

# BALLOTWATCH

## Overview

- 41 propositions in 8 states for the year.
- November 7: 29 propositions in 5 states. Earlier in the year: 9 propositions in 3 states. November 18; 4 propositions in one state.
- Most active states: Texas (14 propositions); Louisiana and Maine (8 propositions each)

## ELECTION PREVIEW 2023

Ballot proposition activity tends to be muted in odd years, and 2023 is no exception, with 41 propositions in total for the year. 29 propositions are on the ballot on November 7; 4 propositions are on the ballot in Louisiana on November 18, and 9 propositions were decided earlier in the year. For the year, there are 7 initiatives (new laws sponsored by citizen petition) and the remaining 34 proposals were placed on the ballot by state legislatures.



### Abortion in Ohio

The most high-profile referendums are two propositions in Ohio. Both can be traced back to the Supreme Court's 2022 decision reversing *Roe v. Wade* and returning abortion law to the states. Ohio's Republican-controlled legislature previously adopted a fairly restrictive abortion law. In response, pro-choice advocates qualified an initiative for the November ballot (Issue 1) that would provide a right to abortion prior to fetal viability. In an effort to increase the hurdle for this abortion initiative, the legislature called a special election for August to vote on its own proposal, confusingly also Issue 1, that would have increased the approval threshold for future constitutional amendments from 50% to 60%, and create other procedural hurdles for initiatives. Voters rejected this somewhat cynical attempt to manipulate direct democracy rules by a sizeable margin of 43-57.

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The remainder of this report contains a complete list of state-level propositions for the year. An "initiative" is a citizen-sponsored law placed on the ballot by petition. "Legislative" measures were placed on the ballot by the legislature. Unless otherwise noted, the elections are on November 7

### Colorado

Both measures were legislative statutes.

- *Prop HH. Property taxes.* Reduces property taxes; allows state to retain revenue it would otherwise have to rebate under TABOR (apparently resulting in net tax increase).
- *Prop II. Tobacco tax.* Allows state to retain tobacco tax revenue that would otherwise have to be rebated to tobacco sellers.

### Louisiana (October 14)

All proposals were constitutional amendments placed on ballot by legislature.

- *Amendment 1. Election funding.* Prohibits use of money from private sources and foreign governments to conduct elections. APPROVED 73-27
- *Amendment 2. Freedom of worship.* Creates a right to workshop in a church or other place of worship (reaction to COVID lockdowns). APPROVED 79-21
- *Amendment 3. State retirement funding.* Requires 25% of nonrecurring state revenue to be allocated to fill unfunded liabilities of the state retirement system. APPROVED 56-44
- *Amendment 4. Property in disrepair.* Denies property tax exemption for property in disrepair held by nonprofits. APPROVED 66-34

## IRI

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## STATE-BY-STATE LIST

### Louisiana (November 18)

All proposals were amendments placed on the ballot by the legislature.

- *Amendment 1. Governor's veto.* Minor adjustments/clarifications in the timing of governor's veto power.
- *Amendment 2. Inactive special funds.* Removes from constitution provisions relating to inactive special funds.
- *Amendment 3. Property tax exemption for first responders.*
- *Amendment 4. Deficit reduction.* Allows legislature to use \$250 M from revenue stabilization fund for deficit reduction, with 2/3 vote.

### Maine

All questions were initiative statutes.

- *Question 1. Electric utility debt.* Requires voter approval for public electric utilities to borrow more than \$1 billion.
- *Question 2. Foreign campaign contributions.* Prohibits campaign contributions and spending by foreign governments.
- *Question 3. New public power company.* Creates a new publicly owned power company to operate transmission facilities.
- *Question 4. Car repair.* Requires car manufacturers to provide owners and independent repair shops with access to vehicle diagnostics.
- *Question 5. I&R Petitions.* Allows judges more time to review the validity of initiative and referendum petitions.
- *Question 6. Printed constitutions.* Requires officially printed copies of state constitution to include all of its provisions.
- *Question 7. Obsolete language – I&R.* Removes invalidated constitutional language regarding initiative and referendum petitions.
- *Question 8. Obsolete language – voting.* Removes invalidated constitutional language regarding voting by mentally ill persons.

### New York

Both proposals were constitutional amendments from the legislature.

- *Proposal 1. City debt limits.* Removes constitutional limits on debt of small cities.
- *Proposal 2. Sewerage debt.* Exempts sewerage debt from local government debt limits.

### Ohio (August 8)

- *Issue 1. Constitutional amendments.* Legislative amendment to increase approval rate for constitutional amendments from 50% to 60%, and make petitioning more difficult. FAILED 43-57

### Ohio

Both proposals were initiative constitutional amendments.

- *Issue 1. Abortion.* Establishes a right to abortion before fetal viability; establishes a right to abortion after viability to protect the health of the woman.
- *Issue 2. Marijuana.* Legalizes, regulates, and taxes recreational marijuana.

## STATE-BY-STATE LIST

### Texas

All propositions were constitutional amendments proposed by legislature.

- *Prop 1. Right to farm and ranch.*
- *Prop 2. Tax exemption for child care facilities.*
- *Prop 3. Prohibits wealth tax.*
- *Prop 4. Increases residential property tax exemption.*
- *Prop 5. Allocates earnings from rainy day fund to universities.*
- *Prop 6. Creates state water fund.*
- *Prop 7. Creates state energy fund.*
- *Prop 8. Creates state broadband infrastructure fund.*
- *Prop 9. Authorizes cost-of-living adjustments for retired teachers.*
- *Prop 10. Property tax exemption for medical products inventory.*
- *Prop 11. Allows El Paso County conservation districts to issue debt.*
- *Prop 12. Abolishes Galveston County treasurer.*
- *Prop 13. Increases mandatory retirement age for judges.*
- *Prop 14. Creates state parks conservation fund.*

### Wisconsin (April 4)

All proposals were from the legislature; the first two were constitutional amendments and the third was an advisory referendum.

- *Referendum Question 1. Bail – serious harm.* Allows legislature to define meaning of “serious harm” when judges make bail decisions. APPROVED 67-33
- *Referendum Question 2. Bail – totality of circumstances.* Allows judges to consider totality of circumstances when making bail decisions. APPROVED 68-32
- *Referendum Question 3. Welfare.* Advises legislature to require able-bodied welfare recipients to look for work. APPROVED 80-20

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