



INITIATIVES AND REFERENDUMS

2006 Initiatives and Referendums¹

By John G. Matsusaka

Propositions again were a prominent feature on ballots in 2006, with voters in 37 states deciding on 226 statewide measures. The number of citizen-initiated measures, 79, was the third highest ever. The most common issues were eminent domain (12 states) and same-sex marriage (nine states). Michigan voters approved a measure to ban the use of racial preferences, and South Dakota voters repealed an abortion ban.

A total of 204 ballot propositions went before the voters in 37 states Nov. 7, 2006, up from 162 in November 2004 and 202 in November 2002. Voters approved 137 measures and rejected 67. The approval rate of 67 percent was identical to the 67 percent approval rate in November 2004. Of the measures, 76 were initiatives (new laws qualified by petition), four were referendums (proposals to repeal existing laws), one was placed on the ballot by a commission, and the rest were legislative measures.

For the year (counting propositions that appeared on primary and special election ballots), voters decided 226 propositions and approved 156 of them. The 79 initiatives for the year (including the three that were voted on in the summer) constitute the third largest total since the initiative process was first used in 1902 (behind 93 in 1996 and 90 in 1914), and show that the initiative wave set off by California's tax-cutting Proposition 13 in 1978 is still swelling.² Voters approved 32 initiatives during the year. The 41 percent approval rate is equal to the historical average.

Table A summarizes the number of propositions by state, and the number that were approved, for the entire year. Table B lists each proposition, provides a brief description of its subject and reports the election outcome.³

Multi-state Issues

As happens every year, several issues emerged on the ballot in multiple states. The two most common issues—eminent domain and same-sex marriage—were largely responses to court rulings.

▪ **Eminent domain.** Land use measures designed to restrict the power of eminent domain were the most common type of ballot proposition in 2006. To a large extent, these measures were reactions to the U. S. Supreme Court's *Kelo v. New London* decision in June 2005 that allowed governments to condemn property for use by a private developer. Legislatures in more than two dozen states took action to prevent such condemnations, and propositions were placed on

the ballot in 12 states. Nine states—Arizona, Florida, Georgia, Michigan, Nevada, New Hampshire, North Dakota, Oregon and South Carolina—approved the measures in November, Louisiana approved a measure in September, and two states (California and Idaho) rejected them. Four states also voted on “regulatory takings” measures that required governments to compensate owners when their property values were reduced by land use regulations, following in the wake of Oregon's Measure 37 in 2004. In Arizona, California and Idaho, the regulatory takings language was combined with the anti-*Kelo* language. Arizona voters approved the package but voters in California and Idaho said no, most likely because of the regulatory takings language. In Washington, a measure concerned with regulatory takings alone was defeated. Many of the land use measures were apparently funded by Howie Rich, a New York developer with libertarian leanings.

▪ **Same-sex marriage.** The second most common subject for ballot propositions was same-sex marriage. Constitutional amendments to define marriage as solely between a man and a woman went before the voters in nine states. The amendments were approved in eight states—Colorado, Idaho, South Carolina, South Dakota, Tennessee, Virginia and Wisconsin in November, and Alabama in June—bringing the number of states that have approved such amendments to 23. Arizona became the first state to reject a constitutional amendment banning same-sex marriage, in part because the measure also included a provision that would have prevented the state from giving benefits to same-sex couples. Colorado voters rejected a measure that would have created “domestic partnerships” that gave same-sex couples the same legal rights as married couples.

▪ **Tobacco and smoking.** Health organizations qualified initiatives in several states to increase taxes on tobacco products and ban smoking in public places. Tobacco companies dedicated a reported \$100 million to fight these measures, and were successful in



Table A: Initiatives and Referendums State-by-State Totals, 2006

State	Initiatives	Referendums	Legislative measures	Notable issues
Alabama	...	...	4 (3)	Same-sex marriage
Alaska	4 (3)	...	...	Campaign contribution limits
Arizona	10 (5)	...	9 (7) (a)	Eminent domain, marriage, immigrants, smoking
Arkansas	...	...	2 (2)	Bonds
California	9 (2)	...	6 (5)	Eminent domain, bonds, oil tax, abortion
Colorado	7 (3)	...	7 (4)	Marriage, minimum wage, legal marijuana
Florida	1 (1)	...	5 (5)	Eminent domain, amendment approval
Georgia	...	...	9 (9)	Eminent domain
Hawaii	...	...	5 (4)	Mandatory retirement for judges
Idaho	2 (0)	...	3 (3)	Land use, sales tax increase, marriage
Louisiana	...	...	21 (21)	New Orleans assessors, eminent domain
Maine	1 (0)	...	1 (1)	Tax and spending limits
Maryland	...	1 (1)	3 (3)	Sale of parklands
Massachusetts	3 (0)	...	...	Liquor sales by grocery stores, fusion ballots
Michigan	2 (1)	1 (0)	2 (2)	Racial preferences/affirmative action
Minnesota	...	...	1 (1)	Gas tax
Missouri	3 (2)	...	3 (3)	Stem cell, minimum wage, tobacco tax
Montana	2 (2)	...	1 (0)	Minimum wage, lobbying
Nebraska	2 (0)	1 (0)	7 (2)	Tax and spending limits, video keno
Nevada	6 (4)	...	4 (1)	Eminent domain, smoking ban, minimum wage
New Hampshire	...	...	2 (2)	Eminent domain
New Jersey	...	...	3 (3)	Property tax relief, alien land law
New Mexico	...	...	7 (7)	Bonds
North Dakota	2 (1)	...	3 (3)	Eminent domain
Ohio	4 (2)	...	...	Smoking ban, slot machines, minimum wage
Oklahoma	...	...	4 (4)	Liquor sales on election day
Oregon	10 (3)	...	...	Eminent domain, tax and spending limits, abortion
Pennsylvania	...	...	1 (1)	Bonds for veterans
Rhode Island	...	...	9 (7)	Casino gambling, bonds
South Carolina	...	...	7 (7)	Eminent domain, marriage, property tax limit
South Dakota	8 (2)	1 (0)	2 (1)	Abortion, lawsuits against judges
Tennessee	...	...	2 (2)	Same-sex marriage
Utah	...	...	1 (1)	Property tax exemption
Virginia	...	...	3 (3)	Same-sex marriage
Washington	3 (1)	...	1 (1)	Regulatory takings, estate tax
Wisconsin	...	...	2 (2)	Death penalty, same-sex marriage
Wyoming	...	...	3 (3)	Scholarships
Total	79 (32)	4 (1)	143 (123)	

Source: Initiative & Referendum Institute (www.iandrinstitute.org).
 Note: The table reports the total number of propositions during 2006, including primary and special elections as well as the November general election. The number of measures that were approved is reported in parentheses. A referendum in which the original law is retained is considered to have been "approved."

Key:
 (a) Includes proposition from commission in Arizona.

defeating tobacco tax increases in California and Missouri. Voters approved tobacco tax increases that were not heavily contested in Arizona and South Dakota. Smoking bans were approved in all three states where they were on the ballot—Arizona, Nevada and Ohio. Voters in each state rejected “counter-initiatives” offering less restrictive smoking bans that were placed on the ballot by pro-tobacco groups.

- **Minimum wage.** Initiatives to increase the minimum wage and index it to inflation appeared on the ballot in six states—Arizona, Colorado, Montana, Missouri, Nevada and Ohio—and all were approved.

These measures were placed on the ballot as part of a coordinated campaign to increase support for Democratic candidates and possibly tip the balance of power in the U.S. House and Senate, apparently the first national effort of this kind.

- **Government finances.** Voters seemed to be in a fiscally expansive mood. TABOR-style tax and spending limitations were rejected in three states—Maine, Nebraska and Oregon—and a property tax limit failed in South Dakota. Voters approved all 16 state-wide bond issues across the states. Leading the way was California, where voters said yes to five bond

INITIATIVES AND REFERENDUMS

Table B: Complete List of Statewide Ballot Propositions in 2006

<i>State</i>	<i>Type</i>	<i>Description</i>	<i>Result</i>
Alabama			
Amendment (June 6)	L/CA	Ban on same-sex marriage.	Approved 81-19
Amendment 1	L/CA	Concerning city of Prichard.	Failed 49.8-50.2
Amendment 2	L/CA	Supplementary property tax for schools.	Approved 59-41
Amendment 3	L/CA	Concerning Macon County Board of Education.	Approved 61-39
Alaska			
Measure 1 (Aug. 22)	I/ST	Lowers campaign contribution limits.	Approved 73-27
Measure 2 (Aug. 22)	I/ST	Taxes commercial passenger ships visiting the state.	Approved 52-48
Measure 1	I/ST	Reduces legislature sessions from 4 to 3 months.	Approved 51-49
Measure 2	I/ST	Taxes natural gas leases.	Failed 35-65
Arizona			
Prop. 100	L/CA	Denies bail to illegal immigrants.	Approved 78-22
Prop. 101	L/CA	Lowers local property tax limits.	Approved 51-49
Prop. 102	L/CA	No punitive damages to illegal immigrants.	Approved 74-26
Prop. 103	L/CA	Makes English the official language of the state.	Approved 74-26
Prop. 104	L/CA	Authorizes cities to borrow more for streets and public safety.	Approved 59-41
Prop. 105	L/CA	Preserves 43,000 acres of state land (response to 106 by cattlemen).	Failed 29-71
Prop. 106	I/CA	Preserves 690,000 acres of state trust land.	Failed 49-51
Prop. 107	I/CA	Defines marriage as solely between a man and a woman.	Failed 48-52
Prop. 200	I/ST	Awards \$1 million to a random voter after each general election.	Failed 33-67
Prop. 201	I/ST	Prohibits smoking in public places (health industry version).	Approved 55-45
Prop. 202	I/ST	Raises minimum wage and indexes it to inflation.	Approved 65-35
Prop. 203	I/ST	Increases tobacco tax to fund early childhood development.	Approved 53-47
Prop. 204	I/ST	Minimum living space for pregnant pigs and calves.	Approved 62-38
Prop. 205	I/ST	Requires absentee ballots to be mailed to all voters.	Failed 29-71
Prop. 206	I/ST	Prohibits smoking in public places except bars (industry version).	Failed 43-57
Prop. 207	I/ST	Eminent domain, regulatory takings.	Approved 65-35
Prop. 300	L/ST	Prohibits state subsidies to illegal aliens.	Approved 71-29
Prop. 301	L/ST	Limits probation for methamphetamine convicts.	Approved 58-42
Prop. 302	C/ST	Increases legislator salaries.	Failed 48-52
Arkansas			
Amendment 1	L/CA	Allows charities to run bingo games and raffles.	Approved 69-31
Referred Question 1	L/ST	Authorizes the state to borrow \$250 million for education.	Approved 69-31
California			
Prop. 80 (June 6)	L/ST	\$600 million bond issue for libraries.	Failed 47-53
Prop. 81 (June 6)	I/CA + ST	Tax increase, high-income individuals to fund universal preschool.	Failed 39-61
Prop. 1A	L/CA	Prevents diversion of gas tax revenue meant for roads.	Approved 77-23
Prop. 1B	L/ST	\$19.925 billion bonds for road projects.	Approved 61-39
Prop. 1C	L/ST	\$2.85 billion bonds for low-income housing.	Approved 58-42
Prop. 1D	L/ST	\$10.416 billion bonds for public school facilities.	Approved 57-43
Prop. 1E	L/ST	\$4.09 billion bonds for levee repairs and flood control projects.	Approved 64-36
Prop. 83	I/ST	Increases penalties for sex crimes.	Approved 70-30
Prop. 84	I/ST	\$5.388 billion bonds for water and conservation projects.	Approved 54-46
Prop. 85	I/CA	Waiting period and parental notification for abortion by minor.	Failed 46-54
Prop. 86	I/CA + ST	\$2.60 per pack cigarette surtax with funds for hospitals.	Failed 48-52
Prop. 87	I/CA + ST	\$4 billion for alternative energy research, severance tax on oil.	Failed 45-55
Prop. 88	I/CA + ST	Establishes a \$50 parcel tax for schools.	Failed 23-77
Prop. 89	I/ST	Public funding for candidates.	Failed 26-74
Prop. 90	I/CA	Eminent domain, for regulatory takings.	Failed 48-52
Colorado			
Amendment 38	I/CA	Extends initiative rights.	Failed 31-69
Amendment 39	I/CA	65% of school spending for classroom instruction (Republican).	Failed 38-62
Amendment 40	I/CA	Establishes term limits for appellate court judges.	Failed 43-57
Amendment 41	I/CA	Restricts lobbying and gifts.	Approved 63-37
Amendment 42	I/CA	Increases minimum wage and indexes it to inflation.	Approved 53-47
Amendment 43	I/CA	Defines marriage as between one man and one woman.	Approved 55-45
Amendment 44	I/CA	Legalizes possession of one ounce of marijuana.	Failed 41-59
Referendum E	L/CA	Reduces property taxes for disabled veterans.	Approved 79-21
Referendum F	L/CA	Extends time to contest recall petitions.	Failed 45-55
Referendum G	L/CA	Removes obsolete constitutional provisions.	Approved 76-24
Referendum H	L/ST	Prohibits tax deduction of wages paid to illegal aliens.	Approved 51-49
Referendum I	L/CA	Establishes "domestic partnerships."	Failed 48-52
Referendum J	L/ST	65% of school spending for classroom instruction (Democratic).	Failed 42-58
Referendum K	L/ST	To sue federal government to enforce immigration laws.	Approved 56-44

See footnotes at end of table.

Complete List of Statewide Ballot Propositions in 2006—Continued

<i>State</i>	<i>Type</i>	<i>Description</i>	<i>Result</i>
Florida			
Amendment 1	L/CA	Limits use of nonrecurring revenue.	Approved 60-40
Amendment 3	L/CA	Requires 60% approval for constitutional amendments.	Approved 58-42
Amendment 4	I/CA	Tobacco settlement money only for tobacco education.	Approved 61-39
Amendment 6	L/CA	Increases homestead tax exemption for low-income seniors.	Approved 76-24
Amendment 7	L/CA	Reduces homestead tax for disabled veterans.	Approved 78-22
Amendment 8	L/CA	Restricts use of eminent domain for private projects.	Approved 69-31
Georgia			
Amendment 1	L/CA	Restricts use of eminent domain for private projects.	Approved 83-17
Amendment 2	L/CA	State must preserve the "tradition of fishing and hunting."	Approved 81-19
Amendment 3	L/CA	Allows state to issue special vehicle license plates.	Approved 67-33
Question A	L/ST	Sales tax exemption for farm equipment.	Approved 61-39
Question B	L/ST	Sales tax exemption for historic aircraft.	Approved 71-29
Question C	L/ST	Sales tax exemption for property of charitable organizations.	Approved 68-32
Question D	L/ST	Property tax exemption for people 65 and older.	Approved 89-11
Question E	L/ST	Homestead tax break for spouse of officers killed in line of duty.	Approved 85-15
Question F	L/ST	Property tax limit for spouse of peace officer killed in line of duty.	Approved 90-10
Hawaii			
Amendment 1	L/CA	Governor chooses regents from pool nominated by commission.	Approved 62-38
Amendment 2	L/CA	Creates commission to recommend state salaries.	Approved 59-41
Amendment 3	L/CA	Repeals mandatory retirement age of 70 for judges.	Failed 38-62
Amendment 4	L/CA	Legislature to set standard for conviction in sex crimes.	Approved 77-23
Amendment 5	L/CA	Authorizes state to issue bonds for agricultural enterprises.	Approved 71-29
Idaho			
Prop. 1	I/ST	Adds 1% sales tax with funds dedicated to K-12 education.	Failed 45-55
Prop. 2	I/ST	Eminent domain, regulatory takings.	Failed 24-76
HJR 2	L/CA	Defines marriage as solely between one man and one woman.	Approved 63-37
SJR 107	L/CA	Creates restricted endowment from tobacco settlement money.	Approved 58-42
Advisory	L/AD	Asks if state should retain 3 mill property tax relief program.	Approved 72-28
Louisiana			
No. 1 (Sept. 30)	L/CA	Dedicates federal money from oil drilling to coastal conservation.	Approved 82-18
No. 2 (Sept. 30)	L/CA	Dedicates 20% of tobacco settlement money to coastal conservation.	Approved 79-21
No. 3 (Sept. 30)	L/CA	Merges regional levee boards.	Approved 81-19
No. 4 (Sept. 30)	L/CA	Government may not pay more than market value for property.	Approved 61-39
No. 5 (Sept. 30)	L/CA	Restricts use of eminent domain for private projects.	Approved 55-45
No. 6 (Sept. 30)	L/CA	Original owner may buy back unused expropriated property.	Approved 50.1-49.9
No. 7 (Sept. 30)	L/CA	Allows 35% of Medicaid Trust Fund to be invested in stocks.	Approved 63-37
No. 8 (Sept. 30)	L/CA	Extends tax exemption for homes damaged by natural disasters.	Approved 79-21
No. 9 (Sept. 30)	L/CA	Legislative supermajority to require more spending by school districts.	Approved 51-49
No. 10 (Sept. 30)	L/CA	Allows 35% of state university funds to be invested in stocks.	Approved 59-41
No. 11 (Sept. 30)	L/CA	Extends homestead tax exemption to property owned by living trust.	Approved 66-34
No. 12 (Sept. 30)	L/CA	Requires election to fill vacant offices.	Approved 69-31
No. 13 (Sept. 30)	L/CA	Increases number of years of law practice required to be a judge.	Approved 70-30
No. 1	L/CA	Freezes property tax assessments for disabled veterans.	Approved 68-32
No. 2	L/CA	Increases share of severance taxes allocated to local governments.	Approved 59-41
No. 3	L/CA	Property tax exemption for medical equipment.	Approved 59-41
No. 4	L/CA	Exempts motor vehicles from municipal taxes.	Approved 61-39
No. 5	L/CA	Exempts consigned art from ad valorem taxes.	Approved 54-46
No. 6	L/CA	Authorizes legislature to create new district court judgeships.	Approved 61-39
No. 7	L/CA	Replaces seven New Orleans tax assessors with single office.	Approved 78-22
No. 8	L/CA	Expands financing authority of East Baton Rouge school district.	Approved 55-45
Maine			
Question 1	I/ST	Tax and spending limits (TABOR).	Failed 46-54
Question 2	L/CA	Requires initiative to be submitted by constitutional deadline.	Approved 54-46
Maryland			
Question 1	L/CA	Prohibits public works board from selling park lands.	Approved 85-15
Question 2	L/CA	Allows more appeals to Court of Special Appeals.	Approved 78-22
Question 3	L/CA	Limits jury trials for civil cases with less than \$10,000 at stake.	Approved 67-33
Question 4	R/ST	Election board procedures.	Approved 71-29
Massachusetts			
Prop. 1	I/ST	Allows food stores to sell wine.	Failed 44-56
Prop. 2	I/ST	Allows fusion candidates (nominated by more than one party).	Failed 35-65
Prop. 3	I/ST	Allows child care providers to bargain collectively with state.	Failed 48-52

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Complete List of Statewide Ballot Propositions in 2006—Continued

<i>State</i>	<i>Type</i>	<i>Description</i>	<i>Result</i>
Michigan			
Proposal 1	L/CA	Prevents diversion of state conservation funds to other purposes.	Approved 80-20
Proposal 2	I/CA	Prohibits racial preferences/affirmative action.	Approved 58-42
Proposal 3	R/ST	Allows hunting of mourning doves.	Failed 31-69
Proposal 4	L/CA	Restricts use of eminent domain for private purposes.	Approved 80-20
Proposal 5	I/ST	Sets minimum spending levels for schools.	Failed 38-62
Minnesota			
Amendment	L/CA	Requiring car tax revenue to be used for transportation projects.	Approved 57-43
Missouri			
Amendment 1 (Aug. 8)	L/CA	Extends for 10 years a 1/10% sales tax surtax for parks.	Approved 71-29
Amendment 2	I/CA	Allows stem cell research.	Approved 51-49
Amendment 3	I/CA	Increases tobacco tax.	Failed 49-51
Amendment 6	L/CA	Property tax exemption for nonprofit veteran groups.	Approved 61-39
Amendment 7	L/CA	Strips pensions from government officials convicted of felonies.	Approved 84-16
Prop. B	I/ST	Increases minimum wage and indexes it to inflation.	Approved 76-24
Montana			
C-43	L/CA	Changes name of State Auditor to Insurance Commissioner.	Failed 36-64
I-151	I/ST	Raises minimum wage and indexes it to inflation.	Approved 73-27
I-153	I/ST	Prohibits lobbying by government officials 2 years after leaving office.	Approved 76-24
Nebraska			
Amendment 1 (May 9)	L/CA	Salary increase for legislators.	Failed 45-55
Measure 421	I/ST	Permits a limited number of video keno machines.	Failed 39-61
Measure 422	R/ST	School district consolidation law.	Failed 44-56
Measure 423	I/CA	Limits the growth of state spending and taxes (TABOR).	Failed 30-70
Amendment 1	L/CA	Allows local governments to acquire land for use by nonprofits.	Failed 47-53
Amendment 2	L/CA	Management of local government endowments.	Failed 43-57
Amendment 3	L/CA	Allocates \$1 million for compulsive gamblers.	Failed 39-61
Amendment 4	L/CA	Allows executive and courts to supervise parolees.	Approved 56-44
Amendment 5	L/CA	Dedicates \$40 million to early childhood development.	Approved 54-46
Amendment 6	L/CA	Allows public debt for property that is not blighted.	Failed 30-70
Nevada			
Question 1	I/CA	Legislature must appropriate education before other programs.	Approved 55-45
Question 2	I/CA	Restricts use of eminent domain for private purposes.	Approved 63-37
Question 4	I/ST	Bans smoking in public places except bars/restaurants (industry).	Failed 48-52
Question 5	I/ST	Bans smoking in public places with children (health orgs).	Approved 54-46
Question 6	I/CA	Increases minimum wage and indexes it to inflation.	Approved 69-31
Question 7	I/ST	Legalizes possession of one ounce of marijuana.	Failed 44-56
Question 8	L/ST	Removes sales tax on trade-in cars and farm equipment.	Approved 69-31
Question 9	L/CA	Reduces board of regents from 13 to 9 members.	Failed 49-51
Question 10	L/CA	Allows legislature to call special session.	Failed 48-52
Question 11	L/CA	Doubles legislator pay.	Failed 30-70
New Hampshire			
Amendment 1	L/CA	Restricts the use of eminent domain for private purposes.	Approved 86-14
Amendment 2	L/CA	Prohibits division of cities when drawing legislative districts.	Approved 71-29
New Jersey			
Public Question 1	L/CA	Dedicates state revenue to reduce property taxes.	Approved 67-33
Public Question 2	L/CA	Dedicates state environment funds to recreational areas.	Approved 60-40
Public Question 3	L/CA	Increases portion of gas tax that is dedicated to transportation.	Approved 60-40
New Mexico			
Amendment 1	L/CA	Repeals obsolete Alien Land law.	Approved 70-30
Amendment 2	L/CA	Removes debt limits/referendum rules for lease-purchases.	Approved 69-31
Amendment 3	L/CA	Creates but does not fund water trust fund.	Approved 66-34
Amendment 4	L/CA	Permits state to pay costs of affordable housing.	Approved 56-44
Bond Issue A	L/ST	\$15.958 million bonds for senior citizen facilities.	Approved 62-38
Bond Issue B	L/ST	\$118.36 million bonds for higher education capital.	Approved 55-45
Bond Issue C	L/ST	\$9.09 million bonds for libraries.	Approved 57-43
North Dakota			
Measure 1 (June 13)	L/CA	Removes obsolete language.	Approved 73-27
Measure 2 (June 13)	L/CA	Removes obsolete language.	Approved 73-27
Measure 1	L/CA	Public universities may spend more than endowment interest.	Approved 67-33
Measure 2	I/CA	Prohibits use of eminent domain for private projects.	Approved 67-33
Measure 3	I/ST	Requires joint custody of children after divorce.	Failed 44-56

See footnotes at end of table.

Complete List of Statewide Ballot Propositions in 2006—Continued

<i>State</i>	<i>Type</i>	<i>Description</i>	<i>Result</i>
Ohio			
Issue 2	I/CA	Increases the minimum wage and indexes it to inflation.	Approved 57-43
Issue 3	I/CA	Allows slot machines, dedicating the revenue for college scholarships.	Failed 43-57
Issue 4	I/CA	Bans smoking in many public places except bars (industry).	Failed 36-64
Issue 5	I/ST	Bans smoking in public places (health org).	Approved 59-51
Oklahoma			
Question 724	L/CA	Prohibits paying legislators who are in jail.	Approved 87-13
Question 725	L/CA	Allows use of rainy day funds to subsidize at-risk manufacturers.	Approved 54-46
Question 733	L/CA	Allows sale of alcohol on election day by package stores.	Approved 53-47
Question 734	L/CA	No property taxes on goods shipped through the state.	Approved 63-37
Oregon			
Measure 39	I/ST	Restricts use of eminent domain for private purposes.	Approved 67-33
Measure 40	I/CA	Requires appellate court judges to be elected by district.	Failed 43-57
Measure 41	I/ST	Increases state income tax deductions to federal level.	Failed 37-63
Measure 42	I/ST	No credit scores when calculating insurance premiums.	Failed 35-65
Measure 43	I/ST	Waiting period and parental notification for abortion by minor.	Failed 45-55
Measure 44	I/ST	Residents without drug coverage eligible for state program.	Approved 78-22
Measure 45	I/CA	Restores voter-approved term limits struck down by court.	Failed 41-59
Measure 46	I/CA	Limits on campaign contributions/expenditures.	Failed 40-60
Measure 47	I/ST	Limits on contributions, effective only if Measure 46 approved.	Approved 53-47
Measure 48	I/CA	Limits state spending growth and taxes (TABOR).	Failed 29-71
Pennsylvania			
Referendum	L/ST	\$20 million bond issue for Gulf War (1990–91) veterans.	Approved 61-39
Rhode Island			
Question 1	L/CA	Authorizes privately run resort casino in state.	Rejected 37-63
Question 2	L/CA	Voting rights of felons.	Approved 52-48
Question 3	L/CA	Increases rainy day funds, restricts use.	Approved 59-41
Question 4	L/ST	\$72.79 million bonds for buildings at state university and college.	Approved 62-38
Question 5	L/ST	\$88.5 million bonds for transportation projects.	Approved 75-25
Question 6	L/ST	\$11 million bonds for zoo improvements.	Approved 68-32
Question 7	L/ST	\$4 million bonds for state park in Newport.	Rejected 49-51
Question 8	L/ST	\$3 million bonds for recreation projects.	Approved 61-39
Question 9	L/ST	\$50 million bonds for affordable housing.	Approved 66-34
South Carolina			
Amendment 1	L/CA	Defines marriage as solely between one man and one woman.	Approved 78-22
Amendment 2A	L/CA	Allows either house of legislature to adjourn by majority vote.	Approved 79-21
Amendment 2B	L/CA	Deletes constitutional provision contrary to 2A.	Approved 76-24
Amendment 3A	L/CA	State retirement systems may invest in foreign companies.	Approved 71-29
Amendment 3B	L/CA	Eliminates state investment advisory panel.	Approved 67-33
Amendment 4	L/CA	Limits property tax assessments to +15% every 5 years.	Approved 69-31
Amendment 5	L/CA	Prohibits use of eminent domain for private projects.	Approved 86-14
South Dakota			
Amendment C	L/CA	Defines marriage as solely between one man and one woman.	Approved 52-48
Amendment D	I/CA	Limits annual increase in property tax assessments to 3%.	Failed 20-80
Amendment E	I/CA	Establishes grand jury to evaluate civil lawsuits involving judges.	Failed 11-89
Amendment F	L/CA	Revises technical constitutional language regarding legislature.	Failed 32-68
Measure 2	I/ST	Increases tobacco tax, dedicates revenue to health services.	Approved 61-39
Measure 3	I/ST	Prohibits school year from beginning before September.	Failed 43-57
Measure 4	I/ST	Allows medical use of marijuana.	Failed 48-52
Measure 5	I/ST	State-owned aircraft to be used only for official business.	Approved 55-45
Measure 7	I/ST	Repeals video lottery.	Failed 33-67
Measure 8	I/ST	Repeals 4% tax on wireless phone service.	Failed 39-61
Referred Law 6	R/ST	Ban on abortion.	Failed 44-56
Tennessee			
Amendment 1	L/CA	Defines marriage as solely between one man and one woman.	Approved 81-19
Amendment 2	L/CA	Property tax relief for people 65 and older.	Approved 83-17
Utah			
Amendment 1	L/CA	Allows tax exemption of property producing no revenue.	Approved 62-38
Virginia			
Question 1	L/CA	Defines marriage as solely between one man and one woman.	Approved 57-43
Question 2	L/CA	Allows churches to incorporate.	Approved 65-35
Question 3	L/CA	Allows tax breaks for new structures in development areas.	Approved 65-35

See footnotes at end of table.



INITIATIVES AND REFERENDUMS

Complete List of Statewide Ballot Propositions in 2006—Continued

<i>State</i>	<i>Type</i>	<i>Description</i>	<i>Result</i>
Washington			
I-920	I/ST	Repeals estate tax.	Failed 38-62
I-933	I/ST	Requires compensation for regulatory takings.	Failed 41-59
I-937	I/ST	Requires utilities to use minimum amounts of renewable fuels.	Approved 52-48
HJR 4233	L/CA	Authorizes increased property tax exemptions.	Approved 80-20
Wisconsin			
Amendment	L/CA	Defines marriage as between man and woman.	Approved 59-41
Advisory measure	L/AD	Reinstates death penalty.	Approved 56-44
Wyoming			
Amendment A	L/CA	Prohibits diversion of money in the state's Mineral Trust Fund.	Approved 74-26
Amendment B	L/CA	Repeals limits on redistribution of property taxes for schools.	Approved 58-42
Amendment C	L/CA	Creates a fund for higher education scholarships.	Approved 75-25

Source: Initiative & Referendum Institute (www.iandrinstute.org).
Note: Unless another date is given, a proposition appeared on the November 7 ballot. For referendums, "approved" means the challenged law was upheld by the voters; "rejected" means it was repealed.

Key:
 AD — Advisory (not binding)

C — Commission
 CA — Constitutional amendment
 I — Initiative
 L — Legislative measure
 R — Referendum
 ST — Statute

measures authorizing a combined \$43 billion of debt for a variety of purposes including roads, schools, water projects and low-income housing. Bond issues were also approved in Arkansas (1), New Mexico (3), Pennsylvania (1), and Rhode Island (6).

- **Abortion.** South Dakota's Referred Law 6 received national attention. In an effort to create a test case for the U. S. Supreme Court to reverse *Roe v. Wade*, the South Dakota legislature passed a law banning abortion in early 2006. Opponents of the abortion ban qualified Referred Law 6 for the ballot, and voters repealed the ban Nov. 7 by a 56-44 margin. One reason the ban was repealed in traditionally pro-life South Dakota was due to concern that it was too restrictive and lacked adequate exceptions for the health of the mother. Abortion rights activists were also able to defeat laws in California and Oregon that would have required notification of parents before a minor received an abortion.
- **Animal rights** activists continued to enjoy success at the ballot box. In Arizona, voters approved an initiative that guaranteed minimum living space for pregnant pigs and calves. Florida voters approved a similar measure in 2002. Michigan voters repealed a law passed by the legislature that would have allowed hunting mourning doves.
- **Initiative process.** Two measures concerned the initiative process, and initiative proponents were defeated in both cases. In Florida, voters approved Amendment 3 that requires future constitutional amendments to receive 60 percent approval to pass. Florida becomes the

only initiative state with a supermajority requirement and one of only two states overall with such a requirement for constitutional amendments. Colorado voters rejected Amendment 38 that would have extended initiative rights to various governments throughout the state and made it harder for courts to disqualify initiatives from the ballot.

Notable Single-state Issues

- **Racial preferences/affirmative action.** Michigan voters approved Proposal 2 that prohibits public institutions such as the University of Michigan from giving preferential treatment on the basis of race. This endorsement by voters could give new life to the campaign to ban racial preferences that seemed to have stalled after early successes in California and Washington. Proposal 2 was opposed by state leaders of both parties, including both gubernatorial candidates, and its hefty 58-42 margin was something of a surprise after early polls showed it failing. The passage of measures in California and Washington, and now Michigan, in all cases against the recommendations of bipartisan coalitions of political leaders, suggests that political leaders may be out of step with voters on this issue.
- **Stem cell research.** A contentious campaign emerged in Missouri concerning Amendment 2, which proposed a constitutional right to use embryonic stem cells in research. The issue followed on the heels of a more extensive measure in California in 2004 that was approved by a large majority. The Missouri cam-



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campaign attracted mostly local attention until a commercial featuring actor Michael J. Fox, who suffers from Parkinson's disease, was aired in the last month of the campaign. The commercial generated intense discussion nationally, and spilled over into a close U.S. Senate race in which the Democratic candidate supported Amendment 2 while the Republican candidate opposed it. The final vote on Amendment 2 was extremely close, with 51 percent of the voters in favor of it. The measure, highly technical in nature, appeared to lose some support in the waning weeks of the campaign in response to claims that it might create a constitutional right to human cloning.

▪ **California's Proposition 87.** This initiative, proposed to tax oil extraction and use the money for development of renewable fuels, failed in California. The proposal itself was not exceptional—a very similar measure was rejected in California in 1980—but the spending on it was. Combined spending by both sides exceeded \$150 million, breaking the previous record for the most money ever spent on a single ballot proposition by more than 50 percent. The Yes-on-87 campaign was largely funded by Hollywood producer Steve Bing, whose \$50 million in contributions set a record for an individual in a ballot proposition campaign. Much of the funding for the opposition came from the oil industry.

Trends

The most obvious trend is the continued use of ballot propositions to decide important state issues, and especially the growing popularity of initiatives that citizens place on the ballot. The modern initiative movement began in the late 1970s with California's tax-cutting Proposition 13. Each decade since the 1970s has seen more initiatives on the ballot and more initiatives approved than the previous decade, with a total of 379 in the 1990s, 167 of which were approved. In the current decade, 300 initiatives have been on the ballot through 2006, with 127 passing, on track to match the numbers for the 1990s. The current decade is already the second busiest in history, with more than an entire election cycle to go.

Another interesting development likely to become a trend was the systematic attempt this year to use ballot propositions to influence candidate elections. Proponents of this strategy hope that by placing their measures on the ballot, more of their supporters will be drawn to the polls by the measure and then end up supporting a favored candidate. The idea is not new—California Gov. Pete Wilson is widely believed to have benefited from spillovers associated with Prop. 187, a proposal to deny government services

to illegal aliens, during his re-election campaign in 1994. What was new this year was the attempt by Democratic groups to use ballot propositions as part of a national strategy to tip the balance of power in Washington, D.C.⁴ Liberal groups initially attempted to qualify minimum wage measures in 11 states, ending up with initiatives on the ballot in six states, some of which featured close Senate races (including Missouri and Montana). They also leaned heavily on the stem cell measure in Missouri, and even attempted to generate spillovers in states without such a measure on the ballot, such as Maryland. Whether the strategy ultimately made the difference for the Democrats remains to be seen after scholars have sifted through the election returns, but regardless, groups on both sides of the political spectrum are likely to attempt to exploit ballot proposition spillovers in 2008.

Notes

¹This article uses *referendums* instead of *referenda* as the plural of referendum following the *Oxford English Dictionary* and common practice.

²For an overview of initiative use since 1904 including year-by-year counts of the number of initiatives and the number that were approved, see *Initiative Use, 1904–2006*, published by the Initiative and Referendum Institute, November 2006, available at www.iandrinstute.org.

³All current data provided by the Initiative and Referendum Institute at USC and available at www.iandrinstute.org. Historical and legal information taken from *Initiative and Referendum Almanac*, by M. Dane Waters (Carolina Academic Publishers, 2003) and *For the Many or the Few: The Initiative, Public Policy, and Direct Democracy*, by John G. Matsusaka (University of Chicago Press, 2004).

⁴Same-sex marriage amendments in 2004 are often claimed to have put George W. Bush over the top in his re-election campaign, but the scholarly evidence suggests that they did not help him. See Alan Abromowitz, "Terrorism, Gay Marriage, and Incumbency: Explaining the Republican Victory in the 2004 Presidential Election," *FORUM*, December 2004; Stephen Ansolabehere and Charles Stewart III, "Truth in Numbers," *Boston Review*, February/March 2005; and Jeffrey R. Makin, "Are Ballot Propositions Spilling Over Onto Candidate Elections?," *IRI Report 2006-2*, October 2006, available at www.iandrinstute.org. Also, the large number of marriage amendments in 2004 was not the result of a coordinated national campaign, but state-by-state responses to a perceived problem.

About the Author

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