the measures Californians will consider reflect hot-button issues on ballots around the country: abortion, same-sex marriage, renewable energy and criminal justice.

### ABORTION

Three states, possibly four, will consider measures limiting abortion. A tug-of-war over abortion in South Dakota continues today after a popular referendum in 2006 succeeded in repealing a ban passed by the Legislature. This year, an initiative proposes to reinstate a near-total ban on abortions. A

California initiative would require a waiting period and parental notification before a minor's abortion. Colorado's initiative represents a new tactic in the fight against abortion: Amendment 48 would add a provision to the state constitution defining a "person" to include a human being from the moment of fertilization. This could provide the foundation for a ban on abortion in the state. A similar measure failed to gather enough signatures in Montana.

### SAME-SEX MARRIAGE BANS

This was a high-profile issue in both 2004, when 11 states considered it, and in 2006, when eight states considered it. This year, just three states—Arizona, California and Florida—will consider same-sex marriage bans. California's initiative has the potential to overturn a recent state court ruling legalizing same-sex marriage. An Arkansas initiative currently in the signature verification process would prohibit unmarried couples from adopting or fostering.

### ENERGY AND THE ENVIRONMENT

With this summer's record-high fuel prices looking like the new standard, it is inevitable that energy conservation and renewable energy issues will crop up on state ballots. California voters will face not one but two initiatives dealing with renewable energy. One would require all utilities to generate 20 percent of their energy from renewable sources by 2010, raising the requirement periodically until it reaches 50 percent by 2025. This proposal is similar to a successful initiative on the 2004 ballot in Colorado, but sets the requirements much higher. The second would authorize \$5 billion in bond sales to fund rebates for consumers who buy high fuel efficiency and alternative fuel vehicles, research and development of alternative energy technology, and

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## BALLOT QUESTIONS REFLECT WHAT'S ON THE MINDS OF AMERICANS.

grants to cities and universities for education and training in these technologies. A measure still circulating in Colorado would charge a fee for energy emissions, and direct the revenue toward energy efficiency programs, renewable energy projects, and programs to reduce carbon emissions.

A number of environmental protection and natural resource conservation measures also are in the process. At press time, measures to protect drinking water were still circulating in Colorado and North Dakota. A similar water measure was on Alaska's August primary ballot and will be on the Arkansas November ballot. An Arizona petition undergoing signature verification at press time would conserve land and water.

Environmental protection and conservation measures referred to the ballot by state legislatures include a Georgia forest preservation measure; a tax exemption added to the ballot in Florida by the state's Taxation and Budget Reform Commission that would encourage land conservation; a tax increase to fund natural resource protection in Minnesota; and a bond measure in Ohio for environmental conservation and preservation.

### FIGHTING CRIME

This is a hot topic, with six initiatives on the ballot so far. Two competing measures on Oregon's ballot would create mandatory minimum sentences for certain identity theft, forgery, drug and burglary offenses. A third could set aside 15 percent of lottery revenues to fight crime. The remaining three criminal justice initiatives are in California. One would increase funding for treatment and rehabilitation for nonviolent offenders. A second would require more spending to combat crime, gangs, and to operate prisons; prohibit bail for illegal immigrants charged with violent or gang-related crimes; and increase



HELEN H. RICHARDSON/THE DENVER POST

*Alternative energy technology, such as these wind turbines, would be bolstered by ballot initiatives in some states.*

penalties for methamphetamine-related and other crimes. The third California measure addresses victims' rights and changes the parole process.

### ELECTIONS

So far, all of the elections-related measures on the ballot have come from state legislatures, but there are a handful of initiatives in circulation, too. The legislative referenda include a measure in Connecticut that would allow 17-year-olds to vote in a primary election if they will turn 18 before the general

election. Ten states already permit this. A legislative referendum in Iowa asks whether a person adjudged mentally incompetent or convicted of an infamous crime should be allowed to vote. In Maryland, the General Assembly is asking voters to amend the constitution to allow early voting. New Mexico would like to conduct school board elections by mail, and hold those elections at the same time as other nonpartisan elections.

Oregon voters will consider a measure to establish open primaries. A measure pending signature verification in Michigan would

open up the state's primary elections to unaffiliated voters, and allow any voter to vote absentee without offering justification.

There also are a number of measures related to the financing of election campaigns. Initiative Measure 10, on the ballot in South Dakota, would prohibit the use of public resources for campaigning, lobbying or any other partisan purpose. A similar measure has qualified for the Oregon ballot. Measure 3, on Alaska's Aug. 26 primary ballot, would establish a "Clean Elections" public financing program, similar to what's used in Arizona and Maine. Among the measures still circulating are a "paycheck protection" proposal in Colorado—this would restrict the use of union dues for political purposes—and a proposal in Colorado to restrict political contributions from government contractors.

#### **IMMIGRATION**

So far, the only immigration initiative on the ballot is in Oregon, where a measure would restrict how long a student could be taught in a language other than English. A Missouri legislative referendum would set English as the state's official language.

An Arizona initiative currently in signature verification would strengthen the state's ban on hiring unauthorized workers. At least half a dozen immigration initiatives failed to qualify for the ballot, including a high-profile Arkansas measure that was modeled on Ari-

zona's 2004 Proposition 200—a broad measure requiring evidence of U.S. citizenship in order to obtain public services and benefits.


#### **LEGISLATURES**


A battle is shaping up in Michigan, where a sweeping government reform measure is undergoing signature verification. It would reduce the size of the legislature and the courts, cut by two the number of departments in state government, reduce salaries for legislators, executive branch officials and judges, require financial disclosure of elected officials and prohibit elected officials from lobbying for two years after leaving office.

Three legislatures so far are cleaning house themselves this year. Without a doubt the most controversial referred question is in South Dakota, where voters are asked to repeal legislative term limits. Legislators in Arkansas, California, Maine and Montana have asked voters in previous elections to add time to how long they can serve under term limits (without success in all four cases), but this will be the first time a legislature has asked voters to repeal the limits outright. Other legislative referenda on the ballot in South Dakota would repeal limitations on mileage reimbursement rates for legislators—fixed at 5 cents per mile by the state's constitution—and limit the legislative session to no more than 40 days in a year (it's limited to 40 days in odd-numbered years, but only 35 in even years). An Arkansas pro-

posal would allow the General Assembly to meet in even-numbered years for a short fiscal session (they meet only in odd-numbered years). The Colorado legislature would like to reduce the age of qualification for serving in the General Assembly from 25 to 21 years. Another change along these lines has been proposed in Hawaii. They'd like to lower the age of qualification for governor and lieutenant governor from 30 to 25 years.

#### **AFFIRMATIVE ACTION**

An anti-affirmative action measure is on the ballot in Colorado, and measures are pending signature verification in Arizona and Nebraska. A similar measure failed to gather enough signatures in Missouri, and was eventually withdrawn in Oklahoma when questions arose concerning the validity of signatures on petitions. These measures are modeled on earlier successful efforts in California, Michigan and Washington to prohibit state and local governments, including colleges and universities, from discriminating or giving preferential treatment based on race, gender, ethnicity or national origin in public employment, education and contracting. 

 **CHECK OUT** an updated list of ballot measures around the country, a chart that identifies top ballot issues and the states where they will appear on the ballot, and a list of states where citizen initiatives are allowed at [www.ncsl.org/magazine](http://www.ncsl.org/magazine).