

BALLOTWATCH

Overview

- 36 ballot propositions in eight states for the year; 32 propositions on November 5; 4 propositions on October 12.
- Totals by type for the year: 1 initiative, 1 referendum, 12 advisory measures, and 22 legislative measures.
- Most propositions: Washington 15; Texas 10.
- Proposals for new laws (initiative and legislative proposal): 19 approved and 4 rejected; votes on existing laws (advisory measures and referendum): 3 approved and 10 repealed.

ELECTION RESULTS 2019

Voters decided 36 state-level ballot propositions in 8 states in 2019. The number of propositions was up from 27 in 2017 and 28 in 2015.

Washington's Referendum 88, which asked voters to repeal a new law allowing the state to use affirmative action/racial preferences for college admissions and other government functions, attracted national attention. The roots of the referendum went back 20 years, when voters approved I-200 in 1998, prohibiting the state from discriminating or granting preferential treatment based on race, sex, color, ethnicity, or national origin in public education, public employment, and public contracting — in effect, curtailing a number of affirmative action programs. In early 2019, a progressive group collected signatures to repeal I-200; before the group's initiative (I-1000) went to the voters, the state legislature chose to adopt it directly, as allowed by the state's indirect initiative process. A coalition of activists, including many in the Asian American community who felt that affirmative action programs discriminated against their children, then collected signatures for a referendum on the repeal law itself, in effect, calling for a repeal of the repeal. Proponents of R-88, including leading Democratic officials and the ACLU, argued that affirmative action was necessary to combat a history of discrimination and expand economic opportunities for diverse populations. The official ballot summary and proponents, somewhat inaccurately, claimed that the new law did not allow preferential treatment, although it clearly did. Opponents argued that allowing the use of race in admissions decisions would divide the people, and pointed out it would in fact allow the use of racial preferences. Pro-R-88 campaign spending (in favor of affirmative action) slightly exceeded opposition spending (against racial preferences), \$1.6 million to \$1.3 million. The vote was close, with the outcome up in the air until several days after the election — with the final tally resulting in repeal of the legislature's law, 49% to 51%, meaning that government use of racial preferences remains prohibited in the state.

There was only one state-level initiative in 2019, Washington's I-976 that proposed to repeal and limit certain motor vehicle taxes. It has been more than three decades since the last election in which there was only one initiative on the ballot. The 2010s concluded with a total of 286 statewide initiatives for the decade. This was down from 375 in the 2000s, and the record 382 in the 1990s, but more than the 251 in the 1980s, and the third-highest decade since initiatives were first used in 1904. For more information on overall initiative use, see IRI Initiative Use, 1900-2019, available at www.iandrinstitute.org.

For additional information on ballot measures see ballotpedia.org and ncsl.org.

STATE-BY-STATE LIST

The remainder of this report contains a complete list of state-level propositions for 2019. An "initiative" is a new law proposed by citizen petition. A "referendum" is a proposal to repeal a law passed by the legislature, placed on the ballot by petition. Unless otherwise noted, propositions appeared on the November 5 ballot.

Colorado

Both measures were statutes proposed by the legislature.

- *Prop CC. Rebates of excess tax revenue.* Allows legislature to spend excess revenue that currently must be rebated to taxpayers. FAILED 46-54
- *Prop DD. Authorizes sports betting.* APPROVED 51-49



Image: Freepik.com

IRI

Initiative & Referendum Institute

University of Southern California
Gould School of Law
Los Angeles CA 90089-0071
Phone: 213.740.9690

www.iandrinstitute.org

USC University of
Southern California

Kansas

- *Constitutional Amendment. Redistricting.* Legislative proposal to apportion military personnel and students to their home districts. APPROVED 60-40

Louisiana (October 12)

All four propositions were constitutional amendments from the legislature.

- *Amendment 1. Property tax exemption for goods in transit.* FAILED 47-53
- *Amendment 2. State education fund. Allows revenue to be used for TV and lab schools operated by public universities.* APPROVED 50.4-49.6
- *Amendment 3. Allows tax court to rule on constitutional questions.* APPROVED 58-42
- *Amendment 4. Allows New Orleans to provide property tax exemptions for affordable housing.* FAILED 37-63

Maine

- *Question 1. \$137 M bonds for transportation.* Legislative statute. APPROVED 76-24
- *Question 2. Special accommodations for disabled voters.* Legislative amendment. APPROVED 76-24

New Jersey

- *Public Question 1. Property tax exemption for retirement centers with veterans.* Legislative amendment. APPROVED 76-24

Pennsylvania

- *Proposed Constitutional Amendment. Marsy's Law. Rights for crime victims.* Proposed by legislature. APPROVED 74-26 [vote counting delayed by court challenge]

Texas

All 10 measures were constitutional amendments placed on ballot by legislature.

- *Prop 1. Municipal judges.* Allows a person to hold office in multiple cities at the same time. FAILED 35-65
- *Prop 2. \$200 M bonds for water projects in economically distressed areas.* APPROVED 66-34
- *Prop 3. Property tax relief for disaster damage.* APPROVED 85-15
- *Prop 4. Prohibits personal income tax.* APPROVED 74-26
- *Prop 5. Dedicates sales tax on sporting goods for conservation.* APPROVED 88-12
- *Prop 6. Increases bonding authority of state cancer institute.* APPROVED 64-26
- *Prop 7. Allows increased distributions from state educational fund.* APPROVED 74-26
- *Prop 8. Creates flood infrastructure fund.* APPROVED 78-22
- *Prop 9. Property tax exemption for precious metals in state depository.* APPROVED 51-49
- *Prop 10. Allows adoption of police animals.* APPROVED 94-6

Washington

Referendum 88 was a referendum that proposed to repeal a law passed by the legislature in response to a citizen initiative. I-976 was an initiative statute. SJR 8200 was a constitutional amendment proposed by the legislature. The advisory votes were required by the state constitution: they asked voters whether to repeal or maintain a recently approved tax increase (each tax increase is listed).

- *Referendum 88. Affirmative action/racial preferences.* To approve or repeal state law allowing state to use affirmative action/racial preferences. REPEALED (FAILED) 49-51
- *I-976. Repeals and limits motor vehicle fees.* APPROVED 53-47

- *Advisory Vote 20. Wage tax for long-term care. REPEAL 63-37*
- *Advisory Vote 21. Business tax on timber. REPEAL 59-41*
- *Advisory Vote 22. Sales tax on paint. REPEAL 62-38*
- *Advisory Vote 23. Sales tax on vapor products. MAINTAIN 67-33*
- *Advisory Vote 24. Business tax on computing and telecomm. REPEAL 63-37*
- *Advisory Vote 25. Business tax on financial firms. REPEAL 55-45*
- *Advisory Vote 26. Tax on remote sellers. REPEAL 55-45*
- *Advisory Vote 27. Tax on petroleum products. REPEAL 61-39*
- *Advisory Vote 28. Sales tax on nonresidents. MAINTAIN 55-45*
- *Advisory Vote 29. Real estate sales tax. REPEAL 65-35*
- *Advisory Vote 30. Business tax on travel agents. REPEAL 56-44*
- *Advisory Vote 31. Business tax on international investment managers. MAINTAIN 57-43*
- *SJR 8200. Allows legislature to take action during catastrophic events. APPROVED 65-35*

* * *

Please direct media inquiries to Leslie Ridgeway, Director of Communications and Media Relations, USC Gould School of Law, (213) 740-9690 (office), (619) 252-4984 (cell), lridgeway@law.usc.edu.