

★ ★ ★
BALLOT
INITIATIVES
&
REFERENDA
IN THE 2002
ELECTION

★ ★ ★
Election Preview



PRODUCED BY THE
BALLOT INITIATIVE STRATEGY CENTER
& INITIATIVE AND REFERENDUM INSTITUTE



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TABLE OF CONTENTS

NUMBER OF QUALIFIED MEASURES..... PAGE 1
 BALLOT MEASURE HIGHLIGHTS..... PAGE 2
 TOP ISSUES TO WATCH..... PAGE 4
 ELECTION OBSERVATIONS & TRENDS PAGE 10
 HOW THE STATES RANK..... PAGE 12
 STATE-BY-STATE LIST OF QUALIFIED MEASURES..... PAGE 14

ABOUT THE AUTHORS

The Ballot Initiative Strategy Center (BISC) was founded in 1998 to help defeat right-wing initiatives and to develop a proactive, national strategy to advance progressive ballot measures. BISC is the only organization that brings together multi-issue, multi-constituency progressive organizations – including unions, education groups, environmental groups, civil libertarians, think tanks, social workers, gay rights advocates, and reproductive choice advocates – to share information, strategize, and analyze ballot initiative trends and look for opportunities to advance progressive measures. BISC is providing staff organizers, polling, research and legal assistance to a number of ballot initiative campaigns this year. BISC is a 501(c)4 organization. Our sister organization, the Ballot Initiative Strategy Center Foundation, is a 501(c)(3) educational research organization.



Kristina Wilfore, Executive Director
 202-299-9522 Fax 202-299-9533
 kwilfore@ballot.org
 www.ballot.org
 1875 Connecticut Avenue, NW, Suite 710
 Washington, DC 20009

Kristina Wilfore is available for comment about specific campaigns in 2002 and their impact on progressive policy and politics.



The mission of the Initiative & Referendum Institute, a 501(c)(3) tax exempt organization, is to research and develop clear analysis of the initiative process and its use; to inform and educate the public about the process and its effects; and to provide effective leadership in litigation - defending the initiative process and the right of citizens to reform their government. The Initiative & Referendum Institute is uniquely qualified to undertake this mission. Comprising the Institute's Board of Directors, National Advisory Board and Legal Advisory Board are some of the world's leading authorities on the initiative and referendum process, including prominent scholars; experienced activists - who know the nuts and bolts of the process and its use; skilled attorneys; and political leaders - including six governors - who have seen first hand the necessity of having a process through which citizens can directly reform their government.

Dane Waters, President
 703-723-9621 Fax 703-723-9619
 mdanewaters@iandrinstitute.org
 www.iandrinstitute.org
 P.O. 6306
 Leesburg, VA 20178

Dane Waters is available for comment on technical aspects of the initiative process, the history of I&R, and latest trends.

NUMBER OF QUALIFIED MEASURES

By M. DANE WATERS

This November, voters in 38 states will get the opportunity to cast a vote on 200 statewide ballot measures – 53 from the people (49 initiatives and 4 popular referendum) and 147 from the government.¹ Arizona and New Mexico vie for the top honor of having the most prolific ballot this November – both with 14. The state with the most issues from the people (commonly referred to as initiatives) is Oregon with seven – a 60% decrease from 2000. Three of the top five most prolific ballots are comprised of issues from lawmakers and not the people – New Mexico, Louisiana and Georgia.

If these numbers stay constant, 2002 will mark a 30% decrease from the last election in the number of initiatives placed on the ballot. It will also represent the fewest number since 1986 when 46 statewide initiatives were voted on. Although citizens are placing fewer issues on the ballot, state legislators placed 10% more issues on the ballot than they did in 2000. The reason for this is hard to say, but it could be argued that the increase is due to a desire by state lawmakers to increase revenue for their states through new bonds or the expansion of lotteries and gaming.

There will be an average of 2.04 initiatives per state and an average of 2.94 legislative referendum per state. The following chart provides a comparison in the number of qualified measures in recent election cycles.

Type of Ballot Measure	1998	2000	2002	Average Per Election Cycle	Average Per State
Initiative	55	69	49	58	2.4
Popular Referendum	6	2	4	4	.17
Legislative Referendum	174	133	147	151	3.02
Total	235	204	200	213	4.26

WHAT DO THE SHADED STATES REPRESENT?

Initiatives are when citizens, collecting signatures on a petition, place advisory questions, memorials, statutes or constitutional amendments on the ballot for voters to adopt or reject. Twenty-four states have the initiative process (refer to the shaded states). In many of the same states citizens have the ability to reject laws or amendments proposed by the state legislature. This process is commonly referred to as the **referendum process**. There are two types of referendum in this country — **popular and legislative**. **Popular referendum**, which is available in 24 states, is when the people have the power to refer, by collecting signatures on a petition, specific legislation that was enacted by their legislature for voters to either accept or reject. **Legislative referendum**, which is possible in every state, is when the state legislatures, an elected official, state-appointed constitutional revision commission or other government agency or department submits propositions (constitutional amendments, statutes, bond issues, etc.) to the people for their approval or rejection.



¹ Due to litigation and legislative action, the exact number of measures on the ballot will not be known until early October. For the latest updates, visit www.ballotwatch.org.

2002 BALLOT MEASURE HIGHLIGHTS

LABOR REFORM

- Minimum wage increase (indexed to inflation) in OR
- Collective bargaining for state classified employees in MI
- Collective bargaining for firefighters and ambulance personnel in MO
- Greater control of pension plan for firefighters and law enforcement personnel in WA
- Repeal of a law regarding unemployment insurance reform in WA (to benefit big business)

EDUCATION

- Class-size reduction in FL
- Universal pre-school in FL
- Funding for after-school programs in CA
- Kindergarten-university public education facilities bond in CA
- Ban on bilingual education in CO, MA, NE
- Creation of a university board of regents in FL

DRUG POLICY REFORM

- Decriminalization of marijuana in NV
- Growing and possession of hemp in SD
- Medicinal marijuana in AZ
- Drug treatment instead of incarceration in OH
- (MI submitted signatures but was thrown off of the ballot)

HEALTH CARE

- Increased access to healthcare programs through a tobacco tax increase in AZ
- Prescription drug coverage for seniors, emergency medical trauma and funding for other healthcare programs through a tobacco tax increase in MO
- Redirection of the tobacco settlement fund for prevention, low-income healthcare and CHIP expansion in MT
- Ban on indoor workplace smoking in FL
- "Universal" health care in OR (to pay for medically-necessary services)

ELECTION REFORM

- Election day registration in CA and CO
- Straight-party voting in MI
- Vote by mail in CO
- Elimination of the party caucus system in CO
- Campaign finance reform in CO (does not include public financing)
- Advisory question to undermine voter approved clean elections law in MA
- Revision of procedure for filing judicial vacancies to allow vote for "none of the above" in OR
- Requirement for Supreme Court and court of appeal judges to be elected by district in OR
- Ensure the secrecy of votes in AR
- (Instant run-off voting failed in AK on the primary election)

ENVIRONMENT & ENERGY

- Public ownership of private dams in MT
- Labeling of genetically-engineered foods in OR
- Tax on radioactive waste in UT (funding goes towards education)
- Water projects and purchasing of coastal lands in CA
- Creation of a gas authority in AK
- Water pollution control bond in ME
- Great Lakes preservation bond approval in MI

TAX MEASURES

- Repeal of income tax in MA
- Property tax exemption in NM
- Two sales tax exemptions in NV
- Gas tax increase in WA (MO voted down a gas tax in its primary election)
- Reallocation of motor vehicle excise tax in CA for transportation projects
- Sales tax increase to fund transportation in VA
- Elimination of the motor vehicle excise tax in WA (would divert money from transit projects)

INITIATIVE REFORM

- Ban on payment for initiative signatures by the signature in OR (would require signature gatherers to be paid by the hour)
- Amendment of signature gathering requirements (increasing the distribution requirements) in MT
- Increase in signature requirements for anti-hunting measures in OK

ANIMAL RIGHTS

- Ban on cockfighting in OK
- Animal torture changed to a felony in AR
- Ban on gestation crates in hog factory farms in FL

GAMING

- Tribal gaming in AZ (3 different measures)
- Tribal gaming in ID
- Creation of the lottery in TN
- Continue the state lottery in AZ

EQUAL RIGHTS

- Ban on same-sex marriage in NV

TERM LIMITS

- Reinstatement of term limits in ID
- Exemption of District Attorney from term limits in CO
- Increase in the term of circuit court judges in MS
- Change in term limits for state legislations who have served less than half of a legislative term resulting from a special election in MO

HOUSING

- Funding for housing and emergency shelter in CA
- Referendum for affordable housing in NM

TOP ISSUES TO WATCH

This election is similar to previous election cycles with regard to controversial issues appearing on the ballot. We are seeing many of the same themes from previous elections – such as drug policy reform, animal protection and campaign finance reform. But some new and emerging issues have appeared, including same day voter registration and the labeling of genetically-modified food. The future of these new issues will be impacted greatly by what happens on Election Day. A victory could signal to reformers in other states to take up the cause via the initiative process – a loss could stop the reform cold in its tracks. There are twice as many progressive measures on the ballot this year compared to conservative ones; whether this is the beginning of a changing tide will be determined by future elections. Following is an analysis of “hot” issues of interest to progressives.

MEASURES OF INTEREST TO PROGRESSIVES

Fair Elections, Decent Wages, Quality Education and a Clean Environment Define the 2002 Ballot

EDUCATION REFORM

A perennial issue at the ballot box has been education reform. However, this election cycle seems to be dominated by more progressive education reforms than conservative ones (except for the English-only measures in Colorado, Massachusetts and Nebraska). There are no vouchers or charter school initiatives like the ones that occupied the ballot in 2000 (vouchers failed in Michigan and California and charter schools failed in Washington that year). Five initiatives are especially worth noting this election cycle.

In California, actor and popular public-figure Arnold Swartzenegger is flexing his muscles by backing an initiative to make state grants available to public elementary and junior high schools in California that want to create after-school programs for students. Through passage of Proposition 49, districts with high proportions of low-income students would have priority for after-school grants up to \$200,000, as well as grants for before school programs, and intercessional programs. The funding will come from increases in state revenues, not new taxes, beginning in 2004 or later. Californians will also have a chance to approve the “Kindergarten-University Public Education Facilities Bond Act of 2002 and 2004.”

Floridians will have the opportunity to vote on two high profile education initiatives. Measure 8 would require that “every four-year-old child in Florida be offered a high quality pre-kindergarten learning opportunity” and Measure 9 would “provide funding for sufficient classrooms so that there be a maximum number of students in public school classes.” In all, it is likely that these education battles will account for a substantial percentage of the money spent on ballot measures this election cycle. Governor Jeb Bush vehemently opposes the class-size initiative, but has endorsed universal pre-school. Both measures were petitioned by prominent state leaders– Alex Penelas, Mayor of Miami-Dade County, for the universal pre-school measure– and State Senator Kendrick Meek, U.S. Congressional candidate, for the class-size initiative. Also in Florida, U.S. Senator Bob Graham is the petitioner of a measure to create a board of regents to run the state university system, also opposed by Governor Bush.

In Colorado and Massachusetts voters will decide on initiatives that would eliminate bilingual education programs and replace them with a one-year, one-size-fits-all English immersion plan. These two initiatives are based on voter approved measures in California and Arizona in 1998. The English immersion ballot questions are being sponsored by Ron Unz, a California millionaire.

Like the California measure, the Unz measure would allow teachers, school committee members and other school officials to be personally sued for helping a child learn in their native language – which is a large focus of the Massachusetts “No on 2” campaign. Colorado opponents are concerned that the measure would eliminate the ability of parents and school districts to decide what is best for their kids. Colorado has a long, constitutional tradition of local control of education. Increased costs for implementation and the punitive nature of this measure are also a focus of the campaign to defeat Amendment 31. In Nebraska, an English-only measures was referred to the ballot by the legislature in 2002.

California Proposition 49: After-school programs.....	www.joinarnold.com
Florida Measure 8: Universal pre-school.....	www.co.miami-dade.fl.us/4prek
Florida Measure 9: Smaller class-size.....	www.smallerclasses.org
Florida Measure 11: Board of regents.....	http://edexflorida.org
Massachusetts No on 2: Bilingual education.....	www.dontsueteachers.org
Colorado No on 31: Bilingual education.....	www.no-on-31.org

LABOR REFORM

Over the last 100 years, labor unions and advocates of worker’s rights have used the initiative process to achieve several significant labor reforms, such as the establishment of worker’s compensation, the eight-hour workday, the right to collective bargaining, and the prohibition of child labor. Only eight anti-labor initiatives have qualified in the last 20 years (measures to prohibit boycotting and repeal workman’s compensation, for example). This anti-labor initiative activity represents only 26% of all labor initiative measures that have qualified for the ballot since the early 1900s. Most anti-labor measures were voted on prior to 1979. However, some of the most difficult initiative battles have occurred in the last five years through ballot initiatives that attempt to stifle the political participation of the working class (e.g. paycheck projection, otherwise known as “paycheck deception”) and prevent workers and employers the right to negotiate union security clauses (such as the so-called “right-to-work” measures which threaten to drain unions’ financial resources and prevent unions from representing and protecting members).

In fact, a paycheck deception measure nearly qualified for Oregon’s general election ballot this year. However, due to the diligent and creative tactics of the Voter Education Project, it failed to make it on the ballot, but by only a few hundred signatures. This measure was backed by Bill Sizemore, a long-time anti-union crusader responsible for the unsuccessful 1998 and 2000 paycheck measures and other anti-tax initiatives in Oregon. The Voter Education Project alerted voters to ‘think before you ink’ and shined a bright light on the shady signature gathering practices of Sizemore’s mercenary petitioners. Sizemore’s petition-gathering business is currently under investigation for never filing income tax returns, using tax-exempt funds to finance his ballot initiative campaigns, and forging signatures.

Those who have the best interest of working families in mind can look forward to several prominent initiatives this year. Measure 25 would increase Oregon’s minimum wage to \$6.90 an hour in 2003 and provide an annual cost of living adjustment based on the Consumer Price Index to keep up with inflation. Washington is the only state currently indexing its minimum wage, which is the result of the approval of a minimum wage initiative in 1998. Alaska is set to raise its minimum wage to \$7.15 on January 1, 2003 and it will be indexed thereafter. An initiative to increase the minimum wage in Alaska had qualified for 2002, but the passage of legislation voided the necessity of this measure. Six states have attempted to increase the minimum wage through ballot

initiatives; three have been successful (Washington in 1998, and Oregon and California in 1996).

There are two measures on the ballot that may benefit from the increased goodwill toward firefighters and policeman post 9/11. Missouri's initiative would allow fire and ambulance personnel to use the bargaining process to decide wages, working hours and other terms of employment. The majority of firefighters and paramedics across the county already have collective bargaining rights – but not in Missouri. This amendment does not grant firefighters, EMS employees, or dispatchers the right to participate in a strike, however. These employees take seriously their oath to protect the public safety, and as a result, they do not wish to engage in work stoppages. Collective bargaining simply gives these workers an opportunity to influence the decisions that affect their livelihoods. In Washington state, passage of Initiative 790 would create a new retirement system for police and firefighters. It would give union members much more control over their retirement benefits and reduce the legislature's role in setting pension policy.

In Michigan, a coalition of labor unions have qualified an initiative to establish collective bargaining rights for state classified employees. Under the current system, contracts that are negotiated for state employees tend to be undermined by the state Civil Service Commission. This measure would create stability in contract agreements and allow for binding arbitration. Michigan Governor John Engler, up for reelection, has taken a hard stance against this initiative. Democratic gubernatorial candidate Jennifer Granholm is in support of it. How this plays out in the election will be interesting to observe.

Voters will decide on Referendum 53 in Washington, which asks voters to approve or disapprove a law passed during the 2002 legislative session that would create greater tax equity in the unemployment insurance (UI) system for about 80% of the employers in the state. The law, as passed by the legislature, would raise taxes of those employers who have historically not paid their fair share. The original UI insurance law had different rates for different businesses. Some businesses paid less money than needed to pay unemployment claims to their workers who were laid off. Some business paid more money than needed. The law was very complex and so too is the referendum. Backers of the referendum – the Building Industry Association of Washington who wishes to abolish the law – claim that as a result of this legislation there will be a huge tax increase on the construction industry and small business. Voting “yes” for the referendum would approve the legislatures' bill.

Oregon Measure 25: Increase the minimum wage..... www.oregonminimumwage.org
Michigan Proposal 02-3: Collective bargaining..... www.truecollectivebargaining.net

ELECTION REFORM

Several initiatives fall into the election reform category this cycle – more so than in any of the previous three cycles. In California and Colorado, voters will decide on what is commonly referred to as election day voter registration (EDR), which would permit eligible citizens to register to vote on Election Day. Currently six states have EDR. These states boast higher-than-average voter turnout and report few problems with fraud, costs or administrative complexity, according to experts. Fully 56 million eligible Americans were not registered to vote in 2000. Elections experts predict that EDR could bring millions of new voters into the system – particularly the young, people of color and low-income populations who are more likely to move and more likely to have registration problems that could be solved by EDR.

Three other Colorado initiatives are also worth noting. Two are backed by the Bighorn Center for Public Policy. Amendment 29 would change the way candidates are placed on the primary ballot by requiring nominating petitions instead of relying on nominating conventions. Supporters of this initiative believe that the caucus/assembly process is a closed system dominated by insiders that keep many qualified candidates off the ballot. The second measure, Amendment 28, would allow for mail-in ballot elections. Proponents believe voting by mail makes voting more convenient for ordinary Americans who want to vote, but for a variety of reasons don't make it to the polls on Election Day. It is also believed that absentee voting would substitutionally increase voter participation, especially in the primaries, where less than 15 percent of voters voted in Colorado's election in August. Both campaigns are almost totally funded by the founder of the Bighorn Center – millionaire businessman Rutt Bridges.

Amendment 27, sponsored by Common Cause of Colorado, is a campaign finance reform measure that would “reduce the amount of money that individuals and political committees can contribute.” It would bar direct union and corporate contributions and create voluntary spending limits for candidates. It does not provide public financing for campaigns.

The combination of these four election-related ballot initiatives has the potential to dramatically change the world of Colorado politics. The state Democratic Party has not taken a formal position on any of these initiatives; the Republican Party opposes all of them.

In Oregon, voters will decide on two judicial reform initiatives, backed by conservative interests. Measure 21 would “revise the procedure for filling judicial vacancies and allow votes for none-of-the-above” and Measure 22 would require Oregon Supreme Court judges and court of appeals judges to be elected by district.

In Michigan, voters will decide on reinstating straight party voting, and Idaho voters will decide on a popular referendum that would reinstate state legislative term limits that were abolished by the state legislature earlier this year. The outcome of these measures will resonate through state legislatures all across the country.

California Proposition 52: Election day registration.....	www.electiondayreg.com
Colorado Amendment 30: Election day registration.....	www.coloradovoterinitiative.org
Colorado Amendment 28: Vote-by-mail.....	www.bighorncenter.org
Colorado Amendment 29: Elimination of party caucus.....	www.bighorncenter.org
Colorado Amendment 27: Campaign finance reform.....	www.stopbigmoney.orgp
Michigan Referendum 02-01: Straight party voting.....	www.mi-democrats.com/welcome.html

ENVIRONMENTAL REFORM

Throughout the history of the initiative process, environmental measures have been some of the most frequently qualified issues on the ballot. Although there are no “smart growth” or land use measures on the ballot this year (which in the past have tended to dominate the environmental ballot) there are three high-profile measures worth noting. The following initiatives are prime examples of grassroots interests attempting to take on powerful, big business – in this case, private energy companies, food manufacturers, and radioactive waste dumpers.

Initiative 145 in Montana would allow the state to acquire public ownership of the 12 privately owned dams in the state. The two companies that own the dams – Pennsylvania Power and Light and Avista – have raised and spent a great deal more money than the citizen-based group backing the measure (the spending ratio is 46-1). The “buy the dams” initiative would create an elected, five-member public statewide commission authorized to negotiate with these companies to purchase the dams. For years, Montana families enjoyed cheap, clean power from hydroelectric dams on Montana rivers and reservoirs. As a result of deregulation, the electricity generated from these dams is no longer dedicated to Montana; instead it’s for sale to the highest bidder. As a result, Montana citizens have faced dramatic increases in the price of electricity and the Governor is purported to be promoting “dirty” energy development at the expense of Montana’s clean air, pristine rivers, lakes and streams, and valuable wetlands. If a price for the dams cannot be agreed upon, the commission, granted eminent domain powers, could condemn the dams and pay market value for them. The state would be granted up to \$500 million in bonding authority to buy the dams and finance them with revenue bonds paid for by power sales, not tax money.

In Utah, the Radioactive Waste Restrictions Act, would raise industry taxes and outlaw dumping of hotter radioactive waste than what is already allowed by the state. Envirocare in remote Tooele County is the only radioactive waste company in the state and consequently the sole company that would be subject to the new tax. Envirocare is pursuing a state permit to take waste that is more radioactive than what they already receive. This measure would raise taxes on the low-radioactivity waste already permitted, and direct a portion of tax revenues from hot waste to public school and homeless programs. It would change the tax on low-level nuclear waste from about 35 cents per cubic foot to up to \$150 per cubic foot. The initiative would also bar Envirocare from accepting any wastes hotter than the class A wastes – mostly contaminated soils – the company currently accepts. Envirocare is one of three disposal firms in the country for commercially produced, low-level radioactive waste. Industry opponents say Utah has become a magnet for radioactive waste because of low taxes on radioactive waste disposal.

In Oregon, voters could make their state the first in the nation to require labeling of genetically-engineered foods. An estimated 70% of processed foods on supermarket shelves contains some genetically-engineered components. The main crops that come from genetically-altered seed are soybeans and corn, and they are used in a wide variety of foods and beverages. Supporters say a law is needed to protect the public from untested products because too little is known about the long-term effects of genetically-modified foods. The measure would require that all genetically-engineered foods sold or distributed in or from Oregon bear a label, created by the Oregon State Department of Agriculture, that is plainly visible on the principal display panel and contains the words “Genetically Engineered.” The food industry is mounting a major effort to defeat this measure.

Additional environmental measures of interest include a little-known \$3.46 billion bond in California to buy coastal lands and improve water quality; a water pollution control bond in Maine; a Great Lakes preservation bond in Michigan; and an environmentally friendly transportation initiative in California to relieve transportation and clean up old, polluting school buses.

Montana I-145: Buy the dams.....	www.pirg.org/montpirg/issues/dams
Oregon Measure 27: Labeling of genetically modified foods...	www.labelgefoods.com
California Proposition 50: Water bond.....	www.prop50yes.com
California Proposition 51: Transportation.....	www.voteyesonprop51.org

TOP LEGISLATIVE REFERENDUM TO WATCH

BY M. DANE WATERS

FISCAL POLICY / REVENUE ENHANCERS

Over the last couple of election cycles, and especially since the fiscal impact of September 11, state legislatures have been looking at ways to increase the revenues in their states. Forty states now claim that they will have budget deficits this year. One way in which states hope to increase revenue is by allowing the investment of state funds in the stock market. In Louisiana, one legislative referendum would "create an exception to permit institutions of higher education or their respective management boards to invest in stocks of up to 50%." Another would create "an exception to permit investment in stocks of up to 35% of the Medicaid Trust Fund for the Elderly." Montana voters will decide if to "remove the restriction on investing public funds in private corporate capital stock." In South Carolina, two legislative referendum dealing with state investments will be decided. One would, "delete the restrictions limiting investments in equity securities to those of American-based corporations registered on an American national exchange as provided in the Securities Exchange Act of 1934 or any successor act, or quoted through the National Association of Securities Dealers Automatic Quotations System or similar service" and the other would "allow a municipality, county, special purpose district, or public service district of this State which provides firefighting service and which administers a separate pension plan for its employees performing this service to invest and reinvest the funds in this pension plan in equity securities traded on a national securities exchange as provided in the Securities Exchange Act of 1934 or a successor act or in equity securities quoted through the National Association of Securities Dealers Automatic Quotations System or similar service." It will be interesting to see how the voters respond to these ballot measures given the current fiscal climate and controversy surrounding corporate stock and the volatility of the stock market.

Another method in which states are trying to increase their revenue, as they do in almost every election cycle, is through the issuance of bonds. Almost 16% of all the legislative referendum this election cycle are bonds. But that's not all state lawmakers are up to - expanding or establishing a lottery is also on their radar screen. In Arizona, voters will decide on whether to extend the state lottery to the year 2012, while Tennessee voters will decide on deleting the current constitutional prohibition on lotteries. This measure will no doubt test the ability of the churches to mobilize their flocks to the polls.

INITIATIVE PROCESS REGULATION

As the I&R Institute has highlighted over the last few years, state legislators have become more and more hostile to the initiative process. This election only emphasizes this point. In Oklahoma, lawmakers have placed on the ballot an amendment that would change the number of signatures needed to propose a constitutional initiative from 8% to 15% for initiatives pertaining to hunting, fishing or trapping. In Montana, voters will decide two issues: one would increase the distribution requirement for constitutional initiatives and the other would increase the distribution requirement for statutory initiatives. All three of these measures will do nothing but increase the difficulty and cost of utilizing the initiative process. Additionally, many constitutional scholars believe that each of these measures would create unconstitutional restrictions on the initiative process.

ELECTION OBSERVATIONS & TRENDS

BY KRISTINA WILFORE

Important changes are taking place in the initiative world that have the potential to alter the way progressive groups and individuals organize around issues, use the initiative process as part of a larger agenda, and achieve victory by passage of monumental policies. Following are observations and trends about initiative activity this election cycle.

- **THE ABSENCE OF THE RIGHT-WING FAVORITES.** Instead of ballot boxes being dominated by right-wing attempts to stifle the political participation of the working class (paycheck deception), turn back the clock on civil rights (anti-affirmative action), or rob public schools of money (vouchers), this election voters will have a chance to approve policies that we know most Americans support: quality education, better access to health care, and a safe and clean environment. Why? Partly because stinging conservative losses have deterred the right. Historically, the right wing has had more success qualifying their measures than actually winning at the ballot box (e.g. vouchers lost in California and Michigan in 2000; paycheck protection lost in California and Oregon in 1998; and many anti-choice measures have been found unconstitutional). The disappearance of many conservative measures this year may also be the result of a category of initiatives that have simply run their course. After all, how many times can there be a vote to decrease taxes or impose term limits?

- **STOPPING BAD INITIATIVES BEFORE THEY QUALIFY.** In addition to the factors listed above, there is another factor at play which helps explain the altered face of the ballot box this year. Progressive coalitions have gotten more savvy, earlier in the process, by organizing efforts to prevent bad initiatives from getting to the ballot – thus saving time, money and energy by stopping these highly contested and expensive-to-defeat campaigns. Coalitions of progressive groups came together this year like never before to prevent several conservative measures from qualifying:
 - As cited earlier, the Voter Education Project prevented a paycheck deception measure from qualifying in Oregon.
 - Anti-equal rights measures in Maryland and in Massachusetts were stopped through educational outreach, threats to expose fraudulent signature gathering, and effective legislative lobbying (in the case of Massachusetts).
 - In Washington state, a coalition of labor leaders, education groups and anti-smoking advocates came together to prevent I-791 from making it to the ballot. This measure threatened to jeopardize critical resources for Washington's children, schools, environment and public health. I-791, backed by Phillip Morris, would have extended a spending cap to all state accounts; limited growth to about 4% per biennium; and eviscerated the initiative passed in 2001 that increased Washington's tobacco tax to expand access to health care among low-income families in the state. Phillip Morris was bankrolling I-791 to keep the price of cigarettes down. This coalition led a public educational campaign encouraging citizens to tell Phillip Morris to "Butt Out of Washington." They also retained a fiscally conservative economist respected by the business community to do a fiscal analysis of the measure, and shared these findings with the business community to encourage them to withdraw their support. Combined,

all of these tactics led to success. In all likelihood, Washington hasn't seen the last of shortsighted spending limit proposals, but they gained some valuable lessons that other states can learn from about starting early and building a strong coalition.

- And in Florida, signature gathering for a counter measure to the initiative banning workplace smoking was stopped when opponents of the smoking ban initiative were revealed to be entirely bankrolled by Philip Morris.
- **THE CONSERVATIVE TAKEOVER OF STATE LEGISLATURES.** State legislatures have become increasingly conservative over the years. The makeup of state legislatures may be making the initiative process look more attractive to progressive activists. However, it is important to note that some issues, no matter how progressive or conservative the legislature is, will have virtually no success at a legislative level, e.g. public financing of elections, drug policy reform, death with dignity, even minimum wage increases – either because of the degree of controversy of the issue or due to the entrenchment of well-paid and influential lobbyists in opposition.
 - **INITIATIVES MAY IMPACT THE MARGIN OF VICTORY IN KEY RACES.** The disparity in voter turnout rates between initiative and non-initiative states has been increasing over time, estimated at 7- 9% higher in midterm elections and 3 - 4.5% higher in presidential elections in the 1990s. Analysis suggests that the initiative process can and does play a positive role in increasing electoral participation. Ballot initiatives in Colorado, Florida, Arizona and Oregon may boost turnout among otherwise unmotivated voters in these states with contested races this year.
 - **WHAT THE FUTURE MAY HOLD.** Progressive groups, with few exceptions, have been hesitant to embrace the ballot initiative process because of its costs, the lack of an identified support network and ballot language development system, and a few stinging high-profile losses. However, the tide is beginning to change. Proactive measures on the ballot this year to allow election day voter registration, reduce class-sizes and increase the minimum wage, coupled with the notable lack of any anti-choice, pro gun or voucher measures, could be the beginning of the progressive take over of initiatives. Progressives as a whole are beginning to realize that – love it or hate it – the process is not going away and it can be used to our advantage. State leaders are ahead of the curve on realizing that the initiative process can be a means to engage disinterested voters, help support progressive candidates, build stronger coalitions, frame a progressive message, and create proactive policy change. Unlike candidate campaigns where coordination between different campaigns is often illegal—ballot measures have no such limitations. Although we have much to look forward to in the 2002 election, the heyday of conservative, right-wing, anti-working family ballot initiatives is not likely over. Therefore, it is imperative that progressive groups work together to share ideas and plan wisely for the future.

TOP STATES BY NUMBER OF BALLOT MEASURES

THE TOP FIVE MOST PROLIFIC BALLOTS
THIS NOVEMBER BY TOTAL NUMBER OF *BALLOT MEASURES*

State	Initiatives	Popular Referendum	Legislative Referendum	Total Number of Statewide Ballot Measures
Arizona	4	0	10	14
New Mexico	0	0	14	14
Louisiana	0	0	12	12
Oregon	7	0	5	12
Georgia	0	0	11	11

THE TOP FIVE MOST PROLIFIC BALLOTS
THIS NOVEMBER BY TOTAL NUMBER OF *INITIATIVES*

State	Initiatives	Popular Referendum	Legislative Referendum	Total Number of Statewide Ballot Measures
Oregon	7	0	5	12
Colorado	5	0	5	10
Florida	5	0	6	11
Arizona	4	0	10	14
California	4	0	3	7

THE TOP FIVE MOST PROLIFIC BALLOTS
THIS NOVEMBER BY TOTAL NUMBER OF *LEGISLATIVE REFERENDA*

State	Initiatives	Popular Referendum	Legislative Referendum	Total Number of Statewide Ballot Measures
New Mexico	0	0	14	14
Louisiana	0	0	12	12
Georgia	0	0	11	11
Arizona	4	0	10	14
Oklahoma	1	0	8	9

STATE-BY-STATE RANK*(The Rest of the Country)*

State	Initiatives	Popular Referendum	Legislative Referendum	Total Number of Statewide Ballot Measures
Florida	5	0	5	10
Nevada	2	0	7	9
Colorado	5	0	5	10
Oklahoma	1	0	8	9
California	4	0	3	7
Montana	2	1	4	7
Utah	1	0	6	7
Alaska	2	0	4	6
Missouri	2	0	4	6
Rhode Island	0	0	5	5
Arkansas	2	0	2	4
Michigan	2	1	1	4
South Dakota	2	0	2	4
Virginia	0	0	4	4
Washington	2	1	1	4
Wyoming	0	0	4	4
Alabama	0	0	3	3
Hawaii	0	0	3	3
Maine	0	0	3	3
Maryland	0	0	3	3
Massachusetts	2	0	1	3
North Dakota	2	0	1	3
Idaho	1	1	0	2
Kentucky	0	0	2	2
Nebraska	0	0	2	2
New Hampshire	0	0	2	2
South Carolina	0	0	2	2
Tennessee	0	0	2	2
West Virginia	0	0	2	2
Mississippi	0	0	1	1
North Carolina	0	0	1	1
Ohio	1	0	0	1
Texas	0	0	1	1
Connecticut	0	0	0	0
Delaware	0	0	0	0
Illinois	0	0	0	0

STATE-BY-STATE SUMMARY

ALABAMA

3 legislative amendments were referred to the ballot

Alabama is not one of the 24 states that allows citizen petitioned initiatives; only legislative referrals are allowed.

Amendment No. 1: administrative (amends toe Constitution of Alabama of 1901, providing that any new proposed Constitution adopted to replace the existing Constitution shall become effective only upon its ratification by a majority of qualified voters voting on such radification)

Amendment No. 2: administrative (establishes the General Fund Rainy Day Account within the Alabama Trust Fund)

Amendment No. 3: Provides a means by which members of the sheep and goat industry may organize and by referendum levy upon themselves assessments for the purpose of financing promotional programs for the sheep and goat industry)

ALASKA

Deadline: January 14, 2002

6 measures are on the ballot

2 initiative statutes qualified

Ballot Measure No. 2: administrative (move state legislature to Matanuska-Susitna Borough)

Ballot Measure No. 3: energy (establishing the Alaska Natural Gas Development Authority "to maximize revenues for Alaska and jobs and gas for Alaskans.")

4 legislative statutes were referred to the ballot

Bonding Proposition A: Veteran's Residential Mortgage Bonds \$500,000,000

Bonding Proposition B: transportation revenue anticipation bonds for \$226,719,500

Bonding Proposition C: educational and museum facility construction and maintenance for \$236,805,441

Note: An initiative on instant run-off voting on the primary ballot failed. A minimum wage ballot initiative qualified for the general election ballot, but the legislature passed similar legislation so the initiative didn't go forward.

Candidate Races

Senate Race Incumbent Ted Stevens (R); Incumbent Frank Murkowski (R) retiring

Governor's Race Open (Incumbent Tony Knowles (D) is term-limited)

Other Statewide Lt. Governor

Congressional Redistricting no change

ARIZONA

Deadline: July 5, 2002

14 measures are on the ballot

4 initiative statutes qualified

Proposition 200: gaming (would direct the Governor to enter into gaming compacts with Arizona Indian tribes)

Proposition 210: gaming (would permit Arizona non-tribal gaming operators a limited number of gaming devices)

Proposition 202: gaming (would authorize agreements between Arizona tribes and the state to allow for the continuation of limited, regulated

gaming on tribal lands)

Proposition 203: drug reform (creates a medical marijuana registry card system authorizing medical use of marijuana for people diagnoses with a debilitating medical condition; increases drug offender maximum sentences for violent crimes committed while on drugs by 50%; punishes personal possession of marijuana with a civil fine)

10 legislative statutes were referred to the ballot

Proposition 100: municipal debt limits

Proposition 101: state lands

Proposition 102: residential property tax valuation

Proposition 103: bailable offenses

Proposition 104: school and community college district expenditure limitations

Proposition 300: state school trust land revenues

Proposition 301: gaming (continuation of the state lottery commission until 2012)

Proposition 302: probation

Proposition 303: taxation of tobacco products (increases tobacco tax to fund smoking cessation programs and expand access to health care)

Proposition 304: increase in legislative salaries to \$36,000

Note: 13 additional initiatives were circulating in 2002 that failed to qualify.

Candidate Races

Senate Race	None
House	2 new seats
Governor's Race	Open – (Incumbent Jane Dee Hull (R) is term-limited)
Other Statewide	2 Seats for Corporation Commissioner
Congressional Redistricting	+2

ARKANSAS

Deadline: July 5, 2002

4 measures are on the ballot

2 initiative amendments qualified

Number 2001-103A: taxes (would abolish taxes on food and over-the-counter medications)

Number 2001-389: animal rights (would make torturing an animal a felony)

2 legislative amendments were referred to the ballot

Number SJR 16: administrative (revises the executive article of the AR constitution)

Number HJR 1004: electoral reform (ensure the secrecy of individual votes in elections)

Candidate Races

Senate Race	open - Incumbent Tim Hutchison (R) now DEA head
House Race	Incumbent Mike Huckabee (R)
Governor's Race	Incumbent Mike Huckabee (R)
Other Statewide	LG, AG, SoS, Treasurer, Auditor, Comm. Of State Lands
Congressional Redistricting:	no change

CALIFORNIA

Deadline: May 29th for statutes and July 5 for constitutional amendments

7 measures are on the ballot

4 initiative statutes qualified

Proposition 49: education (increases state grants for after-school programs)

Proposition 50: water bond (authorizes \$3,400,000,000 for a variety of water projects including purchase of coastal lands)

Proposition 51: transportation (transfers 30% of revenue from the motor vehicle excise tax to traffic congestion relief and school bus safety)

Proposition 52: election reform (allows election day registration, i.e. same day voting and increases criminal penalty for voter registration fraud)

3 legislative amendments were referred to the ballot

Proposition 46: housing (establishes the housing and emergency shelter trust fund)

Proposition 47: education bonds (Kindergarten-University Public Education Facilities Bond Acts of 2002 and 2004)

Proposition 48: administrative (would set guidelines for the consolidation of California courts)

1 measure qualified for March 2004 election

Number 933: anti-affirmative action "racial privacy" measure prohibiting state, local governments from using race, ethnicity, color or national origin to classify current or prospective students, contractors, or employees in public education, contracting or employment operation

Notes: 58 additional measures were circulating in 2002 that did not qualify. 6 measures circulating for 2004: housing loans; homeowners property tax exemption; gaming – to legalize Las Vegas and Atlantic City casino-type gambling, community service requirements for graduation; legal – a popular referendum to repeal a law passed on clemency process; funding for emergency health care

Candidate Races

Senate Race	None
House Race	One new seat
Governor's Race	Incumbent Gray Davis (D)
Other Statewide	LG,AG, SoS, Insurance Commissioner
Congressional Redistricting	+1

COLORADO

Deadline: August 5, 2002

10 measures are on the ballot

5 initiative amendments qualified

Amendment 27: campaign finance reform (bans corporate and union contributions, reduces the amount of money that individuals and political committees can contribute to candidates and various political organizations, creates a voluntary spending cap on state campaigns)

Amendment 28: election reform (would allow absentee mail in voting)

Amendment 29: election reform (eliminates the party caucus system for nomination of candidates for office)

Amendment 30: election reform (allows election day registration and allows the general assembly to adopt necessary protections against fraud)

Amendment 31: ban on bilingual education

4 legislative amendments were referred to the ballot

Referendum A: term limits (exempts District Attorney from term limits)

Referendum B: health (would provide for the public ownership of health facilities)
 Referendum C: administrative (would set the qualifications for the Coroner)
 Referendum D: administrative (would repeal obsolete provisions from the state constitution)

1 legislative statute was referred to the ballot

Referendum E: establishes a Cesar Chavez Legal Holiday

Notes: 127 additional initiatives were circulating in 2002 that did not qualify.

Candidate Races

Senate Race	Incumbent Wayne Allard (R)
House Race	Incumbent Bob Schaffer (R) and 1 open seat
Governor's Race	Incumbent Bill Owens (R)
Other Statewide	LG (runs as a slate with Gov.), SoS, AG, State Treasurer
Congressional Redistricting	+1

FLORIDA

Deadline: August 6, 2002

10 measures are on the ballot

5 initiative amendments qualified

Amendment 6: health (bans smoking in enclosed indoor workplaces)
 Amendment 8: education (requires universal pre-school for every four-year-old)
 Amendment 9: education (reduces public school class-sizes)
 Amendment 10: animal rights (bans hog factory farm gestation crates)
 Amendment 11: education (creates a board of regents for the state's university system)

5 legislative amendments were referred to the ballot

Amendment 1: death penalty (would authorize the death penalty for capital crimes and authorize retroactive changes in the method of execution)
 Amendment 2: initiative reform (requires an economic impact statement for initiatives before being voted on)
 Amendment 3: administrative (concerning "home rule" charter in Miami)
 Amendment 4: administrative (requires that laws providing exemptions from public records or meeting requirements must be passed by a two-thirds vote of each house of the legislature)
 Amendment 7: tax (would allow counties to exempt from taxation an increase in the assessed value of home property resulting from the construction of living quarters for parents and grandparents who is 62 years old or older)

Notes: 16 initiatives are circulating for 2004. 22 circulating measures in 2002 failed to qualify.

Candidate Races

Senate Race:	None
House Race	Incumbent Dan Miller (R)
Governor's Race	Incumbent Jeb Bush (R)
Other Statewide	LG, AG, CFO, Commissioner of Agriculture
Congressional Redistricting	+2

GEORGIA

11 legislative amendments were referred to the ballot

Georgia is not one of the 24 states that allows citizen petitioned initiatives; only legislative referrals are allowed.

- Referendum 1: taxes (would change the income limit for school tax homestead exemptions for those 62 and older)
Referendum 2: taxes (would extend the tax exemption for spouses of military personnel who die due to war)
Referendum 3: taxes (would exempt medical societies and museums in historic property of nonprofit corporations from property taxes)
Referendum 4: taxes (would exempt commercial fishing vessels from property taxes)
Referendum 5: taxes (would increase the tax exemption for tangible personal property from \$500 to \$7,500)
Amendment 1: taxes (would require that someone who defaults on his or her taxes ineligible to hold public office)
Amendment 2: administrative (would allow separate valuations for qualified affordable residential developments)
Amendment 3: taxes (would allow tax increments to encourage redevelopment of blighted property)
Amendment 4: taxes (would allow different tax rates for properties contaminated with hazardous waste to encourage their cleanup)
Amendment 5: taxes (would allow different tax rates for commercial dockside facilities used to land and process seafood)
Amendment 6: animal rights (would establish a program of dog and cat sterilization funded by special license plates)

HAWAII

3 legislative amendments were referred to the ballot

Hawaii is not one of the 24 states that allows citizen petitioned initiatives; only legislative referrals are allowed.

- Question 1: election reform (would require candidate's seeking office to be required to become a qualified voter in their district)
Question 2: bonds (would authorize the state to issue special purpose revenue bonds and use the proceeds for educational purposes)
Question 3: legal (would permit criminal charges for felonies to be initiated by a legal prosecuting officer and establishing the procedures for such act)

IDAHO

Deadline: August 6 2002

2 measures are on the ballot

1 initiative statute qualified

Proposition 1: gaming (would define tribal video gaming machines and provide for their use)

1 popular referendum qualified

Proposition 2: term limits (would reinstate term limits for elected state, county, municipal and school district officials that were abolished by the state legislature)

Candidate Races

Senate Race	Incumbent Larry Craig (R)
Governor's Race	Incumbent Dick Kempthorne (R)
Other Statewide	LG, SoS, Controller, Treasurer, AG, Supt. Of Public Instruction
Congressional Redistricting	+1

KENTUCKY

2 legislative amendments were referred to the ballot

Kentucky is not one of the 24 states that allows citizen petitioned initiatives; only legislative referrals are allowed.

Amendment 1: legal (would allow the Supreme Court to designate one or more divisions of circuit court within a judicial circuit as a family court division)

Amendment 2: business regulation (would repeal sections of the constitution that hold corporations in check)

LOUISIANA

12 legislative amendments were referred to the ballot

Louisiana is not one of the 24 states that allows citizen petitioned initiatives; only legislative referrals are allowed.

Number 1 - Act 1231: administrative (would purpose a set general legislative sessions in even-numbered years and fiscal sessions in odd numbered years)

Number 2 - Act 88 - taxes (would change the individual and joint income tax schedule of rates and brackets, etc.)

Number 3 - Act 1236 - criminal justice (would allow for the removal of public employees from employment due to a felony conviction during employment)

Number 4 - 1234 - administrative (would require the governor to submit a budget estimate to fully fund state salary supplements for full-time law enforcement and fire protection officers of the state)

Number 7 - Act 87 - administrative (would delete requirements that persons qualifying for special homestead exemption assessment level must reapply annually)

Number 8 - Act 1235 - education (would create an exemption to permit institutions of higher education or their respective management board to invest in stocks of up to 50%)

Number 9 - 1232 - administrative (would create an exemption to permit investment in stocks of up to 35% of the Medicaid Trust Fund for the elderly)

Number 10 - 1233 - administrative (would create programs to assist farmers for the development and enhancement of surface water resources and create the Drought Protection Trust Fund)

Number 11 - Act 86 - taxes (would create an exemption from ad valorem taxation on drilling rigs used in other continental shelf waters)

Number 12 - 1230 - administrative (would establish qualifications for the office of coroner in Livingston Parish)

MAINE

Deadline: Past January 2002

3 measures are on the ballot

3 legislative amendments have been referred to the ballot

Question 1: bonds (would authorize general bonds to build a new correctional facility and provide maintenance to existing prison facilities)

Question 2: bonds (would authorize general bonds for water pollution control and other assorted environmental issues)

Question 3: administrative (would allow for loans to be repaid with federal transportation dollars)

Notes: 6 measures are circulating for 2004. 11 certified measures failed to qualify in 2002.

Candidate Races

Senate Race Incumbent Susan Collins (R)

House Race Incumbent John Baldacci (D)

Governor's Race Open – Incumbent Angus King (I) term limited
Other Statewide none
Congressional Redistricting no change

MARYLAND

3 legislative amendments were referred to the ballot

Maine is not one of the 24 states that allows citizen petitioned initiatives; only legislative referrals are allowed.

HB 403: legal (authorizing the Montgomery County Council to appoint a licenses and certified real estate appraiser to estimate the fair market value of property situated in the county subject to immediate taking under existing law)
HB 346: administrative (authorizing the General Assembly to pass emergency laws creating or abolishing any office or changing the term or duties of any officer)
HB 6: administrative (Expanding the powers and duties of district court commissioners to include the issuance of certain interim civil orders for protection within the jurisdiction of the District Court under certain circumstances)

MASSACHUSETTS

3 measures are on the ballot

3 initiative amendments qualified

Question 1: taxes (repeal of the state income tax)

Question 2: education (ban on bilingual education)

Question 3: campaign finance reform (this is an advisory question on campaign finance reform - a nonbinding measure that asks voters if they support using taxpayer money to finance the campaigns of candidates for public office)

Note: 24 certified measures failed to qualify in 2002. Proponents collected the needed signatures but the Massachusetts Supreme Court ruled that the measure was unconstitutional.

Candidate Races

Senate Race Incumbent John Kerry (D)
House No
Governor's Race Incumbent Jane Swift (R)
Other Statewide LG, AG, Treasurer, Secretary, Auditor
Congressional Redistricting no change

MICHIGAN

Deadline: May 29, 2002 for statute, July 5, 2002 for constitutional amendments

4 measures are on the ballot

1 initiative statute qualified

Proposal 02-03: labor reform (would establish collective bargaining for state classified employees)

Proposal 02-04: health care (would reallocate settlement funds for health care programs)

1 legislative amendment was referred to the ballot

Proposal 02-02: bonds (would allow for the insurance of general obligation bonds to be used for great lake preservation)

1 popular referendum has qualified

Proposal 02-01: election reform (Would reinstate straight party voting in the general election. The state legislature passed a law last year to stop letting voters choose all the candidates from one political party by checking one box, an option most often used by Democrats)

Candidate Races

Senate Race	Incumbent Carl Levin (D)
House	Incumbent David Bonior (D)
Governor's Race	Incumbent John Engler (R)
Other Statewide	SoS, AG, 2 State Board of Ed., 2 seats trustees to universities, State Supreme Ct. justices
Congressional Redistricting	-1

MISSISSIPPI

Deadline: The state does not allow initiatives in even numbered years

1 measure is on the general ballot

1 legislative amendment was referred to the ballot

SCR 543: term limits (would increase the term of circuit court judges and chancellors from four to six years)

Candidate Races

Senate Race	Incumbent Thad Cochran (R)
House	No
Governor's Race	No
Other Statewide	No
Congressional Redistricting	-1

MISSOURI

Deadline: June 26, 2002

6 measures have are on the ballot

2 initiative amendments qualified

Amendment 2: labor reform (Would allow collective bargaining for fire and ambulance personnel. Unions could use bargaining powers to decide wages, working hours and other terms of employment. It would not grant employees the right to strike.)

ID TBD: health care (Raises the tax on cigarettes by 55 cents a pack, to 72 cents. At 17 cents a pack, Missouriit has one of the lowest cigarette taxes in the country. Would also place a 20 percent tax on other forms of tobacco. Estimated to raise \$342.6 million a year for health care programs such as prescription drug coverage for senior citizens, early childhood care and education, emergency and trauma services and anti-smoking programs)

3 legislative amendments were referred to the ballot

Amendment 1: administrative (St. Louis Charter)

Amendment 3: term limits (Changing term limits on state officials - for members of the General Assembly who have served less than one-half

of a legislative term resulting from a special election held after December 5, 2002)
 Amendment 4: political subdivisions (shall joint boards or commissions be authorized to own joint projects to issue bonds)

1 legislative statute was referred to the ballot

Constitutional Convention Question: administrative (shall there be a convention to revise and amend the constitution)

Note: 20 additional ballot measures were circulating in 2002 that failed to qualify.

Candidate Races

Senate Race	Incumbent Jean Carnahan (D)
House	No
Governor's Race	No
Other Statewide	No
Congressional Redistricting	no change

MONTANA

Deadline: June 23, 2002

7 measures are on the ballot

2 initiative statutes qualified

I-145: environmental (would allow the state to acquire hydroelectric dams that are in the public interest to acquire and operate them for the benefit of Montanans)
 I-146: health care (would establish a statewide tobacco-use prevention program using tobacco settlement funds)

1 popular referendum qualified

IR-117: repeal HB 474 relating to electrical energy

4 legislative amendments were referred to the ballot

C-36: administrative (would authorize the investment of local government's insurance program assets)
 C-37: initiative reform (would amend signature-gathering requirements for initiatives. Would increase the distribution requirement for statutory initiatives)
 C-38: initiative reform (would amend signature-gathering requirements for initiatives. Would increase the distribution requirement for statutory initiatives)
 C-39: administrative (would remove the restriction on investing public funds in private corporate stock)

Note: 21 additional initiatives were circulating in 2002 that failed to qualify.

Candidate Races

Senate Race	Incumbent Max Baucus (D)
House	No
Governor's Race	No
Other Statewide	No
Congressional Redistricting	no change

NEBRASKA

Deadline: July 5, 2002

2 measures are on the ballot

2 legislative amendments were referred to the ballot

LR 4CA: bonds (would authorize the use of revenue bonds to develop and lease property for use by non-profit enterprises as determined by law)

LR 1CA: education (would ban bilingual education and require English-only teaching in the public schools)

Candidate Races

Senate Race	Incumbent Chuck Hagel (R)
House	No
Governor's Race	No
Other Statewide	No
Congressional Redistricting	no change

NEVADA

Deadline: June 2002 for ammendments

9 measures are on the ballot

2 initiative amendments qualified

Question 2: equal rights (banning same sex marriage)

Question 9: drug reform (decriminalization of marijuana - allowing possession of three ounces or less by a person 21 or older)

4 legislative amendments have been referred to the ballot

Question 5: administrative (repeals the constitutional rule against perpetuities)

Question 6: administrative (revises the term of office of a justice of the supreme court or judge of a district court who is appointed to fill a vacancy)

Question 7: education (exempt state contracts for the improvement, acquisition and construction of facilities for schools from the limit on general borrowing by the state)

Question 8: taxes (authorizes the abatement of the property tax for certain owners of single-family residences)

3 legislative statues have been referred to the ballot

Question 1: bonds (requires submission to voters of proposal to issue general obligation bonds to protect, preserve and obtain benefits of property and natural resources of the State - specifically preserving water quality, protecting open space, lakes, wetlands and wildlife)

Question 3: taxes (proposes to exempt from sales and use tax sale of farm machinery and equipment, and provides such exemption from certain analogous taxes)

Question 4: taxes (proposes to exempt from sales and use tax certain items used by professional racing teams or sanctioning bodies and provides exemption from certain other taxes for such items)

Note: 2 measures are circulating for 2004 (gaming and business regulation).

Candidate Races

Senate Race	No
House Race	Open (new seat)
Governor's Race	Incumbent Kenny Guinn (R)
Other Statewide	None
Congressional Redistricting	+1

NEW HAMPSHIRE

2 legislative measures were referred to the ballot

New Hampshire is not one of the 24 states that allows citizen petitioned initiatives; only legislative referrals are allowed.

1 legislative amendment has been referred to the ballot

Concurrent Resolution 5: judicial reform (would provide that the Supreme Court may adopt rules that have the force and effect of the law)

1 legislative statute has been referred to the ballot

Constitutional Convention Question: Shall there be a convention to amend or revise the constitution?

NEW MEXICO

14 legislative measures were referred to the ballot

New Mexico is not one of the 24 states that allows citizen petitioned initiatives; only legislative referrals are allowed.

9 amendments have been referred to the ballot

Constitutional Amendment 1: taxes (phase in an additional exemption from property taxation of \$2,000 of property of honorably discharged veterans who served in the United States Armed Forces during an armed conflict)

Constitutional Amendment 2: election reform (would remove the prohibition against certain persons exercising the right to vote)

Constitutional Amendment 3: administrative (would eliminate an outdated section regarding designation of judicial districts)

Constitutional Amendment 4: administrative (would eliminate section of constitution which states that aliens cannot own land or any interest in land in the state unless otherwise approved by law)

Constitutional Amendment 5: taxes (exempts from property taxation the principal place of residence occupied by a veteran of the armed forces of the United States of America who has a one hundred percent permanent and total service-connected disability.

Constitutional Amendment 6: housing (permits the state and local governments to provide land, buildings or infrastructure to create affordable housing.)

Constitutional Amendment 7: administrative (would designate the last Friday in March as a legal holiday in honor of Cesar Chavez)

Constitutional Amendment 8: education reform (broaden eligibility for Vietnam Veterans' Scholarships)

Constitutional Amendment 9: administrative (would change the name of the State Highway Commission to the State Transportation Commission.

5 statutes have been referred to the ballot

Bond Question 1: authorizes the issuance and sale of capital projects general obligation bonds to make capital expenditures for senior citizen facility improvements and acquisitions

Bond Question 2: authorizes the issuance and sale of capital projects general obligation bonds for state public educational capital improvement

Bond Question 3: authorizes the issuance and sale of capital projects general obligation bonds for public library acquisition

Bond Question 4: authorizes the issuance and sale of capital projects general obligation bonds for state facilities improvement

Bond Question 5: authorizes the issuance and sale of capital projects general obligation bonds for water projects

NORTH CAROLINA

1 legislative amendment was referred to the ballot

North Carolina is not one of the 24 states that allows citizen petitioned initiatives; only legislative referrals are allowed.

Constitutional Amendment 1: administrative (would make a technical correction in the state's constitution to allow the dedication and acceptance of property into the State Nature and Historic Preserve by the General Assembly)

NORTH DAKOTA

Deadline: August 5, 2002

3 measures are on the ballot

2 initiative statute have qualified

Measure 1: education reform (would create a Bank of North Dakota administered program providing for partial reimbursement of student loan payments for employment of North Dakota residents under 30 years of age who have graduated from accredited post secondary schools)
Measure 2: gaming (would direct the legislative assembly to authorize the state to join a multi-state lottery)

1 legislative amendments was referred to the ballot

Constitutional Measure 1: taxes/environment (relating to the taxable status of land held for conservation or wildlife purposes)

Candidate Races

Senate Race	No
House Race	No
Governor's Race	No
Other Statewide	No
Congressional Redistricting	no change

OHIO

Deadline: May 5, 2002

1 measure is on the ballot

1 initiative amendment has qualified

Issue One: drug policy reform (Treatment instead of Incarceration for non-violent drug offenders; also establishes new penalties for drug kingpins)

Candidate Races

Senate Race	No
House Race	Incumbent Tony Hall (D)
Governor's Race	Incumbent Robert Taft (R)
Other Statewide	No
Congressional Redistricting	-1

OKLAHOMA

Deadline: September 6, 2002

9 measures are on the ballot

1 direct statute has qualified

Question 687: animal rights (would make it illegal to hold or encourage a cockfight - it would become illegal to keep birds for fighting purposes.)

5 legislative amendments have been referred to the ballot

Question 696: taxes (would exempt storm shelters from ad valorem tax)
Question 697: taxes (would exempt county development from ad valorem tax)

Question 698: initiative reform/animal rights (would change the number of signatures needed to propose a constitutional initiative from 8% to 15% for initiatives pertaining to hunting, fishing or trapping)
 Question 701: health care (would modify expenditures from the Tobacco Settlement Endowment Fund)
 Question 702: taxes (would authorize the legislature to enact laws providing for tax abetment under certain circumstances)
 Question 703: legal (would limit liability for information technology contracts)
 Question 704: administrative (would allow for the use of building funds for inspection of property by the county assessor)

1 measures was thrown out by the court after signatures submitted: anti bilingual education

Candidate Races

Senate Race	Incumbent James Inhofe (R)
House Race	Wes Watkins (R)
Governor's Race	Open – Incumbent Frank Keating (R) term limited
Other Statewide	LG, AG, State Auditor, State Treasurer, Sup. Public Instruction, Comm. Of Labor, Comm. Of Insurance
Congressional Redistricting	-1

OREGON

Deadline: July 5, 2002

12 measures are on the ballot

3 initiative amendments have qualified

Number 21: judicial reform (would revise the procedure for filing judicial vacancies and allows vote for “none of the above”)
 Number 22: judicial reform (would require Oregon Supreme Court judges and court of appeals judges to be elected by District)
 Number 26: initiative reform (would prohibit payment or receipt of payment if based on number of initiative, referendum signatures obtained)

4 initiative statutes have qualified

Number 23: health care (would create health care finance plan for medically necessary services)
 Number 24: health care (would allow licensed denturists to install partial dentures (replacement teeth); authorize cooperative dentist-denturists business venture)
 Number 25: labor reform (would increase Oregon's minimum wage to %6.90 in 2003 and adjust for inflation in future years)
 Number 27: environment (would require labeling of genetically engineered foods (as defined) sold or distributed from Oregon)

5 legislative amendments were referred to the general election ballot

Number 14: administrative (would remove historical racial references in obsolete sections of the constitution)
 Number 15: bonds (would authorize certain bonds for seismic rehabilitation of public education buildings)
 Number 16: bonds (would authorize certain bonds for seismic rehabilitation of public education buildings)
 Number 17: election reform (would make changes in the requirements to run for office and reduces the age requirements to serve as state legislature from 21 to 18)
 Number 18: taxes (would allow certain tax districts to establish permanent property tax rates and divide into zones)

Note: 258 initiatives were certified but failed to qualify in Oregon this year. 6 measures have been filed for 2004 (2 tax measures, judicial reform, administrative, alcohol regulation, drug policy reform).

Candidate Races

Senate Race	Incumbent Gordon Smith (R)
House Race	No
Governor's Race	Open - John Kitzhaber (D) term limited
Other Statewide	Commissioner of Labor
Congressional Redistricting	no change

RHODE ISLAND

5 legislative measures were referred to the ballot

Rhode Island is not one of the 24 states that allows citizen petitioned initiatives; only legislative referrals are allowed.

1 legislative amendment has been referred to the ballot

Question 5: administrative (amends constitution to eliminate references to King Charles II of England in 1663)

4 legislative statutes have been referred to the ballot

Question 1: bonds (\$55,000,000 for construction of the new State Municipal Fire Academy and the new State Policy Headquarters facility)

Question 2: bonds (\$14,000,000 for state support of recreational development, historical preservation and the Heritage Harbor museum)

Question 3: bonds (\$563,500,000 to match federal funds for improvements in the state's highways, roads and bridges; replace and repair transportation maintenance facilities and purchase buses and/or rehabilitate existing buses for the Rhode Island Public Transportation Authority's fleet).

Question 4: bonds (\$11,000,000 for road and utility infrastructure, building demolition, site preparation and pier rehabilitation at the Quonset Point/Davisville Industrial Park).

SOUTH CAROLINA

2 legislative measures were referred to the ballot

South Carolina is not one of the 24 states that allows citizen petitioned initiatives; only legislative referrals are allowed.

Question 1: administrative (relating to benefits and funding of public employee pension plans in this State and the equity securities investments allowed for funds of the various state-operated retirement systems be amended so as to delete the restrictions limiting investments in equity securities to those of American-based corporations registered on an American national exchange as provided in the Securities Exchange Act of 1934 or any successor act, or quoted through the National Association of Securities Dealers Automatic Quotations System or similar service)

Question 2: administrative (relating to restrictions on pledging the credit of the State or its political subdivisions for a private purpose and the restrictions on the State or its political subdivisions from becoming a joint owner or stockholder of a business be amended so as to allow a municipality, county, special purpose district, or public service district of this State which provides firefighting service and which administers a separate pension plan for its employees performing this service to invest and reinvest the funds in this pension plan in equity securities traded on a national securities exchange as provided in the Securities Exchange Act of 1934 or a successor act or in equity securities quoted through the National Association of Securities Dealers Automatic Quotations System or similar service)

SOUTH DAKOTA

Deadline: November 2001 for statutes and May 7, 2002 for constitutional amendments

4 measures are on the ballot

1 initiative statute qualified for the ballot

Measure 1: drug policy reform (proposes a law that would make it legal under state law, but not under federal law, for a person to plant, cultivate, harvest, possess, process, transport, sell or buy industrial hemp (cannabis) or any of its by-products with a tetrahydrocannabinol (THC) content of one percent or less)

1 initiative amendment was referred to the ballot

Constitutional Amendment A: legal (The Constitution currently guarantees certain rights to a person accused of a crime. Amendment A would amend the Constitution to state that a criminal defendant may argue the merits, validity, and applicability of the law, including sentencing laws)

2 legislative amendments were referred to the ballot

Constitutional Amendment B: administrative (the Constitution requires the Legislature to establish legislative districts every ten years. Voters from each legislative district elect one state senator and one or two state representatives to the South Dakota Legislature. Amendment B would require the Legislature to adopt a new plan, in a regular or special legislative session, if a court invalidates the districts established by the Legislature)

Constitutional Amendment C: administrative (the Governor must veto legislation within five days of presentation while the Legislature is in session, and within fifteen days of presentation if presented within five days of adjournment or recess. Amendment C would alter these time periods by excluding weekends and holidays from the five-day presentation period, and would clarify when the fifteen-day time period is applicable)

Candidate Races

Senate Race	Incumbent Tim Johnson (D)
House Race	Incumbent John Thune (R)
Governor's Race	Open – Incumbent William Janklow term limited
Other Statewide	LG, AG, Treas., Auditor, SoS, Comm. Of School and Public Lands, Public Utilities Comm.
Congressional Redistricting	no change

TENNESSEE

2 legislative amendments were referred to the ballot

Tennessee is not one of the 24 states that allows citizen petitioned initiatives; only legislative referrals are allowed.

Constitutional Amendment 1: gaming (would delete the current constitutional prohibition on lotteries)

Constitutional Amendment 2: administrative (would allow the General Assembly to prescribe the maximum fine that, absent waiver, may be assessed without a jury)

TEXAS

1 legislative amendment was referred to the ballot

Texas is not one of the 24 states that allows citizen petitioned initiatives; only legislative referrals are allowed.

Constitutional Amendment HJR 2: administrative (would authorize the commissioners' court of a county to declare the office of constable in a precinct to be dormant if the office has not been filled by election or appointment for a lengthy period and providing a procedure for the reinstatement of the office)

UTAH

Deadline: July 1, 2002

7 measures are on the ballot

1 initiative statute qualified for the ballot

Number 1: environmental reform/taxes (protects Utah's environment against radioactive waste - by imposing a tax on dumping, stricter regulations and certain prohibitions - thereby improving Utah's education and assisting Utah's impoverished families and individuals to attain self-sufficiency)

6 legislative amendments were referred to the ballot

- Constitutional Amendment 1: administrative (would make changes to the investment of state school funds and the uniform school fund)
- Constitutional Amendment 2: administrative (would change county boundaries)
- Constitutional Amendment 3: taxes (would amend the revenue and taxation provisions of the constitution)
- Constitutional Amendment 4: administrative (would require public notice prior to special sessions)
- Constitutional Amendment 5: administrative (would amend debt limits for political subdivisions)
- Constitutional Amendment 6: taxes (would expand the government property tax exemption)

Note: 7 initiatives were circulating in 2002 that failed to qualify.

Candidate Races

Senate Race	No
House Race	Incumbent Jim Hansen (R)
Governor's Race	No
Other Statewide	No
Congressional Redistricting	no change

VIRGINIA

4 legislative amendments were referred to the ballot

Virginia is not one of the 24 states that allows citizen petitioned initiatives; only legislative referrals are allowed.

Proposed Amendment 1: judicial reform (would permit the Supreme Court to consider, as part of its original jurisdiction, claims of actual innocence presented by convicted felons in the cases and manner provided by the General Assembly)

Amendment 2: taxes (would allow localities by ordinance, rather than the General Assembly by law, to exempt property from taxation that is used for charitable and certain other purposes, subject to the restrictions and conditions provided by general law)

Bond Issue #1: would authorize the issuance of general obligation bonds of the Commonwealth of Virginia in the maximum amount of \$900,488,645 pursuant to Article X, Section 9(b) of the Constitution of Virginia for capital projects for educational facilities, take effect)

Proposed Bond Issue #2 (would authorize the issuance of general obligation bonds of the Commonwealth of Virginia in the maximum amount of \$119,040,000 pursuant to Article X, Section 9(b) of the Constitution of Virginia for capital projects for parks and recreational facilities, take effect)

WASHINGTON

Deadline: July 5, 2002

5 measures are on the general election ballot

2 initiatives have qualified

Initiative 776: taxes (would require license tab fees of \$30 per year for cars, sport utility vehicles, motorcycles, motor homes, and light trucks)

Initiative 790: labor reform (would establish a new board of trustees to manage the law enforcement officers' and fire fighters' (LEOFF) pension system, plan 2 - giving them a more significant voice in the direction of the pension plan)

1 popular referendum has qualified

Measure 53: labor reform (would establish new rate classes and increase taxable wage bases for these classes as it relates to unemployment insurance; adopt tax array schedules for 2003 and 2004; adopt tax array schedules for 2005 and beyond; impose surcharge taxes if certain contingencies occur; require successor employers to use the previous owners' taxable wage base; require administrative expenses to be funded out of a separate account; and establish effective dates for various sections)

2 measure have been referred to the ballot

Referendum 51: taxes/energy (would increase weight fees on trucks and large vehicles, fuel excise taxes, and sales taxes on vehicles to finance transportation improvements)

Constitutional Amendment HJR 4220: taxes (the legislature has proposed a constitutional amendment on fire protection property tax levies. This amendment would permit property tax levy propositions for fire protection districts to be submitted to voters for periods up to four years, or six years for fire facility construction, rather than annually)

Note: 45 additional initiatives were certified in 2002 that did not qualify for the ballot. 2 measures have been filed for 2003.

Candidate Races

Senate Race	No
House	No
Governor's Race	No
Other Statewide	No
Congressional Redistricting	no change

WEST VIRGINIA

2 legislative ammendments were referred to the ballot

West Virginia is not one of the 24 states that allows citizen petitioned initiatives; only legislative referrals are allowed.

Proposed Amendment 1: administrative (would amend the State Constitution to permit the Legislature by general law to authorize county commissions and municipalities to use a new economic development tool to help create jobs)

Amendment 2: administrative (would allow county and municipal governments to propose excess levies for the same time periods as boards of education, which is up to five years)

WYOMING

Deadline: January 2002

4 measures are on the ballot

Four legislative amendments were referred to the ballot

Amendment A: administrative (would allow a majority of the elected members of each house to convene a special legislative session)

Amendment B: administrative (would allow legislative leaders of each house to call a special session to resolve a dispute or challenge to determine the presidential electors)

Amendment C: administrative (would limit the governor's partial veto authority to apply only to general appropriations bills)

Amendment D: administrative (would provide that amendments to the state constitution proposed by the legislature be submitted to the voters without prior approval of the governor)

Candidate Races

Senate Race	Incumbent Mike Enzi (R)
House	No
Governor's Race	Open – Incumbent Jim Geringer term limited
Other Statewide	SoS, Auditor, Treas., Sup. Of Public Instruction
Congressional Redistricting	no change