From funding schools to limiting taxes (forever), voters will weigh in on a wide array of ballot measures this year.

BY PATRICK R. POTYONDY

Redistricting reform, Medicaid expansion, tax limits, a range of election and ethics issues, and an uncommon spread of hot-button topics are making this year’s statewide ballot measures more than a little interesting. Of course, some of the usual suspects are lined up for voters to pick from. Beyond those, there’s something for just about everybody.

As of early September, 102 constitutional amendments, 46 statutory changes and 19 bonds had been certified to appear on November’s ballots in 39 states (including the District of Columbia). Citizens worked to get 63 initiatives and five popular referendums on the ballots in 22 states. Legislatures sent 92 referendums back to voters to decide in 31. And we’re not done. There’s still time, as this issue goes to press, for a few more to jump in or out (via legal challenges). This year is roughly on par with previous non-presidential midterm elections. Although citizen initiatives were down to 35 in 2014, 2016 reversed that trend with a strong showing of 72.

Done and Dusted

Voters in eight states have already decided the fate of 11 measures. Oregonians approved the first measure in January—a Medicaid-funding tax increase. California voters approved four of five on a range of issues. Maine voters used and approved ranked-choice voting—on the same ballot. Oklahoma citizens legalized medical marijuana. Wisconsinites decided not to eliminate the position of state treasurer. Ohio became the first state to enact redistricting reform. And in the last measure voted on before November, Missourians vetoed new right-to-work legislation the legislature had passed earlier in the year through a popular referendum.

If these measures foretell November’s results, marijuana will be legalized in more states, redistricting reform will spread, Medicaid will be expanded, infrastructure will be supported, and bond measures will stroll into enactment. Given recent history, however, a citizen initiative has about a 50-50 chance of passage, while legislative referendums hold bet-
Redistricting Reforms

Along with Ohio, which passed redistricting reform in May, Colorado, Michigan, Missouri and Utah will also weigh in on changing how their political maps are drawn. Although three of the six measures are legislative referendums, the pressure for change is clearly coming from advocacy groups. Several have bipartisan support. Colorado’s measure, for example, has won the endorsement from the Republican senator president, the Democratic house speaker and the two state party chairs.

Medicaid and More

After attempts to expand Medicaid through the legislature failed in the 17 states that have not expanded coverage through the Affordable Care Act, some citizens have turned to ballot measures. Nebraska, Idaho and Utah have approved measures to allow for full Medicaid expansion under the federal law. Maine voters did so last year and strongly approved expansion in November 2017.

As America ages, states face the enormous challenge of meeting the needs of the elderly. A 2018 Maine measure proposes a tax on annual incomes above $128,400 and on nonwage income like stock dividends and interest to fund a universal home care program for people with disabilities and senior citizens. Californians will decide whether to limit revenue for dialysis companies with refunds above a certain level going back to insurers and patients.

Elections and Officeholders

There are a surprising 10 election-related issues this year, including photo voter ID in Arkansas and North Carolina, automatic voter registration in Nevada, election-day registration in Maryland, and an amendment that would re-enfranchise individuals with felony convictions in Florida—amounting to roughly 25 percent of that state’s otherwise eligible black voting population. Nine states are deciding on often-interconnected issues of ethics, lobbying and campaign finance, while Arkansas will once again consider revising term limits, from 16 to 10 years. Colorado might lower the age restrictions to become a legislator.

Defining the Measures

Legislative Referendum or Legislative Referendum: Measures “referred” to the ballot by legislatures to be approved by the people. Referrals to the people are required in 49 states if the legislature proposes a change to the state constitution. Some states allow referrals to change the code.

Citizen Initiative: Measures placed on the ballot by voters, advocacy groups or businesses who’ve convinced enough registered voters to sign a petition.

Popular Referendum or Popular Veto: Measures that can overturn or veto a law passed by the legislature. Placed on the ballot by voters, advocacy groups or businesses who’ve convinced enough registered voters to sign a petition.

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Tax Revenues

The list of communities, programs and infrastructure that bonds might support is long. Several states are considering additional ways to increase revenue for numerous projects, often by proposing that the wealthy pay a larger share. Similar to Maine’s health care measure in its overall approach, California’s Proposition 2 would apply a 1 percent tax on incomes over $1 million to fund homelessness prevention bonds. Coloradans will decide whether to tax incomes above a high threshold; Arizonans almost had the chance before a similar measure was successfully removed due to a challenge in court. Meanwhile, Hawaiians will consider a surcharge on investment properties. All would help fund public education. Other states are looking to fund schools via taxes on tobacco (South Dakota), gambling revenue (Maryland), bonds (Rhode Island, New Mexico and New Jersey), allowing local government to ask for a tax increase (Georgia and Oklahoma), and a nonbinding question about a fuel tax (Utah).

On the other side of the tax coin, the trend continues to limit the ability of legislatures to raise revenue. Proposed measures in Florida and Oregon would require two-thirds and three-fifths votes, respectively, to increase taxes. North Carolina’s would lower the maximum income tax. California might require voter approval to raise the gas tax in the future. And in a similar vein, Indiana will consider a balanced-budget amendment, though the constitution already limits the state from taking on debt.

Housing

As the nation continues to grapple with housing costs, several states have placed notable measures on the ballot. Californians will decide on whether to repeal the Costa-Hawkins Rental Housing Act, which limited the ability of local governments to enact rent control. The Golden State will also vote on the homelessness prevention bonds noted above and an additional bond measure for veterans and affordable housing. Oregon may expand the ability of municipal corporations to fund privately owned affordable housing developments.

Energy and Environmental Protection

On the renewable energy frontier, Arizona and Nevada will vote on whether to require that 50 percent of electricity comes from renewable sources by 2030. Washington may initiate the country’s first fee on carbon emissions. Montana is considering requiring long-term protection plans for new mines. And Alaska ponders the pros and cons of more restrictive permitting on industry to protect salmon waters. Hydraulic fracturing, or fracking, has taken center stage in Colorado. One initiative would limit how close oil and gas mining can be to homes, schools and other designated vulnerable lands like rivers and parks. In reaction to that measure, Colorado voters will also decide whether to approve a far-reaching amendment that would compensate private property owners for any decreased property value due to any government regulations.
Transportation

Two states have transportation lockbox amendments on the ballot this year. These require certain transportation taxes and fees be used for transportation purposes. California already passed its measure earlier in the year. Connecticut will vote on its in November. California will also consider repealing a 2017 gas tax. Coloradans will vote on two indirectly competing measures to fund transportation. The more ambitious measure raises revenues through taxes and bonds, while the other simply reallocates existing money from the state’s general fund toward roads. Maine meanwhile will consider a transportation bond.

Criminal Justice

Marsy’s Law, known as a crime victims bill of rights, is on the ballot in six states. South Dakotans amended their version, originally passed in 2016. Coloradans may decide that their constitution should no longer tolerate the use of forced labor, or slavery, as punishment for a crime. Ohioans will decide whether to fund drug treatment and rehabilitation programs from the savings gained by decriminalizing drug possession and by banning courts from sending individuals on probation to prison for noncriminal violations. If Louisiana’s Amendment 2 is approved, it would leave Oregon as the only state that does not require unanimous jury approval to convict. And a far-reaching proposal in Washington could make changes to police training and to the potential prosecution of officers who use deadly force.

Other Notables

Several other measures across the states are bound to stir up the electorate. Alabama, Oregon and West Virginia have measures restricting abortion. Alabamans will consider authorizing the display of the Ten Commandments on public property. Massachusetts voters have the chance to overturn a 2016 law that bans discrimination based on an individual’s gender. Nevadans will have the chance to prohibit taxing feminine hygiene products, often called the “pink tax.” Colorado may restrict the annual interest rate and fees that payday lenders charge. Oregonians may repeal a 30-year-old statute that limits the ability of local and state law enforcement to enforce federal immigration laws. Washington, after an unsuccessful legal challenge, will consider a gun safety measure after all. And in a popular referendum that also survived a court challenge, Arizona’s voters will have the opportunity to veto a school voucher expansion law.

Whether any given measure will pass is far from certain. But this year’s crop of initiatives and referendums ensures that plenty of big issues will be in play nationwide.

Dig Into the Details

To see what’s on the ballot in states across the country, check out NCSL’s Statewide Ballot Measure Database. Go to ncsl.org and click on “Research,” then “Elections and Campaigns.”