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## Supermajority Vote Requirements to Pass the Budget

*By Allison Hiltz and Luke Martel*

### Did You Know?

- Most states with a supermajority requirement impose it only on specific expenditures and/or late budgets.

- California voters eliminated the state's supermajority requirement in 2010.

- Little evidence exists about the effects of supermajority requirements on the budget process.

In an effort to control spending or limit certain types of appropriations, some states require an extraordinary vote to pass general appropriations bills for state operations. Although they are not spending limits in the traditional sense, requirements for a supermajority vote—two-thirds, three-fourths or three-fifths of the legislature—can limit spending decisions if agreement cannot be reached.

States that impose a supermajority requirement to pass the budget do so in a variety of ways. Of the10 states that have the requirement, only three—Arkansas, Nebraska and Rhode Island—impose it on budgets submitted on time and within expenditure limits. The ways these limits are set vary by state, but can include statutory or constitutional measures or enacted legislation. Others operate along a spectrum, ranging from requiring a supermajority vote for specific types of appropriations to requiring a supermajority to agree on increasing tax and expenditure limits (TELs). Various state supermajority requirements are discussed below.

California experienced the most significant change in recent years regarding supermajority requirements for passing the budget. In 2010, voters approved Proposition 25, an initiative that eliminated the two-thirds vote requirement to pass the budget. The decision came as the result of many years of campaigning by various groups against the two-thirds vote requirement.

**Supermajority Requirements.** Three states require a supermajority vote to pass a budget that is submitted on time and within expenditure limits.

*Arkansas.* A constitutional amendment requires the Arkansas legislature to obtain a three-fourths majority vote on appropriations for all purposes except education, highways and paying down the state debt. Appropriations for these purposes require a simple majority of members elected.

*Nebraska.* In Nebraska, all acts are set to take effect three calendar months upon adjournment of the legislative session in which they are passed. Because long and short sessions normally end in early June and mid-April, respectively, budget bills set to become active at the beginning of the new fiscal year (July 1) historically have required an emergency clause to do so. To pass a bill with the "e" clause attached, a two-thirds majority vote is required.

*Rhode Island***.** For appropriations for local or private purposes, such as financing the construction of a factory that will stimulate the local economy, a two-thirds majority vote is

**National Conference of State Legislatures**

Executive Director
William T. Pound

**Denver**
*7700 East First Place*
*Denver, Colorado 80230*
*Phone (303) 364-7700*
*www.ncsl.org*

**Washington, D.C.**
*444 North Capitol Street, NW, Suite 515*
*Washington, D.C. 20001*
*Phone (202) 624-5400*

required. Because the state typically drafts all main appropriations bills for operations into a single budget bill, a two-thirds vote has been effectively necessary for all appropriations.

**Supermajority Requirements to Exceed General Fund Limits.** Two states require a supermajority vote if the budget exceeds the general fund limit, which relies heavily on revenues and is, in some states, set by a committee designed specifically for this reason.

*Connecticut.* Appropriations require a simple majority, but a three-fifths majority is required to exceed the general fund in the case of extraordinary or emergency purposes.

*Hawaii.* If appropriations exceed the general fund expenditure ceiling established by the Legislature, a two-thirds majority vote is required.

**Supermajority Requirements for Late Budgets or Emergency Spending.** Three states require a supermajority vote for budgets that are submitted late and/or include emergency spending that otherwise would be excluded from the budget.

*Illinois.* A 1994 amendment to the constitution requires a majority vote until June 1 to pass all legislation, including the budget. After that date, the legislature must obtain a three-fifths vote.

*Maine.* If the budget is not passed by simple majority before April 1, it will not take effect by July 1, the beginning of the fiscal year. For the budget to be operative in time, the Legislature must pass it as an emergency (thus allowing it to take effect immediately), which requires a two-thirds majority vote.

*North Dakota.* In general, bills take effect on Aug. 1. Because some appropriations and tax measures take effect on July 1, they can be declared "emergency" bills and enacted earlier upon passage in both houses by a two-thirds majority.

**Supermajority for Specific Types of Expenditures.** Two states require a supermajority vote for appropriating money to entities that are not entirely under state control.

*Pennsylvania.* Nonpreferred appropriations, such as those for charitable or educational institutions not under the full control of the Commonwealth, require a two-thirds majority.

*Michigan.* Appropriating public money for local or private purposes, such as roads and schools, requires a two-thirds majority.

Little evidence exists that identifies the effects of supermajority vote requirements on the budget process. Anecdotal evidence suggests such votes may put additional stress on states, which can result in missing or encroaching upon budget deadlines. Despite these possibilities, it is important to note that difficult budget decisions, rather than the number of votes required, are probably more likely to be an obstacle to passing the budget on time.

## NCSL Contact and Resources

Luke Martel
NCSL—Denver
(303) 856-1470

NCSL, State Chart: Supermajority Vote Requirements to Pass the Budget – 2014

NCSL, State Tax and Expenditure Limits – 2010