

July '10

Ballot Integrity: A Broken System In Need of Solutions

A State by State Report Card



Ballot Initiative
STRATEGY CENTER

www.ballot.org

Ballot Integrity: A Broken System in Need of Solutions
A State by State Report Card

July 2010

Contents

About Ballot Initiative Strategy Center	1	State by State Report Card	12
A Letter from Justine Sarver, Executive Director	2	Alaska	13
Background	3	Arizona	14
What Is Ballot Measure Fraud?	3	Arkansas	16
10 Things You Should Know About Ballot Fraud	3	California	17
Common Sense State Reforms	4	Colorado	19
Key Findings	6	Florida	21
Ballot Integrity Successes	7	Idaho	23
Report Methodology	8	Illinois	24
		Maine	26
		Massachusetts	27
		Michigan	29
		Mississippi	30
		Missouri	32
		Montana	34
		Nebraska	35
		Nevada	37
		North Dakota	38
		Ohio	40
		Oklahoma	42
		Oregon	43
		South Dakota	45
		Utah	47
		Washington	48
		Wyoming	50



About Ballot Initiative Strategy Center

Ballot Initiative Strategy Center (BISC) is the national progressive think tank and resource center for ballot measure research and strategic support. BISC provides critical assistance to organizations and coalitions including technical support, funding research, initiative tracking, and campaign training, as well as strategic advice through briefings and one-on-one assistance. Tapped as 2009's "Most Valuable Think Tank" by *The Nation*, BISC defends the initiative process from fraud and uses it as a tool for achieving progressive policy goals and building broad political power in the states.

One of the main components of BISC's work is to advocate for an open and honest ballot initiative process in the twenty-four states where this system exists. It is BISC's belief that all ballot measure campaigns—whether sponsored by conservative or progressive organizations, or petitioned through paid or volunteer signature gathering—should be required to play by the rules.

The ballot initiative process allows some laws to bypass the legislature and go straight to the voters if supporters gather enough signatures. Unfortunately, beginning in 2004, BISC began receiving numerous complaints about abuses in states' signature-gathering practices. This abuse continues through to today. During the last four election cycles, there has been a dramatic jump in the use of signature fraud all across the country to qualify ballot initiatives. This problem—once rare—has now evolved to the standard operating procedure of some petition firms.

BISC is a national leader in the effort to safeguard the citizens' initiative process. Through this report card and the website www.stopballotfraud.org, which tracks the pattern of fraud in ballot measures, BISC will continue to work to help states prevent future ballot fraud using cutting-edge initiative analysis.

Ballot Initiative Strategy Center

1825 K Street NW, Suite 411

Washington, DC 20006

Phone: (202) 223-2373

Fax: (202) 429-9292

Email: info@ballot.org

www.ballot.org

www.stopballotfraud.org



Ballot Initiative
STRATEGY CENTER

A Letter from Justine Sarver, Executive Director

As you know, nearly half of U.S. states provide their constituents with the freedom to place initiatives and referenda on the ballot and vote on them directly. Ensuring that only a fair, transparent process places citizen initiatives on the ballot weighs on all elected officials who serve in state capitols and protect our democracy.

But, in too many states, these processes have proven vulnerable to fraud and deception by special interests looking to gain political advantage. BISC's research and conversations with elected officials across the country show that there has been a dramatic increase in the use of signature gathering fraud and other deceptive practices by initiative campaign committees. Often, citizens are told half-truths as signatures are gathered, and many times are asked to change state laws by people that may not even live in the state.

Ballot measures can add value to our democracy, but only if citizens can trust that the process is open and honest. Fraud undermines the value of every vote cast and weakens the public trust that is the foundation of our democracy. At BISC, we work day after day to help legislators fix their systems and safeguard that trust.

As part of this effort, we are proud to release the *2010 State by State Ballot Report Card*. This year, only five of the 24 states reviewed received a C or better, and of those, only one scored above a C. With this grim news, I am making it our priority to work with state legislators nationwide to give them the tools they need to pass reforms to improve their state's systems and protect their citizens from fraud.

This report provides the tools needed to take a hard look each state's systems and advance the most effective remedies. Please take the time to learn more about your state in the following pages and contact my colleague, Ballot Integrity Director Joel Foster, at (202) 223-2373 to find out how you can help to deliver the clean and fair elections on which every American citizen should be able to rely.

Sincerely,



Justine Sarver
Executive Director
Ballot Initiative Strategy Center

Background

Every election cycle, voters are asked to weigh in on hundreds of initiatives and referenda. Over the last ten years citizens across the country have voted on over 1,500 initiatives and referenda with well over one billion dollars raised and spent on the passage or defeat of issues that have a real impact on people's lives.

In recent years, the integrity of the system has been increasingly undermined by a lack of standards, transparency, accountability, and oversight in numerous states. BISC has seen this in action as initiative campaign committees and the vendors they hire to qualify initiatives choose to participate in acts of fraud and deception.

From misleading and deceptive ballot language to citizens being lied to during the signature gathering phase, today's voters are being asked to make decisions about amending their state's laws by people who may have themselves broken the law to propose the initiative. Perhaps most troubling is the fact that often the people advancing changes to state laws—the petition circulators who collect signatures, the paid signature-gathering vendors who may come from out of state to work on changing another state's law, and the campaign committees—are rarely held responsible for their actions.

With the release of the second annual *State by State Report Card*, BISC continues to shine a spotlight on the problems that exist and the need for states to implement reform. In this report, BISC has examined all 24 states that support the initiative process and created a grading scale that rates each state on what it currently does and—more importantly—does not do to protect the integrity of the process at every step in the system.

For state legislators and concerned citizens, BISC has also provided a blueprint for reform that can help states move forward and take much needed action beginning today. Only by implementing solutions to the problems that exist will states be able to provide people with a ballot measure process that works for voters instead of against them.

Together, we can restore integrity to an important part of our democracy.

What is Ballot Measure Fraud?

Fraud is any attempt to mislead voters or qualify a ballot measure in ways that skirt the integrity of the system.

10 Things You Should Know About Ballot Fraud

1. Over the past ten years, American citizens have voted on 1,500 initiatives and referenda, and campaigners have raised and spent well over one billion dollars on the passage or defeat of issues that have a real impact on people's lives. Many times these initiatives make their way to voters through fraudulent behavior.
2. Ballot fraud is any attempt to mislead voters or qualify a ballot measure in a way that skirts the rules. This includes misleading ballot titles, fake signatures, or people gathering signatures who aren't allowed to do so.

3. Today, many petitions are carried by hired-gun petitioners who travel from state to state carrying any petition (sometimes as many as 12 at a time!), regardless of the topic.
4. Many of these circulators are paid per signature. This profit motive encourages bending or breaking state laws, such as residency requirements, to get a larger paycheck.
5. Some of the required state forms can be submitted with incomplete or misleading information such as inserting local addresses that do not exist.
6. Circulators often lie to get citizens to sign their petitions.
7. “Stopper petitions” are often used as a way to get voters to stop and sign a universally popular initiative and then keep their attention to have them also sign a controversial petition.
8. Some groups use copied signatures from one petition, usually from a popular petition, to support a more controversial measure.
9. Many of the circulators start off with good intentions. However, because some states and companies do not enforce regulations and because the lure of money is strong, circulators often get roped into cheating the system.
10. Of the 24 states that offer ballot initiatives, only one has enough substantial practices in place to make it hard for groups to cheat the system.

Common Sense State Reforms

In most states, secretaries of state and attorneys general are responsible for the oversight of ballot measure processes and are often able to make significant administrative changes to strengthen a state’s protection against initiative fraud (i.e., shifting additional existing staff to oversight roles, etc.). However, it is primarily state legislatures that have the power to change the laws that are the most important to protecting the integrity of the ballot measure system.

At a time when the majority of states are experiencing significant budget shortfalls, it’s important to note that most of the common sense reforms being proposed to strengthen ballot integrity would simply require legislative action, not additional spending by the states. Many of the changes specifically empower the public to act as an additional watchdog against fraud, supporting election officials efforts to make the process work for the citizens of their state.

BISC has broadly categorized the most urgent aspects of a sound ballot measure system into four categories: Higher Standards, Greater Transparency, Accountability, and Oversight and Enforcement. They are each outlined below and are the basis for how each state is measured in this report card.

Higher Standards — Many states have a very low standard for filing ballot titles and language. In some states, initiative sponsors submit multiple versions of an initiative with only slight word changes. This practice allows them to “shop” for a favorable ballot title and summary which wastes taxpayer money. In other states, initiative proponents pick the ballot title and language without any opportunity for it to be challenged by either the public or elected officials. This often leads to intentionally misleading titles and language.

Voters deserve higher standards for the important questions they must answer on Election Day. Ballot titles and language should inform voters—not mislead or deceive them—and campaigns should not be allowed to waste taxpayer money in an effort to “shop” for more favorable language. Below are ways states can raise these standards:

- By requiring a minimum number of signatures that must be submitted to election authorities, states can help discourage frivolous filings before any taxpayer money is spent developing titles and summaries.
- Every state needs a process to ensure that clear and accurate ballot titles and language are presented to voters when they are being asked to amend their state constitution and statutes.

Greater Transparency — When voters are asked to change their laws, they are entitled to know who is asking. Unfortunately, the ballot initiative process offers little or no transparency for those who work to pass ballot initiatives.

Increasingly, ballot initiative campaign committees are hiring out of state signature gathering vendors who then contract with petition circulators to collect signatures to place an initiative on the ballot. Those circulators are often from out of state as well.

Voters have a right to know who is circulating petitions in their state. In order to provide greater accountability and stronger oversight of this process, states should implement some simple reforms:

- Just as ballot initiative campaign committees are required to register with the state, all signature gathering vendors and their staff that gather signatures should be required to register with the secretary of state. This will ensure that the public is aware of every person asking for a change in state laws.
- In addition, this will give citizens the confidence that no one with convictions for fraud or identity theft is collecting signatures and their personal information.

Accountability — The ability to identify and evaluate each signature on a petition is the cornerstone of any effort to guarantee that an initiative has rightfully qualified for the ballot. In some states, it is legal (or not expressly illegal) for signature gatherers to fill in information for voters, including the name, address, signature, and county fields. This diminishes the ability of election authorities to identify fraud, and should be expressly banned:

- It should be clearly stated in state statutes that a petitioner should have no reason to write in the voter’s portion of a petition. If a petitioner is found to have filled out any portion of a petition on the voter’s behalf, they should be prosecuted for forgery and the full body of work thrown out.
- Each petition sheet submitted to the state should include an affidavit, signed by the petition circulator, attesting that they personally collected the signature and witnessed each signature being signed. Petition affidavits should also be notarized so there is at least minimum accountability for the signatures that campaign petition circulators turn in to the state.

- Since most states do not devote the time and resources necessary to fully review every signature qualifying a ballot initiative, the public should have timely access to all petition sheets after they have been submitted for verification instead of solely relying on a sample.
- The secretary of state should also have a responsibility to release copies of signature petitions to the public in a timely manner to allow citizen groups to examine signatures submitted and monitor for fraud to ensure that an initiative with fraudulently gathered signatures does not qualify for the ballot. The minimum amount of time the public should have access to the petitions prior to the deadline for filing a challenge against any fraudulent signatures is 30 days.

By requiring more accountability for signature gathering vendors and the circulators they hire, the public will be better able to support election officials in their efforts to protect the integrity of the initiative process and voters themselves can be confident that initiatives qualified in a way consistent with state law.

Oversight and Enforcement — Often, the biggest problem with the ballot initiative process is that no single person has the authority to take action against abuse, deception, and fraud. Secretaries of State, with limited staff and resources, simply don't have the ability to provide oversight and enforcement of the system, while state legislatures have provided little support in the way of laws that allow for judicial oversight and enforcement to police fraudulent activity. Here are a few ways legislators can help this effort:

- States need to provide the authority to exclude signatures and pursue legal action against campaign committees. These committees, in the end, are the parties who should be ultimately responsible for the paid signature gathering vendors and the campaign circulators they employ when fraud or forgery is found.
- Each state needs to provide its secretary of state with the resources necessary to police the process and the authority to refer violations to the attorney general for prosecution.
- Courts need to act on allegations of fraud within a reasonable and expedited time frame to prevent any question that a ballot initiative qualified for the ballot using fraud or deception.

Key Findings

In its second year, the *State by State Report Card* looks again at the key ingredients needed for states to take a first step in combating ballot measure fraud. These efforts are not extensive. There are always additional improvements that can be made, but with many states woefully behind, action must be taken now to defend the integrity of the system.

BISC continues to find that most initiative states are ripe for fraud, receiving grades of "D" or "F." However, two states, Colorado and Oregon, continue to score significantly higher than the rest of the states that allow citizens' initiatives. Other states such as Maine and Arizona have made small improvements from the 2009 report card. And in Ohio and Washington, initial reforms were passed in one chamber of their legislature; however, they have yet to be passed through their other chamber. These successes are shared in more detail in the next section.

Even with these small wins, it is clear that all states need to continue to improve their systems using some of the Common Sense State Reforms found on the previous pages. Unless significant changes are made soon, the petition circulators, companies, and sponsors that are inclined to cheat the system will continue to do so. In order for citizens to once again be confident in their state's ballot measure processes, legislatures need to take action. Additionally, those elected officials responsible for administering the existing flawed systems, chiefly secretaries of state and attorneys general, must be aggressive advocates for improving ballot integrity.

Ballot Integrity Successes

States nationwide are beginning to work toward more transparent balloting systems. Below are highlighted successes from 2009-2010:

Doe v. Reed: Doe v. Reed was a case heard by the United States Supreme Court regarding making petition signatures available for the public to ensure they are valid. On June 24, 2010 the Supreme Court decided 8-1 that petition signatures should be shared publicly, declaring that citizens have the right to actively protect the ballot measure process from fraud. A bi-partisan group of attorneys general, concerned organizations and academic experts from across the country brought this case to light showing how government and citizens—working together—can combat ballot fraud.

Arizona: During the 2009-2010 Arizona legislative session, two Senate bills passed both chambers and were signed into law by the governor. During the first regular session in 2009, SB 1091 passed requiring the secretary of state to maintain a list of all signature gatherers who have been convicted of fraud or forgery in the signature gathering process. The list prohibits these persons from collecting signatures for a five-year period. The second bill, SB 1393, passed during the second regular session in 2010 and prohibits signature gatherers from filling in voter information, requiring the voter to fill in their own information. This raised Arizona's score from a 36% to a 57%, bringing them significantly closer to receiving a passing grade.

Maine: The Maine Legislature passed LD 1730 in March, which requires paid signature gatherers and the circulating firms that pay signature gatherers to register their businesses and employees with the state government. The passage of the measure increased Maine's grade from a "D" to a "C." Another piece of legislation, LD 1690, passed the House but failed in the Senate. This bill would have required company registration, but would also have required the secretary of state to release an electronic list of the petition signatures, extended the amount of time that the public has to identify and challenge fraud, and penalized companies for knowingly committing fraud. Although LD 1690 did not pass, it is clear that Maine is making ballot fraud protection a priority with each step.

Ohio: After passing in the House earlier this year, House Bill 377 is currently being reviewed by Ohio's Senate. The reforms in the bill would, among other positive changes, prohibit any person found guilty of forgery or fraud from circulating petitions, require notarization of circulator statements attached to petition forms, and would allow for the denial of licensure of any signature gathering firm who has been involved in any fraudulent activity. If the Senate agrees to pass this bill, Ohio's grade will move up to a "B" placing them among the top two states in the country in regards to ballot fraud protection. BISC will update www.ballot.org once the decision is made.

Washington: The Washington Legislature introduced several pieces of legislation that would have reformed their ballot measure process considerably. Two measures passed the Senate but were not approved by the full House of Representatives before the Legislature adjourned. SB 6449 would have required signature gathering firms who pay their circulators and paid circulators themselves to register with the Public Disclosure Board, and required paid circulators to sign the affidavit on the back of petitions. SB 6754 would have established that petition signatures are public record. Both of these measures would have raised Washington's grade out of the failing range.

Report Methodology

Ballot Initiative Strategy Center researchers developed this comprehensive analysis of initiative laws by individually analyzing each state.

Here is how our researchers did it:

- Each question has a yes or no answer, with each answer assigned a weighted numerical value. Unless otherwise noted, each question has a value of one point. The maximum number of points a state can receive is 21.
- BISC researchers determined answers to each of the 18 questions by studying active statutes current as of July 2010 and any new laws passed by state legislatures and signed by the governor in 2010. Each answer underwent a thorough fact-checking process and several consistency checks to ensure uniformity across the states.
- States that score 90 or above receive an A, while scores in the 80s are considered Bs. Scores in the 70s rate a grade of C, while marks in the 60's garner Ds. Scores below 60 are considered failing.

On the following pages you'll find each question that was asked and the points a state can receive from each question, followed by how each state performed.

Higher Standards (total 4 points maximum):

1. Are ballot measure proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?

Yes	OH, OR
No	AK, AR, AZ, CA, CO, FL, ID, IL, MA, ME, MI, MO, MS, MT, ND, NE, NV, OK, SD, UT, WA, WY

2. Is there a process to create a clear, impartial ballot title?

Yes	AK, AR, CA, CO, ID, MA, ME, MI, MO, MS, MT, ND, NE, NV, OH, OR, SD, UT, WA, WY
No	AZ, FL, IL, OK

3. Does the ballot title process include an opportunity for public input?

Yes	CO, ME, NV, OH, OR
No	AK, AR, AZ, CA, FL, ID, IL, MA, MI, MO, MS, MT, ND, NE, OK, SD, UT, WA, WY

4. Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?

Yes	AK, AR, CA, CO, FL, ID, MA, ME, MI, MO, MS, MT, ND, NE, NV, OH, OK, OR, SD, WA, WY
No	AZ, IL, UT

Greater Transparency (total 4 points maximum):

1. Are petition circulators required to register with the state?

Yes	ME, MO, OR
No	AK, AR, AZ, CA, CO, FL, ID, IL, MA, MI, MS, MT, ND, NE, NV, OH, OK, SD, UT, WA, WY

2. Are petition circulating companies required to register with the state in all circumstances, including subcontractors?

Yes	CO, ME, OH
No	AK, AR, AZ, CA, FL, ID, IL, MA, MI, MO, MS, MT, ND, NE, NV, OK, OR, SD, UT, WA, WY

3. Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?

Yes	AZ, ME, OR
No	AK, AR, CA, CO, FL, ID, IL, MA, MI, MO, MS, MT, ND, NE, NV, OH, OK, SD, UT, WA, WY

4. Are circulators required to witness signatures?

Yes	AK, AR, AZ, CA, CO, ID, IL, ME, MO, MT, ND, NE, NV, OH, OK, OR, SD, UT, WA, WY
No	FL, MA, MI, MS

Accountability (total 6 points maximum):

1. Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹

Yes	AK, AR, AZ, CA, CO, ID, IL, MA, MI, MO, MT, ND, NE, NV, OH, OK, OR, UT, WY
No	FL, ME, MS, SD, WA

2. Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?

Yes	AK, AR, AZ, CA, CO, ID, IL, ME, MO, MT, ND, NE, NV, OH, OK, OR, SD, UT, WY
No	FL, MA, MI, MS, WA

3. Is that affidavit required to be notarized?

Yes	AR, AZ, CO, ID, IL, ME, MO, MT, ND, NE, NV, OK, SD
No	AK, CA, FL, MA, MI, MS, OR, OH, UT, WA, WY

4. Is there timely public access to the petition sheets?

Yes	AK, AR, AZ, CO, FL, ID, IL, MA, ME, MI, MO, MS, MT, ND, NE, NV, OH, OK, OR, SD, UT, WA, WY
No	CA

5. Is there enough time for the public to challenge fraud if it is discovered? (Due to the importance of timely access, this question has a value of 2 points)

Yes	AK, AR, AZ, CO, FL, ID, IL, MA, ME, MI, MO, MS, MT, ND, NE, OH, OK, OR, SD, UT, WA, WY
No	CA, MS, NV

Oversight and Enforcement (total 8 points maximum):

1. Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?

Yes	CO, MT, ND, NE, OR, SD, WY
------------	----------------------------

No	AK, AR, AZ, CA, FL, ID, IL, MA, ME, MI, MO, MS, NV, OH, OK, UT, WA
-----------	--

2. Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?

Yes	AK, CO, ND, NE, OR, SD, WY
------------	----------------------------

No	AR, AZ, CA, FL, ID, IL, MA, ME, MI, MO, MS, MT, NV, OH, OK, UT, WA, WY
-----------	--

3. Does the state provide authority to an entity to exclude signatures if they have been collected in violation of state law?

Yes	AK, AR, AZ, CO, FL, ID, IL, MA, ME, MI, MO, MS, MT, ND, NE, NV, OH, OK, OR, SD, UT, WA, WY
------------	--

No	CA
-----------	----

4. Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?

Yes	CO, ID, OR
------------	------------

No	AK, AR, AZ, CA, CO, FL, IL, MA, ME, MI, MO, MS, MT, ND, NE, NV, OH, OK, SD, UT, WA, WY
-----------	--

5. Is there a clear process and expedited timeline for the state court system to review allegations of fraud? (Due to the importance of a clear process, this question has a value of 3 points)

Yes	AK, AR, AZ, CA, CO, FL, ID, IL, MA, ME, MI, MO, MT, ND, NV, OH, OK, SD, UT, WA, WY
------------	--

No	MS, NE, OR
-----------	------------

2010 State by State Report Card



	Percent	2010 Grade	Rank	2009 Grade
Alaska	62%	D	11 (T)	D
Arizona	57%	F	13 (T)	F
Arkansas	62%	D	11 (T)	D
California	38%	F	22 (T)	F
Colorado	86%	B	1	A
Florida	38%	F	22 (T)	F
Idaho	67%	D	6 (T)	D
Illinois	52%	F	17 (T)	F
Maine	76%	C	2 (T)	D
Massachusetts	48%	F	19 (T)	F
Michigan	48%	F	19 (T)	F
Mississippi	19%	F	24	F
Missouri	67%	D	6 (T)	D
Montana	67%	D	6 (T)	D
Nebraska	57%	F	13 (T)	F
Nevada	57%	F	13 (T)	F
North Dakota	71%	C	5	F
Ohio	76%	C	2 (T)	D
Oklahoma	57%	F	13 (T)	F
Oregon	76%	C	2 (T)	C
South Dakota	67%	D	6 (T)	D
Utah	52%	F	17 (T)	F
Washington	48%	F	19 (T)	F
Wyoming	67%	D	6 (T)	D



Higher Standards

1. **Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?**

No, while the application must have 100 qualified voters as sponsors, the recommended minimum is 1,000 signatures. See Alaska Statute 15.45.030.

2. **Is there a process to create a clear, impartial ballot title?**

Yes, the lieutenant governor, with the assistance of the attorney general, shall prepare a ballot title and proposition; the proposition shall give a true and impartial summary of the proposed law. See Alaska Statute 15.45.180.

3. **Does the ballot title process include an opportunity for public input?**

No.

4. **Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?**

Yes, any person aggrieved by a determination made by the lieutenant governor may bring an action in the Superior Court within 30 days to have the determination reviewed. See Alaska Statute 15.45.240.

Greater Transparency

1. **Are petition circulators required to register with the state? Does the state limit loopholes for the registration?**

No.

2. **Are petition circulating companies required to register with the state in all circumstances, including subcontractors?**

No.

3. **Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?**

No.

4. **Are circulators required to witness signatures?**

Yes, circulators are required to witness the signature and sign an affidavit to that extent. See Alaska statute 15.45.130.

Accountability

1. **Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹**

Yes, circulators may not sign a name other than their own to a petition. See Alaska Statute 15.56.090.

2. **Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?**

Yes, before being filed, each petition shall be certified by an affidavit by the person who personally circulated the petition. See Alaska Statute 15.45.130.

3. **Is that affidavit required to be notarized?**

No, it is recommended that the affidavits be notarized, but it is not required. (Alaska Division of Elections, Absentee and Petition Office, (907) 375-6400)

4. **Is there timely access to the petition sheets?**

Yes, petitions are public record. See Alaska Statute 15.07.195.

5. Is there enough time for the public to review the signatures and challenge fraud?

Yes, the lieutenant governor has no more than 60 days to review the filed petition. After s/he certifies the petition, aggrieved parties may bring action in court within 30 days. See Alaska Statute 15.45.150.

Oversight and Enforcement

1. Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?

No, there is a maximum of \$1 per signature collected allowed. See Alaska Statute 15.45.110.

2. Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?

Yes, a person or organization that violates the pay per signature limit is guilty of a class B misdemeanor. See Alaska Statute 15.45.110.

3. Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?

Yes, the lieutenant governor shall not count signatures that are in violation of state law, and a person or organization that violates circulation prohibitions is guilty of a class B misdemeanor. See Alaska Statute 15.45.110 and 15.45.130.

4. Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?

No.

5. Is there a clear process and expedited timeline for the state court system to review allegations of fraud?

Yes, any person aggrieved by a determination made by the lieutenant governor may bring an action in the Superior Court to have the determination reviewed within 30 days of the date of which notice of the determination was given. See Alaska Statute 15.45.240.

Arizona



Ballot Integrity Report Card

Higher Standards

1. Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?

No.

2. Is there a process to create a clear, impartial ballot title?

No.

3. Does the ballot title process include an opportunity for public input?

No.

4. Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?

No.

Greater Transparency

1. **Are petition circulators required to register with the state? Does the state limit loopholes for the registration?**

No.

2. **Are petition circulating companies required to register with the state in all circumstances, including subcontractors?**

No.

3. **Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?**

Yes. SB 1091, passed by the legislature in 2009 and signed by the governor, requires the secretary of state to maintain a list of people who have been convicted of participating in a pattern of petition signature fraud from participating in any initiative or referendum campaign for five years. See Arizona Statute 19-112.

4. **Are circulators required to witness signatures?**

Yes, electors signing the petition shall do so in the presence of the person who is circulating the petition. See Arizona Statute 19-112.

2. **Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?**

Yes, circulators must sign an affidavit attesting that all signatures were collected in accordance with state laws. See Arizona Statute 19-112.

3. **Is that affidavit required to be notarized?**

Yes, the affidavit must be notarized. See Arizona Statute 19-112.

4. **Is there timely access to the petition sheets?**

Yes, petitions become public once they have been filed with the secretary of state's office. (Arizona Secretary of State, Elections Office, (602) 542-8683)

5. **Is there enough time for the public to review the signatures and challenge fraud?**

Yes. Arizona Statute 19-121.01 provides that the secretary of state shall certify signature petitions within twenty days and transmit the petitions to the county clerk. Arizona Statute 19-121.02 provides that the county clerk shall certify the results from the secretary of state within fifteen days. Arizona Statute 19-121.03 provides that any citizen of the state may appeal the decision of the secretary of state within five days of the secretary's certification to the Supreme Court.

Accountability

1. **Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹**

Yes. SB 1393, which passed the legislature and signed by the governor in 2010, prohibits signature gatherers from printing the first and last names of electors on a petition. See Arizona Statute 19-121.01.

Oversight and Enforcement

1. **Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?**

No.

2. **Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?**

No.

3. **Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?**

Yes. The secretary of state shall remove any signatures collected in violation of state law. See Arizona Statute 19-121.01.

4. **Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?**

No.

5. **Is there a clear process and expedited timeline for the state court system to review allegations of fraud?**

Yes. Arizona Statute 19-122 provides a timeline for any citizen to appeal the decision of the secretary of state to the Superior Court.

2. **Is there a process to create a clear, impartial ballot title?**

Yes, proponents submit a draft to the attorney general who shall approve and certify or shall substitute and certify a more suitable and correct ballot title and popular name for each amendment or act within ten days. See Arkansas Code 7-9-107.

3. **Does the ballot title process include an opportunity for public input?**

No.

4. **Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?**

Yes, the title approved by the attorney general may be challenged in the Supreme Court. See Arkansas Code 7-9-107.

Arkansas



Ballot Integrity Report Card

Higher Standards

1. **Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?**

No, Arkansas does not require pre-circulation signatures.

Greater Transparency

1. **Are petition circulators required to register with the state? Does the state limit loopholes for the registration?**

No.

2. **Are petition circulating companies required to register with the state in all circumstances, including subcontractors?**

No.

3. **Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?**

No.

4. **Are circulators required to witness signatures?**

Yes, as part of the affidavit circulators must sign for each petition page, they must affirm that they were present when the elector signed the petition. See Arkansas Code 7-9-109.

Accountability

1. **Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?**¹

Yes, the petition must be filled out by the qualified elector signing the petition. See Arkansas Code 7-9-103.

2. **Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?**

Yes, the circulator of the petition must sign an affidavit attached to each petition sheet. See Arkansas Code 7-9-109.

3. **Is that affidavit required to be notarized?**

Yes, the affidavit must be notarized. See Arkansas Code 7-9-109.

4. **Is there timely access to the petition sheets?**

Yes, petitions are public records and available in the petition library of the secretary of state's office. (Arkansas Secretary of State, (501) 682-1010)

5. **Is there enough time for the public to review the signatures and challenge fraud?**

Yes. Arkansas Code 7-9-111 stipulates that the secretary of state has thirty days to review and certify the petition. Arkansas Code 7-9-112 provides the certification of sufficiency may be challenged in the Supreme Court.

Oversight and Enforcement

1. **Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?**

No.

2. **Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?**

No.

3. **Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?**

Yes, the secretary of state has the ability to exclude signatures that are deemed fictitious, forged, or in other ways ineligible. See Arkansas Code 7-9-111.

4. **Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?**

No.

5. **Is there a clear process and expedited timeline for the state court system to review allegations of fraud?**

Yes. The certification of sufficiency may be challenged in the Supreme Court. See Arkansas Code 7-9-112.

California



Ballot Integrity Report Card

Higher Standards

1. **Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?**

No, California only requires 25 pre-circulation signatures. See California Government Code 10243.

2. Is there a process to create a clear, impartial ballot title?

Yes, the attorney general drafts the ballot title. See California Elections Code 9051.

3. Does the ballot title process include an opportunity for public input?

No.

4. Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?

Yes, ballot titles can be challenged in court. (California Secretary of State, Elections Division, (916) 657-2166)

Greater Transparency

1. Are petition circulators required to register with the state? Does the state limit loopholes for the registration?

No, circulators are required to file a form with the proponents, but not the state. See California Elections Code 9608.

2. Are petition circulating companies required to register with the state in all circumstances, including subcontractors?

No, the initiative proponents must register with the secretary of state, but circulation companies do not. See California Elections Code 9608.

3. Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?

No.

4. Are circulators required to witness signatures?

Yes, part of the circulator's affidavit is that they witnessed the signatures. See California Elections Code 104.

Accountability

1. Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹

Yes, each signer must personally fill out the petition, unless unable to do so, in which case they can request help. See California Elections Code 100.

2. Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?

Yes, circulators must sign an affidavit attesting that each signature is the genuine signature of the person whose name it purports to be. See California Elections Code 104.

3. Is that affidavit required to be notarized?

No.

4. Is there timely access to the petition sheets?

No, initiative petitions, once filed with the county elections official, are not public record. See California Government Code 6253.5.

5. Is there enough time for the public to review the signatures and challenge fraud?

No.

Oversight and Enforcement

1. Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?

No.

2. Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?

No.

3. **Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?**

No, failure to comply with circulation requirements shall not invalidate any signatures. See California Elections Code 9609(c).

4. **Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?**

No.

5. **Is there a clear process and expedited timeline for the state court system to review allegations of fraud?**

Yes, review can be sought in the California Court of Appeal on an expedited basis. (California Secretary of State, Elections Division, (916) 657-2166)

Colorado



Ballot Integrity Report Card

Higher Standards

1. **Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?**

No, Colorado does not require signatures from sponsors before petition circulation.

2. **Is there a process to create a clear, impartial ballot title?**

C.R.S. 1-40-106 provides that the secretary of state convenes a title board consisting of the secretary of state, the attorney general and the director of the Office of Legislative Legal Services or their designees. The title board, by majority vote, fixes a proper fair title for each proposed law or constitutional amendment and ballot question (i.e., submission clause).

3. **Does the ballot title process include an opportunity for public input?**

C.R.S. 1-40-106 requires the title board to hold public hearings where title drafts may be submitted for consideration, at which any person may comment on a proposed title.

4. **Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?**

C.R.S. 1.40.107 provides that any registered elector who is not satisfied with the ballot title may ask for a ballot rehearing. Following the rehearing, if the person is still unsatisfied, he or she may petition the Supreme Court for review of the title board's decision.

Greater Transparency

1. **Are petition circulators required to register with the state? Does the state limit loopholes for the registration?**

No.

2. **Are petition circulating companies required to register with the state in all circumstances, including subcontractors?**

C.R.S. 1-40-135 requires circulation companies to obtain a license before being authorized to circulate statewide initiative or referendum petitions.

3. **Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?**

No.

4. **Are circulators required to witness signatures?**

C.R.S. 1-40-111 requires all circulators to sign an affidavit declaring all signatures gathered were gathered in the circulator's presence.

Accountability

1. **Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹**

C.R.S. 1-40-111 requires each registered elector to sign their own signature and print their own name, place of residence and date of signature on the petition.

2. **Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?**

C.R.S. 1-40-111 requires a signed, dated and notarized affidavit that includes, among other things, the representation that the circulator has read and understood the laws relating to circulation.

3. **Is that affidavit required to be notarized?**

C.R.S. 1-40-111 requires that each petition section's affidavit be notarized and that the notary write on the notarization form the type of identification presented by the circulator.

4. **Is there timely access to the petition sheets?**

C.R.S. 1-40-116 requires the petition to be available to the public for a period of more than thirty calendar days for examination once the review has been completed by the secretary of state.

5. **Is there enough time for the public to review the signatures and challenge fraud?**

C.R.S. 1-40-118 states that a protest in writing may be filed with the district court challenging the signature sufficiency of the petition within thirty days. Fraud by specific circulators can be addressed at any point during the circulation process through an administrative complaint and hearing process before the secretary of state, who may strike that circulator's signatures and/or refer the case to the attorney general for prosecution.

Oversight and Enforcement

1. **Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?**

C.R.S. 1-40-112 prohibits pay-per-signature or pay-per-petition, but a federal district court in Colorado has enjoined this provision for the 2010 election cycle.

2. **Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?**

C.R.S. 1-40-135 provides the secretary of state to deny any circulator company license in the state if they refuse, upon registration, to agree to pay circulators in an amount not to exceed 20% of their total compensation on a pay-per-signature basis. The secretary of state may revoke the license of any petition entity that violates this provision. C.R.S. 1-40-121 requires that circulators' wage and hour documentation be submitted to the Secretary at the time that petitions are filed in that office.



Florida

Ballot Integrity Report Card

3. **Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?**

C.R.S. 1-40-130 states that circulators and notaries who violate certain laws can be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both. Unlicensed petition entities can be fined \$100 per circulator for each day of that circulator's petition circulation.

4. **Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?**

Where the committee is the "petition entity," C.R.S. 1-40-135, all statutory penalties apply. Otherwise, there is no specific enforcement mechanism aimed at an issue committee for encouraging violations by circulators.

5. **Is there a clear process and expedited timeline for the state court system to review allegations of fraud?**

C.R.S. 1-40-119 states that any hearing concerning the sufficiency of signatures shall be held as soon as is conveniently possible. Such hearings are required to conclude within thirty days of their commencement.

Higher Standards

1. **Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?**

No, Florida does not require pre-circulation signatures.

2. **Is there a process to create a clear, impartial ballot title?**

No, the proponents of the amendment draft the ballot title which is approved by the secretary of state for following the rules and style laid out in statutes. See Florida Statute 101.161

3. **Does the ballot title process include an opportunity for public input?**

No.

4. **Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?**

Yes, ballot titles can be challenged in court. (Florida Secretary of State, Division of Elections, (850) 245-6200)

Greater Transparency

1. **Are petition circulators required to register with the state? Does the state limit loopholes for the registration?**

No.

2. Are petition circulating companies required to register with the state in all circumstances, including subcontractors?

No.

3. Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?

No.

4. Are circulators required to witness signatures?

No.

Accountability

1. Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹

No.

2. Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?

No.

3. Is that affidavit required to be notarized?

No.

4. Is there timely access to the petition sheets?

Yes, verified petitions become public records. (Florida Secretary of State, Division of Elections, (850) 245-6200)

5. Is there enough time for the public to review the signatures and challenge fraud?

Yes, the results of verification may be contested in circuit court within ten days of the petition being certified. See Florida Statute 99.097.

Oversight and Enforcement

1. Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?

No.

2. Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?

No.

3. Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?

Yes, the supervisor of elections can exclude signatures collected in violation of state law. See Florida Statute 100.371.

4. Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?

No.

5. Is there a clear process and expedited timeline for the state court system to review allegations of fraud?

Yes, the results of verification may be contested in circuit court within ten days of the petition being certified. See Florida Statute 99.097.



Higher Standards

- 1. Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?**
No, Idaho only requires 20 pre-circulation signatures.
- 2. Is there a process to create a clear, impartial ballot title?**
Yes, the title is drafted by the attorney general. See Idaho Statute 34-1809.
- 3. Does the ballot title process include an opportunity for public input?**
No.
- 4. Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?**
Yes, any person dissatisfied with the ballot title may appeal the decision to the Supreme Court. See Idaho Statute 34-1809.

Greater Transparency

- 1. Are petition circulators required to register with the state? Does the state limit loopholes for the registration?**
No.
- 2. Are petition circulating companies required to register with the state in all circumstances, including subcontractors?**
No.

- 3. Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?**
No.
- 4. Are circulators required to witness signatures?**
Yes, all electors must sign the petition in the circulator's presence. See Idaho Statute 34-1807.

Accountability

- 1. Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹**
Yes, all electors must fill out all required information. See Idaho Statute 34-1801A.
- 2. Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?**
Yes, petition circulators must sign an affidavit on each petition sheet. See Idaho Statute 34-1807.
- 3. Is that affidavit required to be notarized?**
Yes, the affidavit must be notarized. See Idaho Statute 34-1807.
- 4. Is there timely access to the petition sheets?**
Yes, petition sheets are public record. (Idaho Secretary of State, Elections, (208) 334-2852)
- 5. Is there enough time for the public to review the signatures and challenge fraud?**
Yes, certification of a petition may be challenged in district court within ten days of certification. See Idaho 34-1808.



Illinois

Ballot Integrity Report Card

Oversight and Enforcement

1. Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?

No.

2. Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?

No.

3. Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?

Yes, signatures collected in violation of state law shall not be counted as a qualified signature. See Idaho Statute 34-1814.

4. Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?

Yes, any person in a position of supervision that allowed a forged signature to remain on the petition shall pay a fine of one thousand dollars for each signature. Principals of the initiative are also responsible for election violations committed on their behalf. See Idaho Statute 34-1814.

5. Is there a clear process and expedited timeline for the state court system to review allegations of fraud?

Yes, the certification of a petition may be appealed in district court within ten days of the decision. All such suits shall be advanced on the court docket as soon as possible. See Idaho Statute 34-1808.

Higher Standards

1. Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?

No, Illinois does not require pre-circulation signatures.

2. Is there a process to create a clear, impartial ballot title?

No, the ballot title is drafted by the proponents of the amendment and approved by the attorney general. See 5 ILCS 20/2.

3. Does the ballot title process include an opportunity for public input?

No.

4. Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?

No.

Greater Transparency

1. Are petition circulators required to register with the state? Does the state limit loopholes for the registration?

No.

2. Are petition circulating companies required to register with the state in all circumstances, including subcontractors?

No.

3. **Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?**
No.
4. **Are circulators required to witness signatures?**
Yes, signatures must occur in the circulator's presence. See 10 ILCS 5/28 3.

Accountability

1. **Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹**
Yes, electors signing the petition must fill out all of the required information on their own. See 10 ILCS 5/28 3.
2. **Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?**
Yes, petition sheets must contain an affidavit signed by the circulator. See 10 ILCS 5/28 3.
3. **Is that affidavit required to be notarized?**
Yes, the affidavit must be notarized. See 10 ILCS 5/28 3.
4. **Is there timely access to the petition sheets?**
Yes, signed petition sheets are public record, and cost \$0.25 each. (Illinois State Board of Elections, (217) 782-4141)
5. **Is there enough time for the public to review the signatures and challenge fraud?**
Yes, there is a period of 35 business days after the last day of filing in which objections can be filed. See 10 ILCS 5/10-8.

Oversight and Enforcement

1. **Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?**
No.
2. **Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?**
No.
3. **Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?**
Yes, the State Board of Elections may invalidate signature sheets not collected in accordance with state law. See 10 ILCS 5/1A-8.
4. **Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?**
No.
5. **Is there a clear process and expedited timeline for the state court system to review allegations of fraud?**
Yes, there is a period of 35 business days after the last day of filing in which objections can be filed. See 10 ILCS 5/10-8.

Maine



Ballot Integrity Report Card

Higher Standards

1. **Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?**

No, Maine only requires that five electors sign up as sponsors to start circulating petitions. See Maine Statute, Title 21-A, Chapter 11, 901.

2. **Is there a process to create a clear, impartial ballot title?**

Yes, the secretary of state drafts the ballot title which is submitted for public comment. See Maine Statute, Title 21-A, Chapter 11, 901.

3. **Does the ballot title process include an opportunity for public input?**

Yes, after the secretary of state drafts the ballot title there is a 30-day public comment period. After the comment period, the secretary of state will write the ballot question. See Maine Statute, Title 21-A, Chapter 11, 905-A.

4. **Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?**

No.

Greater Transparency

1. **Are petition circulators required to register with the state? Does the state limit loopholes for the registration?**

Yes, circulators are required to register with the state. See Maine Statute, Title 21-A, Chapter 11, 904.

2. **Are petition circulating companies required to register with the state in all circumstances, including subcontractors?**

Yes, LD 1730, which was passed by the legislature and signed by the governor in 2010, requires petition circulating companies to register with the state. 904-C will be the section in statute where the law can be found.

3. **Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?**

Yes, LD 1730, which was passed by the legislature and signed by the governor in 2010, prohibits a person from circulating a petition if they have been convicted of fraud or forgery. 904-C will be the section in statute where the law can be found.

4. **Are circulators required to witness signatures?**

Yes, circulators must sign an affidavit stating that each signature was made in their presence. See Maine Constitution, Article IV, Section 20.

Accountability

1. **Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹**

No, the voter must personally sign his or her name but the circulator may fill out the rest of the petition for the voter. See Maine Statute, Title 21-A, Chapter 5, 354.

2. **Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?**

Yes, the circulator has to sign an affidavit stating that all of the signatures to the petition were made in the presence of the circulator and that to the best of the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be. See Maine Constitution, Article IV, Section 20.

3. **Is that affidavit required to be notarized?**

Yes, the affidavit must be notarized. See Maine Constitution, Article IV, Section 20.

4. **Is there timely access to the petition sheets?**

Yes, petitions are public record. See Maine Statute, Title 21-A, Chapter 1, 22.

5. **Is there enough time for the public to review the signatures and challenge fraud?**

Yes, a registered voter may file a challenge with the secretary of state by 5 pm on the 5th business day after the final date for filing petitions. Within a week, the secretary will hold a public hearing then rule on the challenge within 5 days after the hearing. The secretary of state's ruling may be challenged in the Superior Court. See Main Statute, Title 21-A, Chapter 5, 356.

3. **Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?**

Yes, any violation of election law for which no penalty is provided is a Class E crime which is prosecuted by the attorney general's office. See Maine Statute, Title 21-A, Chapter 1, 32.

4. **Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?**

No.

5. **Is there a clear process and expedited timeline for the state court system to review allegations of fraud?**

Yes, upon the filing of a challenge, the secretary of state has one week to have a public hearing on the issue, then must rule within five days of the hearing. If appealed to the Superior Court, the decision shall be tried within ten days of the secretary of state's ruling. The Superior Court's decision can also be appealed to the Law Court, who has 14 days to make a ruling. See Maine Statute 21-A, Chapter 5, 356.

Oversight and Enforcement

1. **Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?**

No.

2. **Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?**

No.

Massachusetts

Ballot Integrity Report Card



Higher Standards

1. **Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?**

No, proponents are only required to have ten voters serve as sponsors. See Article LXXIV of the Massachusetts Constitution.

2. Is there a process to create a clear, impartial ballot title?

Yes, the secretary of state prepares a fair and concise ballot title. See Article LXXIV(III) of the Massachusetts Constitution.

3. Does the ballot title process include an opportunity for public input?

No.

4. Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?

Yes. According to the attorney general's office, certification may be challenged in the Supreme Judicial Court.

Greater Transparency

1. Are petition circulators required to register with the state? Does the state limit loopholes for the registration?

No.

2. Are petition circulating companies required to register with the state in all circumstances, including subcontractors?

No.

3. Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?

No.

4. Are circulators required to witness signatures?

No.

Accountability

1. Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹

Yes. According to the Secretary of the Commonwealth, Elections Division, no person may sign for another person.

2. Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?

No.

3. Is that affidavit required to be notarized?

No.

4. Is there timely access to the petition sheets?

Yes, a request to review the signatures may be made to the local registrars. See Massachusetts General Law, Part 1, Title X, Chapter 66.

5. Is there enough time for the public to review the signatures and challenge fraud?

Yes, objections relating to the signatures on petitions may be filed no later than five o'clock on the thirtieth day succeeding the last day for filing an initiative. See Massachusetts General Law, Part 1, Title VIII, Chapter 55B.

Oversight and Enforcement

1. Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?

No.

2. Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?

No.

3. Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?

Yes, the State Ballot Law Commission is authorized to remove signatures collected in violation of state law. See Massachusetts General Law, Part 1, Title VIII, Chapter 55B, Section 04.

4. Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?

No.

5. Is there a clear process and expedited timeline for the state court system to review allegations of fraud?

Yes, objections relating to the signatures on petitions first are filed with the State Ballot Law Commission, who shall review the claims. The commission's decision may then be review by a court if filed within five days of the decision. See Massachusetts General Law, Part 1, Title VIII, Chapter 55B.

2. Is there a process to create a clear, impartial ballot title?

Yes, the director of elections drafts ballot language which is then approved by the Board of State Canvassers. See Michigan Election Law, Act 116, Section 168.474.

3. Does the ballot title process include an opportunity for public input?

No.

4. Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?

Yes, any person feeling aggrieved by any determination made by the Board of State Canvassers may appeal to the Supreme Court. See Michigan Election Law, Act 116, Section 168.479.

Michigan



Ballot Integrity Report Card

Higher Standards

1. Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?

No, no pre-circulation signatures are required.

Greater Transparency

1. Are petition circulators required to register with the state? Does the state limit loopholes for the registration?

No.

2. Are petition circulating companies required to register with the state in all circumstances, including subcontractors?

No.

3. Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?

No.

4. Are circulators required to witness signatures?

No.

Accountability

1. **Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?**¹

Yes, a person is prohibited from signing a name other than their own. See Michigan Election Law, Act 116, Section 168.482.

2. **Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?**

No.

3. **Is that affidavit required to be notarized?**

No.

4. **Is there timely access to the petition sheets?**

Yes, petitions become public record and are available for copies once filed with the secretary of state's office. (Michigan Secretary of State, (888) 767-6424)

5. **Is there enough time for the public to review the signatures and challenge fraud?**

Yes. Any person feeling aggrieved by any determination made by the Board of State Canvassers may appeal to the Supreme Court. See Michigan Election law, Act 16, Section 168.476.

3. **Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?**

Yes, the Board of State Canvassers is authorized to invalidate fraudulent signatures. See Michigan Election Law, Act 116, Section 168.476.

4. **Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?**

No.

5. **Is there a clear process and expedited timeline for the state court system to review allegations of fraud?**

Yes, the Board of State Canvassers may hold hearings upon any complaints filed or for any purpose considered necessary by the board to conduct investigations of the petitions. The decision of the Board of State Canvassers may be appealed to the Supreme Court. See Michigan Election Law, Act 116, Section 168.479.



Mississippi

Ballot Integrity Report Card

Oversight and Enforcement

1. **Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?**

No.

2. **Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?**

No.

Higher Standards

1. **Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?**

No, Mississippi does not require pre-circulation signatures.

2. Is there a process to create a clear, impartial ballot title?

Yes, the attorney general formulates a true and impartial ballot title. Mississippi Code SEC. 23-17-9.

3. Does the ballot title process include an opportunity for public input?

No.

4. Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?

Yes, any person dissatisfied with the ballot title formulated by the attorney general may appeal to the circuit court of the First Judicial District of Hinds County. See Mississippi Code SEC. 23-17-13.

Greater Transparency

1. Are petition circulators required to register with the state? Does the state limit loopholes for the registration?

No.

2. Are petition circulating companies required to register with the state in all circumstances, including subcontractors?

No.

3. Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?

No.

4. Are circulators required to witness signatures?

No.

Accountability

1. Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹

No.

2. Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?

No.

3. Is that affidavit required to be notarized?

No.

4. Is there timely access to the petition sheets?

Yes, petition signatures are public record once filed with the secretary of state. (Mississippi Secretary of State, Elections Office, (601) 359-6359)

5. Is there enough time for the public to review the signatures and challenge fraud?

No, the secretary of state's decision of sufficiency may be appealed to the Supreme Court within ten days of the decision, but only by the proponents of an initiative. Such cases shall be heard and determined with all convenient speed. See Mississippi Code SEC. 23-17-25.

Oversight and Enforcement

1. Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?

No.

2. Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?

No.

3. **Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?**

Yes, the secretary of state has the power to refuse to file any initiative petition that collected signatures in violation of state law. See Mississippi Code SEC. 23-17-23.

4. **Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?**

No.

5. **Is there a clear process and expedited timeline for the state court system to review allegations of fraud?**

No, the secretary of state's decision of sufficiency may be appealed to the Supreme Court within ten days of the decision, but only by the proponents of an initiative. Such cases shall be heard and determined with all convenient speed. See Mississippi Code SEC. 23-17-25.

Missouri



Ballot Integrity Report Card

Higher Standards

1. **Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?**

No, Missouri does not require any signatures prior to circulation.

2. **Is there a process to create a clear, impartial ballot title?**

Yes, three elected officials collaborate to produce the ballot title in Missouri. The secretary of state drafts a summary, the state auditor drafts a fiscal note, and the attorney general approves both. See Missouri Statute 116.025.

3. **Does the ballot title process include an opportunity for public input?**

No.

4. **Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?**

Yes, any citizen who wishes to challenge the official ballot title may bring an action in the Circuit Court of Cole County within ten days after the official ballot title is certified. See Missouri Statute 116.190.

Greater Transparency

1. **Are petition circulators required to register with the state? Does the state limit loopholes for the registration?**

Yes, every petition circulator must register with the secretary of state and any petitions collected by a circulator who is not registered shall not be counted. See Missouri Statute 116.080.

2. **Are petition circulating companies required to register with the state in all circumstances, including subcontractors?**

No.

3. **Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?**

No.

4. Are circulators required to witness signatures?

Yes, circulators must sign an affidavit affirming that they witnessed every signature. See Missouri Statute 116.040.

Accountability

1. Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹

Yes, voters must fill out the petition on their own. See Missouri Statute 116.040.

2. Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?

Yes, every petition sheet must have a signed affidavit from the circulator for the signatures to be valid. See Missouri Statute 116.080.

3. Is that affidavit required to be notarized?

Yes, the affidavit must be notarized. See Missouri Statute 116.080.

4. Is there timely access to the petition sheets?

Yes, requests to review petition sheets must be submitted in writing via airmail, e-mail or fax to the secretary of state's office. (Missouri Secretary of State (573) 751-2301)

5. Is there enough time for the public to review the signatures and challenge fraud?

Yes, after the secretary certifies a petition as sufficient, any citizen may appeal the secretary of state's decision in the Circuit Court of Cole County. See Missouri Statute 116.200.

Oversight and Enforcement

1. Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?

No.

2. Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?

No.

3. Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?

Yes, the secretary of state has the power to invalidate any signature that is deemed fraudulent or forged. See Missouri Statute 116.140.

4. Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?

No.

5. Is there a clear process and expedited timeline for the state court system to review allegations of fraud?

Yes, after the secretary certifies a petition as sufficient, any citizen may appeal the secretary of state's decision in the Circuit Court of Cole County. All such suits shall be advanced on the court docket and heard and decided by the court as quickly as possible. See Missouri Statute 116.200.



Higher Standards

1. **Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?**

No.

2. **Is there a process to create a clear, impartial ballot title?**

Yes, proponents submit a draft ballot title and statements which is reviewed by the Legislative Services Division who review it and return the draft with suggestions to the proponents who can choose to accept or reject the suggestions. The draft is then sent to the attorney general who will examine the ballot issue to ensure it is both clear and impartial. See Montana Code 13-27-312.

3. **Does the ballot title process include an opportunity for public input?**

No.

4. **Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?**

Yes, within 10 days of the attorney general's determination, any citizen may file a challenge with the Supreme Court. See Montana Code 13-27-316.

Greater Transparency

1. **Are petition circulators required to register with the state? Does the state limit loopholes for the registration?**

No.

2. **Are petition circulating companies required to register with the state in all circumstances, including subcontractors?**

No, political parties, committees, or individuals seeking to place a ballot issue before the electors must register if they employ a paid signature gatherer. However, signature gathering companies or other business organizations that directly hire, supervise, and pay signature gatherers do not need to register. See Montana Code 13-27-112.

3. **Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?**

No.

4. **Are circulators required to witness signatures?**

Yes, as part of their affidavit, circulators are required to witness the signatures. See Montana Code 13-27-302.

Accountability

1. **Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹**

Yes, electors must fill out the petition on their own. See Montana Code 13-27-204.

2. **Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?**

Yes, circulators must attach a signed affidavit to every petition sheet submitted to the county official. See Montana Code 13-27-302

3. **Is that affidavit required to be notarized?**

Yes, the affidavit is required to be notarized. See Montana Code 13-27-302.

4. Is there timely access to the petition sheets?

According to the Montana Secretary of State, Elections Division, signatures are considered public record. (Montana Secretary of State, Elections Division, (406) 444-4732)

5. Is there enough time for the public to review the signatures and challenge fraud?

Yes, any qualified elector may file, within thirty days of a petition's certification, an action in the district court contesting the certification on the grounds of fraudulent signatures. See Montana Code 13-27-317.

Oversight and Enforcement

1. Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?

Yes, there is a ban on pay-per-signature. See Montana Code 13-27-102.

2. Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?

No.

3. Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?

Yes, upon discovery of fraudulent signatures or duplicate signatures of an elector on any one issue, the election administrator may submit the name of the elector or the petition circulator, or both, to the county attorney to be investigated. See Montana Code 13-27-303.

4. Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?

No.

5. Is there a clear process and expedited timeline for the state court system to review allegations of fraud?

Yes, any qualified elector may, within 30 days of the certification of the ballot issue, file an action in the district court contesting the certification of a ballot issue for illegal signatures. See Montana Code 13-27-317.



Nebraska

Ballot Integrity Report Card

Higher Standards

1. Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?

No, Nebraska does not require signatures before petition circulation.

2. Is there a process to create a clear, impartial ballot title?

Yes, the attorney general shall provide a ballot title that is fair and impartial. See Nebraska Statute 32-1410.

3. Does the ballot title process include an opportunity for public input?

No.

4. Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?

Yes, within ten days of the attorney general's title being made public, any person dissatisfied with the ballot title may appeal the decision in district court. See Nebraska Statute 32-1410.

Greater Transparency

1. **Are petition circulators required to register with the state? Does the state limit loopholes for the registration?**

No.

2. **Are petition circulating companies required to register with the state in all circumstances, including subcontractors?**

No.

3. **Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?**

No.

4. **Are circulators required to witness signatures?**

Yes, circulators must witness the signatures on the petition and must sign an affidavit attesting to that fact. See Nebraska Statute 32-630.

Accountability

1. **Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹**

Yes, each person who signs a petition shall personally fill out all required fields. See Nebraska Statute 32-630.

2. **Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?**

Yes, circulators must sign an affidavit for every signature sheet of the petition. See Nebraska Statute 32-628.

3. **Is that affidavit required to be notarized?**

Yes, the affidavit must be notarized. See Nebraska Statute 32-628

4. **Is there timely access to the petition sheets?**

Yes, all petitions turned in for signature verification are open for public inspection. See Nebraska Statute 32-631.

5. **Is there enough time for the public to review the signatures and challenge fraud?**

Yes, the county clerk or election commissioner has forty days to verify the signatures. See Nebraska Statute 32-1409.

Oversight and Enforcement

1. **Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?**

Yes, Nebraska forbids payment of a circulator based on the number of signatures collected. See Nebraska Statute 32-630.

2. **Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?**

Yes, signatures are collected through the pay-per-signature method are invalid, but there are no legal penalties currently. See Nebraska Statute 32-1409

3. **Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?**

Yes, the secretary of state must invalidate all signatures collected in violation of state law. See Nebraska Statute 32-1409.

4. **Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?**

No.

5. **Is there a clear process and expedited timeline for the state court system to review allegations of fraud?**

No.

Nevada



Ballot Integrity Report Card

Higher Standards

1. **Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?**

No, Nevada does not require signatures before circulation.

2. **Is there a process to create a clear, impartial ballot title?**

Yes, the secretary of state drafts the ballot title upon consultation with the attorney general. See Nevada Statute 293.250.

3. **Does the ballot title process include an opportunity for public input?**

Yes, the public is invited to provide comments to the committees appointed by the secretary of state that provide a draft ballot question to the secretary of state. See Nevada Statute 293.252.

4. **Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?**

Yes, the legal sufficiency of a petition may be challenged by filing a complaint in district court no later than seven working days after the secretary of state's certification. See Nevada Statute 295.061.

Greater Transparency

1. **Are petition circulators required to register with the state? Does the state limit loopholes for the registration?**

No.

2. **Are petition circulating companies required to register with the state in all circumstances, including subcontractors?**

No.

3. **Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?**

No.

4. **Are circulators required to witness signatures?**

Yes, as part of the affidavit circulators must sign, they must swear that all signatures were affixed in their presence. See Nevada Statute 295.0575.

Accountability

1. **Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹**

Yes, electors signing the petition must fill out the information themselves. See Nevada Administrative Code 295.020.

2. **Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?**

Yes, circulators must attach an affidavit to every signature sheet they collect. See Nevada Administrative Code 295.020.

3. **Is that affidavit required to be notarized?**

Yes, the affidavit must be notarized. See Nevada Administrative Code 295.020.

4. Is there timely access to the petition sheets?

Yes, once the signatures are submitted for verification, copies of the petitions shall be made by the county clerk and shall be available to the public for at least 14 days. See Nevada Statute 295.0585.

5. Is there enough time for the public to review the signatures and challenge fraud?

No, the legal sufficiency of a petition may be challenged by filing a complaint in district court no later than seven working days after the secretary of state's certification, which is less than the 30 days advocated as the absolute minimum. See Nevada Statute 295.061.

Oversight and Enforcement

1. Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?

No.

2. Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?

No.

3. Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?

Yes, the secretary of state can exclude signatures collected in violation of state law. See Nevada Statute 293.1279

4. Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?

No.

5. Is there a clear process and expedited timeline for the state court system to review allegations of fraud?

Yes, there is an expedited timeline for challenging the secretary of state's sufficiency of a petition in court. See Nevada Statute 295.061.

North Dakota

Ballot Integrity Report Card



Higher Standards

1. Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?

No, North Dakota only requires 25 electors to serve as sponsors. See North Dakota Constitution Article III, Section 2.

2. Is there a process to create a clear, impartial ballot title?

Yes, upon receipt of a petition to initiate or refer a measure, the secretary of state shall draft a short and concise statement that fairly represents the measure. The statement must be submitted to the attorney general for approval or disapproval. See North Dakota Statute 16.1-01-09(b).

3. Does the ballot title process include an opportunity for public input?

No.

4. **Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?**

Yes, all decisions made by the secretary of state in the petition process are subject to review by the Supreme Court. See North Dakota Constitution Article III, Section 7.

Greater Transparency

1. **Are petition circulators required to register with the state? Does the state limit loopholes for the registration?**

No.

2. **Are petition circulating companies required to register with the state in all circumstances, including subcontractors?**

No.

3. **Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?**

No.

4. **Are circulators required to witness signatures?**

Yes, all signatures must occur in the presence of the individual circulating the petition. See North Dakota Code 16.1-01-09.

Accountability

1. **Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹**

Yes, each qualified elector signing the petition must fill out all required information on their own. See North Dakota Code 16.1-01-12.

2. **Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?**

Yes, every petition sheet must have an affidavit attached to it executed by the circulator. See North Dakota Code 16.1-01-09.

3. **Is that affidavit required to be notarized?**

Yes, every affidavit must be notarized. See North Dakota Code 16.1-01-09.

4. **Is there timely access to the petition sheets?**

Yes, petitions are public records once filed with the secretary of state, and citizens can pay for copies if they would like. They are then kept for four years, and one hard copy remains in state archives. (North Dakota Secretary of State, (701) 328-4146)

5. **Is there enough time for the public to review the signatures and challenge fraud?**

Yes, the secretary of state has 35 days to review the signatures, has the power to invalidate fraudulent signatures, and is required to report discovered fraud to the attorney general for prosecution. Complaints from the public may be filed with the secretary of state during this review period. See North Dakota Code 16.1-01-10.

Oversight and Enforcement

1. **Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?**

Yes, North Dakota forbids payment of circulators based on the number of signatures collected. See North Dakota Code 16.1-01-12.



Ohio

Ballot Integrity Report Card

2. **Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?**

Yes, a violation of the ban of pay-per-signature is a class A misdemeanor, and all signatures collected in violation of the ban must not be counted. See North Dakota Code 16.1-01-12.

3. **Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?**

Yes, all violations of the law discovered by the secretary of state must be reported to the attorney general for prosecution; the secretary of state has the power to exclude signatures collected in violation of state law. See North Dakota Code 16.1-01-10.

4. **Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?**

No.

5. **Is there a clear process and expedited timeline for the state court system to review allegations of fraud?**

Yes, the law stipulates that all decisions made by the secretary of state in the petition process are subject to review by the Supreme Court. See North Dakota Constitution Article III, Section 7.

Higher Standards

1. **Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?**

Yes, proponents must submit 1,000 signatures with the proposed petition when first filing with the attorney general. See Ohio Code 3519.01.

2. **Is there a process to create a clear, impartial ballot title?**

Yes, the titling board shall give a true and impartial statement of the measures in such language that the ballot title shall not be likely to create prejudice for or against the measure. The person or committee promoting such measure may submit to the titling board a suggested ballot title, which shall be given full consideration in determining the ballot title. See Ohio Code 3519.21.

3. **Does the ballot title process include an opportunity for public input?**

Yes, public testimony is allowed during Ballot Board hearings. See Ohio Code 3519.01.

4. **Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?**

Yes, any person aggrieved by the certification of the ballot title may challenge in the Supreme Court. See Ohio Code 3519.01.

Greater Transparency

1. **Are petition circulators required to register with the state? Does the state limit loopholes for the registration?**

No, circulators do not have to register, however, supervisors and organizers must register with the secretary of state. Failure to do so will result in a misdemeanor of the first degree, and the petition the person was compensated for supervising, managing, or otherwise organizing the effort to obtain signatures shall be deemed invalid. See Ohio Code 3501.381.

2. **Are petition circulating companies required to register with the state in all circumstances, including subcontractors?**

Yes, anyone receiving payment for collecting signatures is required to register with the secretary of state before any signatures may be collected. See Ohio Code 3501.381.

3. **Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?**

No.

4. **Are circulators required to witness signatures?**

Yes, circulators sign an affidavit stating that the signature was made in their presence. See Ohio Code 3519.05.

Accountability

1. **Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹**

Yes, signers must fill out their own information unless unable to do so in which case their lawyer may sign for them. See Ohio Code 3501.38.

2. **Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?**

Yes, the circulator must sign an affidavit attesting that all signatures were collected in accordance with state laws, and is guilty of a felony of the fifth degree if they knowingly lie. See Ohio Code 3519.05.

3. **Is that affidavit required to be notarized?**

No.

4. **Is there timely access to the petition sheets?**

Yes, anyone may make a public records request for a copy of the filed petitions at a cost for the copying. (Ohio Secretary of State, (614) 466-2585)

5. **Is there enough time for the public to review the signatures and challenge fraud?**

Yes, until fifty days prior to the election on which the question is to appear, citizens may file written protests against the petition with the secretary of state. See Ohio Code 3501.39.

Oversight and Enforcement

1. **Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?**

No.

2. **Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?**

No.

3. **Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?**

Yes, the secretary of state has the power to exclude signatures and pursue legal action if the committee has collected signatures in violation of state law. See Ohio Code 3519.06.

4. **Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?**

No.

5. **Is there a clear process and expedited timeline for the state court system to review allegations of fraud?**

Yes, any person who is aggrieved by a decision of the secretary of state may challenge in the Supreme Court, which shall have exclusive, original jurisdiction in all challenges. See Ohio Code 3519.01.

Oklahoma



Ballot Integrity Report Card

Higher Standards

1. **Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?**

No.

2. **Is there a process to create a clear, impartial ballot title?**

No, the ballot title is drafted by the proponents and reviewed by the attorney general only for legal correctness. See Oklahoma Statute 34-9.

3. **Does the ballot title process include an opportunity for public input?**

No.

4. **Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?**

Yes, any person dissatisfied with the wording of a ballot title may, within ten days after it is published by the secretary of state, appeal to the Supreme Court. See Oklahoma Statute 34-10.

Greater Transparency

1. **Are petition circulators required to register with the state? Does the state limit loopholes for the registration?**

No.

2. **Are petition circulating companies required to register with the state in all circumstances, including subcontractors?**

No.

3. **Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?**

No.

4. **Are circulators required to witness signatures?**

Yes, witnessing the signature is included in the affidavit signed by the circulator. See Oklahoma Statute 34-6.

Accountability

1. **Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹**

Yes, each elector is required to sign their own name, address and count of residence on their own. See Oklahoma Statute 34-6.

2. **Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?**

Yes, circulators must sign an affidavit attesting that all signatures were collected in accordance with state laws. See Oklahoma Statute 34-6.

3. **Is that affidavit required to be notarized?**

Yes, the affidavit must be notarized. See Oklahoma Statute 34-6.

4. **Is there timely access to the petition sheets?**

Yes, signatures are public record. (Oklahoma Secretary of State, (405) 521-3912)

5. **Is there enough time for the public to review the signatures and challenge fraud?**

Yes, any citizen may file a protest to the petition or an objection to the count made by the secretary of state within ten days of the determination of sufficiency with the Supreme Court. See Oklahoma Statute 34-8.

Oversight and Enforcement

1. **Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?**

No.

2. **Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?**

No.

3. **Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?**

Yes, signatures collected in violation of state law shall not be counted. See Oklahoma Statute 34-6.1.

4. **Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?**

No.

5. **Is there a clear process and expedited timeline for the state court system to review allegations of fraud?**

Yes, any citizen may file a protest to the petition or an objection to the count made by the secretary of state within ten days of the determination of sufficiency with the Supreme Court. See Oklahoma Statute 34-8.

Oregon



Ballot Integrity Report Card

Higher Standards

1. **Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?**

Yes, the prospective petition for a state measure to be initiated shall contain a statement of sponsorship signed by at least 1,000 electors. See Oregon Statute 250.045.

2. **Is there a process to create a clear, impartial ballot title?**

Yes, Oregon statutes outline specific guidelines for the creation of a clear, impartial ballot title. See Oregon Statute 250.035.

3. Does the ballot title process include an opportunity for public input?

Yes, any elector may submit written comments within ten days of the draft title being released to the public for the attorney general to consider. See Oregon Statute 250.067.

4. Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?

Yes, if the elector is still dissatisfied upon certification of a ballot title after submitting written comments, they may petition the Supreme Court for a different title. See Oregon Statute 250.085.

Greater Transparency

1. Are petition circulators required to register with the state? Does the state limit loopholes for the registration?

Yes, a paid petition circulator must register with the secretary of state and complete an online training program. See Oregon Statute 250.048.

2. Are petition circulating companies required to register with the state in all circumstances, including subcontractors?

No.

3. Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?

Yes, a person who has been convicted for a criminal offense involving fraud, forgery or identification theft in any state during the five-year period prior to the date of the application may not apply [to be a registered petition circulator]. See Oregon Statute 250.048.

4. Are circulators required to witness signatures?

Yes, witnessing the signature is part of the affidavit collectors must sign. See Oregon Statute 250.045.

Accountability

1. Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹

Yes, circulators must not alter, correct, clarify, or obscure on the signature sheet any information about the person who signed the signature sheet unless the person who signed the signature sheet initials after the changes are made. See Oregon Statute 260.567.

2. Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?

Yes, the circulator must certify on each signature sheet that the signatures were collected in accordance with state laws. See Oregon Statute 250.045.

3. Is that affidavit required to be notarized?

No.

4. Is there timely access to the petition sheets?

Yes, members of the public may observe the verification process if they make prior arrangements with the secretary of state.

5. Is there enough time for the public to review the signatures and challenge fraud?

Yes, the verification process must be completed within thirty days of submission. See Oregon Secretary of State's State Initiative and Referendum Manual, pg 19.

Oversight and Enforcement

1. Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?

Yes, payment per signature is prohibited. See Oregon Statute 250.048.



South Dakota

Ballot Integrity Report Card

2. **Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?**

Yes, the secretary of state is authorized to invalidate any signatures collected in violation of the pay-per-signature ban. See Oregon Statute 250.042.

3. **Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?**

Yes, the secretary of state can invalidate all signatures gathered by any circulator that has violated state law. See Oregon Statute 250.042.

4. **Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?**

Yes, HB 2005, which was passed by the legislature and signed by the governor in 2009 and is now statute 260.561 provides for penalties for a campaign committee that has knowingly encouraged the violation of state signature laws.

5. **Is there a clear process and expedited timeline for the state court system to review allegations of fraud?**

No, complaints can be filed with the secretary of state and appeals can be filed with the district court, but there is no statute requiring an expedited timeline. See Oregon Statute, 260.345.

Higher Standards

1. **Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?**

No, South Dakota does not require any signatures before petition circulation.

2. **Is there a process to create a clear, impartial ballot title?**

Yes, the ballot title is drafted by the attorney general. See South Dakota Statute 12-13-9.

3. **Does the ballot title process include an opportunity for public input?**

No.

4. **Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?**

Yes, the attorney general's ballot language may be challenged in circuit court within seven days of the delivery of the statement to the secretary of state. See South Dakota Statute 12-13-9.2.

Greater Transparency

1. **Are petition circulators required to register with the state? Does the state limit loopholes for the registration?**

No.

2. **Are petition circulating companies required to register with the state in all circumstances, including subcontractors?**

No.

3. **Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?**
No.
4. **Are circulators required to witness signatures?**
Yes, circulators are required to witness the signature, see South Dakota Statute 2-1-7.

Accountability

1. **Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹**
No.
2. **Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?**
Yes, the circulator must sign an affidavit stating that no state statute regarding the circulation of petitions was knowingly violated. See South Dakota Statute 2-1-10.
3. **Is that affidavit required to be notarized?**
Yes, the affidavit must be notarized. See South Dakota Statute 2-1-10.
4. **Is there timely access to the petition sheets?**
Yes, as soon as the petition signatures have been validated and filed, the petitions become public documents. (South Dakota Secretary of State, (605) 773-3537)
5. **Is there enough time for the public to review the signatures and challenge fraud?**
Yes, the signature verification process takes between two to four weeks. (South Dakota Secretary of State, (605) 773-3537)

Oversight and Enforcement

1. **Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?**
Yes, South Dakota law prohibits pay-per-signature. See South Dakota Statute 12-13-28.
2. **Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?**
Yes, violators of the pay-per-signature ban are guilty of a Class 2 misdemeanor. See South Dakota Statute 12-13-28.
3. **Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?**
Yes, all signatures collected in violation of state law shall not be counted. See South Dakota Statute 2-1-14.
4. **Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?**
No.
5. **Is there a clear process and expedited timeline for the state court system to review allegations of fraud?**
Yes, court challenge of the validity of signatures is allowed. See South Dakota Statute 2-1-18.



Higher Standards

1. **Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?**

No, Utah only requires five pre-circulation signatures. See Utah Code 20A-7-202.

2. **Is there a process to create a clear, impartial ballot title?**

Yes, the Office of Legislative Research and General Counsel prepares an impartial ballot title. See Utah Code 20A-7-209.

3. **Does the ballot title process include an opportunity for public input?**

No.

4. **Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?**

No, only sponsors of the initiative may challenge the ballot title. See Utah Code 20A-7-209.

Greater Transparency

1. **Are petition circulators required to register with the state? Does the state limit loopholes for the registration?**

No.

2. **Are petition circulating companies required to register with the state in all circumstances, including subcontractors?**

No.

3. **Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?**

No.

4. **Are circulators required to witness signatures?**

Yes, circulators must sign an affidavit affirming that the signature happened in their presence. See Utah Code 20A-7-203.

Accountability

1. **Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹**

Yes, circulators must sign an affidavit stating that the person had printed and signed his/her name, and written his/her residence correctly. See Utah Code 20A-7-203.

2. **Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?**

Yes, the final page of each initiative packet has a signed affidavit. See Utah Code 20A-7-203.

3. **Is that affidavit required to be notarized?**

No.

4. **Is there timely access to the petition sheets?**

Yes, all initiative packets are public once they are delivered to the county clerks. See Utah Code 20A-7-206.

5. **Is there enough time for the public to review the signatures and challenge fraud?**

Yes, the county clerks have one month to verify the sufficiency of petitions. See Utah Code 20A-7-206.

Oversight and Enforcement

1. Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?

No.

2. Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?

No.

3. Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?

Yes, the county clerk can remove signatures collected in violation of state laws. See Utah Code 20A-7-206.

4. Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?

No.

5. Is there a clear process and expedited timeline for the state court system to review allegations of fraud?

Yes, a complaint may be filed with the Elections Office, who will forward it on to the attorney general's office or county attorney; or the opponents may go directly to Circuit Court. (Utah Lt. Governor (801) 538-1041)

Washington

Ballot Integrity Report Card

Higher Standards

1. Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?

No, Washington does not require pre-circulation signatures.

2. Is there a process to create a clear, impartial ballot title?

Yes, the ballot title is drafted by the attorney general. See Washington Code 29A.72.060.

3. Does the ballot title process include an opportunity for public input?

No.

4. Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?

Yes, any person, within five days of the filing of the ballot title, may appeal to the Superior Court of Thurston. See Washington Code 29A.72.080.

Greater Transparency

1. Are petition circulators required to register with the state? Does the state limit loopholes for the registration?

No.

2. Are petition circulating companies required to register with the state in all circumstances, including subcontractors?

No.

3. **Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?**
No.
4. **Are circulators required to witness signatures?**
No.

Accountability

1. **Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹**
No.
2. **Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?**
No.
3. **Is that affidavit required to be notarized?**
No.
4. **Is there timely access to the petition sheets?**
Yes, advocates and opponents of the proposed measure may observe the verification of signatures by the secretary of state. See Washington Code 29A.72.230.
5. **Is there enough time for the public to review the signatures and challenge fraud?**
Yes, any citizen dissatisfied with the determination of the secretary of state may appeal the decision within five days to the Superior Court of Thurston County. See Washington Code 29A.72.240.

Oversight and Enforcement

1. **Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?**
No.
2. **Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?**
No.
3. **Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?**
Yes, the secretary of state can exclude signatures collected in violation of state law. See Washington Code 29A.72.170.
4. **Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?**
No.
5. **Is there a clear process and expedited timeline for the state court system to review allegations of fraud?**
Yes, any citizen dissatisfied with the determination of the secretary of state may appeal the decision within five days to the Superior Court of Thurston County. See Washington Code 29A.72.240.

Wyoming



Ballot Integrity Report Card

Higher Standards

1. **Are proponents required to submit a reasonable amount of signatures to dissuade frivolous filings but still leave the process accessible to grassroots operations?**

No, Wyoming currently only requires 100 pre-circulation signatures. See Wyoming Constitution 3-052.

2. **Is there a process to create a clear, impartial ballot title?**

Yes, the attorney general prepares an impartial ballot title. See Wyoming Statute 22-24-117.

3. **Does the ballot title process include an opportunity for public input?**

No.

4. **Is there a clear process for the public to challenge ambiguous, confusing, or misleading ballot titles?**

Yes, any person aggrieved by the decision of the attorney general may appeal to the District Court of Laramie County within thirty days of the determination. See Wyoming Statute 22-24-122.

Greater Transparency

1. **Are petition circulators required to register with the state? Does the state limit loopholes for the registration?**

No.

2. **Are petition circulating companies required to register with the state in all circumstances, including subcontractors?**

No.

3. **Are circulators who have been convicted of recent fraud or forgery prohibited from circulating petitions?**

No.

4. **Are circulators required to witness signatures?**

Yes, the signatures must be made in the circulator's presence. See Wyoming Statute 22-24-114.

Accountability

1. **Are signature gatherers prohibited from filling in information on a petition for a voter other than themselves?¹**

Yes, a qualified voter must sign his own name and list his address. See Wyoming Statute 22-24-113.

2. **Are petition sheets required to include an affidavit, signed by the circulator, attesting that all signatures were collected in accordance with state laws?**

Yes, the person who circulated the petition sheet must sign an affidavit. See Wyoming Statute 22-24-114.

3. **Is that affidavit required to be notarized?**

No.

4. **Is there timely access to the petition sheets?**

Yes, once the petition sheet is turned into the secretary of state, it becomes public record. (Wyoming Secretary of State, Elections Division, (307) 777-7186)

5. Is there enough time for the public to review the signatures and challenge fraud?

Yes, any qualified elector may file a written complaint of the violation with the secretary of state or district attorney. If they refuse to take action, a complaint can be filed with the attorney general. See Wyoming Statute 22-26-121.

4. Are there specific statutory penalties for a campaign committee that has knowingly encouraged the violation of state signature gathering laws?

No.

5. Is there a clear process and expedited timeline for the state court system to review allegations of fraud?

Yes, any person aggrieved by the decision of the secretary of state may appeal to the District Court of Laramie County within thirty days of the determination. See Wyoming Statute 22-24-122.

Oversight and Enforcement

1. Are circulation companies prohibited from paying signature gatherers on the sole basis of the number of signatures they collect for, at minimum, the majority of their compensation?

Yes, there is a ban on payment per signature. See Wyoming Statute 22-24-125.

2. Does the state have specific penalties for violating wage and hour requirements when paying petition circulators?

Yes, circulators are required to be paid a salary not contingent upon the number of signatures they collect. See Wyoming Statute 22-24-125.

3. Does the state provide authority to an entity to exclude signatures and pursue legal action against a campaign committee that has collected signatures in violation of state law?

Yes, the secretary of state must not count signatures collected in violation of state law. See Wyoming Statute 22-24-114.

¹ Please note, exceptions for people who cannot sign for themselves because they are physically unable to do so are allowable.



Ballot Initiative **STRATEGY CENTER**

BIS1002 |

