

# 2016 Ballot Propositions

By John G. Matsusaka

*Voters decided 162 state-level ballot propositions in 2016. Voters approved 47 initiatives, the most in a single year in American history. California pulled into a tie with Oregon for the most initiatives all time. High profile issues included marijuana legalization, labor markets and capital punishment.*

## Overview

Ballot proposition activity remained at a somewhat muted level in 2016, with 162 propositions appearing on state ballots. This number is comparable to the 158 that were decided in 2014, but well below the even-numbered early years of the century (2000, 2002, 2004, 2006) when ballots contained an average of 216 propositions per year. The overall passage rate was 75 percent, above the 67 percent approval rate in 2014, and above the normal rate.

The propositions in 2016 were distributed across 35 states. California had the most with 18 propositions, followed by Alabama with 15 constitutional amendments, and South Dakota with 10 propositions. California's propositions were a mix of 14 initiatives (citizen-initiated new laws), one referendum (a citizen-initiated proposal to repeal an existing law), and three legislative measures (proposed new laws placed on the ballot by the legislature). Historically, most propositions across the country are placed on the ballot by legislatures, and 2016 was no exception with 51 percent of proposals originating in this way. However, there was an unusual surge in initiative activity in 2016, and a record-setting number of initiative proposals were approved.

Table A contains a summary of propositions by state and type in 2016, Table B contains a year-by-year breakdown of ballot proposition activity since 2000, and Table C provides a complete list of propositions decided in 2016.

## Initiative Trends

The best-known form of direct democracy is the initiative process, in which citizens qualify new laws for the ballot by collecting a required number of signatures from other citizens. Signature requirements typically run in the range of 5 to 8 percent of the number of votes cast in the state's previous gubernatorial election. In most years, initiatives attract the most attention, the most funding and the most controversy. Proponents

view the process as an important supplement to representative democracy that allows citizens to counteract the influence of special interests in the legislature; while opponents view the process as increasing the influence of wealthy and organized interest groups who can fund petition drives and election campaigns.

The initiative and referendum emerged in the United States during the Progressive Era. South Dakota was the first state to adopt the process in 1898, followed by Utah in 1900 and Oregon in 1902. By 1918, 19 states had adopted the process, and adoption continued at the rate of about one state every 20 years, ending (for now) with Mississippi, which adopted the process in 1992. The total number of states allowing initiatives now stands at 24.<sup>1</sup> The initiative process is widely available in states west of the Mississippi, but is not a purely a Western phenomenon; there are initiative states in the Northeast (Maine, Massachusetts), South (Arkansas, Florida) and Central regions (Michigan, Ohio). The initiative process is also common at the local level, with 82 percent of American cities allowing initiatives.<sup>2</sup> Whatever mixed feelings political observers may have about initiatives are not shared by the general public; opinion polls consistently show that citizens by a 3-to-1 ratio trust each other to make public decisions more than elected officials.

Two interesting historical milestones were passed in 2016. The first was the total number of approved initiatives for the year. At 47, this represents the largest number of approved initiatives in a single year in American history, eclipsing the previous record of 43 in 1996. The overall approval rate for initiatives in 2016 was 66 percent, well above the historical average of 40 percent. The reason for this burst in initiative activity is not clear. Often initiatives are a sign of discontent with elected officials—activists choose to take their proposals directly to the voters only when

**Table A: State-by-State Totals for 2016**

State	Initiatives	Legislative measures	Referendums	Advisory	Other	Total	Issues
<b>Alabama (a)</b> .....	...	15 (15)	...	...	...	15 (15)	Diversion of parks funds; mandatory retirement ages
<b>Alaska</b> .....	1 (1)	1 (0)	...	...	...	2 (1)	Bonds for college loans; automatic voter registration
<b>Arizona (b)</b> .....	2 (1)	2 (2)	...	...	...	4 (3)	Marijuana legalization; minimum wage increase
<b>Arkansas</b> .....	1 (1) (h)	3 (3)	...	...	...	4 (4)	Medical marijuana; increased bond authority
<b>California (c)</b> .....	14 (9)	3 (3)	1 (1)	...	...	18 (13)	Marijuana legalization; death penalty, bilingual education
<b>Colorado</b> .....	7 (5)	2 (0)	...	...	...	9 (5)	Universal health care; tobacco tax; minimum wage
<b>Florida (d)</b> .....	2 (1)	3 (3)	...	...	...	5 (4)	Medical marijuana; right to generate solar electricity
<b>Georgia</b> .....	...	4 (3)	...	...	...	4 (3)	Intervention in failing schools, prostitution penalties
<b>Hawaii</b> .....	...	2 (2)	...	...	...	2 (2)	Jury trials; debt reduction
<b>Idaho</b> .....	...	1 (1)	...	...	...	1 (1)	Administrative rules
<b>Illinois</b> .....	...	1 (1)	...	...	...	1 (1)	Vehicle license fees
<b>Indiana</b> .....	...	1 (1)	...	...	...	1 (1)	Right to hunt and fish
<b>Kansas</b> .....	...	1 (1)	...	...	...	1 (1)	Right to hunt and fish
<b>Louisiana</b> .....	...	6 (3)	...	...	...	6 (3)	College tuition; federal income tax exemption
<b>Maine</b> .....	5 (4)	1 (1)	...	...	...	6 (5)	Marijuana legalization; income tax increase; gun sales
<b>Maryland</b> .....	...	1 (1)	...	...	...	1 (1)	Executive office vacancies
<b>Massachusetts</b> .....	4 (2)	...	...	...	...	4 (2)	Marijuana legalization; more charter schools; gambling
<b>Minnesota</b> .....	...	1 (1)	...	...	...	1 (1)	Commission to set legislator salaries
<b>Missouri</b> .....	4 (2)	1 (1)	...	...	1(1)	6 (4)	Sales tax extension; voter ID; campaign contributions
<b>Montana</b> .....	4 (2)	...	...	...	...	4 (2)	Crime victims' rights; animal traps; bonds for research
<b>Nebraska</b> .....	...	...	1 (0)	...	...	1 (0)	Eliminate death penalty
<b>Nevada</b> .....	4 (4)	...	...	...	...	4 (4)	Marijuana legalization; gun purchases; electricity choice
<b>New Jersey</b> .....	...	2 (1)	...	...	...	2 (1)	Casino gambling; gas tax revenue
<b>New Mexico</b> .....	...	5 (5)	...	...	...	5 (5)	Denial of bail; four bond measures
<b>North Carolina (e)</b> ..	...	1 (1)	...	...	...	1 (1)	\$2 billion bond issue for schools and transportation
<b>North Dakota (f)</b> ....	3 (3)	2 (2)	1 (0)	...	...	6 (5)	Corporate dairy farms; tobacco taxes; crime victims
<b>Oklahoma</b> .....	3 (2)	4 (2)	...	...	...	7 (4)	Death penalty; sales tax increase; grocery sales of wine
<b>Oregon</b> .....	4 (3)	3 (2)	...	...	...	7 (5)	Special educational funds; traffic in animal parts
<b>Pennsylvania(g)</b> .....	...	2 (2)	...	...	...	2 (2)	Mandatory retirement age for judges
<b>Rhode Island</b> .....	...	7 (7)	...	...	...	7 (7)	Casino authorization; five bond measures
<b>South Dakota</b> .....	7 (3)	1 (1)	2 (0)	...	...	10 (4)	Redistricting; interest rates; nonpartisan primary
<b>Utah</b> .....	...	3 (2)	...	...	...	3 (2)	Limit on spending from state school fund
<b>Virginia</b> .....	...	2 (1)	...	...	...	2 (1)	Right to work law
<b>Washington</b> .....	6 (4)	1 (1)	...	2 (2)	...	9 (7)	Minimum wage; campaign vouchers; carbon tax
<b>Wyoming</b> .....	...	1 (1)	...	...	...	1 (1)	Investment of state funds
<b>Total</b> .....	71 (47)	83 (70)	5 (1)	2 (2)	1 (1)	162 (121)	

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

Note: The table reports the total number of propositions during 2016. Except as noted below, all propositions appeared on the ballot on November 8. The main entry is the number of propositions appearing; the number approved is in parentheses. For advisory measures in Washington, the proposition is classified as "approved" if the recommendation was to maintain the existing law. For referendums, "approved" means that voters approved the law in question. The "other" category includes a Missouri proposition required by the state constitution.

Key:

- (a) One Alabama proposition appeared on the March 1 ballot.
- (b) Two legislative amendments in Arizona appeared on the May 17 ballot.
- (c) One California legislative amendment was approved on the June 7 ballot.
- (d) Florida approved on legislative amendment on August 30.
- (e) North Carolina votes on a legislative amendment on March 15.
- (f) North Dakota voters repealed a law by referendum on June 14.
- (g) Pennsylvania approved a legislative amendment on April 26.
- (h) The Arkansas ballot contained three other initiatives whose returns were not counted, by court order.

**Table B: Number of Ballot Propositions by Year Since 2000**

Year	All	Initiatives	Referendums	Legislative	Other
2000	239	76	6	151	6
2001	39	4	0	35	0
2002	224	51	5	164	4
2003	68	7	0	61	0
2004	176	64	3	108	1
2005	45	18	1	26	0
2006	226	79	4	142	1
2007	43	2	2	39	0
2008	168	68	6	90	4
2009	32	5	3	24	0
2010	184	46	4	130	4
2011	34	10	2	22	0
2012	187	48	14	122	3
2013	31	3	0	23	5
2014	158	35	5	111	7
2015	28	5	0	19	4
2016	162	71	5	83	3
2000–2016	2,044	592	60	1,350	42

Source: Initiative & Referendum Institute ([www.iandrinstute.org](http://www.iandrinstute.org)).  
 Note: “Other” includes propositions placed on the ballot by commissions, constitutions, or statutes.

the legislature does not address their concerns to their satisfaction. Somewhat speculatively, the burst of initiative activity might be a manifestation of popular distrust of political elites that seems to be bubbling beneath the surface across the globe, as exhibited in the U.S. presidential election, Brexit in the United Kingdom, and other recent elections across Europe. The 71 initiatives in 2016 is the third highest total for the century, behind 79 initiatives in 2006, 76 initiatives in 2000, and well below the record of 93 in 1996.

Figure A shows the number of initiatives by decade, beginning in 1904 when the first initiatives appeared on the ballot in Oregon. Initiatives were common in the first four decades of the 20th century, particularly in the Progressive Era that ran through the end of World War I. Many initiatives during this period were fueled by tensions between new urban majorities in many states and

rural interests that controlled state legislatures because district lines were not redrawn to accommodate population changes. Initiative activity tailed off in the middle decades of the 20th century, with a trough of only 89 measures from 1961 to 1970. Beginning in the late 1970s, initiative use picked up again, following California’s Proposition 13 in 1978 that set off a national tax revolt. Each successive decade after Proposition 13 set a new record for the number of initiatives, peaking with 394 from 1991 to 2000. Voters have decided 172 initiatives so far in the current decade, below the pace in the preceding two decades.

The second milestone in 2016 was California pulling into a tie with Oregon for the most initiatives historically. Oregon has been the overall leader since it adopted the process in 1902, but both states have now decided 371 initiatives overall. California’s per-year average is slightly higher since it adopted the process in 1911. Rounding out the top five most active initiative states are Colorado with 232, North Dakota with 195 and Washington with 182. Initiative activity is particularly high in the Western half of the country. East of the Mississippi

River, Arkansas has voted on the most initiatives with 124. In the 21st century, California leads with 102 initiatives, followed by 68 for Oregon, 57 for Colorado and 54 for Washington.

**Issue Highlights**

Typically, ballot propositions are a response to state-specific challenges, but common issues occasionally emerge. The following are some of the trends and high profile issues of 2016.

**Marijuana**

The breakout issue in 2016 was marijuana legalization. The issue slowly gained traction in the 1990s as states one after another approved medical use of marijuana. An important breakthrough took place in 2012 when voters in Colorado and Washington legalized recreational use of the drug. In 2014, voters in Alaska, Oregon and the District of Columbia fol-

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lowed suit by passing their own legalization laws. In 2015, Ohio voters turned down a self-interested legalization initiative that would have granted monopolies to the measure's sponsors. With the dire warnings of legalization from opponents not unfolding in pioneering states, and sensing an attractive new revenue source, the floodgates opened in 2016. Legalization initiatives appeared on the ballot in Arizona, California, Maine, Massachusetts and Nevada, and medical marijuana initiatives appeared on the ballot in Arkansas, Florida, Montana and North Dakota. Every one of the measures passed, except for Arizona's Prop 205 that narrowly failed 49-51. With the passage of these measures, recreational use of marijuana has been legalized in states that account for almost one-quarter of the country's population. The growing acceptance of marijuana at some point may start to put pressure on the federal government to reconsider its position on marijuana. Marijuana remains illegal under federal law, which nominally supersedes state law, but so far federal law enforcement has not attempted to override local decisions on marijuana.

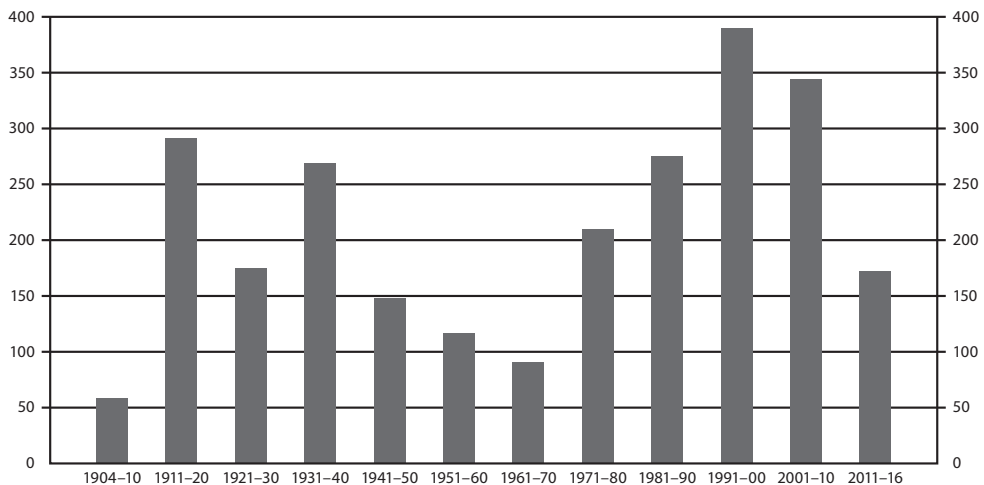
### Labor Markets

Regulation of labor markets was another common topic for ballot measures in 2016, most prominently

concerning the minimum wage. The minimum wage has been an extremely popular issue with voters in the 21st century. Since 2000, 15 state-level propositions have been proposed to increase the minimum wage; every one of them has passed, usually by majorities in the 2-1 range. Minimum wage measures also have had success at the city level. In November, voters in Arizona, Colorado, Maine and Washington voted to increase the state minimum wage, and South Dakota voters used a referendum to repeal a law creating a subminimum wage for workers younger than the age of 18. With the overwhelming success of minimum wage measures to date, progressive groups have expanded the scope of their proposals: the initiatives in Arizona and Washington also require employers to provide guaranteed minimum amounts of paid sick leave.

Other ballot propositions offered voters the opportunity to set policy concerning labor unions. Two right-to-work states considered adding to their constitutions the prohibition on requiring union membership as a condition of work. Alabama voters approved, and Virginia voters rejected going down this path. South Dakota rejected a union-sponsored initiative that would have chipped away at the state's right-to-work law by making non-union employees subject to union fees even they chose not to join the union.

**Figure A: Number of Initiatives by Decade**



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

**Table C: List of State Propositions, 2016**

<i>State</i>	<i>Type</i>	<i>Result</i>	<i>Short description</i>
<b>Alabama</b>			
Amendment (March 1)	L/CA	Approved 63-37	Authorizes legislature to provide retirement programs for district attorneys.
Amendment 1	L/CA	Approved 73-27	Adds two trustees to Auburn board of regents, provides for staggered terms.
Amendment 2	L/CA	Approved 80-20	Prohibits diversion of money in state parks funds.
Amendment 3	L/CA	Approved 61-39	Constitutional amendments affecting only one county can be adopted locally.
Amendment 4	L/CA	Approved 72-28	Allows county commissions to adopt certain programs without passage of a law.
Amendment 5	L/CA	Approved 60-40	Updates constitutional language regarding separation of powers.
Amendment 6	L/CA	Approved 54-46	Replaces articles on impeachments.
Amendment 7	L/CA	Approved 59-41	Concerning employees of sheriff's office in Etowah County.
Amendment 8	L/CA	Approved 70-30	Right to work: union membership cannot be required.
Amendment 9	L/CA	Approved 51-49	Age limit for probate judges in Pickens County.
Amendment 10	L/CA	Approved 66-34	Concerning cities in Calhoun County.
Amendment 11	L/CA	Approved 59-41	Allows cities and counties to use certain revenue for enterprise zones.
Amendment 12	L/CA	Approved 51-49	Concerning toll roads and bridges in Baldwin County.
Amendment 13	L/CA	Approved 57-43	Prohibits mandatory retirement ages, except for judges.
Amendment 14	L/CA	Approved 69-31	Guarantees and ratifies bills passed since 1980s that are legally dubious.
<b>Alaska</b>			
Ballot Measure 1	I/ST	Approved 65-35	Automatic voter registration for Permanent Fund Dividend applicants.
Ballot Measure 2	L/CA	Failed 44-56	Allows state to issue bonds for college student loans.
<b>Arizona</b>			
Prop 123 (May 17)	L/CA	Approved 51-49	Increases state fund distributions for schools.
Prop 124 (May 17)	L/CA	Approved 70-30	Caps cost of living adjustment for public safety retirees.
Prop 205	I/ST	Failed 49-51	Legalizes recreational marijuana.
Prop 206	I/ST	Approved 58-42	Increases minimum wage, requires paid sick leave.
<b>Arkansas</b>			
Issue 1	L/CA	Approved 70-30	Increases county officer terms of office.
Issue 2	L/CA	Approved 72-28	Governor retains powers when outside state.
Issue 3	L/CA	Approved 65-35	Removes limit on amount of bonds issued.
Issue 6	I/CA	Approved 53-47	Legalizes medical marijuana.
<b>California</b>			
Prop 50 (June 7)	L/CA	Approved 76-24	Stops payments to suspended legislators.
Prop 51	I/ST	Approved 55-45	\$9 billion bond issue for schools.
Prop 52	I/CA/ST	Approved 70-30	Requires voter approval to divert hospital fees.
Prop 53	I/CA	Failed 49-51	Requires voter approval for revenue bonds above \$2 billion.
Prop 54	I/CA/ST	Approved 65-35	Requires legislative bills to be posted on internet before passage.
Prop 55	I/CA	Approved 63-37	Extends Prop 30 income tax increase for 12 years.
Prop 56	I/CA/ST	Approved 64-36	Increases tobacco taxes.
Prop 57	I/CA/ST	Approved 64-36	Increases parole opportunities for nonviolent felons.
Prop 58	L/ST	Approved 74-26	Removes limitations on bilingual education.
Prop 59	L/ST	Approved 53-47	Asks if voters would like Citizens United decision overturned.
Prop 60	I/ST	Failed 46-54	Requires adult film performers to wear condoms.
Prop 61	I/ST	Failed 47-53	Prohibits state from paying more for drugs than federal government.
Prop 62	I/ST	Failed 47-53	Abolishes death penalty.
Prop 63	I/ST	Approved 63-37	Prohibits large capacity gun magazines, stronger background checks.
Prop 64	I/ST	Approved 57-43	Legalizes recreational marijuana.
Prop 65	I/ST	Failed 46-54	Directs grocery bag revenue to wildlife fund.
Prop 66	I/ST	Approved 51-49	Limits death penalty appeals.
Prop 67	R/ST	Approved 53-47	Approve or repeal law banning plastic grocery bags.

See footnotes at end of table.

**Table C: List of State Propositions, 2016—Continued**

<i>State</i>	<i>Type</i>	<i>Result</i>	<i>Short description</i>
<b>Colorado</b>			
Amendment T	L/CA	Failed 49.7-50.3	Removes obsolete constitutional language about slavery.
Amendment U	L/CA	Failed 44-56	Creates exemption for possessory interest in property.
Amendment 69	I/CA	Failed 21-79	Creates state-run universal health care system.
Amendment 70	I/CA	Approved 55-45	Increases minimum wage.
Amendment 71	I/CA	Approved 56-44	Adds distribution requirement for initiative petitions.
Amendment 72	I/CA	Failed 47-53	Increases tobacco taxes.
Prop 106	I/ST	Approved 65-35	Legalizes assisted suicide.
Prop 107	I/ST	Approved 64-36	Creates open primary system.
Prop 108	I/ST	Approved 53-47	Allows parties to nominate candidates by convention.
<b>Florida</b>			
Amendment 4 (August 30)	L/CA	Approved 73-27	Property tax exemption for renewable energy devices.
Amendment 1	I/CA	Failed 51-49 (a)	Establishes consumer right to generate solar power.
Amendment 2	I/CA	Approved 71-29	Legalizes medical marijuana.
Amendment 3	L/CA	Approved 84-16	Property tax exemption for disabled first responders.
Amendment 5	L/CA	Approved 78-22	Property tax exemption for low income senior citizens.
<b>Georgia</b>			
Constitutional Amendment 1	L/CA	Failed 40-60	Allows legislature to intervene in failing schools.
Constitutional Amendment 2	L/CA	Approved 83-17	Allows additional penalties for prostitution.
Constitutional Amendment 3	L/CA	Approved 62-38	Created commission to discipline judges.
Constitutional Amendment 4	L/CA	Approved 81-19	Dedicates fireworks tax to trauma care.
<b>Hawaii</b>			
Constitutional Amendment	L/CA	Approved 52-48	Raises value required for jury trials in civil cases.
Constitutional Amendment	L/CA	Approved 58-42	Allows excess general fund revenue to be used for debt service.
<b>Idaho</b>			
HJR 5	L/CA	Approved 56-44	Allows legislature to review administrative rules.
<b>Illinois</b>			
Constitutional Amendment	L/CA	Approved 79-21	Dedicates vehicle license fees to transportation projects.
<b>Indiana</b>			
Public Question 1	L/CA	Approved 79-21	Establishes right to hunt and fish.
<b>Kansas</b>			
Constitutional Amendment 1	L/CA	Approved 81-19	Establishes right to hunt and fish.
<b>Louisiana</b>			
Amendment 1	L/CA	Approved 73-27	Allows legislature to regulate local registrar of voters.
Amendment 2	L/CA	Failed 43-57	Allows board to set college tuition independent of legislature.
Amendment 3	L/CA	Failed 44-56	Eliminates deductibility of federal income tax for corporations.
Amendment 4	L/CA	Approved 72-28	Property tax exemption for surviving military spouse.
Amendment 5	L/CA	Approved 54-46	Establishes stabilization fund for mineral and corporate tax revenue.
Amendment 6	L/CA	Failed 42-58	Authorizes certain funds to reduce deficit.
<b>Maine</b>			
Question 1	I/ST	Approved 50.3-47.7	Legalizes recreational marijuana.
Question 2	I/ST	Approved 51-49	Income surtax for high incomes.
Question 3	I/ST	Failed 48-52	Requires background checks for non-dealer gun sales.
Question 4	I/ST	Approved 55-45	Raises minimum wage.
Question 5	I/ST	Approved 52-48	Creates instant runoff election system.
Question 6	L/ST	Approved 61-39	\$100 million bond issue for transportation projects.
<b>Maryland</b>			
Question 1	L/CA	Approved 73-27	Requires same-party appointments to fill vacant offices.
<b>Massachusetts</b>			
Question 1	I/ST	Failed 39-61	Authorizes a second slots parlor.
Question 2	I/ST	Failed 38-62	Allows 12 new charter schools.
Question 3	I/ST	Approved 77-23	Guarantees farm animals minimal living space.
Question 4	I/ST	Approved 54-46	Legalizes recreational marijuana.

See footnotes at end of table.

**Table C: List of State Propositions, 2016—Continued**

<i>State</i>	<i>Type</i>	<i>Result</i>	<i>Short description</i>
<b>Minnesota</b>			
Constitutional Amendment 1	L/CA	Approved 81-19	Establishes independent council to set legislator pay.
<b>Missouri</b>			
Constitutional Amendment 1	L/CA	Approved 80-20	Renews sales tax for parks and conservation.
Constitutional Amendment 2	I/CA	Approved 70-30	Limits campaign contributions.
Constitutional Amendment 3	I/CA	Failed 40-60	Increases tobacco taxes.
Constitutional Amendment 4	I/CA	Approved 57-43	Prohibits new sales taxes.
Constitutional Amendment 6	I/CA	Approved 63-37	Allows ID to be required to vote.
Proposition A	I/ST	Failed 45-55	Increases tobacco taxes.
<b>Montana</b>			
CI-116	I/CA	Approved 66-34	Establishes rights for crime victims.
I-117	I/ST	Failed 37-63	Prohibits animal traps on public lands.
I-181	I/ST	Failed 43-57	\$200 million bond authorization for biomedical research.
I-182	I/ST	Approved 58-42	Expands access to medical marijuana.
<b>Nebraska</b>			
Referendum 426	R/ST	Failed 39-61	Approves law abolishing death penalty.
<b>Nevada</b>			
Question 1	I/ST	Approved 50.4-49.6	Requires background check for nondealer gun sales.
Question 2	I/ST	Approved 54-46	Legalizes recreational marijuana.
Question 3	I/CA	Approved 72-28	Declares consumer right to choose electricity provider.
Question 4	I/CA	Approved 72-28	Sales tax exemption for medical equipment.
<b>New Jersey</b>			
Public Question 1	L/CA	Failed 23-77	Permits casino gambling outside Atlantic City.
Public Question 2	L/CA	Approved 55-45	Dedicates more revenue to transportation fund.
<b>New Mexico</b>			
Constitutional Amendment 1	L/CA	Approved 87-13	Allows courts to deny bail to dangerous defendants.
Bond Question A	L/ST	Approved 69-31	\$15.44 million bond issue for senior citizen facilities.
Bond Question B	L/ST	Approved 65-35	\$10.167 million bond issue for libraries.
Bond Question C	L/ST	Approved 63-37	\$142.356 million bond issue for higher education and schools.
Bond Question D	L/ST	Approved 66-34	\$18.196 million bond issue for public safety facilities.
<b>North Carolina</b>			
Connect NC Bonds (March 15)	L/ST	Approved 66-34	\$2 billion bond issue for schools, infrastructure, and development.
<b>North Dakota</b>			
Referred Measure 1 (June 14)	R/ST	Failed 24-76	Approve law allowing corporate dairy and swine farms.
Constitutional Measure 1	L/CA	Approved 86-14	Requires legislature to be resident of electing district.
Constitutional Measure 2	L/CA	Approved 64-36	Allows excess stabilization revenue to be spent on education.
Initiated Constitutional Measure 3	I/CA	Approved 62-38	Expands rights of crime victims.
Initiated Statutory Measure 4	I/ST	Approved 62-38	Increases tobacco taxes.
Initiated Statutory Measure 5	I/ST	Approved 64-36	Legalizes medical marijuana.
<b>Oklahoma</b>			
State Question 776	L/CA	Approved 66-34	Establishes constitutionality of death penalty.
State Question 777	L/CA	Failed 40-60	Establishes right to farm and ranch.
State Question 779	I/CA	Failed 41-59	Increases sales tax by 1 percent.
State Question 780	I/ST	Approved 58-42	Reclassifies certain drug crimes as misdemeanors.
State Question 781	I/ST	Approved 56-44	Creates fund for rehabilitative programs.
State Question 790	L/CA	Failed 43-57	Removes prohibition on spending public funds for religious purposes.
State Question 792	L/CA	Approved 66-34	Allows grocery stores to sell wine and beer.
<b>Oregon</b>			
Measure 94	L/CA	Failed 37-63	Eliminates mandatory retirement age for judges.
Measure 95	L/CA	Approved 70-30	Allows public universities to invest in equities.
Measure 96	L/CA	Approved 84-16	Dedicates 0.2% of lottery proceeds to veterans support.

See footnotes at end of table.

**Table C: List of State Propositions, 2016—Continued**

<i>State</i>	<i>Type</i>	<i>Result</i>	<i>Short description</i>
<b>Oregon, continued</b>			
Measure 97	I/ST	Failed 41-59	Increases minimum corporate tax.
Measure 98	I/ST	Approved 66-34	Creates state fund for school dropout prevention.
Measure 99	I/ST	Approved 67-33	Creates state fund for outdoor school programs.
Measure 100	I/ST	Approved 69-31	Prohibits sale of animal parts from endangered species.
<b>Pennsylvania</b>			
Constitutional Amendment 2 (April 26)	L/CA	Approved 60-40	Abolishes Philadelphia Traffic Court.
Constitutional Amendment	L/CA	Approved 51-49	Increases mandatory retirement age for state judges.
<b>Rhode Island</b>			
Question 1	L/CA	Approved 55-45	Approves gambling facility in Tiverton.
Question 2	L/CA	Approved 78-22	Allows ethics commission to investigate legislator misconduct.
Question 3	L/ST	Approved 84-26	\$27 million bond issue for veterans' homes.
Question 4	L/ST	Approved 59-41	\$45.5 million bond issue for higher education.
Question 5	L/ST	Approved 63-37	\$70 million bond issue for port facilities.
Question 6	L/ST	Approved 68-32	\$45 million bond issue for environment and health.
Question 7	L/ST	Approved 58-42	\$50 million bond issue for affordable housing.
<b>South Dakota</b>			
Constitutional Amendment R	L/CA	Approved 51-49	Creates separate board of regents for technical institutes.
Constitutional Amendment S	I/CA	Approved 60-40	Expands rights of crime victims.
Constitutional Amendment T	I/CA	Failed 43-57	Creates independent redistricting commission.
Constitutional Amendment U	I/CA	Failed 37-63	Deregulates interest rates on payday loans.
Constitutional Amendment V	I/CA	Failed 45-55	Establishes open nonpartisan primary system.
Initiated Measure 21	I/ST	Approved 76-24	Limits interest on payday loans.
Initiated Measure 22	I/ST	Approved 52-48	Restricts campaign contributions, provides public funding.
Initiated Measure 23	I/ST	Failed 20-80	Allows unions to charge fees to nonmembers.
Referred Law 19	R/ST	Failed 29-71	Approve law requiring early submission of candidate nominations.
Referred Law 20	R/ST	Failed 29-71	Approve law creating subminimum wage for nonadults.
<b>Utah</b>			
Amendment A	L/CA	Approved 65-35	Changes oath of office.
Amendment B	L/CA	Approved 64-36	Limits annual expenditure from state school fund.
Amendment C	L/CA	Failed 43-57	Property tax exemption for property leased by government.
<b>Virginia</b>			
CA Question 1	L/CA	Failed 46-54	Adds right to work to state constitution.
CA Question 2	L/CA	Approved 80-20	Property tax exemption for surviving spouse of emergency service provider.
<b>Washington</b>			
I-1433	I/ST	Approved 57-43	Increases minimum wage, requires paid sick leave.
I-1464	I/ST	Failed 46-54	Creates campaign finance system with citizen vouchers.
I-1491	I/ST	Approved 69-31	Allows denial of handguns to individuals exhibiting dangerous behavior.
I-1501	I/ST	Approved 71-29	Increases penalty for identity theft and defrauding senior citizens.
I-732	I/ST	Failed 41-59	Creates carbon emission tax, reduces sales tax.
I-735	I/ST	Approved 63-37	Urges federal constitutional amendment declaring that corporations are not people.
Advisory Vote 14	Adv/STb	Approved 69-31	Approve extension of tax on dental insurance premiums.
Advisory Vote 15	Adv/STb	Approved 60-0	Approve law providing sales tax exemption for clean vehicles.
SJR 8210	Adv/ST	Approved 77-23	Requires earlier completion of redistricting.
<b>Wyoming</b>			
Constitutional Amendment A	L/CA	Approved 56-44	Allows investment of state funds in equities.

*Source:* Initiative & Referendum Institute.

*Note:* An advisory vote is classified as “approved” if the majority recommendation is to maintain the existing law.

*Note:* A referendum is classified as “approved” if the challenged law was retained.

*Key:*

I — initiative                      CA — constitutional amendment

L — legislative measure        ST — statute

Com — commission            Adv — advisory

(a) Florida amendments require 60% approval to pass.

(b) Washington requires advisory votes on legislative tax increases.



### ***Animals***

Although animal-related issues are rarely discussed at the federal level, they seem to be an ongoing topic of interest based on the continuing popularity of animal-related ballot propositions. Five ballot measures in 2016 concerned animals. Animal rights groups remain the most active. Oregon voters approved Measure 100 that prohibits the purchase and sale of parts from 12 endangered species; Washington approved a similar measure in 2015. Massachusetts voters approved Question 3 that guaranteed farm animals a minimum amount of living space; several states have passed similar measures beginning with Florida's 2002 amendment protecting pregnant pigs. The Yes campaign in both Oregon and Massachusetts were funded by the Humane Society.

Indiana and Kansas approved proposals that established a constitutional right to hunt and fish, apparently intended to head off future actions from animal rights groups. Several states, mostly in the interior of the country, have passed similar amendments recently. Montana voters rejected I-117 that would have prohibited the use of traps and snares on public lands. Oklahoma rejected a proposal that would have empowered courts to sharply limit new regulations concerning farming and ranching, in part over concerns that the proposal would end favoring corporate farms that were more effective at using the legal process.

### ***Capital Punishment***

The death penalty has reemerged as a hot button issue, with four capital punishment propositions on the ballot in 2016. Death penalty defenders prevailed on all four. In California, voters rejected an initiative to end the use of capital punishment (Prop 62), and narrowly approved an initiative to expedite executions (Prop 66). Total spending on the two initiatives exceeded \$20 million, about evenly divided between proponents and opponents. In 2015, the Nebraska Legislature abolished the death penalty over the governor's veto; voters repealed the law and reinstated the death penalty via Referendum 426. Similarly, in 2015, Oklahoma's attorney general suspended executions until protocols could be reviewed to determine their constitutionality. State Question 776 explicitly established that the use of capital punishment is constitutional in the state.

### ***Gambling***

Gambling is a perennial topic of ballot propositions and voters decided three gambling measures in 2016. Massachusetts voters rejected Question 1

that would have allowed a second slots parlor, and New Jersey voters rejected their own Question 1 that would have permitted casinos outside Atlantic City. Competing gambling interests spent over \$8 million for and over \$14 million against the New Jersey proposal. Voters in Rhode Island were more amenable, approving a gaming facility in the town of Tiverton. The Arkansas ballot contained an initiative to allow the operation of three new casinos, but the measure was disallowed by the state supreme court and the votes were not counted.

### ***Schools***

Education is a central activity of state and local governments, and it is common for education-related issues to be resolved through propositions. In 2016, there were 15 propositions concerning education. One of the most high-profile issues was Massachusetts' Question 2, rejected by the voters, that would have allowed the creation of 12 new charter schools. The initiative's failure was in part due to concerns that the new charter schools would siphon resources from existing public schools. Question 2 was supported by the state's Republican governor and education reform groups, and opposed by many Democratic officials and teachers' unions. The yes side outspent the no side \$24 million to \$15 million. Another high-profile measure was California's Prop 58, approved by voters, that removed the state's 20-year-old law restricting bilingual education. Louisiana rejected a constitutional amendment that would have allowed education management boards to set college tuition independently of the legislature. Oregon voters approved proposals to create a state program to prevent dropouts and another to create an outdoor education program. Five states approved funding for school construction, led by California's authorization of a \$9 billion bond issue for K-12 and community college facilities, and North Carolina's authorization of a \$2 billion bond issue for school construction, among other projects.

### ***Taxes***

Tax issues are the most common subject of ballot propositions historically and 2016 fit the pattern. There were 24 tax-related measures for the year. Most tax propositions concerned relatively minor changes, such as providing limited property tax exemptions to spouses of first responders who died in the line of duty. Tobacco companies spent substantial sums opposing proposed cigarette tax increases, managing to defeat the increase in Missouri and North Dakota, and failed to win in

## BALLOT PROPOSITIONS

California and Colorado. Voters approved California's Proposition 55 that extended a "temporary" income tax increase on high incomes that voters approved in 2012 to address a budget crisis.

### ***Bond Issues***

Many states require voter approval before state bonds can be issued. In 2016, voters approved 13 of 14 bond proposals, authorizing a total of \$13.5 billion in new debt, a modest total by historical standards. The most expensive proposal was California's Proposition 51 that authorized \$9 billion for K–12 and community college buildings. Overall, states do not appear to be borrowing aggressively, despite historically low interest rates. By comparison, voters approved almost \$31 billion in bonds in 2006, one year before the onset of the financial crisis.

### ***Crime Victims***

Voters continued to take a hard line against crime. Montana, North Dakota and South Dakota approved a "bill of rights" for crime victims. These rights typically include restitution and being notified of sentencing and parole decisions, and have been adopted by several states since in the 1990s. New Mexico adopted an amendment allowing judges to deny bail in certain criminal cases. Georgia adopted an amendment allowing tougher penalties for prostitution, and Washington increased penalties for identity theft and consumer fraud targeting senior citizens.

### ***The "Long" California Ballot***

California had the longest ballot in November, with 17 propositions. Some media outlets ran stories sounding the alarm over the length of this ballot. From a historical perspective, the number of propositions is unremarkable. Since the initiative and referendum were adopted in 1911, even-year California ballots have averaged 17 propositions, so 2016's total was consistent with the historical norm. Existing research does not show that ballots of this length are prohibitively challenging for voters. The longest ballot in California contained 48 propositions in 1914.

<sup>2</sup>See John G. Matsusaka, "Direct Democracy and Public Employees," *American Economic Review*, December 2009.

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## About the Author

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## Notes

<sup>1</sup>For detailed information on initiative adoption and provisions and a discussion of pros and cons about the process, see 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).