



# 2008 Ballot Propositions

By John G. Matsusaka

*Voters approved 58 percent of the 174 ballot propositions considered in 37 states in 2008. The number of measures as well as the approval rate was down modestly from recent years. No ideological trend appeared—both liberal and conservative measures were approved. The highest profile issue was a ban on gay marriage in California. Nationwide, voters approved more than \$13 billion in state bonds despite the ongoing financial crisis.*

In 2008, beyond the glare of the presidential campaign and the economic meltdown, voters decided hundreds of ballot propositions, approving numerous laws that will have an immediate and material impact on the lives of Americans across the country. Altogether, 174 statewide ballot propositions and an untold—but much larger—number of local ballot propositions went before the voters in 2008. As usual, the state measures received the most attention, with California's Proposition 8, through which voters banned same-sex marriage, leading the way. Voters surged toward the Democratic Party in federal elections, but there was no apparent ideological drift in ballot propositions. Voters decided on an issue-by-issue basis in response to state-specific conditions, providing victories and defeats for both liberal and conservative measures.

## Overview

The 174 state-level ballot propositions in 2008 (see Table A) included 153 propositions that were decided Nov. 4, as well as 21 propositions that appeared on primary and special election ballots before November. The number of November propositions was down somewhat from the 162 in 2004, the last presidential election year. One of the more interesting patterns in 2008 was the relative dearth of tax and spending measures, usually a staple issue for ballot propositions. Social issues took their place, with a set of highly contentious measures appearing across the country.

The propositions considered by voters reached the ballot in several ways. The most common method was action by legislators; 53 percent of the propositions were placed on the ballot by the legislature. Voters approved 73 percent of these legislative measures. Citizen petitions, the second most common method for reaching the ballot, were responsible for 43 percent of the measures. There were 68 citizen-qualified initiatives that proposed new laws, and six citizen-qualified referendums that proposed to repeal

existing laws. Voters approved 38 percent of the initiatives and repealed only one of the laws challenged by referendum.

Historically, voters have been more reluctant to approve initiatives than legislative measures. The initiative approval rate in 2008 was slightly below the historical average of 41 percent. In addition to legislative measures, initiatives and referendums, five measures were placed on the ballot by special commission and three were required by state constitutions. Three of the commission-sponsored measures were approved, but none of the constitutionally mandated measures gained approval.

## Initiative Trends

In some states where the initiative process is available, ballot propositions have become a veritable fourth branch of government. The initiative process was promoted by the Progressive movement at the turn of the 19th century and the goal was to provide a means for ordinary citizens to counteract what they saw as excessive influence by special interest groups on the legislature. The initiative process allows ordinary citizens to propose new laws without approval of the legislature. South Dakota in 1898 was the first state to adopt the process, followed by Utah in 1900 and Oregon in 1902. By 1918, 19 states had adopted the process. Since then, about one state every 20 years has adopted the process, bringing the total number of states that allow initiatives to 24. Figure A shows the current initiative states and the year they adopted the process.<sup>1</sup> Cities also began to adopt the process during the Progressive movement, beginning with San Francisco and Vallejo in California in 1898. Eighty-two percent of the country's 1,500 largest cities now provide the initiative process.<sup>2</sup> All told, more than 80 percent of Americans live in either a city or a state with the initiative process.

Initiatives were intended to be used when the legislature failed to represent the interests of the people, and the number of initiatives on the ballot

**BALLOT PROPOSITIONS**

**Table A  
State-by-State Totals for 2008**

| <i>State</i>         | <i>Initiatives</i> | <i>Referendums</i> | <i>Legislative measures</i> | <i>Other</i> | <i>Notable issues</i>                                    |
|----------------------|--------------------|--------------------|-----------------------------|--------------|--|
| Alabama .....        | ...                | ...                | 6 (5)                       | ...          | Rainy day fund for education                             |
| Alaska* .....        | 4 (0)              | ...                | 1 (1)                       | ...          | Public funding of campaigns, aerial hunting              |
| Arizona .....        | 6 (1)              | ...                | 1 (1)                       | 1 (0)        | Same-sex marriage, universal health care, payday lending |
| Arkansas .....       | 2 (2)              | ...                | 3 (3)                       | ...          | Water bonds, unwed foster parents                        |
| California* .....    | 15 (6)             | 4 (4)              | 2 (2)                       | ...          | Same-sex marriage, eminent domain, bonds                 |
| Colorado .....       | 10 (2)             | ...                | 4 (2)                       | ...          | Racial preferences/affirmative action, union dues        |
| Connecticut .....    | ...                | ...                | 1 (1)                       | 1 (0)        | Constitutional convention, voting age                    |
| Florida* .....       | 1 (1)              | ...                | 2 (1)                       | 4 (3)        | Same-sex marriage, property tax exemptions               |
| Georgia .....        | ...                | ...                | 3 (2)                       | ...          | Forest land protection                                   |
| Hawaii .....         | ...                | ...                | 1 (0)                       | 1 (0)        | Constitutional convention, age of governor               |
| Illinois .....       | ...                | ...                | ...                         | 1 (0)        | Constitutional convention                                |
| Iowa .....           | ...                | ...                | 1 (1)                       | ...          | ...  |
| Louisiana .....      | ...                | ...                | 7 (3)                       | ...          | Term limits for boards and commissions                   |
| Maine* .....         | 1 (0)              | 1 (0)              | 2 (2)                       | ...          | Sales tax increase, casino, bonds                        |
| Maryland .....       | ...                | ...                | 2 (2)                       | ...          | Video lottery  |
| Massachusetts .....  | 3 (2)              | ...                | ...                         | ...          | Income tax repeal, dog racing, marijuana legalization    |
| Michigan .....       | 2 (2)              | ...                | ...                         | ...          | Medical marijuana, stem cell research                    |
| Minnesota .....      | ...                | ...                | 1 (1)                       | ...          | Sales tax for clean water, parks, and arts               |
| Missouri .....       | 3 (3)              | ...                | 2 (2)                       | ...          | Renewable energy, English as official language           |
| Montana .....        | 1 (1)              | ...                | 2 (1)                       | ...          | Health care for uninsured children, property tax         |
| Nebraska* .....      | 1 (1)              | ...                | 2 (1)                       | ...          | Racial preferences/affirmative action                    |
| Nevada .....         | 1 (1)              | ...                | 3 (1)                       | ...          | Eminent domain, sales tax                                |
| New Jersey .....     | ...                | ...                | 2 (1)                       | ...          | Voter approval for bonds                                 |
| New Mexico .....     | ...                | ...                | 9 (7)                       | ...          | Bonds  |
| New York .....       | ...                | ...                | 1 (1)                       | ...          | Veterans in civil service exams                          |
| North Dakota* .....  | 3 (2)              | ...                | 2 (0)                       | ...          | Corporate and personal income tax reduction              |
| Ohio .....           | 1 (0)              | 1 (1)              | 3 (3)                       | ...          | Park bonds, casino, payday lending interest rates        |
| Oklahoma .....       | ...                | ...                | 4 (4)                       | ...          | Right to hunt, wine sales, property tax exemptions       |
| Oregon* .....        | 8 (0)              | ...                | 7 (7)                       | ...          | Bilingual education, crime victims, open primary         |
| Pennsylvania .....   | ...                | ...                | 1 (1)                       | ...          | Bonds for sewers   |
| Rhode Island .....   | ...                | ...                | 2 (2)                       | ...          | Bonds for roads, bonds for open spaces                   |
| South Carolina ..... | ...                | ...                | 3 (1)                       | ...          | Age of consent, public pension funds                     |
| South Dakota .....   | 3 (0)              | ...                | 4 (1)                       | ...          | Abortion ban, term limits repeal                         |
| Utah .....           | ...                | ...                | 5 (4)                       | ...          | Governor succession, legislature sessions                |
| Washington .....     | 3 (2)              | ...                | ...                         | ...          | Physician-assisted suicide, carpool lanes                |
| Wisconsin* .....     | ...                | ...                | 1 (1)                       | ...          | Governor's partial veto                                  |
| Wyoming .....        | ...                | ...                | 2 (1)                       | ...          | Initiative petition requirements                         |
| <b>Total .....</b>   | <b>68 (26)</b>     | <b>6 (5)</b>       | <b>92 (67)</b>              | <b>8 (3)</b> |  |

*Source:* Initiative & Referendum Institute ([www.iandrinstute.org](http://www.iandrinstute.org)).  
*Note:* The table reports the total number of propositions during 2008, 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." "Other" includes measures placed on the ballot by state commission (AZ, FL) and constitutionally required votes on whether to call a constitutional convention (CT, HI, IL).

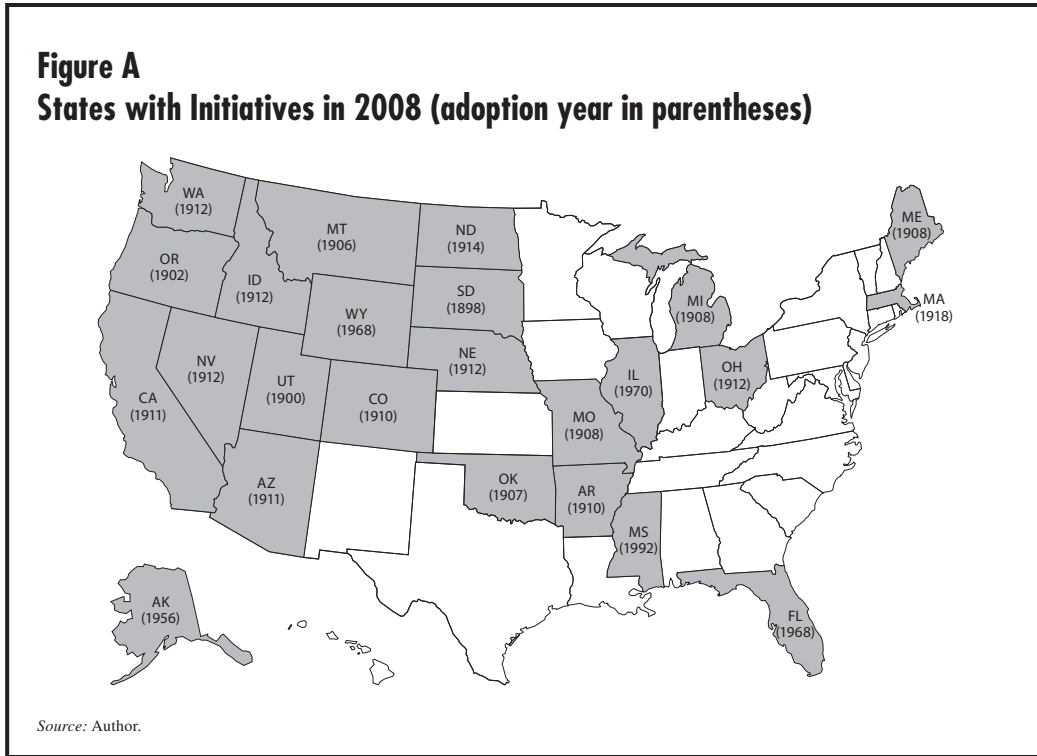
\* Includes results from pre-November elections.

indicates the degree to which groups feel disenfranchised. Figure B shows the number of initiatives by decade since they first appeared in Oregon in 1904. Initiatives were used extensively in the second, third and fourth decades of the 20th century. Much of that activity arose from tensions between the new urban majorities in many states and the rural interests that controlled the legislature.<sup>3</sup> The initiative process fell out of use in the middle decades of the century, with only 54 measures in the 1960s.

Beginning in the 1970s, initiative use picked up again. The triggering event was California's property tax-cutting Proposition 13 in 1978 that set off a national tax revolt. At first it was not clear if the burst of initiatives would be a passing fad, but with the initiative use growing in each subsequent decade, it seems that something more fundamental is transpiring. The total number of initiatives for the first decade of the 21st century stands at 371, but it is likely that more initiatives will appear in 2009, mak-



**Figure A**  
**States with Initiatives in 2008 (adoption year in parentheses)**



ing the total for this decade comparable to the 1990s. For the first time in four decades, then, initiative use may not increase from the previous decade.

Whether this represents a plateau, a breather before renewed acceleration or the end of a wave is unclear. However, direct democracy continues to spread around the world, with countries including Taiwan, New Zealand and many of the post-Soviet states adopting such a process. The underlying cause for the long-run growth of direct democracy may be dissatisfaction with elected officials, but innovation in information technologies that allow ordinary citizens access to unprecedented amounts of information also seems to have created a hunger for greater participation. The implication is that direct democracy is likely to continue to play a central role in state government for the foreseeable future, although the level of activity has reached something of an equilibrium.

### Key Issues and Trends

#### Marriage

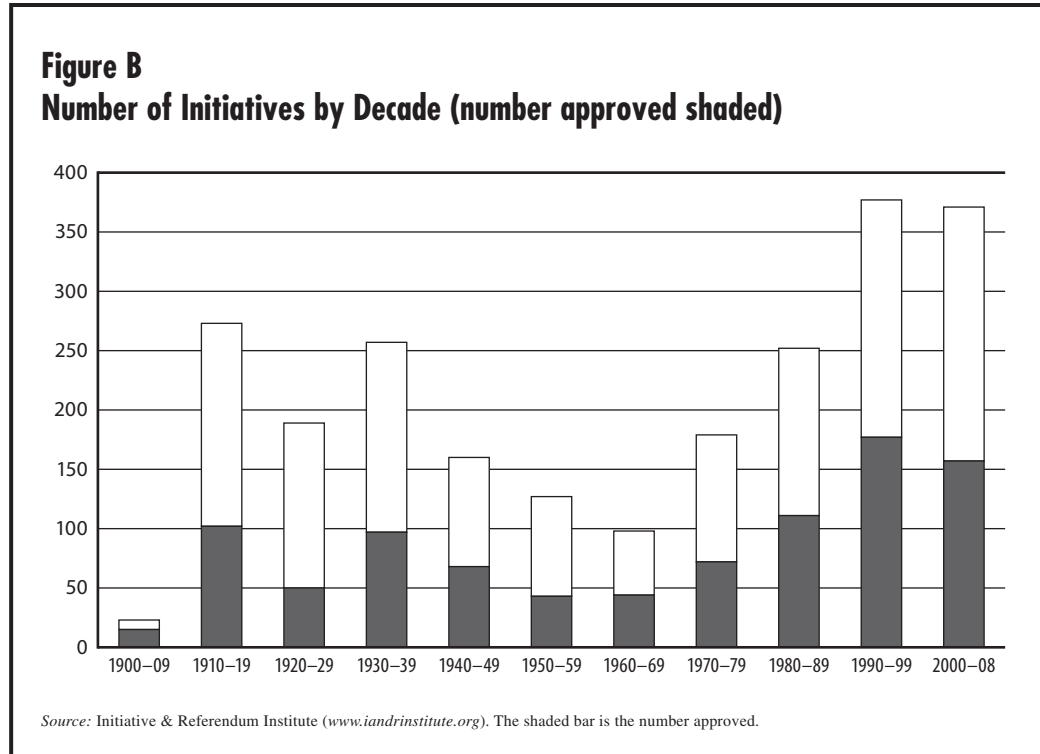
The highest profile issue in 2008 was marriage, with propositions to ban same-sex marriage on the ballot in Arizona, California and Florida. California's

Proposition 8 was the focus of extensive national media coverage. Proponents and opponents together raised more than \$85 million—\$45 million from the opposition and \$40 million from supporters. Approximately 80 percent of the contributions to both campaigns came from within California, but the opposition relied more on out-of-state contributors. The opposition had more big contributors compared to the supporters, which received many more small contributions from individuals. Only a handful of initiatives involving wealthy industries such as gaming, tobacco and oil have broken the \$100 million barrier—the amount spent on Proposition 8 is the most ever for a social issue.<sup>4</sup>

The issue of gay marriage entered the national debate in 1993 when the Hawaii Supreme Court ruled in *Baehr v. Lewin* that a refusal to grant same-sex marriage licenses was sex discrimination under the state constitution. State legislators responded by placing a constitutional amendment on the ballot in 1998 authorizing the legislature to define marriage solely as between one man and one woman. That measure was approved with 68 percent of voters in favor. At about the same time, fearing similar judicial developments in their states, conservative activists



## BALLOT PROPOSITIONS



placed “defense of marriage” measures on the ballot in Alaska (1998), California (2000), Nebraska (2000) and Nevada (2000); all were approved.

In May 2004, the Massachusetts Supreme Judicial Court ruled in *Goodridge v. Department of Public Health* that gay marriage was allowed under the state constitution. This ruling set off a pitched battle across the nation as marriage traditionalists in 24 states qualified constitutional amendments prohibiting gay marriage for the ballot. Two-thirds of these amendments were proposed and placed on the ballot by state legislatures, and one-third were proposed and qualified by citizen groups using the initiative process. All passed, usually by large margins, except for Proposition 107 in Arizona, which narrowly failed. See Table B for a list of all state same-sex marriage propositions.

California’s Proposition 8 proposed to amend the state constitution to define marriage as only between one man and one woman. Voters approved a similar measure, Proposition 22, in 2000, but it was a statutory rather than a constitutional initiative, and thus vulnerable to being overruled on constitutional grounds. That is exactly what happened in May 2008, when the California Supreme Court ruled

(*In Re Marriage Cases*) that the state constitution contained a right to gay marriage, and invalidated Proposition 22.

Throughout the fall, California voters seemed poised to reject Proposition 8, with virtually every opinion survey from August to October showing a large margin against it. However, 52 percent of voters approved the proposition. Analysts are still sifting through exit polls and other data to understand what happened. At least part of the story was a surge in turnout by African-American voters who overwhelmingly supported the ban, but this can account for only part of the discrepancy between the pre-election surveys and the final outcome.

Arizona’s marriage amendment was approved with 56 percent in favor, and Florida’s amendment received 62 percent in favor, surpassing the 60 percent threshold required for approval in that state.

Where this leaves the movement for same-sex marriage is unclear. Opponents of Proposition 8 have challenged the measure before the California Supreme Court, arguing that it was a constitutional revision, not a constitutional amendment, and thus could not be approved by initiative. It remains to be seen whether this technical argument will gain trac-





**Table B**  
**Complete List of Same-Sex Marriage Propositions**

| <i>State</i>         | <i>Year</i> | <i>Measure</i>    | <i>Vote</i> | <i>Source</i> |
|----------------------|-------------|-------------------|-------------|---------------|
| Alaska .....         | 1998        | Ballot Measure 2  | 68-32       | Legislature   |
| Hawaii .....         | 1998        | Amendment 2       | 69-31       | Legislature   |
| California .....     | 2000        | Proposition 22    | 61-39       | Initiative    |
| Nebraska .....       | 2000        | Initiative 416    | 70-30       | Initiative    |
| Nevada .....         | 2000        | Question 2        | 70-30       | Initiative    |
| Nevada .....         | 2002        | Question 2        | 67-33       | Initiative    |
| Arkansas .....       | 2004        | Amendment 3       | 75-25       | Initiative    |
| Georgia .....        | 2004        | Amendment 1       | 77-23       | Legislature   |
| Kentucky .....       | 2004        | Amendment 1       | 75-25       | Legislature   |
| Louisiana .....      | 2004        | Amendment 1       | 78-22       | Legislature   |
| Michigan .....       | 2004        | Proposal 04-2     | 59-41       | Initiative    |
| Mississippi .....    | 2004        | Amendment 1       | 86-14       | Legislature   |
| Missouri .....       | 2004        | Amendment 2       | 71-29       | Legislature   |
| Montana .....        | 2004        | CI-96             | 67-33       | Initiative    |
| North Dakota .....   | 2004        | Amendment 1       | 68-32       | Initiative    |
| Ohio .....           | 2004        | Issue 1           | 62-38       | Initiative    |
| Oklahoma .....       | 2004        | Question 711      | 76-24       | Legislature   |
| Oregon .....         | 2004        | Measure 36        | 57-43       | Initiative    |
| Utah .....           | 2004        | Amendment 3       | 66-34       | Legislature   |
| Kansas .....         | 2005        | Amendment         | 70-30       | Legislature   |
| Texas .....          | 2005        | Proposition 2     | 76-24       | Legislature   |
| Alabama .....        | 2006        | Amendment         | 81-19       | Legislature   |
| Arizona .....        | 2006        | Proposition 107   | 48-52       | Initiative    |
| Colorado .....       | 2006        | Amendment 43      | 55-45       | Initiative    |
| Idaho .....          | 2006        | HJR 2             | 63-37       | Legislature   |
| South Carolina ..... | 2006        | Amendment 1       | 78-22       | Legislature   |
| South Dakota .....   | 2006        | Amendment C       | 52-48       | Legislature   |
| Tennessee .....      | 2006        | Amendment 1       | 81-19       | Legislature   |
| Virginia .....       | 2006        | Ballot Question 1 | 57-43       | Legislature   |
| Wisconsin .....      | 2006        | NA                | 59-41       | Legislature   |
| Arizona .....        | 2008        | Proposition 102   | 56-44       | Legislature   |
| California .....     | 2008        | Proposition 8     | 52-48       | Initiative    |
| Florida .....        | 2008        | Amendment 2       | 62-38       | Initiative    |

Source: Initiative & Referendum Institute ([www.iandrinstute.org](http://www.iandrinstute.org)).

tion. Regardless of how the court rules, voters have chosen to ban gay marriage in 32 of 33 propositions, an almost unbroken firewall. This shows that the electorate overall is not supportive of gay marriage. On the other hand, the California vote in 2008 was much closer than in 2000, and younger voters appear to be less opposed to gay marriage than older voters, suggesting that time and demographic trends may lead to victories for gay marriage supporters down the line.

**Abortion**

Abortion is one the most polarizing issues in American politics, but the legal fundamentals have been settled since the Supreme Court’s *Roe v. Wade* decision in 1974. With the replacement of liberal with conservative justices, some observers believe a ma-

majority of the court may be prepared to reverse *Roe v. Wade*. In order to give the court an opportunity to rule on this issue, pro-life activists in Colorado and South Dakota placed measures banning abortion on the ballot. Colorado’s Amendment 48 did not mention abortion, but rather defined a “person” as a human being from the point of fertilization, which would have made abortion equivalent to murder. This amendment, which contained no exceptions for rape or the health of the mother, was far too extreme for Colorado voters—73 percent of them voted against it.

The more interesting contest was in South Dakota. In 2006, the state’s legislature passed a law banning abortion that was challenged by a referendum. After a heated campaign that attracted interest from pro-choice and pro-life groups across the nation, vot-





## BALLOT PROPOSITIONS

ers repealed the law by a vote of 56 percent to 44 percent. The omission of an exception for rape and the health of the mother contributed to the repeal. Pro-life activists responded to that defeat by qualifying an initiative for the November ballot that would have banned abortion, but this time provided exceptions for rape and the health of the mother. Given the generally conservative reputation of the South Dakota electorate, the prospects for Initiated Measure 11 appeared to be reasonable, but voters rejected it 55 percent to 45 percent, almost the same margin as before. Although voters continue to express a discomfort with abortion, the majority does not seem to have an appetite for reversing *Roe v. Wade*.

### *Civil Rights/Affirmative Action*

Race was a subtext of the presidential campaign, but was front and center in Colorado and Nebraska, where voters faced propositions that simply stated: “The state shall not discriminate against or grant preferential treatment to any group or individual on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public contracting, or public education.” In effect, these measures proposed to ban many affirmative action programs and require outreach to be based on economic circumstances, residence or other such indicators. Identical measures were approved in California (1996, 55 percent to 45 percent), Washington (1998, 58 percent to 42 percent), and Michigan (2006, 58 percent to 42 percent). In all three campaigns, the initiatives were opposed by leaders of both political parties, and by prominent business and social leaders, yet were passed by large margins. Nebraska voters approved Initiated Measure 424 with 58 percent in favor, but Colorado voters delivered the first defeat to this movement, turning down Amendment 46 in a close election with 51 percent opposed and 49 percent in favor of the change.

### *Bonds*

With the economy souring, in part because of unsustainable borrowing that led to a collapse of credit markets, voters might have been expected to hold the line on government borrowing. But voters approved 15 of 16 statewide bond measures (Alaska, Arkansas, California, Maine, New Mexico, Ohio, Pennsylvania and Rhode Island) authorizing more than \$13.5 billion in all. California voters were the most surprising. The state is in the midst of a serious fiscal crisis, with an estimated structural deficit in excess of \$10 billion, and voters had approved \$43 billion in borrowing in 2006. Yet voters authorized three more

bond issues in 2008 worth \$11.83 billion: \$9.95 billion for high speed trains, \$980 million for children’s hospitals and \$900 million for aid to veterans.

California’s appetite for borrowing extended to the local level as well, where voters approved a variety of bond issues including \$7 billion for Los Angeles Unified School District and \$2.1 billion for San Diego Unified School District. The only state-level bond measure to fail was California’s Proposition 10 that would have authorized \$5 billion borrowing for alternative fuel vehicles. The clear implication from these results is that voters are not averse to having their governments take on additional debt as a way to continue funding for services they consider important.

### *Energy*

With soaring gas prices in the month leading up to the election as a backdrop, voters faced several propositions that proposed to increase use of renewable fuels. Two measures proposed to require electric utilities to generate a fraction of their power from renewable energy sources, following in the footsteps of Colorado’s successful Amendment 37 in 2004. Missouri voters approved Proposition C that requires 2 percent of electricity to be generated from renewable sources initially, rising to 15 percent by 2021. California voters previously approved minimum requirements, but rejected Proposition 7 that would have extended the rule to publicly owned utilities and required all utilities to generate 20 percent of their energy from renewable fuel sources by 2010, rising to 40 percent in 2020 and 50 percent by 2025. The solar power industry and most of the prominent environmental organizations opposed the proposal on the grounds that the measure was poorly written and could have ended up reducing use of renewable energy sources. California voters also rejected Proposition 10, which would have authorized \$5 billion in borrowing for alternative fuel vehicles and renewable energy. Voters seem amenable to requiring greater use of alternative fuels, but not without limit.

### *Animals*

Animal rights have emerged as an active political arena over the last decade, but voter opinion seems mixed. In 2008, animal rights groups promoted Proposition 2 in California, a constitutional amendment that required minimum living space for farm animals, including calves, egg-laying hens and pregnant pigs. Similar measures were approved by Florida voters in 2002 and Arizona voters in 2006, in both cases by large margins. Florida’s “pregnant pigs” measure has





## BALLOT PROPOSITIONS

**Table C**  
**COMPLETE LIST OF STATEWIDE BALLOT PROPOSITIONS IN 2008**

| <i>State</i>              | <i>Type</i> | <i>Description</i>  | <i>Result</i>      |
|---------------------------|-------------|---|--------------------|
| <b>Alabama</b>            |             |   |                    |
| Amendment 1               | L/CA        | Reestablishes Education Trust Rainy Day Fund.   | Approved 57-43     |
| Amendment 2               | L/CA        | Shelby County judges  | Approved 60-40     |
| Amendment 3               | L/CA        | Madison City school tax   | Approved 50.5-49.5 |
| Amendment 4               | L/CA        | Blount County annexations   | Approved 57-43     |
| Amendment 5               | L/CA        | Russel County court costs   | Failed 45-55       |
| Amendment 6               | L/CA        | Tuskegee City utility board   | Approved 58-42     |
| <b>Alaska</b>             |             |   |                    |
| Measure 1 (Aug. 26)       | I/ST        | Authorizes lotteries and casino games.  | Failed 39-61       |
| Measure 2 (Aug. 26)       | I/ST        | Limits aerial hunting of wolves and bears.  | Failed 45-55       |
| Measure 3 (Aug. 26)       | I/ST        | Establishes system for public funding of campaigns.   | Failed 36-64       |
| Measure 4 (Aug. 26)       | I/ST        | Bans toxic discharges by new metallic mining operations.                                      | Failed 44-56       |
| Bond Proposition A        | L/ST        | \$315.05 million bonds for transportation projects.   | Approved 63-37     |
| <b>Arizona</b>            |             |   |                    |
| Prop. 100                 | I/CA        | Prohibits state and local governments from new taxes on property sales.                       | Approved 77-23     |
| Prop. 101                 | I/CA        | Prohibits state from mandating a universal health care program.                               | Failed 49.8-50.2   |
| Prop. 102                 | L/CA        | Defines marriage as solely between one man and one woman.                                     | Approved 56-44     |
| Prop. 105                 | I/CA        | Requires approval by majority of registered voters for new taxes, fees, or spending.          | Failed 34-66       |
| Prop. 200                 | I/ST        | Allows payday loan industry to exist after 2010.  | Failed 40-60       |
| Prop. 201                 | I/ST        | Requires new home sellers to provide 10-year warranty.  | Failed 22-78       |
| Prop. 202                 | I/ST        | Reduces employer responsibility for identifying illegal immigrants.                           | Failed 41-59       |
| Prop. 300                 | Z/ST        | Increases salaries for elected state officers to at least \$30,000.                           | Failed 36-64       |
| <b>Arkansas</b>           |             |   |                    |
| Amendment 1               | L/CA        | Removes constitutional language referring to voting by "idiot or insane" person.              | Approved 73-27     |
| Amendment 2               | L/CA        | Allows legislative sessions in even-numbered years.   | Approved 69-31     |
| Amendment 3               | I/CA        | Authorizes state lottery with money dedicated to education.                                   | Approved 63-37     |
| Proposed Initiative Act 1 | I/ST        | Prohibits unwed couples from being foster parents.  | Approved 57-43     |
| Referred Question 1       | L/ST        | \$300 million bonds for water projects.   | Approved 66-34     |
| <b>California</b>         |             |   |                    |
| Prop. 91 (Feb. 5)         | I/CA+ST     | Prohibits diversion of transportation funds.  | Failed 42-58       |
| Prop. 92 (Feb. 5)         | I/CA+ST     | Guarantees community colleges 10.46% of Prop 98 funds and caps tuition at \$15/unit.          | Failed 43-57       |
| Prop. 93 (Feb. 5)         | I/CA        | Increases legislative term limits.  | Failed 46-54       |
| Prop. 94 (Feb. 5)         | R/ST        | Gaming compact with Pechanga Band of Luiseno Mission Indians                                  | Approved 56-44     |
| Prop. 95 (Feb. 5)         | R/ST        | Gaming compact with Morongo Band of Mission Indians   | Approved 56-44     |
| Prop. 96 (Feb. 5)         | R/ST        | Gaming compact with Sycuan Band of Kumeyaay Nation  | Approved 55-45     |
| Prop. 97 (Feb. 5)         | R/ST        | Gaming compact with Agua Caliente Band of Cahuilla Indians                                    | Approved 55-45     |
| Prop. 98 (June 3)         | I/CA        | Restricts use of eminent domain, defines "just compensation," prohibits rent control.         | Failed 38-62       |
| Prop. 99 (June 3)         | I/CA        | Restricts use of eminent domain to seize residences.  | Approved 62-38     |
| Prop. 1A                  | L/ST        | \$9.95 billion for high speed train systems   | Approved 53-47     |
| Prop. 2                   | I/ST        | Requires minimum space for farm animals including calves, egg-laying hens, and pregnant pigs. | Approved 63-37     |
| Prop. 3                   | I/ST        | \$980 million bonds for children's hospitals; designates 20% to University of California.     | Approved 55-45     |
| Prop. 4                   | I/CA        | Requires parental notification and 48-hour waiting period for abortion by minor.              | Failed 48-52       |
| Prop. 5                   | I/ST        | Reduces penalties for nonviolent drug offenses.   | Failed 41-59       |
| Prop. 6                   | I/ST        | Increases spending and penalties on gang crimes.  | Failed 31-69       |
| Prop. 7                   | I/ST        | Requires all utilities to generate 20% of their power from renewable energy by 2010.          | Failed 36-64       |
| Prop. 8                   | I/CA        | Defines marriage as solely between one man and one woman.                                     | Approved 52-48     |
| Prop. 9                   | I/CA+ST     | Requires notification of victim and opportunity for input during criminal process.            | Approved 54-46     |
| Prop. 10                  | I/ST        | \$5 billion bonds for alternative fuel vehicles and renewable energy.                         | Failed 41-59       |
| Prop. 11                  | I/CA+ST     | Establishes nonpartisan redistricting commission.   | Approved 51-49     |
| Prop. 12                  | L/ST        | \$900 million bonds for farm and home aid for California veterans.                            | Approved 64-36     |
| <b>Colorado</b>           |             |   |                    |
| Amendment 46              | I/CA        | Prohibits government racial preferences/affirmative action.                                   | Failed 49-51       |
| Amendment 47              | I/CA        | Prohibits employer from requiring union membership and payment of union dues.                 | Failed 44-56       |
| Amendment 48              | I/CA        | Defines a "person" to be any human being from the moment of fertilization.                    | Failed 27-73       |
| Amendment 49              | I/CA        | Prohibits the deduction of union dues from public employee paychecks.                         | Failed 39-61       |
| Amendment 50              | I/CA        | Allows local control over casino hours, adjusts distribution of gaming funds.                 | Approved 59-41     |
| Amendment 51              | I/CA        | Increases sales tax to provide long-term services to people with developmental disabilities.  | Failed 38-62       |
| Amendment 52              | I/CA        | Dedicates portion of severance tax revenue to highway transportation projects.                | Failed 36-64       |
| Amendment 54              | I/CA        | Prohibits labor unions from contributing to political campaigns.                              | Approved 51-49     |
| Amendment 58              | I/CA        | Increases oil and gas severance tax to 5% of gross income.                                    | Failed 42-58       |
| Amendment 59              | I/CA        | Requires excess revenue currently rebated to taxpayers to be spent on education.              | Failed 46-54       |
| Referendum L              | L/CA        | Lowers age requirement for either house of state legislature from 25 to 21 years.             | Failed 47-53       |
| Referendum M              | I/CA        | Eliminates obsolete constitutional provisions regarding land value increase.                  | Approved 62-38     |
| Referendum N              | L/CA        | Eliminates obsolete constitutional provisions regarding intoxicating liquor.                  | Approved 69-31     |
| Referendum O              | L/CA        | Changes initiative signature requirements.  | Failed 47-53       |

See footnotes at end of table.



## BALLOT PROPOSITIONS

### COMPLETE LIST OF STATEWIDE BALLOT PROPOSITIONS IN 2008—Continued

| <i>State</i>             | <i>Type</i> | <i>Description</i>  | <i>Result</i>      |
|--------------------------|-------------|---|--------------------|
| <b>Connecticut</b>       |             |   |                    |
| CA Question 1            | X           | Calls for a constitutional convention.  | Failed 40-60       |
| CA Question 2            | L/CA        | Lowers voting age in primary elections to 17 for certain people.                              | Approved 64-36     |
| <b>Florida</b>           |             |   |                    |
| Amendment 1 (Jan. 29)    | L/CA        | Allows home owners to keep assessment cap when selling property, increases exemption.         | Approved 64-36     |
| Amendment 1              | L/CA        | Deletes provisions that allow legislature to prohibit ownership of property by aliens.        | Failed 48-52       |
| Amendment 2              | I/CA        | Defines marriage as solely between one man and one woman.                                     | Approved 62-38     |
| Amendment 3              | Z/CA        | Property tax exemption for wind resistance and renewable energy devices.                      | Approved 61-39     |
| Amendment 4              | Z/CA        | Property tax exemption for conservation property.   | Approved 69-31     |
| Amendment 6              | Z/CA        | Requires assessment of waterfront property to be based on use.                                | Approved 71-29     |
| Amendment 8              | Z/CA        | Allows sales taxes for community colleges to be levied with voter approval.                   | Failed 44-56       |
| <b>Georgia</b>           |             |   |                    |
| Amendment 1              | L/CA        | Lowers taxes for landowners preserving forest land.   | Approved 68-32     |
| Amendment 2              | L/CA        | Authorizes local tax allocation bonds for redevelopment purposes.                             | Approved 52-48     |
| Amendment 3              | L/CA        | Allows creation of infrastructure development districts                                       | Failed 48-52       |
| <b>Hawaii</b>            |             |   |                    |
| Constitutional Amendment | L/CA        | Reduces minimum age from 30 to 25 years for governor and Lt. governor.                        | Failed 18-82       |
| Constitutional Question  | X           | Calls for a constitutional convention.  | Failed 35-65       |
| <b>Illinois</b>          |             |   |                    |
| Question                 | X           | Calls for a constitutional convention.  | Failed 33-67       |
| <b>Iowa</b>              |             |   |                    |
| CA Question              | L/CA        | Replaces constitutional language on “idiot or insane” persons.                                | Approved 82-18     |
| <b>Louisiana</b>         |             |   |                    |
| Amendment 1              | L/CA        | Establishes three-term limits on certain public boards and commissions.                       | Approved 69-31     |
| Amendment 2              | L/CA        | Requires proclamation in advance for extraordinary legislative sessions.                      | Approved 60-40     |
| Amendment 3              | L/CA        | Requires temporary successor for legislators ordered to active military duty.                 | Approved 62-38     |
| Amendment 4              | L/CA        | Increases local government share of revenue from severance taxes.                             | Failed 45-55       |
| Amendment 5              | L/CA        | Allows transfer of special assessment to replacement property.                                | Failed 49.9-50.1   |
| Amendment 6              | L/CA        | Removes certain restrictions on the disposition of blighted property.                         | Failed 49-51       |
| Amendment 7              | L/CA        | Authorizes public employee non-pension retirement funds to invest in equities.                | Failed 44-56       |
| <b>Maine</b>             |             |   |                    |
| Question 1 (June 10)     | I/ST        | \$29.725 million bond issue for roads, bridges, dams, landfills, and other public facilities. | Approved 58-42     |
| Question 1               | R/ST        | Sales tax for state universal health care program.  | Failed 35-65       |
| Question 2               | I/ST        | Allows a certain Maine company to operate a casino in Oxford County.                          | Failed 46-54       |
| Question 3               | I/ST        | \$3.4 million in bonds for drinking water and water treatment                                 | Approved 50.3-49.7 |
| <b>Maryland</b>          |             |   |                    |
| Question 1               | L/CA        | Allows absentee voting up to two weeks before an election.                                    | Approved 72-38     |
| Question 2               | L/CA        | Allows 15,000 video lottery terminals in five locations throughout the state.                 | Approved 59-41     |
| <b>Massachusetts</b>     |             |   |                    |
| Question 1               | I/ST        | Repeals the state income tax.   | Failed 31-69       |
| Question 2               | I/ST        | Decriminalizes the possession of marijuana.   | Approved 65-35     |
| Question 3               | I/ST        | Eliminates commercial dog racing by 2010.   | Approved 56-44     |
| <b>Michigan</b>          |             |   |                    |
| Proposal 08-1            | I/ST        | Allows medical use of marijuana.  | Approved 63-37     |
| Proposal 08-2            | I/CA        | Removes some restrictions on embryonic stem cell research.                                    | Approved 53-47     |
| <b>Minnesota</b>         |             |   |                    |
| Constitutional Amendment | L/CA        | Increases sales tax for water and other projects.   | Approved 59-41     |
| <b>Missouri</b>          |             |   |                    |
| Amendment 1              | L/CA        | Establishes English as the language of all governmental meetings.                             | Approved 86-14     |
| Amendment 4              | L/CA        | Alters operation of state grant and loan program for storm water control.                     | Approved 58-42     |
| Prop. A                  | I/ST        | Increases gaming tax to 21%, dedicates revenue to schools, eliminates \$500 buy-in limit.     | Approved 56-44     |
| Prop. B                  | I/ST        | Creates program to recruit and train home care workers, allows workers to unionize.           | Approved 75-25     |
| Prop. C                  | I/ST        | Requires utility companies to generate 2% of electricity from renewable fuels, 15% by 2021.   | Approved 66-34     |
| <b>Montana</b>           |             |   |                    |
| C-44                     | L/CA        | Allows up to 25% of certain public funds to be invested in stocks.                            | Failed 26-74       |
| I-155                    | I/ST        | Dedicates a share of state funds to health care for uninsured children.                       | Approved 70-30     |
| LR-118                   | L/ST        | Continues for 10 years a \$6 million levy for Montana university system.                      | Approved 57-43     |
| <b>Nebraska</b>          |             |   |                    |
| Amendment 1 (May 13)     | L/CA        | Allows cities to invest public endowment funds in more than savings accounts and bonds.       | Approved 58-42     |
| Amendment 1              | L/CA        | Removes requirement that cities use only general tax revenue for economic development.        | Failed 46-54       |
| Measure 424              | I/CA        | Prohibits government racial preferences/affirmative action.                                   | Approved 58-42     |

See footnotes at end of table.







## BALLOT PROPOSITIONS

### COMPLETE LIST OF STATEWIDE BALLOT PROPOSITIONS IN 2008—Continued

| <i>State</i>                       | <i>Type</i> | <i>Description</i>  | <i>Result</i>        |
|------------------------------------|-------------|---|----------------------|
| <b>Nevada</b>                      |             |   |                      |
| Question 1                         | L/CA        | Removes requirement that person must reside in state for 6 months to vote.                      | Failed 47-53         |
| Question 2                         | I/CA        | Restricts use of eminent domain for private purposes.   | Approved 61-39       |
| Question 3                         | L/CA        | Requires legislature to make certain findings before allowing sales and use taxes.              | Approved 60-40       |
| Question 4                         | L/ST        | Authorizes legislature to amend/repeal sales taxes without voter approval.                      | Failed 27-73         |
| <b>New Jersey</b>                  |             |   |                      |
| Public Question 1                  | L/CA        | Requires voter approval for bonds issued through any state agency.                              | Approved 58-42       |
| Public Question 2                  | L/CA        | Allows local governments to appoint judges to regional municipal courts.                        | Failed 45-5          |
| <b>New Mexico</b>                  |             |   |                      |
| Bond Question A                    | L/ST        | \$14.725 million bonds for senior citizen facilities improvements                               | Approved 59-41       |
| Bond Question B                    | L/ST        | \$11.019 million bonds for library acquisitions   | Approved 52-48       |
| Bond Question C                    | L/ST        | \$57.925 million bonds for health facility improvements   | Approved 65-35       |
| Bond Question D                    | L/ST        | \$140.133 million bonds for higher ed and special schools capital improvements                  | Approved 58-42       |
| Amendment 1                        | L/CA        | Allows midterm salary increases for county officials.   | Approved 53-47       |
| Amendment 2                        | L/CA        | Increases the size of certain school boards to 9 members and conducts elections by mail.        | Failed 27-73         |
| Amendment 3                        | L/CA        | Requires confirmation of Cabinet secretaries at beginning of each term of a governor.           | Approved 72-28       |
| Amendment 4                        | L/CA        | Allows school elections to be held at same time as nonpartisan elections.                       | Failed 74-26*        |
| Amendment 5                        | L/CA        | Authorizes governor with consent of Senate to fill vacancy in office of Lt governor.            | Approved 69-31       |
| <b>New York</b>                    |             |   |                      |
| Prop. 1                            | L/CA        | Allows disabled veterans extra points on state and local civil service exams.                   | Approved 78-22       |
| <b>North Dakota</b>                |             |   |                      |
| Constitutional Measure 1 (June 10) | L/CA        | Allows legislators to be appointed to office even if office salary was recently increased.      | Failed 42-58         |
| Constitutional Measure 1           | L/CA        | Creates Oil Tax Trust Fund.   | Failed 36-64         |
| Statutory Measure 2                | I/ST        | Lowers corporate income tax rate by 15 percent, personal income tax rate by 50 percent.         | Failed 30-70         |
| Statutory Measure 3                | I/ST        | Dedicates more money from tobacco settlement to tobacco prevention.                             | Approved 54-46       |
| Statutory Measure 4                | I/ST        | Allows governor to appoint director of Workplace Safety and Insurance.                          | Approved 67-33       |
| <b>Ohio</b>                        |             |   |                      |
| Issue 1                            | L/CA        | Extends the deadline for qualifying a ballot issue from 90 to 125 days before election.         | Approved 69-31       |
| Issue 2                            | L/CA        | \$400 million bonds for land conservation, parks, and redevelopment.                            | Approved 69-31       |
| Issue 3                            | L/CA        | Protects rights of property owners in the areas of the Great Lakes Water Compact.               | Approved 72-28       |
| Issue 5                            | R/ST        | Caps payday lending interest rates.   | Approved 64-36       |
| Issue 6                            | I/CA        | Allows a privately owned \$600 million resort casino in southwest Ohio.                         | Failed 38-62         |
| <b>Oklahoma</b>                    |             |   |                      |
| State Question 735                 | L/CA        | Provides property tax exemption for disabled veterans.  | Approved 85-15       |
| State Question 741                 | L/CA        | Requires a person claiming a property tax exemption to file an application.                     | Approved 68-32       |
| State Question 742                 | L/CA        | Establishes a right to hunt, trap, fish, and take game and fish.                                | Approved 80-20       |
| State Question 743                 | L/CA        | Allows smaller winemakers to sell directly to retail package stores and restaurants.            | Approved 79-21       |
| <b>Oregon</b>                      |             |   |                      |
| Measure 51 (May 20)                | L/CA        | Empowers crime victims to seek remedies for violations of Section 42 constitutional rights.     | Approved 75-25       |
| Measure 52 (May 20)                | L/CA        | Empowers crime victims to seek remedies for violations of Section 43 constitutional rights.     | Approved 75-25       |
| Measure 53 (May 20)                | L/CA        | Allows forfeiture of property for crimes that are substantially similar to crime of conviction. | Approved 50.03-49.97 |
| Measure 54                         | L/CA        | Allows citizens younger than 21 to vote in school board elections.                              | Approved 73-27       |
| Measure 55                         | L/CA        | Changes effective date of redistricting plans.  | Approved 77-23       |
| Measure 56                         | L/CA        | Requires property tax elections to be decided by majority of voters in the election.            | Approved 57-43       |
| Measure 57                         | L/ST        | Increases sentences for drug trafficking and other crimes.                                      | Approved 61-39       |
| Measure 58                         | I/ST        | Restricts a student from having more than two years of bilingual education.                     | Failed 44-56         |
| Measure 59                         | I/ST        | Makes federal income taxes fully deductible on state return.                                    | Failed 36-64         |
| Measure 60                         | I/ST        | Requires teacher compensation to be based on classroom performance.                             | Failed 39-61         |
| Measure 61                         | I/ST        | Establishes mandatory sentences for drug dealers, identity thieves, burglars, and car thieves.  | Failed 49-51         |
| Measure 62                         | I/CA        | Dedicates 15% of lottery profit for crime prevention, investigation, and prosecution.           | Failed 39-61         |
| Measure 63                         | I/ST        | Eliminates requirement of a building permit for projects that cost less than \$35,000.          | Failed 46-54         |
| Measure 64                         | I/ST        | Prohibit political use of public employee union dues.   | Failed 49-51         |
| Measure 65                         | I/ST        | Establishes "top two" open primary system.  | Failed 34-66         |
| <b>Pennsylvania</b>                |             |   |                      |
| Bond Referendum                    | L/ST        | \$400 million bonds for sewers  | Approved 62-38       |
| <b>Rhode Island</b>                |             |   |                      |
| Question 1                         | L/ST        | \$87.215 million bonds for highways, roads, bridges, buses                                      | Approved 77-23       |
| Question 2                         | L/ST        | \$2.5 million bonds for conservation of open spaces and recreation areas                        | Approved 68-32       |
| <b>South Carolina</b>              |             |   |                      |
| Amendment 1                        | L/CA        | Adjusts age of consent for unmarried women.   | Approved 52-48       |
| Amendment 2                        | L/CA        | Allows stock investments for public pension funds for state employees and teachers.             | Failed 42-58         |
| Amendment 3                        | L/CA        | Allows stock investments for public pension funds for local government employees.               | Failed 44-56         |

See footnotes at end of table.



## BALLOT PROPOSITIONS

### COMPLETE LIST OF STATEWIDE BALLOT PROPOSITIONS IN 2008—Continued

| State                | Type | Description   | Result         |
|----------------------|------|---|----------------|
| <b>South Dakota</b>  |      |   |                |
| Amendment G          | L/CA | Repeals current limit on legislator's travel reimbursements.                                  | Failed 41-59   |
| Amendment H          | L/CA | Removes constitutional restrictions on issue of stocks and bonds.                             | Failed 31-69   |
| Amendment I          | L/CA | Limits legislative sessions to 40 days each year.   | Approved 52-48 |
| Amendment J          | L/CA | Repeals term limits for legislators.  | Failed 24-76   |
| Initiated Measure 10 | I/ST | Prohibits government workers from using their salaries for campaigning or lobbying.           | Failed 35-65   |
| Initiated Measure 11 | I/ST | Prohibits abortion except in case of rape, health of mother.                                  | Failed 45-55   |
| Initiated Measure 9  | I/ST | Prohibits short sales of stock.   | Failed 43-57   |
| <b>Utah</b>          |      |   |                |
| Amendment A          | L/CA | Establishes succession procedures for governor and lt. governor.                              | Approved 76-24 |
| Amendment B          | L/CA | Regulates state trust fund.   | Approved 66-34 |
| Amendment C          | L/CA | Changes beginning of annual general sessions of legislature.                                  | Approved 71-29 |
| Amendment D          | L/CA | Requires legislature to redistrict no later than next legislative session after Census count. | Approved 78-22 |
| Amendment E          | L/CA | Allows state to invest in stocks and bonds.   | Failed 43-57   |
| <b>Washington</b>    |      |   |                |
| I-1000               | I/ST | Allows physician-assisted suicide.  | Approved 58-42 |
| I-1029               | I/ST | Requires certification and training for long-term workers caring for elderly and disabled.    | Approved 73-37 |
| I-985                | I/ST | Opens carpool lanes to all drivers outside of rush hours.                                     | Failed 40-60   |
| <b>Wisconsin</b>     |      |   |                |
| Question 1 (Apr. 1)  | L/CA | Limits governor's partial veto power.   | Approved 71-29 |
| <b>Wyoming</b>       |      |   |                |
| Amendment A          | L/CA | Changes the language of the oath of office for all state and county officials.                | Approved 82-18 |
| Amendment B          | L/CA | Changes initiative petition distribution requirement.   | Failed 54-46** |

Source: Initiative & Referendum Institute.  
 Note: Unless another date is given, a proposition appeared on the November 4 ballot. For referendums, "approved" means that the challenged law was upheld by the voters; "failed" means it was repealed.

Key:  
 CA — Constitutional amendment  
 I — Initiative  
 L — Legislative measure  
 R — Referendum

ST — Statute  
 X — Vote on whether to call constitutional convention, required by constitution  
 Z — Commission  
 \*Proposition failed to satisfy supermajority requirement of 3/4 affirmative statewide, and 2/3 affirmative in each county.  
 \*\*Proposition received majority of votes cast but failed to satisfy quorum requirement.



## BALLOT PROPOSITIONS

been ridiculed as an example of a frivolous constitutional amendment, but voters continue to embrace this agenda. Proposition 2 was more ambitious than its predecessors in including chickens. The opposition campaign argued that the measure would drive up the cost of eggs and lead to importation of unregulated eggs from other states and Mexico, but voters overwhelmingly approved the measure 63 percent to 37 percent. In Massachusetts, voters approved Question 3, which banned commercial dog racing in the state by 2010, requiring closure of two tracks. In Alaska, voters rejected Ballot Measure 2 that would have banned aerial hunting of bears, wolves and wolverines. In Oklahoma voters approved State Question 742 that established a state constitutional right to hunt and fish.

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### Notes

<sup>1</sup>For detailed information on initiative adoption and provisions see the appendixes of John G. Matsusaka, *For the Many or the Few: The Initiative, Public Policy, and American Democracy* (University of Chicago Press, 2004) and M. Dane Waters, *Initiative and Referendum Almanac* (Carolina Academic Press, 2003).

<sup>2</sup>For data on the initiative status of the 1,500 largest cities in the country, see the Initiative & Referendum Institute's *Legal Landscape Database*, available at [www.iandrinstute.org](http://www.iandrinstute.org).

<sup>3</sup>See Chapter 7 in Matsusaka, *For the Many or the Few* (2004).

<sup>4</sup>These numbers are calculated from information reported on the California Secretary of State's Web site, and are conservative estimates of the total amounts. To avoid potential double counting, this total includes \$13.6 million in contributions from the "No on 8—Equality California" campaign to "No on 8—Equality for All" campaign, but does not separately include contributions to "No on 8—Equality California."

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### About the Author

**John G. Matsusaka** is a professor in the Marshall School of Business, Gould School of Law, and Department of Political Science, and president of the Initiative & Referendum Institute, all at the University of Southern California. He is the author of *For the Many or the Few: The Initiative, Public Policy, and American Democracy* (University of Chicago Press, 2004).