

BALLOTWATCH

Overview

- 41 propositions in 8 states for the year; 7 initiatives in 3 states; zero veto referendums.
- Voters approved 81% of all propositions, including 5 of 7 initiatives,
- Most active states: Texas (14 propositions); Louisiana and Maine (8 propositions each)

ELECTION RESULTS 2023

A total of 41 ballot measures went before the voters in 2023, a modest number but not unusual for an off-year election. Voters approved 81% of all propositions, including 71% of initiatives, well above the historical average of 41%

Ohio attracted the most attention in 2023 because of two propositions related to abortion. After the Supreme Court's 2022 decision reversing *Roe v. Wade* and returning abortion law to the states, Ohio reverted to a fairly restrictive law that the Republican-controlled legislature had previously adopted. 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 Issue 1, 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. In August, voters rejected this somewhat cynical attempt to manipulate direct democracy rules by a sizeable margin of 43-57; and in November they approved the more liberal abortion law 57-42.



Because Ohio is a reliably red state, it is possible that the abortion law that voters ultimately approved was more liberal than their first choice, but because the legislature only offered them an extremely conservative alternative, they were forced to approve the one they did. Ohio voters also went liberal on Issue 2 that legalized the use of marijuana for recreational purposes. Both votes suggest the state's political leaders might be leaning too far to the right compared to what the state's electorate would like.

In Colorado, the legislature placed Proposition HH on the ballot that was touted as reducing property taxes, but that, according to some analyses, actually would have allowed the state to retain and spend more revenue than it would otherwise. Voters appeared to see through this overly complex proposal and rejected it 41-59. At the same time, voters approved Proposition II that allowed the state to retain more tobacco tax revenue.

Two electricity initiatives in Maine met different fates. Question 1, which requires voter approval before quasi-public and consumer-owned electric utilities can take on more debt, was approved 65-35; while Question 3, which would have created a state electricity company, was defeated 30-70.

Oklahoma voters rejected State Question 820 that would have legalized marijuana. Texas voters rejected a proposal from the state legislature to increase the mandatory retirement for judges.

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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). FAILED 41-59
- *Prop II. Tobacco tax.* Allows state to retain tobacco tax revenue that would otherwise have to be rebated to tobacco sellers. APPROVED 68-32

IRI

Initiative & Referendum Institute

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

www.iandrinstute.org

USC University of
Southern California

STATE-BY-STATE LIST

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

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. APPROVED 61-39
- *Amendment 2. Inactive special funds.* Removes from constitution provisions relating to inactive special funds. APPROVED 55-45
- *Amendment 3. Property tax exemption for first responders.* APPROVED 53-47
- *Amendment 4. Deficit reduction.* Allows legislature to use \$250 M from revenue stabilization fund for deficit reduction, with 2/3 vote. FAILED 44-56

Maine

All questions were initiative statutes.

- *Question 1. Electric utility debt.* Requires voter approval for public electric utilities to borrow more than \$1 billion. APPROVED 65-35
- *Question 2. Foreign campaign contributions.* Prohibits campaign contributions and spending by foreign governments. APPROVED 86-17
- *Question 3. New public power company.* Creates a new publicly owned power company to operate transmission facilities. FAILED 30-70
- *Question 4. Car repair.* Requires car manufacturers to provide owners and independent repair shops with access to vehicle diagnostics. APPROVED 84-16
- *Question 5. I&R Petitions.* Allows judges more time to review the validity of initiative and referendum petitions. APPROVED 58-42
- *Question 6. Printed constitutions.* Requires officially printed copies of state constitution to include all of its provisions. APPROVED 73-27
- *Question 7. Obsolete language – I&R.* Removes invalidated constitutional language regarding initiative and referendum petitions. FAILED 31-69
- *Question 8. Obsolete language – voting.* Removes invalidated constitutional language regarding voting by mentally ill persons. FAILED 47-43

New York

Both proposals were constitutional amendments from the legislature.

- *Proposal 1. City debt limits.* Removes constitutional limits on small city debt. APPROVED 64-36
- *Proposal 2. Sewerage debt.* Exempts sewerage debt from local government debt limits. APPROVED 68-32

STATE-BY-STATE LIST

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. APPROVED 68-32
- *Issue 2. Marijuana.* Legalizes, regulates, and taxes recreational marijuana. FAILED 43-57

Texas

All propositions were constitutional amendments proposed by legislature.

- *Prop 1. Right to farm and ranch.* APPROVED 79-21
- *Prop 2. Tax exemption for child care facilities.* APPROVED 65-35
- *Prop 3. Prohibits wealth tax.* APPROVED 68-32
- *Prop 4. Increases residential property tax exemption.* APPROVED 83-17
- *Prop 5. Allocates earnings from rainy day fund to universities.* APPROVED 64-36
- *Prop 6. Creates state water fund.* APPROVED 78-22
- *Prop 7. Creates state energy fund.* APPROVED 65-35
- *Prop 8. Creates state broadband infrastructure fund.* APPROVED 69-31
- *Prop 9. Authorizes cost-of-living adjustments for retired teachers.* APPROVED 84-16
- *Prop 10. Property tax exemption for medical products inventory.* APPROVED 55-45
- *Prop 11. Allows El Paso County conservation districts to issue debt.* APPROVED 63-37
- *Prop 12. Abolishes Galveston County treasurer.* APPROVED 53-47
- *Prop 13. Increases mandatory retirement age for judges.* FAILED 37-63
- *Prop 14. Creates state parks conservation fund.* APPROVED 77-23

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

Please direct media inquiries to Leslie Ridgeway, Director of Communications and Media Relations, (213) 740-9690 (office), (619) 252-4984 (mobile), lrldgeway@law.usc.edu, or to John Matsusaka, Executive Director, matsusak@usc.edu.