

BALLOTWATCH

Overview

- November: 158 propositions in 37 states, including 63 initiatives, 2 referendums, and 84 legislative measures. Most active states: Colorado 13, Florida 12, California 11.
- Hot issues: rights of crime victims, health care, marijuana legalization.
- Bond issues: 18 propositions for the year, proposing a total of \$29 billion in new debt. Biggest single request: \$8.9 billion for water projects in California.
- Pre-November: 12 propositions in 8 states.
- For the year: 170 propositions in 38 states, including 64 initiatives and 5 referendums. Most active states: California 15, Colorado 13, Florida 12.

ELECTION 2018 PREVIEW

On November 6, voters in 37 states will decide 158 ballot propositions. The issues vary across the country; several states are voting on the rights of crime victims, expansion of health care, and marijuana legalization. Direct democracy activity shows no sign of falling off from the peak levels sustained since the 1990s.



Overall Trends

The 158 propositions on November ballots is up one from the 157 in 2016, and up 12 from the 146 in 2014, but below the 21st century peak of 204 in 2006. Including proposition elections that were held before November, the total of 170 propositions is up from 165 in 2016 and 156 in 2014, but below the 21st century peak of 236 in 2000.

Ballot “proposition” or “measure” is an umbrella term for a law that comes to a vote of the people. Under this umbrella are several variants. The highest profile propositions are *initiatives*, new laws proposed by citizen petition. This November, 40% of propositions, 63 in total, are initiatives. This is down from 74 in 2016, which was the highest in the 21st century. For more information on initiative trends, see *IRI Report on Initiative Use (1904-2017)*.

The most common propositions are those placed on the ballot by legislatures, often called *legislative measures* or *legislative propositions*. There are 84 legislative measures on the ballot in November. A relatively rare type of proposition is the *referendum* (sometimes *popular referendum* or *veto referendum*), in which citizens place an act of the legislature on the ballot by petition. There are two referendums in November and three was decided earlier this year.

For additional information on ballot measures, particularly updates of individual state ballots, see ballotpedia.org and updates of this report on ballotwatch.org and iandrinstitute.org.

Multistate Issues

Every year, some issues appear on the ballot in multiple states. This can happen because of a coordinated campaign by an interest group, or as individual states respond to a common event, such as a court ruling, or learn from each other. Multistate issues can take on a life of their own and spread across the country if they meet with voter approval initially and reveal popular support for an issue. For this reason, multistate issues are worth watching as possible leading indicators of national trends.

Marijuana

Marijuana legalization continues to be one of the leading issues in ballot propositions this year. States began approving use of marijuana for medical purposes in the 1990s. In 2012, voters in Colorado and Washington took the next step by legalizing recreational use of the drug. Other states have followed in subsequent years: Alaska, Oregon, and the District of Columbia in 2014, and California, Maine, Massachusetts, and Nevada in 2016. This year, two more states are voting on legalization: Michigan and North Dakota. Missouri and Utah are voting on whether to allow medical marijuana, and Oklahoma approved a medical marijuana measure in June. Marijuana remains illegal under federal law, but so far states representing about one-quarter of the country’s population have decriminalized it within their borders.

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MULTI-STATE ISSUES

Health Care

Another issue attracting multi-state interest is health care, in particular, expansion of Medicaid. The Affordable Care Act (often called “Obamacare”) allowed states to expand Medicaid eligibility to persons with incomes up to 138% of the federal poverty rate, with the federal government covering up to 90 percent of the cost. Some states chose not to expand eligibility. Initiatives in Idaho, Nebraska, and Utah would force those states to expand eligibility. These measures follow in the footsteps of Maine, which approved the first such measure in 2017.

In California, competing interests have launched an expensive campaign related to another health-related measure. Proposition 8 would regulate the price charged by dialysis clinics. As of early October, healthcare worker unions had raised \$18 million in support, and opponents — mainly dialysis clinics — had raised \$52 million in opposition. With \$70 million committed so far, Proposition 8 is shaping up to be the most expensive measure in California, if not the country, this year.

Crime Victims Rights

Several states are voting on laws to provide expanded rights to crime victims, sometimes called “Marsy’s Law”: Florida, Georgia, Kentucky, Nevada, North Carolina, and Oklahoma (and South Dakota approved a proposition modifying its law in June.) The laws vary from state to state, but generally call for crime victims to be treated with respect and dignity, and grant them the right to participate in and be informed about legal proceedings, such as bail, sentencing, and parole hearings.

Bond Issues

Many states require voter approval in order to issue general obligation bonds. There are 17 bond issues across six states this November, requesting a total of \$25 billion. California is asking for the most, \$14.4 billion dollars, including \$8.877 billion for water projects (on top of \$4 billion approved in June). Coming in second is Colorado, which is requesting \$9.5 billion total in two propositions, one of which takes the form of \$6 billion in revenue anticipation bonds funded by a sales tax increase. The other states with bond issues are Maine, New Jersey (\$6.137 billion), New Mexico, and Rhode Island.

Hot topics: marijuana legalization, Medicaid expansion, rights of crime victims

SPILLOVERS

STATE-BY-STATE LIST OF BALLOT PROPOSITIONS ON NOVEMBER 8

The remainder of this report contains a complete list of state-level propositions for 2018. An “initiative” is a citizen-sponsored law placed on the ballot by petition. A “referendum” is a proposal to repeal an existing law placed on the ballot by petition. “Legislative” measures were placed on the ballot by the legislature. “<NA>” or similar indicates that an official ballot number is not available.

Alabama

All measures are constitutional amendments placed on the ballot by the legislature.

- *Amendment 1. Allows display of 10 Commandments on public property.*
- *Amendment 2. Abortion.* Declares that the state constitution does not contain a right to abortion.
- *Amendment 3. University trustees.* Removes 70-year age limit; removes superintendent of education from membership.
- *Amendment 4. Legislative seat vacancy.* Changes procedures for filling vacancy.

Alaska

- *Ballot Measure 1. Increases protection for salmon habitats* (initiative statute).

Arizona

Props 125, 126, and 127 are constitutional amendments; 125 was proposed by the legislature and the others by initiative. Prop 305 is a referendum on SB 1431. Prop 306 is a legislative proposal to amend an initiative statute (Prop 200 in 1998)

- *Prop 125. Public pensions.* Allows legislature to limit growth of benefits.
- *Prop 126. Prohibits new taxes on services performed by state.*
- *Prop 127. Renewable energy.* Requires 50% of electricity to come from renewable sources.
- *Prop 305. Disabled students.* Extends program allowing disabled student to receive grant from state instead of attending public schools.
- *Prop 306. Campaign funds.* Prohibits candidates from donating publicly provided campaign funds to parties.

Arkansas

Issues 1 and 2 are legislative constitutional amendments. Issues 3 and 4 are initiative constitutional amendments. Issue 5 is an initiative statute. Issue 1 has been challenged on single-subject grounds, and whether to count the votes is being litigated.

- *Issue 1. Limits attorney fees and pain-and-suffering awards.* (On ballot but judge has prohibited counting votes; decision being appealed).
- *Issue 2. Requires photo ID to vote.*
- *Issue 3. Term limits for state legislators.*
- *Issue 4. Casino gambling.* Requires state to issue four specific casino licenses.
- *Issue 5. Minimum wage increase from \$8.50 to \$11.00 per hour.*

California

Props 1, 2, and 7 are legislative proposals; the rest are initiatives. Prop 6 is a constitutional amendment, Prop 5 is both an amendment and a statute; the rest are statutes. Prop 9 was removed from the ballot by court order.

- *Prop 1. \$4 billion bond issue for veterans homes.*

Alabama - California

STATE-BY-STATE LIST

- *Prop 2. Budget transfers.* Allows money to be transferred from mental health services fund to supportive housing program.
- *Prop 3. \$8.877 billion bond issue for water projects.*
- *Prop 4. \$1.5 billion bond issue for childrens hospitals.*
- *Prop 5. Property tax assessments.* Revises process for persons 55 and older to transfer tax assessments.
- *Prop 6. Gas taxes.* Repeals 2017 tax increase; requires voter approval of future increases.
- *Prop 7. Allows permanent daylight saving time.*
- *Prop 8. Regulates prices of kidney dialysis clinics.*
- *Prop 10. Rent control.* Allows local governments to regulate rental prices.
- *Prop 11. Ambulances.* Requires ambulance employees to remain on call during breaks.
- *Prop 12. Farm animals.* Prohibits confinement in “cruel manner”.

Colorado

Amendments A, V-Z were proposed by the legislature; Amendments 73-75 are initiatives. Props 109-112 are initiative statutes.

- *Amendment V. Legislators.* Reduces minimum age requirement from 25 to 21 years.
- *Amendment W. Alters ballot design for judicial elections.*
- *Amendment X. Changes definition of industrial hemp.*
- *Amendment Y. Creates bipartisan redistricting commission for Congress.*
- *Amendment Z. Creates bipartisan redistricting commission for state legislature.*
- *Amendment A. Prohibits involuntary servitude as punishment for crime.*
- *Amendment 73. Taxes and schools.* Increases personal and corporate income taxes; increases spending on public schools.
- *Amendment 74. Requires compensation for regulatory takings.*
- *Amendment 75. Campaign finance.* Allows candidates to raise more money if competitors self-fund over a certain amount.
- *Prop 109. \$3.5 billion bond issue for roads and bridges.*
- *Prop 110. Sales tax increase.* Increases sales tax by 2.9%; authorizes \$6 billion in revenue anticipation bonds.
- *Prop 111. Payday lending.* Reduces maximum rate to 36%.
- *Prop 112. Fracking.* Places limits on new developments near buildings.

Connecticut

Both measures are constitutional amendments from the legislature.

- *<Transportation>.* Restricts special transportation fund to be used only for transportation projects.
- *<Property>.* Requires 2/3 legislative vote to transfer state properties to nonstate entities.

Florida

Amendments 1, 2, and 5 are legislative proposals; 3 and 4 are initiatives; the others are from a constitutional revision commission. Amendments 7, 9, and 11 are being challenged in court.

- *Amendment 1. Increases homestead property tax exemption.*

California - Florida

STATE-BY-STATE LIST (CONTINUED)

- *Amendment 2. Makes permanent 10% limit on nonhomestead property assessments.*
- *Amendment 3. Requires voter approval for casino gambling.*
- *Amendment 4. Restores voting rights to convicted felons.*
- *Amendment 5. Requires legislative supermajority to raise state taxes or fees.*
- *Amendment 6. Crime victims. Expands their rights.*
- *Amendment 7. Miscellaneous. Requires supermajority for university trustees to raise fees; provides benefits to survivors of first responders and military members; more.*
- *Amendment 9. Miscellaneous. Prohibits offshore oil drilling; prohibits indoor vaping; more.*
- *Amendment 10. Miscellaneous. Requires existence of department of veterans affairs; creates office of domestic security; changes legislature start date; more.*
- *Amendment 11. Deletes obsolete language regarding discrimination.*
- *Amendment 12. Lobbying. Expands current restrictions.*
- *Amendment 13. Phases out commercial dog racing.*

Georgia

All measures were placed on the ballot by the legislature. "Referendums" are statutory proposals.

- *Constitutional Amendment 1. Sales tax revenue. Allows tax revenue from sporting goods sales to be used for conservation.*
- *Constitutional Amendment 2. Creates statewide business court.*
- *Constitutional Amendment 3. Forest land. Changes assessment procedures to encourage conservation.*
- *Constitutional Amendment 4. Crime victims. Expands their rights.*
- *Constitutional Amendment 5. Allows school districts to call county sales tax referendums.*
- *Referendum A. Property taxes. Exemption for persons in certain cities.*
- *Referendum B. Property taxes. Exemption for homes for mentally disabled.*

Hawaii

The constitutional convention question is required by the state constitution every 10 years. The other proposition is a legislative constitutional amendment.

- *Constitutional Convention Question. Calls constitutional convention.*
- *Proposed Amendment. Property tax surcharge on investment properties.*

Idaho

Both measures are initiative statutes.

- *Prop 1. Authorizes horse racing.*
- *Prop 2. Expands Medicaid eligibility.*

Indiana

- *Public Question 1. Requires balanced state budget, actuarially sound funding of pensions (legislative amendment.)*

Kentucky

- *<Amendment>. Crime victims. Expand their rights (legislative proposal).*

Florida - Kentucky

STATE-BY-STATE LIST (CONTINUED)

Louisiana

All six propositions are constitutional amendments placed on the ballot by the legislature.

- *Amendment 1. Prohibits felons from holding office for 5 years.*
- *Amendment 2. Requires unanimous jury verdict in noncapital felony cases.*
- *Amendment 3. Allows political subdivisions to donate to each other.*
- *Amendment 4. Prohibits transportation fund being used for traffic control.*
- *Amendment 5. Extends property tax exemption for properties in trust.*
- *Amendment 6. Requires large property tax assessment increases to be phased in over 4 years.*

Maine

Question 1 is an initiative statute; the others are legislative statutes.

- *Question 1. Increases income tax; creates universal home care program.*
- *Question 2. \$30 million bond issue for water treatment.*
- *Question 3. \$106 million bond issue for transportation projects.*
- *Question 4. \$49 million bond issue for state universities.*
- *Question 5. \$15 million bond issue for community colleges.*

Maryland

Both questions are legislative constitutional amendments.

- *Question 1. Dedicates video lottery revenue to education.*
- *Question 2. Provides for same-day voter registration.*

Massachusetts

Questions 1 and 2 are initiative statutes. Question 3 is a referendum on SB 2407.

- *Question 1. Limits number of hospital patients per registered nurse.*
- *Question 2. Creates citizen commission to advocate for campaign finance amendment to U. S. Constitution.*
- *Question 3. To approve or repeal law making gender identity a protected category in public accommodations.*

Michigan

All three proposals are initiatives; 18-1 is a statute, the other two are amendments.

- *Proposal 18-1. Legalizes marijuana.*
- *Proposal 18-2. Creates citizen commission to redistrict.*
- *Proposal 18-3. Authorizes election-day registration, no-reason absentee voting, straight-ticket voting.*

Missouri

Amendments 1-3 are initiatives. Amendment 4 is a legislative proposal. Propositions B and C are initiative statutes. Proposition D is a legislative statute.

- *Amendment 1. Redistricting, campaigns, lobbying.* Assigns redistricting to state demographer; limits campaign contributions; limits lobbying; sunshine law for legislature.
- *Amendment 2. Allows medical marijuana with 4% sales tax.*
- *Amendment 3. Allows medical marijuana with 15% sales tax.*

Louisiana - Missouri

STATE-BY-STATE LIST (CONTINUED)

- *Amendment 4. Allows advertising of bingo games.*
- *Prop B. Increases minimum wage to \$12.*
- *Prop C. Allows medical marijuana with 2% sales tax.*
- *Prop D. Increases gas tax.*

Montana

LR-128 and LR-129 are legislative statutes. I-185 and I-186 are initiative statutes.

- *LR-128. Property tax increase of 6 mills for universities.*
- *LR-129. Prohibits ballot collection by nongovernment individuals.*
- *I-185. Increases tobacco tax by \$2 per pack.*
- *I-186. Limits new hardrock mines.*

Nebraska

- *Initiative 427. Health care. Statute increasing Medicaid eligibility.*

Nevada

Questions 1 and 2 are legislative proposals; the rest are initiatives. Questions 2 and 5 are statutes; the rest are constitutional amendments.

- *Question 1. Crime victims. Expands their rights..*
- *Question 2. Sales tax exemption for feminine hygiene products.*
- *Question 3. Electricity. Allows consumers to choose their provider, prohibits monopolies.*
- *Question 4. Sales tax. Exemption for medical equipment.*
- *Question 5. Automatic voter registration at DMV.*
- *Question 6. Electricity. Requires utilities to provide 50% of power from renewable sources.*

New Hampshire

Both measures are legislative constitutional amendments.

- *CA Question 1. Gives taxpayers standing to petition courts about legality of government spending.*
- *CA Question 2. Declares a right to live free of government intrusion.*

New Jersey

- *Public Question 1. \$500 million bond issue for schools (legislative statute).*

New Mexico

All measures were placed on the ballot by the legislature.

- *Constitutional Amendment 1. Allows legislature to provide appellate jurisdiction.*
- *Constitutional Amendment 2. Creates independent state ethics commission.*
- *Bond Question A. \$10.77 million bond issue for senior citizen facilities.*
- *Bond Question B. \$12.876 million bond issue for libraries.*
- *Bond Question C. \$6.137 million bond issue for school buses.*
- *Bond Question D. \$136.23 million bond issue for higher education.*

Missouri - New Mexico

STATE-BY-STATE LIST (CONTINUED)

North Carolina

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

- *Constitutional Amendment. Declares right to hunt and fish.*
- *Constitutional Amendment. Crime victims. Expands their rights.*
- *Constitutional Amendment. Income tax. Reduces maximum rate from 10% to 7%.*
- *Constitutional Amendment. Requires photo ID to vote.*
- *Constitutional Amendment. Judicial nominations. Allow legislature to set of pool candidates from which governor nominates.*
- *Constitutional Amendment. State ethics/elections board. Reduces governor's appointmt power.*

North Dakota

- *Initiated Constitutional Measure 1. Establishes state ethics commission.*
- *Initiated Constitutional Measure 2. Prohibits non-citizens from voting.*
- *Initiated Statutory Measure 3. Legalizes marijuana.*
- *Initiated Statutory Measure 4. Gives first responders free personalized license plates and free entry to state parks.*

Ohio

- *Issue 1. Reduces penalties for drug possession (initiative amendment).*

Oklahoma

All five proposals are constitutional amendments. SQ 793 is an initiative and the rest are legislative proposals.

- *State Question 793. Optometrists. Allows them to practice in retail stores.*
- *State Question 794. Crime victims. Expands their rights.*
- *State Question 798. To elect governor and lieutenant governor on single ticket.*
- *State Question 800. Creates budget stabilization fund.*
- *State Question 801. School property tax revenue. Allows use for operations, not just facilities.*

Oregon

Measure 102 is a legislative constitutional amendment. Measure 105 is an initiative statute. The other three are initiative amendments.

- *Measure 102. Allows local governments to issue bonds for affordable housing.*
- *Measure 103. Prohibits sales tax on groceries.*
- *Measure 104. Requires 3/5 legislative vote to increase taxes and fees.*
- *Measure 105. Repeals state and local sanctuary laws (pertaining to immigrants).*
- *Measure 106. Prohibits public funding of abortion.*

Rhode Island

All three bond proposals were placed on the ballot by the legislature.

- *Question 1. \$250 million bond issue for school buildings.*
- *Question 2. \$70 million bond issue for higher education.*
- *Question 3. \$47.3 million bond issue for clean water, coastal protection, public access.*

*North Carolina -
Rhode Island*

STATE-BY-STATE LIST (CONTINUED)

South Carolina

- *Constitutional Amendment Question. Makes state superintendent of education appointed instead of elected (legislative proposal).*

South Dakota

Amendment W is an initiative; X and Z are legislative proposals. Measures 24 and 25 are statutes.

- *Constitutional Amendment W. Campaigns and lobbying. Reduces campaign contribution limits; prohibits contributions by corporations and unions; restricts lobbying; replaces government accountability board; limits I&R approval to simple majority.*
- *Constitutional Amendment X. Requires 55% instead of 50%+1 to approve amendments.*
- *Constitutional Amendment Z. Limits constitutional amendments to single subject.*
- *Initiated Measure 24. Prohibits out-of-state contributions to ballot measure campaigns.*
- *Initiated Measure 25. Increases tobacco taxes.*

Utah

Amendments and nonbinding question are legislative proposals. Propositions are legislative statutes.

- *Amendment A. Property tax exemption for active duty time served outside state.*
- *Amendment B. Property tax exemption for property leased by government.*
- *Amendment C. Response to fiscal crisis. Requires governor to cut spending; allows legislature to call special session.*
- *Nonbinding Opinion Question 1. Should the state increase gas tax by 10 cents per gallon?*
- *Prop 2. Legalizes medical marijuana.*
- *Prop 3. Health care. Expands Medicaid coverage.*
- *Prop 4. Creates redistricting commission.*

Virginia

Both measures are constitutional amendments placed on ballot by legislature.

- *Ballot Question 1. Property tax exemption for improved property in flood zones.*
- *Ballot Question 2. Allows surviving spouses of military veterans to carry their property tax exemption to new residence.*

Washington

The I-prefixed measures are initiative statutes. The advisory vote is required by the constitution.

- *I-1631. Taxes on fossil fuels and electricity with revenue to reduce greenhouse gas emissions.*
- *I-1634. Prohibits new taxes on food and beverages.*
- *I-1639. Guns. Increases background checks to purchase.*
- *I-940. Requires law enforcement to be trained in de-escalation.*
- *Advisory Vote 19. Maintain or repeal tax on crude oil transported by pipeline.*

West Virginia

Both amendments were placed on the ballot by the legislature.

- *Amendment 1. Abortion. Declares that the state constitution does not guarantee a right to abortion or require public funding.*
- *Amendment 2. Allows legislature to reduce court budgets by 15%.*

*South Carolina - South
West Virginia*

RESULTS FROM PRE-NOVEMBER ELECTIONS

PROPOSITIONS DECIDED IN PRE-NOVEMBER ELECTIONS

California (June 5)

All five propositions were placed on the ballot by the legislature. Prop 68 was a statute; the others were constitutional amendments.

- *Prop 68. \$4 billion bond issue for water and conservation projects.* APPROVED 58-42
- *Prop 69. Vehicle license fee revenue.* Prevents diversion to pay off bonds; excludes transportation spending from state spending limits. APPROVED 81-19
- *Prop 70. Cap-and-trade revenue.* Dedicates revenue to reserve fund. FAILED 35-65
- *Prop 71. Initiatives.* Changes effective date to when election results are certified. APPROVED 78-22
- *Prop 72. Property tax exemption for rain capture systems.* APPROVED 85-15

Maine (June 12)

- *Question 1. Ranked choice voting.* Referendum to approve or repeal law delaying implementation of ranked choice voting. REPEALED 35-65

Missouri (August 8)

- *Prop A. Unions.* Referendum on law prohibiting closed shops. REPEALED 33-67

Ohio (May 8)

- *Issue 1. Creates bipartisan redistricting commission* (legislative amendment). APPROVED 75-25

Oklahoma (June 26)

- *State Question 788. Legalizes medical marijuana* (initiative statute). APPROVED 57-43

Oregon (January 23)

- *Measure 101. Health care tax.* Referendum on a law imposing temporary tax on insurance companies and hospitals to fund low-income health care. APPROVED (law was sustained) 62-38

South Dakota (June 5)

- *Constitutional Amendment Y. Crime victims.* Legislative amendment to previous law on crime victims rights, mainly technical in nature. APPROVED 80-20

Wisconsin (April 3)

- *Question 1. Eliminates state treasurer* (legislative amendment). FAILED 38-62

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*Pre-November: 12
propositions in 8 states*

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