



Ballot Initiative
STRATEGY CENTER

2007 INITIATIVE & REFERENDA ELECTION RESULTS

NOVEMBER 2007

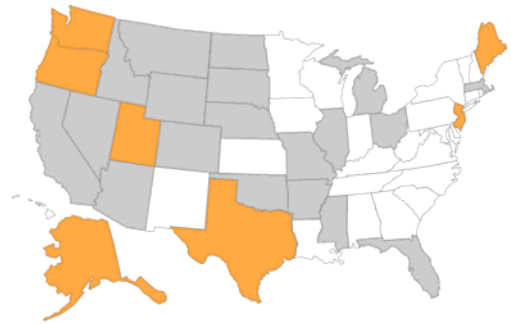
WWW.BALLOT.ORG

2007 INITIATIVE & REFERENDA ELECTION RESULTS

NOVEMBER 2007

The statistics

Odd-year elections typically offer a narrow slate of often uncontroversial (often administrative) ballot measures, mixed with a handful of high-profile campaigns. In 2007, six states fielded 34 statewide ballot measures, two of which were citizen-petitioned initiatives (Washington's tax-related measure and Maine's gambling measure). The vast majority of measures this year were referred by the legislature to the ballot – 30 in total, 24 of which were approved by voters. Two measures were citizen vetoes; one passed and one failed (vouchers were rejected in Utah and a measure to make it unlawful for insurers to deny certain coverage was passed in Washington).



Since the Initiative and Referenda process began, there have been 2216 total citizen-petitioned measures on the ballot. Of those 2216 less than half have passed (902).

The Terminology Only 24 states plus the District of Columbia) allow for Ballot Initiatives – by which citizens, collecting a minimum number of signatures on a petition within a specified time, place advisory questions, memorials, statutes or constitutional amendments on the ballot for the citizens to adopt or reject. NOTE: Mississippi and Florida only allow ballot initiative constitutional amendments, not statutes. Illinois only allows advisory measures, i.e. non-binding initiatives.

The Popular Referendum process, by which citizens gather signatures to refer to voters specific legislation enacted by the state legislature for passage or rejection (this process is used much less frequently), is allowed in all of the initiative states except for Florida, Illinois and Mississippi and two non initiative states – Kentucky and New Mexico.

Legislative Referenda, allowed in ALL states, occurs when the state legislature, 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.

The significance of the 2007 results

Searching for trends and predictors in the results of odd-year ballot measures is often an exercise in futility. These issues are largely consigned to a single state, are pushed for the policy goal rather than an attempt to influence a larger electoral map, and rarely have bearing on the future movement of a single issue across the country. Without the easier patterns of ballot measure results in Presidential and midterm years, election analysts must dig deeper to determine how the most high profile off-year campaigns might speak to an issue's momentum, an electorate's mood, or a funder's willingness to engage with a ballot issue.

The 2007 crop of statewide ballot measures offer us a handful of contentious issues that could set a precedent to advance or stymie larger ballot battles as soon as 2008. Vouchers, land use, and stem cell research campaigns each signaled a volley in an ongoing national effort. Spending fights – a hallmark of the ballot initiative landscape – were a decidedly mixed bag with a few high profile measures defeated in a couple states while voters approved roughly \$10 billion in bonds. And the results of a children's health care measure seem surprising until one examines the funding dynamics and unusual sensitivities at play.

Whereas the 2007 state ballots saw a few politically charged issues in a relatively quiet season, BISC is already tracking hundreds of ballot measures filed across the country for 2008. Many of these initiatives and referenda are designed to influence broader electoral priorities from the state level all the way up to the Presidential campaign. You can stay ahead of the curve on the most important initiative strategies – both progressive and conservative – by signing up for our email newsletter at www.ballot.org.

Results with a Ripple Effect

UTAH – School Vouchers

When his multi-state "65% Deception" ballot measure strategy went nowhere in 2006, Patrick Byrne, the CEO of Overstock.com turned his attention to Utah, using the state as a pilot program for a private school vouchers scheme. He and his legislative allies pushed vouchers through the legislature, but before it could become law, public education advocates collected the signatures necessary to put it on the ballot and let Utahns have their say.

Even after Byrne and his family spent \$3 million personally to override the citizen veto, Utahns said "no" to vouchers in a big way on Election Day. The voucher law was simply obliterated at the polls, severely damaging anti-public education ideologues and their plans to roll out voucher proposals in multiple states in 2008 and beyond. The impact of a "deep red" state rejecting a signature conservative issue so resoundingly should not be underestimated. And Byrne's reaction to the vote seems unlikely to win him new allies: he called the referendum a "statewide IQ test" that Utahns failed."

OREGON – Regulatory Takings

Measure 49 was referred to the voters by the legislature to fix the "pay-or-waive" giveaway to big developers known as Measure 37, which voters adopted in 2004. Measure 37 allowed property owners to

seek compensation or a waiver on regulations if zoning laws imposed after they bought property reduced its value and/or restricted its use. Measure 49 allows rural landowners to build a few homes — three in most cases and as many as 10 for some — but curbs larger subdivisions and industrial development.

Measure 49 passed with 61% of the vote – a margin that spells continued trouble in future years for the so-called “property rights” movement. Similar controversial attempts to allow takings were defeated in three states in 2006 – CA, WA, and ID (only AZ passed the measure) – and seven additional states attempted measures. The backers of this movement, Americans for Limited Government and Howie Rich, a real estate millionaire from New York, spent millions of dollars in 2006 on this radical agenda.

NEW JERSEY – Stem Cell Research

A bond issue to borrow \$450 million for stem cell research went down to defeat in a liberal Northeastern state - a vote that surprised many observers. The pro-stem cell effort was funded largely by Governor John Corzine, who spent the last weeks of the campaign championing the measure at media events. The financial aspect differentiated the New Jersey measure from the 2006 Missouri stem cell initiative, which merely sought the right to research stem cells in the state and passed by a narrow margin with proponents there spending over \$30 million. (Note: a ballot measure proposal to repeal the new Missouri law is moving forward for 2008.)

The borrowing aspect may have struck a chord with voters cynical about the accountability of a state legislature tainted by scandal. However, based on the success of another large bond on the ballot – and the strong passage rate of bond measures generally – it would be naïve to imagine that fiscal responsibility was the deciding factor on this national social issue. Opponents of the measure included the Catholic Church, NJ Americans for Prosperity and NJ Right to Life.

OREGON – Tobacco Tax for Children’s Health Care

BISC research has shown that overwhelming spending against an initially popular measure will practically guarantee its defeat while heavy spending in favor of an initiative does not ensure its passage. Little more needs to be said about Oregon’s Healthy Kids proposal, a constitutional amendment which was defeated by over \$12 million in Big Tobacco dollars. The tobacco companies’ cash represented a four-to-one spending imbalance over the measure’s backers, and set a new Oregon record for ballot initiative spending.

Most of the money was spent on slick and effective advertising that questioned why the tax would be embedded in the state Constitution. As the Healthy Kids campaign manager Carol Butler said after the vote, “These are the best marketers in the world. They sell a product that kills you.” Ironically, it may have been “protect the Constitution” messages used by progressive opponents of the 2006 Taxpayer Bill of Rights initiative that raised public concern about adding fiscal requirements to the state Constitution.

Oregon did pass a tobacco tax in 1996 despite heavy spending from the tobacco companies, but the different contexts between the two measures explain the different results. The 1996 measure was statutory, and thus avoided the messaging around protecting the Constitution and the record funds spent because a

constitutional amendment is more difficult to change. The 1996 measure was a citizen initiative, which offers proponents more time and a public signature-gathering process to educate voters and disseminate messages. Healthy Kids, as a legislative referendum, had a shorter and less public path to the ballot.

Other Significant Measures

Washington – Supermajority for New Taxes / Simple Majority for Education Levies

Taxes are a perennial issue on the ballot initiative landscape, especially in Washington. The state suffers under anti-tax initiative huckster Tim Eyman. His I-960 passed by a wide margin, and its supermajority requirement for new taxes likely hurt the campaign supporting simple majorities for education funding, which was defeated. Washington is a classic western state—even when it trends progressive, tax sensitivities can be exploited through issue campaigns. Adding another wrinkle, in odd-year elections when turnout is low, ballot issues are decided by older, far more tax-sensitive voters. This phenomenon was reflected not only in I-960, but in the failure of a three-county, multi-billion dollar road and transit measure.

Washington – Insurance Reform

The flip side of the rule described above for tobacco’s big-money defeat of children’s health care, in this case the insurance industry spent \$11.5 million to repeal new legislation prohibiting unreasonable denial of coverage claims. The insurers were soundly defeated, handing a victory to health care advocates and trial lawyers.

Texas – Cancer Research

Opponents of a \$3 billion, Lance Armstrong-backed bond issue for a cancer research center as an opening for stem cell research. Voters rejected those arguments and passed the measure overwhelmingly.

State-by-state results can be found on page 6-12.

State-by-State Election Results

Please note: vote percentages will shift when final precinct reports are filed. Given the existing margins of victory or defeat, no outcomes will be altered.

ALASKA (note, this was voted on in a local special election)

Local Proposition No. 1 - Ordinance Serial No. 07-097 – Eminent Domain

If a public entity enacts or enforces a new land use regulation enacted after October 10, 2007 that restricts the use of private real property or any interest therein for public use or benefit and has the effect of reducing the fair market value of the property, or any interest therein, then the owner of the property shall be paid just compensation.

FAILED: 29% - 71%

MAINE

Question 1 - Gambling

Do you want to allow a Maine tribe to run a harness racing track with slot machines and high-stakes beano games in Washington County?

FAILED: 48% - 52%

Question 2 – Bond Measure

Do you favor a bond issue to stimulate economic development and job creation that would provide \$5,000,000 in loans and grant funds and would provide \$50,000,000 in research, development and commercialization funds for targeted technology sectors, awarded after a competitive process administered by the Maine Technology Institute, and will leverage at least \$50,000,000 in other funds?

PASSED: 51% - 49%

Question 3 – Bond Measure

Do you favor a \$43,500,000 bond issue for interior and exterior building renovations, improvements and additions at all campuses of the Maine Community College System, the Maine Maritime Academy and the University of Maine System; to replenish the School Revolving Renovation Fund for school repairs and renovations; and to support capital improvements for cultural and educational assets such as museums, historical facilities and libraries?

PASSED: 51% - 49%

Question 4 – Bond Measure

Do you favor a \$35,500,000 bond issue to invest in land conservation, water access, wildlife habitat, outdoor recreation opportunities, including hunting and fishing, farmland and working waterfront and to invest in state parks, historic sites and riverfront, community and farm infrastructure to be matched by at least \$21,875,000 in private and public contributions?

PASSED: 63% - 37%

Question 5 - Term Limits

Do you favor extending term limits for Legislators from four to six consecutive terms in either the House or Senate?

FAILED: 33% - 67%

NEW JERSEY

Publican Question 1 – Property Tax

Would amend the state constitution to dedicate 1% of sales tax revenue each year for property tax reform.

FAILED: 47% - 53%

Public Question 2 – Bond

The “New Jersey Stem Cell Research Bond Act,” authorizes the State to issue bonds in the amount of \$450 million for grants to fund “stem cell research projects,” as defined in the act, at institutions of higher education and other entities in the State conducting scientific and medical research, and providing the ways and means to pay the interest on the debt and also to pay and discharge the principal thereof.

FAILED: 47% - 53%

Public Question 3 – Bond

The “Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007,” authorizes the State to issue bonds in the amount of \$200 million to provide moneys for (1) the acquisition and development of lands for recreation and conservation purposes, (2) the preservation of farmland for agricultural or horticultural use and production, (3) the acquisition, for recreation and conservation purposes, of properties in the floodways of the Delaware River, Passaic River, and Raritan River, and their tributaries, that are prone to or have incurred flood or storm damage, and (4) funding historic preservation projects; and providing the ways and means to pay the interest on the debt and also to pay and discharge the principal thereof.

PASSED: 54% - 46%

Public Question 4 – Election Reform

Shall the amendment of Article II, Section I, paragraph 6 of the Constitution, agreed to by the Legislature, revising the current constitutional language concerning denial of the right to vote by deleting the phrase “idiot or insane person” and providing instead that a “person who has been adjudicated by a court of competent jurisdiction to lack the capacity to understand the act of voting” shall not enjoy the right of suffrage, be adopted?

PASSED: 60% - 40%

OREGON

Measure 49 – Land Use

Addressing the problems with Measure 37 this referral will limit many rural landowners to three homes and make it nearly impossible to build more than 10.

PASSED: 61% - 39%

Measure 50 – Health Care

Measure will raise cigarette taxes by 84.5 cents a pack to provide health care to uninsured children.

FAILED: 40% - 60%

TEXAS

Proposition 1 - HJR 103

The constitutional amendment providing for the continuation of the constitutional appropriation for facilities and other capital items at Angelo State University on a change in the governance of the university.

PASSED: 66% - 34%

Proposition 2 - SJR 57

The constitutional amendment providing for the issuance of \$500 million in general obligation bonds to finance educational loans to students and authorizing bond enhancement agreements with respect to general obligation bonds issued for that purpose.

PASSED: 66% - 34%

Proposition 3 - HJR 40

The constitutional amendment authorizing the legislature to provide that the maximum appraised value of a residence homestead for ad valorem taxation is limited to the lesser of the most recent market value of the residence homestead as determined by the appraisal entity or 110 percent, or a greater percentage, of the appraised value of the residence homestead for the preceding tax year.

PASSED: 71% - 29%

Proposition 4 - SJR 65

The constitutional amendment authorizing the issuance of up to \$1 billion in bonds payable from the general revenues of the state for maintenance, improvement, repair, and construction projects and for the purchase of needed equipment.

PASSED: 58% - 42%

Proposition 5 - SJR 44

The constitutional amendment authorizing the legislature to permit the voters of a municipality having a population of less than 10,000 to authorize the governing body of the municipality to enter into an agreement with an owner of real property in or adjacent to an area in the municipality that has been approved for funding under certain programs administered by the Texas Department of Agriculture under which the parties agree that all ad valorem taxes imposed on the owner's property may not be increased for the first five tax years after the tax year in which the agreement is entered into.

PASSED: 66% - 34%

Proposition 6 - HJR 54

The constitutional amendment authorizing the legislature to exempt from ad valorem taxation one motor vehicle owned by an individual and used in the course of the owner's occupation or profession and also for personal activities of the owner.

PASSED: 74% - 26%

Proposition 7 - HJR 30

The constitutional amendment to allow governmental entities to sell property acquired through eminent domain back to the previous owners at the price the entities paid to acquire the property.

PASSED: 80% - 20%

Proposition 8 - HJR 72

The constitutional amendment to clarify certain provisions relating to the making of a home equity loan and use of home equity loan proceeds.

PASSED: 78% - 22%

Proposition 9 - SJR 29

The constitutional amendment authorizing the legislature to exempt all or part of the residence homesteads of certain totally disabled veterans from ad valorem taxation and authorizing a change in the manner of determining the amount of the existing exemption from ad valorem taxation to which a disabled veteran is entitled.

PASSED: 91% - 9%

Proposition 10 - HJR 69

The constitutional amendment to abolish the constitutional authority for the office of inspector of hides and animals.

PASSED: 77% - 23%

Proposition 11 - HJR 19

The constitutional amendment to require that a record vote be taken by a house of the legislature on final passage of any bill, other than certain local bills, of a resolution proposing or ratifying a constitutional amendment, or of any other nonceremonial resolution, and to provide for public access on the Internet to those record votes.

PASSED: 85% - 15%

Proposition 12 - SJR 64

The constitutional amendment providing for the issuance of general obligation bonds by the Texas Transportation Commission in an amount not to exceed \$5 billion to provide funding for highway improvement projects.

PASSED: 63% - 37%

Proposition 13 - HJR 6

The constitutional amendment authorizing the denial of bail to a person who violates certain court orders or conditions of release in a felony or family violence case.

PASSED: 84% - 16%

Proposition 14 - HJR 36

The constitutional amendment permitting a justice or judge who reaches the mandatory retirement age while in office to serve the remainder of the justice's or judge's current term.

PASSED 75% - 25%

Proposition 15 - HJR 90

The constitutional amendment requiring the creation of the Cancer Prevention and Research Institute of Texas and authorizing the issuance of up to \$3 billion in bonds payable from the general revenues of the state for research in Texas to find the causes of and cures for cancer.

PASSED: 61% - 39%

Proposition 16 - SJR 20

The constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board in an amount not to exceed \$250 million to provide assistance to economically distressed areas.

PASSED: 61% - 39%

UTAH

Citizen's State Referendum Number 1 - Vouchers

Allows voters to decide whether or not to approve or reject HB 148, a law the Legislature passed this year that would create a program to provide tax-funded vouchers to pay for private schools.

FAILED: 38% - 62%

WASHINGTON

I-960 - Tax and Budget

This measure would require two-thirds legislative approval or voter approval for tax increases, legislative approval of fee increases, certain published information on tax-increasing bills, and advisory votes on taxes enacted without voter approval.

PASSED: 52% - 48%

Measure 67 - Insurance Reform

This bill would make it unlawful for insurers to unreasonably deny certain coverage claims, and permit treble damages plus attorney fees for that and other violations. Some health insurance carriers would be exempt.

PASSED: 57% - 43%

SJR 8206 - Rainy Day Fund

Amendment would create a Rainy Day Fund consisting of 1 percent of state revenue.

PASSED: 68% - 32%

SJR 8212 - Prison Labor

This amendment would authorize state-operated inmate labor programs and programs in which inmate labor is used by private entities through state contracts, and prohibit privately operated programs from unfairly competing with Washington businesses.

PASSED: 60% - 40%

HJR 4204 - School Levy Lid

Remove the current 2/3 supermajority requirement for all education levies and replace it with a simple majority requirement.

FAILED: 48% - 52%

HJR 4215 - Education Funding

This amendment would authorize the investment of money in higher education permanent funds as permitted by law, and would permit investment in stocks or bonds issued by any company, if authorized by law.

PASSED: 53% - 46%

Regional Proposition 1 - Roads and Transit Measure (note; this measure was a local measure, not statewide, but significant to the overall results)

A regional initiative which would raise sales tax .6 percent and cab fare .8 percent to finance a \$17.6 billion construction project to build 50 additional miles of light rail.

FAILED: 44% - 56%

Ballot Initiative Strategy Center (BISC) is a “think-and-do tank” that convenes state and national progressive organizations around comprehensive, multi-issue ballot strategies. On the “think” side, BISC Foundation conducts public opinion research on ballot initiatives, language and voting; tracks all circulating ballot initiatives; maintains records of past initiative results; and runs workshops and holds speaking engagements and conferences. The “do” side of BISC offers direct help to campaigns by locating trained organizers and staff; directing money to campaigns; and providing messaging assistance, research, and other technical advice.

PRESS INQUIRIES: Kristina Wilfore, Executive Director of BISC and one of the country’s leading analysts on state politics and initiative and referenda, is available for comment. Contact Oliver Griswold at 202-223-2373 or oliver@ballot.org.

*1825 K Street, NW, Suite 411
Washington, DC 20036
www.ballot.org*