

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

The meeting was called to order by Senator Gordon at  
Chairperson

1:30 ~~xxx~~ p.m. on Thursday, February 28, 1985 in room 522-S of the Capitol.

All members were present except: Senators Reilly and Johnston were excused.

Committee staff present:

Myrta Anderson - Legislative Research Department  
Ramon Powers - Legislative Research Department  
Theresa Kiernan - Revisor of Statutes  
Phil Lowe - Secretary to Committee

Conferees appearing before the committee:

Mr. Jack Brier - Secretary of State  
Wayne Zimmerman - The Electric Companies of Kansas  
Sue Thomas - Executive Director of the National Center  
for Initiative Review

The chairman called on Myrta Anderson from the Legislative Research Department who briefly explained SCR 1617. The Resolution amends Article 14 of the Kansas Constitution by authorizing constitutional amendments initiated by the people. These proposals would require petitions to be signed by qualified electors equal in number to not less than 12 percent of the vote cast in the last election for Governor. Not more than 5 propositions which are initiated by petition shall be submitted at any one election. It was pointed out that since 1973 at least 31 resolutions to permit initiative for constitutional amendments have been introduced in the Kansas legislature.

Secretary of State, Jack Brier, appeared before the committee in support of SCR 1617 which was recommended by that office for introduction. He stated that the proposal recommended is extremely simple. It would require that 12 percent of the total vote cast for the office of Governor at the last election for such office sign a petition and that petition would have to be filed in the office of the secretary of state not less than six months prior to the date of the general election at which the question is to be submitted to the electors for their approval or rejection. He stated that initiative is a means of strengthening the people's control over participation in their government and that citizen participation has worked well with recall and would work well with initiative. Mr. Brier said initiative is nothing to fear and the state should allow voters to amend the Kansas Constitution without having to get approval of two-thirds of the legislature first. The Secretary of State asked the committee to give a favorable recommendation to the Resolution and stated that "we know the system will work".

Mr. Wayne Zimmerman of the Electric Companies of Kansas appeared in opposition to SCR 1617 since they feel they have legitimate concerns relating to the Resolution, and then introduced Sue Thomas, the Executive Director of the National Center for Initiative Review from Englewood, Colorado. Her written testimony which she read to the members of the committee is herewith attached. Attachment No. 1. Ms. Thomas recommended the book "Direct Legislation: Voting on Ballot Propositions in the United States" by David B. Magleby (John Hopkins United Press, Baltimore, 1984), and said it contains helpful material relating to the election process.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE,  
room 522-S, Statehouse, at 1:30 ~~am~~/p.m. on February 28, 1985

The chairman announced that since there were others to be heard on Resolution 1617 the committee would hear them on Thursday, March 7, 1985.

The meeting was adjourned.

Attachments:

- Attachment #1 - Remarks by Sue Thomas, Executive Director of the National Center for Initiative Review
- Attachment #2 - Guest List
- Attachment #3 - Reading material from the National Center for Initiative Review.

GUEST LIST

COMMITTEE: Elections

DATE: Feb. 28, 1985

NAME	ADDRESS	ORGANIZATION
Chip Wheelen	Topeka	Legis. Policy Group
Jim Edwards	"	KCRT
John Reinhart	"	Secretary State
M. Hawver	"	Capital-Journal
SUE THOMAS	ENGLEWOOD, COLORADO	Narrow Leaver For TWINANE ET.
Steve Zick	Topeka	UPI
Michael Jotly	Lawrence	WOK
John Hanna	Topeka	AP
Inace Mathui	-	Sen. Walker's office
JANET STUBBS	"	HBAK
Randy Burleson	Columbus	Empire Electric Co.
Roy J. Shenkel	Shawnee	K. C. P. & L. Co.
Jerry Conrad	Topeka	KG & E
D. WAYNE ZIMMERMAN	TOPEKA	THE ELECTRIC COS ASSOC. OF KS
CHARLES BELT	WICHITA	WICHITA CHAMBER OF COMMERCE
Bill Abbott	✓	BOEING

Attachment # 2  
2/28/85

## NATIONAL CENTER FOR INITIATIVE REVIEW

5670 S. Syracuse Circle, Suite 328  
Englewood, Colorado 80111  
(303) 779-1949

### REMARKS PREPARED FOR THE KANSAS SENATE ELECTIONS COMMITTEE Thursday, 28 February 1985 Topeka, Kansas

Members of the Kansas Senate Elections Committee:

My name is Sue Thomas. I am Executive Director of the National Center for Initiative Review, 5670 S. Syracuse Circle, Suite 328, Englewood, Colorado 80111. NCIR is a non-profit organization dedicated to the study of the initiative process - one of the reform measures growing out of the Progressive movement at the turn of the century.

Until the formation of the National Center for Initiative Review in 1981, little was known about how states regulated the initiative process or how the process differed from one state to another. NCIR was formed to act as a clearinghouse for information about the initiative process. We study all aspects of the process including the provisions of various states, the types of issues that make their way to the ballot via the petition process, the actions of courts toward initiative measures, the costs of campaigns, and so forth.

We have been granted a tax-exempt status by the Internal Revenue Service. We are non-partisan. We do not take stands on issues but rather concentrate our efforts and energies to studying the mechanisms of the process: how it works, how well it works, ballot access controls, and we provide our information free of charge to anyone who is interested in initiative activity.

I have served the Center since its formation - first as Research Director and later as Executive Director. My educational background is in political science. I received my B.A. degree in 1980 from the University of Colorado at Denver and have completed some graduate coursework in public administration at the same institution. In June 1984, I was certified as an expert witness on the initiative process in Federal District Court (Denver District) where I testified for the Attorney General of the State of Colorado in a suit brought against the state challenging our statutory prohibition against paying petition circulators. The State of Colorado won that suit and the decision was upheld in the 10th Circuit Court of Appeals later in the summer.

I have written several articles on the initiative process, including most articles for our newsletter *Initiative Quarterly*, copies of which have been provided for your information and review. In addition to writing, I have also served as a resource for academics, news media, and others involved in initiative activity. I have also participated in several seminars and panels on direct legislation sponsored by such organizations as the American Political Science Association, the National Conference of State Legislatures, and the Council of State Governments.

I am pleased to be here today and to talk to you about the initiative process as someone who has had several years' experience in observing and studying this legislative mechanism on a rather intensive level. I should emphasize that I am not here to support or oppose any particular piece of legislation under consideration by this committee, but rather to discuss

*Attachment # 1  
S. Elect. 2/28/85*



what we at NCIR have learned about the initiative process in a more general way.

It's always important to define terms, so I would like to give a brief definition of what the initiative process is.

The initiative is a process in which citizens share legislative power with elected representatives. It allows any citizen or group of citizens to draft their own legislative proposals and have it submitted to the voters of the state if constitutional requirements for ballot placement can be satisfied. If approved by the voters, the measure becomes law. The initiative is one of three direct legislative concepts introduced by the Progressives prior to the turn of the century which were intended to give the citizen an increased voice in government. Usually when a state has the initiative process, it also has the popular referendum and the recall of elected officials, both of which use the petition process.

Of the 23 states that now have the initiative process, 19 passed their provisions prior to 1918. Since that time, only four states have adopted it and each has placed significant restrictions on its use. In order of adoption, these four are:

1. Alaska (1959) which allows only statutory initiatives.
2. Wyoming (1968): has one of the highest signature requirements in the country and has just qualified its first initiative for the ballot, which will be in 1986.
3. Illinois (1970): allows only amendatory initiatives that structurally or procedurally change the Legislative Article of their constitution. They have had only one initiative in Illinois - in 1980 the size of the state legislature was reduced by 1/3 through an initiative.
4. Florida (1972): allows only amendatory initiatives, has a strict single-subject limitation, and a high signature threshold with geographic distribution.

Since 1980, most non-initiative states have had legislative attempts to adopt the process; however, the last state to seriously consider adopting was Minnesota. In 1980 elections, a gubernatorial candidate campaigned and won election as a strong advocate of the process. The legislature passed the amendment and it was submitted to the voters in November 1980. In the meantime, a coalition of some of the most unlikely allies was formed to fight its adoption: Teachers who were afraid of property tax limitation measures which would endanger their jobs; homosexual groups who feared initiatives that would restrict their personal freedoms; labor groups who did not want to see right-to-work movements gain access to the ballot; businessmen who were fearful of efforts to increase corporate taxes or further regulate them; and, finally, legislators who were cognizant of the Illinois measure to reduce the size of that legislative body. There were others opposed to the proposition, including the League of Women Voters. In the end, although the amendment did receive a majority of votes cast on the issue, it fell about 100,000

short of the necessary majority for passage. The issue has been inactive in the state since that time.

There are basic philosophical questions about direct democracy versus representative government that must be reckoned with. The process has never been without its supporters or its detractors. There are standard arguments advanced by both sides.

Advocates contend the initiative will do several things.

First, that it will weaken the hold of special interest groups, political parties and political machines. They say a vote on an initiative is a clearer expression of public will than the votes that are cast for candidates.

Second, they say that having the opportunity to vote on important public policy issues will greatly enhance participation, that voters will become more educated on issues and that the initiative will promote a public spirit that is now lacking on the part of voters.

They argue that citizens are often better suited to setting public policy than elected officials are because the individual voter does not have to be concerned with being re-elected nor is he subject to pressure by lobbyists promoting their own interests.

And, finally, they argue the initiative provides a "safety valve" for citizens by allowing them to force votes on issues of concern to the state that have not been addressed by the legislature, for whatever reason.

Those who dislike the concept of direct democracy outline their arguments as follows:

Special interest groups, especially those with financial and political resources, can more easily meet ballot qualification requirements than can the grassroots citizen groups who must rely on strong volunteer organizations. Therefore, the initiative process has become a tool of special interests.

The initiative process allows frivolous issues to be presented to the voter who already faces an overcrowded ballot. Groups who qualify measures will not be representative of the state but will be the fringe groups who have been unable to get their pet measure through the deliberative forum of the legislature.

Many issues are too complex for the average voter to understand or to be solved through a simple yes or no vote. There is no middle ground in voting for an initiative measure -- it's all or nothing. There is no debate. There is no compromise. There is no opportunity for correcting deficiencies once the proposal is approved for circulation. Initiative proposals can be written to favor the proponents.

Finally, opponents say, there is no accountability in the process. More and more issues go to the voter for their final word. Legislators can sit back and not make hard decisions that are required, but wait for a

citizen measure to attempt to solve a problem.

Well, both sides have merit in some of their arguments. Let me pass along what we have learned about the process.

Despite strong opinions to the contrary, there is no evidence to support the advocates' position that the initiative process will increase voter participation. We (and others) have studied drop-off in voting between candidate races and ballot measures. We have yet to see an initiative get more votes than the top line candidate on the same ballot. In fact, many voters abstain from voting - sometimes as many as 20% - with an average drop-off rate of about 10% for both 1982 and 1984 ballots.

Further, there is no evidence to show that the influence of special interest groups is less on the initiative process than it is in the legislative process. Millions of dollars are spent to influence voter attitudes - often without presenting the true picture of what the initiative is intended to accomplish.

There are certainly many instances that can be cited to show that citizens are no better equipped to make some kinds of decisions than their representatives are. In fact, too many issues are simply too complex for them to understand and often issues are so emotional in nature that the campaigns degenerate into screaming matches between the two sides.

On the other hand, advocates are correct in stating that the initiative process offers a "safety valve" for citizens. Prop 13 in California is perhaps the best example of this. But, it works best only when it is used as a tool of last resort.

There are a couple of interesting things to note about attitudes toward the initiative. It knows no party affiliation - it is supported by Republicans in some states and Democrats in others, usually whichever party happens to be the minority party. It also knows no ideological bounds. The initiative is embraced by liberals and conservatives alike, both of whom have used it and consider it an ideal way to present their political and social agendas to the public.

It has never been as destructive to American government as the opposition wants you to believe - but it has never lived up to the hopes and expectations of its supporters.

Enough said about generalities. It's time to think about the particular requirements that should be included in an initiative process.

First, there are two types of initiative processes: The Direct Initiative, which goes to the ballot when requirements are satisfied. The Indirect Initiative must be submitted to the legislature before going to the ballot. If adopted by that body, it becomes law and no public vote is required.

Once the type of initiative process is decided, there are many other considerations, the most important of which is probably the signature requirement.

Every state bases the number of signatures required for ballot placement on some previous election turnout figure - whether the gubernatorial election, as your bill does, or some higher election base, such as the Presidential turnout. Signature requirements range from 2% of the voting age population in North Dakota for a statutory initiative to a high of 15% of the last total vote in Wyoming.

But the percentage itself does not tell the whole story. Other things must be taken into consideration.

- \* What is the maximum time allowed to collect signatures?
- \* Must they be distributed to show regional support or can they be collected in a concentrated area of the state?
- \* Is the requirement high enough to discourage frivolous measures from reaching the ballot?
- \* Who can sign the petition? Registered voters only? If so, when must they be registered, at the time they sign the petition or at the time the petitions are filed?
- \* How will the signatures be verified?

The signature requirement, however, is but one of many details to be worked out. I divide these into three periods relating to the overall petition effort as follows.

#### **Pre-Circulation of Petitions**

1. Does the proposal have to be filed with the state for approval prior to circulation? If only for approval as to form (i.e., size of print and so forth), who is responsible? If approved for content (recommendations for revisions and preliminary rulings on constitutionality), who has this authority? Most states have the Secretary of State review for form and the Attorney General rule as to content.
2. Who prepares the title? Most states reserve this duty to themselves to assure the title clearly and objectively reflects the content of the measure. Various state officials and boards are responsible. Most states title prior to circulation, but some don't until they are certain the measure will be on the ballot.
3. How will the ballot question be stated? Is the intent of a vote clear? Is the language understandable? States find it is difficult to write in layman's terms, but two have adopted the 8th grade as an acceptable readability level.
4. Will a filing fee be charged to help defray the state's cost in administering the process? Few states do this, but there are many hidden costs to the state including staff time for titling, signature verification, and legal challenges.

#### **Circulation of Petitions**

1. Does the petition circulator have to personally witness the

signing of the petition or can signatures be collected through the mail or by other methods? If through the mail, then you will soon find yourself with an "initiative industry", meaning firms who will, for a fee, qualify the measure for proponents.

2. Can petition circulators be paid? If so, the rate of invalid signatures will increase dramatically. Colorado successfully argued before the courts in 1984 that allowing petition circulators to be paid takes the initiative process out of the realm of "grassroots" political activity and places it squarely in the area of a business venture.
3. How will circulators be monitored? Do they have to be registered voters and must they be citizens of the state?
4. Does the filing deadline give the state sufficient time to validate signatures, especially if several petitions are filed simultaneously? Does it provide sufficient time for court challenges to be heard? Do such challenges enjoy a priority in the state courts?

#### **Post-Circulation Period**

1. How will signatures be validated - individually or through a scientifically selected random sample?
2. What is the basis for disqualifying signatures?
3. Are financial disclosure reports required?
4. What majority is required to pass?
5. Will the legislature be able to amend or repeal the measure?
6. If the measure is defeated at the polls, is there a cooling-off period before it can be submitted again?

In reading your proposal there are a couple of general comments I would like to make. The provision for initiatives only at general elections is a good one. This guarantees the highest voter turnout possible.

You have given no indication that specific areas may be exempt from initiative activity. Many states do so, especially in the areas of appropriations, the judiciary, personal rights granted under the Bill of Rights and so forth. Some states simply place the same restrictions on the initiative that the state legislature has on itself.

In closing, let me provide a little information about how the process is doing today. The initiative has had its hills and valley. In 1914, 89 measures appeared on state ballots. Until the late 70's the process was seldom used. Then, after Prop 13, people began to recognize the tremendous potential of this tool. Today, use of the initiative is growing -- in 1982, NCIR tracked 225 measures seeking ballot placement. In

1984, we tracked 325.

We also see an increase in the courts' role in the process. Seven qualified measures were barred from the ballot in the last election cycle for various reasons. Other proposals were not allowed to circulate. We saw a lot of confrontation in the process with Secretaries of State under challenge in more than one state for perceived inequities in the way signatures were validated and measures certified for the ballot. States were challenged for title preparation. Laws regulating the process were under fire across the West. We anticipate this kind of activity will continue with the growth of the process.

I would like to say to you today that I realize the initiative process has its strengths and weaknesses. The strengths can be enhanced with careful development of provisions. Without this, the initiative process can become an uncontrollable source for special interest legislation and it will do more harm than good in the long run.

The initiative process is viewed by many as the quick solution to the perceived ineffectiveness of state legislatures. But I would urge you to consider that laws passed by this method have a higher value than those passed by you. They are immune from gubernatorial veto. They cannot be altered by the legislature except under stringent and extreme circumstances and certainly at the political peril of those involved. Many times the only way to change an initiative law or amendment is through another initiative. It is a self-perpetuating system.

The initiative can be a valuable tool for citizens - but it can just as easily become a loose cannon on the legislative deck. Unless you structure your provisions carefully, you will deliver to the people of Kansas something quite different than you intended. It is a completely different form of government. And, once it is given, it can never be taken away.

For these reasons, any decision to adopt direct democracy dictates the most careful consideration on your part.

I'll be happy to answer any questions you have. Thank you for the opportunity to appear before you today.



# NATIONAL CENTER FOR INITIATIVE REVIEW

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## Requests for Information

January - December 1984

### State Agencies/Officials/Legislative

Alaska: Division of Elections  
Arizona: Legislative Research, Phoenix  
California: State Senator Alfred E. Alquist, Sacramento  
Assemblyman Terry Goggin, Sacramento  
California Assemblyperson Maxine Waters, Sacramento  
California Fair Political Practices Commission, Sacramento  
Colorado: Attorney General's Office  
Legislative Council, Denver  
Division of Elections, Denver  
Office of the Governor  
National Conference of State Legislatures, Denver  
Secretary of State, Denver  
Florida: House Ethics & Elections Committee, Tallahassee  
Idaho: Elections Clerk, Boise  
Secretary of State, Boise  
Louisiana: Elections Division, Baton Rouge  
Senator Ken Hollis, Metairie  
Maine: Legislative Research, Augusta  
Secretary of State  
Michigan: Attorney General's Office, Lansing  
Senator Rudy Nicholson, Lansing  
Senator Nick Smith, Lansing  
Minnesota: Legislative Reference Library  
Mississippi: Legislative Research Bureau, Jackson  
Reference Library  
Montana: Secretary of State, Elections  
Nebraska: St. Senator Vard Johnson, Omaha  
Nevada: Secretary of State  
Legislative Counsel Bureau  
New Jersey: Assemblyman Richard A. Zimmer  
Ohio: Director of Elections Programs  
Oklahoma: Justice Robinson - Court of Appeals  
State Department of Education  
Secretary of State  
Rhode Island: DePrete for Governor Committee  
Legislative Council, Providence  
Legislative Research, Providence  
S. Dakota: Secretary of State  
Texas: Comptroller's Office, Austin  
Tennessee: Shelby County Government (Tax Office)  
Virginia: Delegate Gwendalyn F. Cody  
Washington: Secretary of State  
Wyoming: Secretary of State  
Washington D. C.  
Advisory Commission on Intergovernmental Relations  
National Council of State Planning Agencies  
National Transportation Safety Board

*S. Elect. 2/28/85*

*Attachment # 3*

Office of Management & Budgets, Intergovernmental Affairs  
U. S. Department of Agriculture, Food & Nutrition Service

**Academic**

Center for the Study of Democratic Institutions, Santa Barbara, California  
Center for the Study of Law and Politics, San Francisco  
Citizens Research Foundation, University of Southern California, LA  
Claremont College Library (Honnold), California  
Claremont-McKenna College, The Rose Institute  
Professor Tom Cronin - Colorado College, Colorado Springs  
Student Goldberg - Metropolitan State College, Denver  
Kyoto University of Foreign Studies, Japan  
David B. Magleby - Brigham Young University  
Niedersaechsische Staats & Universitaets-Bibliothek, Goettingen, West Germany  
University of California - Berkeley, Political Science Department  
University of Colorado - Boulder, School of Journalism  
University of Erlangen-Nurnberg, Erlangen, West Germany  
University of Kentucky - Department of Political Science  
University of Maine - Department of Social Sciences/American History  
University of Oregon - Bureau of Governmental Research and Services Library  
University of Virginia, School of Law (Journal of Law & Politics)  
Western Illinois University, Department of Political Science

**Media Inquiries**

ABC News, Washington Bureau, (Barry Serafin)  
Arkansas Democrat, Little Rock (Jonathan Runnels)  
Associated Press, Lansing, Michigan  
Booth Newspapers, Grand Rapids, Michigan  
Boston Globe, Ben Bradlee, Jr  
Business & Public Affairs Fortnightly, Bethesda, MD  
Cable News Network, Atlanta  
Columbia Missourian, Columbus  
Congressional Quarterly (Campaign Practices Report and News Service)  
Cox Newspapers, Washington Bureau, Timothy Adams  
Christian Science Monitor, George Merry (Boston), Marshall Ingwerson (Los Angeles)  
Daily Breeze, Torrence, California  
Electric Utility Week (McGraw-Hill), Washington, DC (Gary Aderman)  
Engineering News Record, Washington, D. C.  
Glenwood Post, Glenwood Springs, Colorado  
Housing & Development Report, Washington DC  
Human Events, Washington, DC  
Initiative and Referendum Report, Pat McGuigan  
Johns Hopkins University Press, Baltimore  
Kansas City Times (Tom Miller)  
KDEN-Radio, Denver  
KIMN Radio, Denver  
KNUS Radio, Denver  
KPOL-TV, Pierre, South Dakota

KVOL Radio, Boulder, Colorado  
Longmont Daily Times-Call, Longmont, Colorado  
LA Daily Journal, Ken Jost  
Los Angeles Herald-Examiner (J. Birnbaum)  
Los Angeles Times - Bill Curry (Denver), Bill Stall (LA), Ron Soble (LA)  
Legislative Policy Magazine, Washington, D. C.  
McLeans Magazine, Toronto, Ontario  
McNeil-Leherer Report  
Money Magazine, Richard Eisenberg  
National Catholic Reporter, Joe Feuerherd  
National Journal (Linda Mapes)  
NBC News, New York City (Frank Decolator)  
New Republic, Washington, D.C. (David Bell)  
Virginia Moran, author (How to Sieze Control of Your Government)  
New York Times, Jay Matthews, Bob Lindsey, David Rosenbaum  
Pacific News Service (Mary Ellen Leary)  
Public Administration Times, Washington, DC  
Public Interest Profiles - Foundation of Public Affairs, Washington, D. C.  
Progressive Radio Network, New York City (Jim Wynbrandt)  
Pueblo Chiefton, Pueblo, Colorado  
Rocky Mountain News, Vince Carroll  
Schlein News Service, Washington, DC  
State Legislature, NCSL Magazine, Sharon Sherman & Candace Romig  
St. Louis Post Dispatch  
Time Magazine, New York, Los Angeles and Denver Bureaus  
Torrence Daily Breeze, Torrence, California  
UPI, Washington, D. C.  
USA Today  
U. S. News & World Report- Denver Bureau (Gordon Witkin)  
Voice of America, Washington, DC  
Wall Street Journal (Greg Fosdahl, Eugene Carlson, Joan Lublin, A. Layne)  
The Washington Post - Denver Bureau (Tom Reid)  
Wichita Eagle-Beacon, Wichita, KS (Bob Fisher, Bob von Sternberg)

#### General

Adolf Coors Company, Denver Colorado  
Alaska Libertarian Party, Duncan Scott, Anchorage  
American Can Company, Stamford, Connecticut  
American Hospital Association, Chicago  
Argus Research, New York City  
Arizonians to Protect Quality Health Services, Phoenix  
Atomic Industrial Forum, Bethesda, Maryland  
Ballot Issues Analysis Committee, Seattle, Washington  
Bank of Boston, Public Finance Division  
Baptist Hospital & Health Care Systems, Phoenix  
Below, Tobe & Associates, Falls Church, VA and Culver City, CA  
Boeing Company, Seattle, Washington  
Jim Bruni, New York City  
Callaghan & Company, Willmette, Illinois  
Thomas W. Calvert, Birmingham, Alabama

Can Manufacturers Institute, Washington, D.C.  
Al Cantwell, Ft. Meade, Maryland  
CDK & Associates, Little Rock, Arkansas  
Citizens Research Foundation, Los Angeles, California  
City Bank of New York, New York City  
Coloradoans For Choice, Denver, Colorado  
Colorado Motor Carriers, Denver, Colorado  
Computer Software, Inc., Washington, D.C.  
Campaign Software, New York City  
Congress Watch, Washington, D. C.  
Continental Can Company, Stamford, Connecticut  
Roger Copple, Indianapolis, Indiana  
Coro Foundation, San Francisco, California  
Cranford Johnson & Associates, Little Rock  
Deere & Company, Moline, Illinois  
Delmarva Power Company, Wilmington, Delaware  
Thomas DeWitt, Raleigh, North Carolina  
Edison Electric Institute, Washington, D.C.  
Eli Lilly, Indianapolis  
Robert Ellzey, Tallahassee, Florida  
English USA, Washington, DC  
ESA, Waltham, Massachusetts  
Brad Fields, San Diego, California  
FIND, New York City  
Fleishman Communications, Inc., Palatine, Illinois  
Floridians for Tax Relief; St. Petersburg, Florida  
George R. Steffes, Inc., Sacramento  
Grocers Manufacturers of America, Washington, DC  
Gulf Oil Corporation, Denver Public Affairs Office  
Hamilton & Staff, Bethesda, Maryland  
Pam Harklewood, private citizen  
Hughes Aircraft, El Segundo, California  
Human Resource Network, Philadelphia  
IDS/American Express, Minneapolis  
Illinois Tool Works, Chicago  
IMPACT, Inc., Denver, Colorado  
International Media Systems, Colorado Springs  
Jefferson Marketing, Inc., Raleigh, NC  
Kansas City Power & Light, Kansas City  
League of Women Voters of California, San Francisco  
The Martin Haley Companies, New York City  
League of Women Voters of Connecticut  
Kansas City Power & Light  
Gay Lipchick, Summer Township, Pennsylvania  
Matt Reese and Associates, Bethesda, Maryland  
Merrill, Lynch, Pierce Fenner and Smith, New York City  
Mountain Bell, Denver, Colorado  
The Naisbett Group, Washington, D. C.  
National Associationnnn of Realtors, Regional Political Director, Seattle  
Nelson-Padberg Consulting Co., Costa Mesa, California  
Jones, Meiklejohn, Kehl, et al, Denver  
Joseph Neussendorfer, Detroit  
Odell, Roper & Associations, Bethesda, Maryland  
Joseph O'Leary, Falls Church, Virginia

John Ongley, Kent, Ohio  
Oregon Education Association (Marc Toledo, Attorney)  
Owens-Illinois, Skokie, Illinois  
Pacific Gas & Electric, San Francisco  
Phillip Morris, USA, Louisville  
Portland General Electric, Portland  
Press-Brenner Communications, Inc., New York City  
Public Service Company, Arizona  
Public Service Company, New Mexico  
Reddi Communications, Hartford, Connecticut  
Safe Energy Communications Council, Washington DC  
Smith-Barney, Harris Upham, New York City  
Shell Oil Company, Houston  
Solem & Associates, San Francisco  
Southern California Gas Company, Los Angeles  
Republican National Committee, Washington, D. C.  
Seattle Chamber of Commerce  
State of Qatar, Arabian Gulf  
Strategies West, Inc. (Consultants), Denver, Colorado  
Jim Summers, Farmington, New Mexico  
Taurus Productions, Colorado Springs, Colorado  
Tobacco Institute, Washington, D.C.  
Mark Toledo, Portland  
Peter Tormey, Berkeley, CA  
USA Foundation, Washington, D. C.  
U.S. Committee for Energy Awareness, Washington, D.C.  
Louis Vetter, Mountainside, New Jersey  
Dick Woodward, Woodward & McDowell, San Francisco, California

# Initiative Quarterly

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Volume 1, Issue 1, Oct. 1982

Published by National Center for Initiative Review, 40 E. Denver Tech Center, Englewood, Colo. 80111

In 1982, 226 citizen-initiated ballot proposals were titled for circulation of petitions in 23 states and the District of Columbia. Fifty-seven ballot initiatives will have been voted on by the electorate in those jurisdictions by the time this year's general election has passed.

## An Introduction to "I.Q."

**Initiative**, the process by which citizens can propose a law or constitutional amendment by petition and then decide the proposal in an election, has become an increasingly important part of the politics of the United States.

First introduced in the Western states during the early 1900's, the initiative for many years remained a regional phenomenon, not heavily used and seldom the vehicle for major controversial issues. However, beginning in the 1970's there has been an evident resurgence of interest in (and use of) direct legislation by citizen initiative—even at the national level, where talk of adopting a National Initiative surfaces periodically.

This "Initiative Explosion" led to the creation of the National Center for Initiative Review in 1981. NCIR is a non-profit corporation providing information and assistance to those working for improvement and reform of the initiative process. It seeks to ensure that the lessons of America's 84 years of initiative experience are brought to bear on decisions for the future.

### "I.Q." = A Timely Review of the Process

The expanded use of the initiative process is slowly, but dramatically, changing the way Americans practice politics—and govern themselves. NCIR believes the Initiative is a legislative form of such significance—whether directly or through the influence initiative campaigns have on elected representatives—that the **process** itself warrants an ongoing critical review.

The focus of this periodical will be to help stimulate that review, always with an eye toward where and how the **process** might be improved.

**Initiative Quarterly** will be published four times a year: January, April, July and October, with supplemental reports to keep readers up to date on initiative and legislative activity around the country.

### Inside I.Q.

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Legislative Update . . . . . Pages 8 & 9  
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## NCIR Sponsors Mervin Field Initiative Poll

**C**alifornia voters will be the focus of one of the first major pieces of survey research done on the voters' view of the initiative process. California's most respected pollster, Mervin Field, will conduct a special initiative survey this fall, in conjunction with their regularly scheduled California election year polling.

This important new work has been commissioned jointly by NCIR and Brigham Young University, and is expected to provide some of the most comprehensive information to date on the voters' real feelings about the initiative process and its use, rather than about particular ballot issues alone.

The Field Institute undertakes regularly scheduled public opinion and voter surveys of the California public, reporting the results through its statewide public opinion news feature service, **The California Poll**, published by the firm since 1947.

This year, two studies are scheduled for the month of October—just prior to the general election on November 2—each conducted by telephone with a sample of at least 1,000 California adults. Supplemental questions relating to initiatives will be included.

Mervin Field will present findings from the surveys at the 1983 National Seminar on the Initiative, at the L'Enfant Plaza Hotel in Washington, D.C., on January 21, 1983. (See page 12 for seminar details.)



# NCIR: Exploring the Need for Reform

Because of the unprecedented increase in ballot initiative activity, as well as the growth of an "initiative industry," attention is being focused on some fundamental public policy concerns. Some of these include:

- The lack of general public understanding about the initiative process;
- The difficulty faced by citizens interested in the initiative process in locating an impartial source—one that does not view the process on the basis of a particular issue or a narrow interest;
- The impact of greatly expanded ballot initiative activity on the state legislative processes and on our political system in general;
- The quality of the legislative product of the initiative compared with legislation enacted by state assemblies;
- The actual level and quality of citizen participation in the process: who votes and what is the level of their understanding of the increasingly complicated ballot measures;
- The increasingly large amounts of money spent in initiative cam-

## Initiative Quarterly

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paigns compared with funding for state and federal legislative campaigns.

• Decisions by states about an initiative—its adoption, structure, implementation, and administration—should be based on as complete an understanding of the available evidence and experiences as possible. To base a decision on less is not in the interest of responsive government.

The National Center for Initiative Review, therefore, has been established, as a nonprofit corporation, to assist in the long-term improvement of the initiative process by:

- Acting as a national clearing-house on initiative activity—gathering, analyzing, and disseminating information;
- Assisting individuals and groups who seek initiative reform.

NCIR programs to accomplish these goals include:

- Sponsoring seminars and conferences;
- Issuing a newsletter and other special publications;
- Testifying at public hearings; and
- Commissioning original research.

## An Idea Whose Time Has Come

Several decades of experience with the initiative process exist. The National Center for Initiative Review seeks to ensure that lessons from that experience, as well as data from new research, are made available to all interested persons. The brief experience of the past 18 months has clearly demonstrated that the NCIR is an idea whose time has come.

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By Sue Thomas  
NCIR Research Director

**EDITOR'S NOTE:** Each edition of I. Q. will devote this space to an in-depth look at some facet of the initiative process.

## Focus: Certification

Not many people are aware that signatures must be **validated** in some way before the initiative measure can actually be put on the ballot. This procedure, referred to as "Certification", is one of the initiative's least understood dimensions.

The techniques used for signature certification vary widely throughout the 23 initiative states and the District of Columbia.

**INDIVIDUALLY VALIDATED SIGNATURES.** Each signature on the petition forms is compared to voter registration lists to assure the signator is a qualified registered voter. Names that do not conform to the voter lists are invalidated.

**RANDOM SAMPLING OF SIGNATURES.** If valid signatures in the random sample fall within a predetermined "confidence" level, the proposal is placed on the ballot. If not, an individual verification of signatures may be required.

**PRESUMED VALIDITY.** Under this system, petitions carry the warning statement "You must be a registered voter to sign this petition". Circulators must sign an affidavit (which is subsequently notarized) swearing that all signers of the petitions are, to his best knowledge, registered voters and are who the signature purports them to be. These caveats and affidavits are deemed sufficient cause for all signatures to be accepted as valid by the certifying authority of the state, who merely counts signatures submitted.

## 1982 Challenges

In 1982 there were major challenges to certification techniques in four different states - Michigan, Arizona, Wyoming and Colorado. These challenges illustrate the dramatic importance of these procedures in determining which measures will be presented to voters. It is significant to note that **NO CHALLENGES** were reported in states using **INDIVIDUAL SIGNATURE VALIDATION** as their **PRIMARY** certification technique.

### Michigan's Random Sample Results Upheld by State Supreme Court

Early in July, proponents of the "Expanded Death Penalty" petition drive submitted approximately 307,000 signatures to fulfill a requirement of 286,722. Twelve percent of the signatures in the random sample were found to be invalid. The Board of State Canvassers ruled the probability that the remaining signatures would be sufficient to meet the state's requirements was less than 0.001% and the Secretary of State disqualified the measure.

On September 29, following a series of hearings in state district courts, the Michigan Supreme Court sustained the Secretary's ruling.

The Court upheld the random sampling techniques used by the Board of Canvassers. Particularly important was the effect of the decision in support of Michigan's requirement that the name and address on the petition must conform to the signer's official voter registration.

A final attempt to save the measure failed when the Federal District Court refused to hear the case on jurisdictional grounds.

### Arizona's Court Puts 'Anti-Sagebrush Rebellion' Initiative Back on Ballot

Michigan relies solely on the random sample. Arizona, on the other hand, has the fall-back procedure of individual signature validation when the random sample is inconclusive. In a ruling on the "Anti-Sagebrush Rebellion" initiative, after two random samples were inconclusive, the Arizona Supreme Court allowed the measure on the November ballot anyway because there was not sufficient time to conduct the individual validation prior to ballots being printed.

The significance of the Arizona ruling was not so much the Court's support of random sampling, but its willingness to give the benefit of the doubt to proponents when the statutory process could not be completed.

### Wyoming's In-Stream Flow Certification Challenge

Wyoming has the highest signature threshold in the nation for initiative laws (15% of the votes cast in the last election for the office of Secretary of State). Even though the laws have been on the books since 1968, no petition drive had been completed before 1982.

Proponents for regulation of in-stream flows submitted 30,822 signatures toward a requirement of 27,154. Wyoming uses the "random sampling" method of certification with a fall-back to individual validation, if necessary.

The petitions required individual signature validation and were found to be almost 5,000 signatures short. The Secretary of State declared the measure had failed to qualify.

After failing to get similar legislation passed during the 1982 session, proponents filed suit in the Cheyenne district

## Which Certification Technique Is Best?

### INDIVIDUAL SIGNATURE VERIFICATION

**Advantages:**

Very little room for challenge.

**Disadvantages:**

Costly and time consuming.

**States Using Method:**

Alaska, Arkansas, Florida, Idaho, Maine, Massachusetts, Missouri, Nebraska, North Dakota, Ohio and Utah

### RANDOM SAMPLING OF SIGNATURES

**Advantages:**

Cost-effective and efficient; can be completed in a relatively short time. Has fall-back position of complete individual signature verification if necessary.

**Disadvantages:**

Can be subject to challenge. Methodology for selection of sample varies greatly from state to state.

**States Using Method:**

Arizona, California, District of Columbia, Illinois, Michigan, Montana, Oregon, Washington, and Wyoming.

### PRESUMED VALIDITY

**Advantages:**

Benefits proponents of a proposal.

**Disadvantages:**

Places undue burdens on opposition to challenge signatures. Opposition must bear costs of voter lists, verification time, and political costs of providing show-case for proponents' proposal through hearing process. Is conducive to abuse where financial, political and personal stakes are high to qualify the measure for the ballot.

**States Using Method:**

Colorado, Nevada, Oklahoma and South Dakota.

court to have the Secretary of State's ruling overturned. The plaintiffs claimed the Secretary of State had exceeded her authority by checking signatures on the petition against voter registration lists, and that, in the absence of a challenge, the signatures must be presumed valid.

The district court ruled in favor of the proponents, ordering the initiative on the November ballot.

Considering the far-reaching implications of the decision, Secretary of State Thyra Thomson, represented by Attorney General Steven F. Freudenthal, appealed the case to the Wyoming Supreme Court, which reversed the lower court's decision.

The Supreme Court rejected outright the plaintiffs' claims of presumed validity. The ruling established some important precedents:

The Secretary of State is required by law to validate signatures on a petition by checking them against voter registration lists.

The Court affirmed the validity of the random sampling technique as a first cut method of determining ballot certification.

## And, It's Presumed "Invalidity" in the Colorado Casino Drive

Colorado is one of four states recognizing the "Presumed Validity" concept. One of the most controversial initiatives of the year would have allowed legalized casino gambling in certain parts of Colorado. Proponents gathered barely enough signatures on petitions to qualify the measure (approximately 41,000 were submitted with a required minimum of 38,896). Secretary of State Mary Estill Buchanan declared the measure qualified for the ballot.

Strong vocal opposition had been mounted against the gambling proposal during the petition circulation period. As soon as the petitions were submitted, opponents began their own effort to check signatures against voter registration lists. When some questionable signatures were found, two protests were filed with the Secretary of State which triggered the involvement of that office in the validation process. In compliance with Colorado law, a formal hearing was scheduled.

The bill of particulars outlined in the protests would have been humorous if the issues had not been so serious. Abuses of the process during signature collection included:

- Non-registered voters circulating and signing petitions.
- Unattended petitions left in bars and other public places for signatures.
- Improper notarization of petitions

and affidavits.

- Forged and fraudulent signatures, often appearing in alphabetical order on a single page of the petition. (Later it was determined these were copied from voter registration lists apparently by one person.)

After several days of testimony the Secretary of State ruled that since all but a few thousand signatures had been proven fraudulent, she had no choice but to bar the initiative from the ballot. She labeled the discredited petitions a "gross insult to the citizens of Colorado."

In a further action, Buchanan withdrew the 15-day "cure" period extended to petitioners under Colorado law to replace invalidated signatures. She said that considering the gross fraud prevalent in the initial drive, she would have to presume that subsequent signatures would be equally suspect.

The Casino Gambling Initiative in Colorado dramatically illustrates the problems inherent with presumed validity. First, it is naive to assume that all signatures collected will be valid and

not to provide some mechanism for verification only invites abuse.

In examining other areas of "presumed validity" found in dealings with state government, it is hard to pinpoint any area where such leniency is tolerated. For example, vehicle operators are "presumed" to be legally licensed drivers—but your driver's license is the first thing requested if you are stopped on any traffic infraction. And, you may go to the polls on any election day and claim to be a registered voter, but until you have signed a sworn statement and your name and signature are checked against current rolls, you are not allowed to vote.

Second, it is very possible that citizens are uncertain of their voter registration status and sign a petition in good faith unaware they are not qualified to do so.

**No matter which certification procedure is used, conventional wisdom holds that proponents need to pad signature goals by at least 15 percent.**

## Concern in California

Los Angeles Herald Examiner, Monday, October 18, 1982

These days, a good process is too often abused

**W**e have thought for some time that the initiative process in California is itself badly in need of reform. The process has largely become a tool of the special interests. It substitutes emotion-laden, misleading TV commercials for legislative hearings and rational debate; and it results, time after time (although not always, in bad law, a laughably complex constitution and tax dodges or additional profits for those who least need them. It also, by the way, opens the door to trivia.

Examples of measures that simply should not be decided by the initiative process are Propositions 6 and 13 on the November ballot. The former would alter the investment formula for public pension funds, an issue that most voters are unqualified to decide. The latter is a massive and extremely complicated attempt to alter the state's water-use and water-conservation policy. Let the legislators decide such matters. That's what we elect and pay them to do.

Then there's triviality. Only last Friday, one Barton Gilbert of Burbank (who earlier tried, and failed, to get an initiative on the ballot for the legalization of marijuana), launched the latest initiative drive Gilbert wants to change the term used to describe those entitled to sign initia-

tive petitions from "electors" to "voters." Yes, yes — we *know* there's a difference. But, in all the years since the initiative process first went into effect, no change in the terminology was found necessary, and the secretary of state has consistently interpreted the term "elector" to mean registered voter. So why change now?

Yet Gilbert's proposal is only the latest — and not necessarily even the worst — cockamamie scheme to intrude on this state's long-suffering body politic. The initiative process isn't bad in itself. Indeed, it is a necessary corrective to abuses of power by elected officials. But the *ease* with which it can now be used to pass new laws or constitutional amendments abuses the very intention of the reformers who gave us the process in the first place 70 years ago.

Things plainly are out of hand. We therefore have a proposal for anyone who thinks it would be nice to come up with an initiative of his own: Draft one that would, for example, increase the number of registered voters needed to qualify a ballot measure, and you can count on us for support.

As for the Barton Gilberts of this world, we have the following message: Please, quit abusing the law, the constitution and the electors — er, voters. ■

# INITIATIVE UPDATE

Ballot Designation	Subject	Classification	Provisions
<b>ALASKA</b>			
Ballot Measure No. 5	Tundra Rebellion	1•7	Claims state ownership of federal lands (some exceptions)
No. 6	State Funding for Abortions	1•2•3•6	Prohibits use of state funds for abortions, unless life of mother endangered
No. 7	Fish/Game Subsistence	4•7	Disallows classification of persons who fish and/or hunt for personal consumption
<b>ARIZONA</b>			
Prop. 200	Bottle Deposit Bill	4•7	Requires 5¢ deposit on certain beverage containers; provides for refund procedures and redemption centers
Prop. 201	Nuclear Weapons Freeze	1	Bi-lateral (US-USSR) nuclear weapons freeze resolution
Prop. 202	Voter Registration	1•6	Allows permanent voter registration through drivers' licensing
Prop. 203	Anti-Sagebrush Rebellion	1•7	Repeals state claim to control certain public lands; repeals statement of public land policy
<b>CALIFORNIA</b>			
Prop. 5 [PASSED	State Inheritance Tax Yes: 61.3% No: 38.7%]	3	PRIMARY BALLOT - JUNE 8, 1982 Repeals state inheritance & gift taxes, effective June 8, 1982 [Superseded by passage of Prop. 6]
Prop. 6 [PASSED	State Inheritance Tax Yes: 63.9% No: 36.1%]	3	Repeals state inheritance & gift taxes, retroactive to Jan. 1, 1982 [Takes effect, having passed with higher percentage than Prop. 5]
Prop. 7 [PASSED	Tax Indexing Yes: 62.9% No: 37.1%]	3	Indexes state personal income taxes
Prop. 8 [PASSED	Victim "Bill of Rights" Yes: 56.2% No: 43.8%]	6	Enacts significant changes in criminal code [Court challenge filed claiming violation of state's single subject restriction for initiatives; California Supreme Court upheld validity of ballot placement 9/82. Subsequent challenges on constitutionality of its many provisions expected.]
Prop. 11	Bottle Deposit Bill	4•7	GENERAL ELECTION Requires 5¢ deposit on certain beverage containers; provides for refund procedures & redemption centers
Prop. 12	Nuclear Weapons Freeze	1	Bi-lateral (US-USSR) nuclear weapons freeze resolution
Prop. 13	Water Resources	4•7	Establishes groundwater management/conservation programs in some agricultural districts; restricts filling New Melones reservoir and requires full cost from sale of water from that reservoir
Prop. 14	Reapportionment	1	Repeals legislature's power over reapportionment. Establishes Districting Commission (for state & congressional districts) and defines its powers and duties
Prop. 15	Gun Control	4•6	Requires registration of concealable weapons by 11/83; specifies procedure for sale/transfer; restricts legislative power to enact certain laws regarding gun ownership
<b>COLORADO</b>			
Measure # 5	Bottle Deposit Bill	4•7	Requires 5¢ deposit on certain beverage containers; provides for refund/redemption procedures
6	Rocky Flats Fund	1•3	Allows income tax refund checkoff for conversion fund to educate public on danger of Rocky Flats and radioactive materials
7	Wine Sales in Supermarkets	2•4	Allows wine with alcohol content of 14% or less to be sold in supermarkets

**Classification Codes:**

1. Government/Political Reform 2. Public Morality 3. Revenue, Taxes & Bonds 4. Regulation of Business/Labor  
5. Health, Welfare, Housing 6. Civil Liberties/Civil Rights 7. Environmental/Land Use 8. Education

# INITIATIVE UPDATE

Ballot Designation	Subject	Classification	Provisions
<b>DISTRICT OF COLUMBIA</b>			
	Mandatory Minimum Sentences	6	PRIMARY BALLOT, SEPT. 14, 1982 Sets minimum sentences for certain violent & drug crimes
[PASSED	Yes: 72.7% No: 27.3%]		
	Nuclear Weapons Freeze	1	GENERAL ELECTION, 1982 Bi-lateral (US-USSR) nuclear weapons freeze resolution
<b>IDAHO</b>			
IP - 1	Homestead Exemption-Property Tax	3	Exempts first 50% of market value for improvements from ad valorem taxes
IP - 2	Dentistry	4	Provides for licensing of denturists & sets prohibitions on their activities
IP - 3	Future Generation of Electricity Through Nuclear Power	1•4	Requires advisory referendum on any law prohibiting nuclear power
<b>MAINE</b>			
Question #1	Tax Indexing	3	Adjusts individual income tax laws to eliminate bracket creep
#2	Milk Price Controls	4	Repeals price controls on milk at wholesale and retail levels
#3	Nuclear Shutdown	4	Bans nuclear power generation in state by 11/87
<b>MASSACHUSETTS</b>			
	Nuclear Referendum	4	Requires statewide referendum for approval of new nuclear power plants—other provisions
<b>MICHIGAN</b>			
Prop. B	State Police Staffing	1	Freezes staff levels at 1980 figures
Prop. C	Mortgage Loans	4•5	Bans due-on-sale mortgage loans
Prop. D (See Note 1)	Automatic Utility Rate Increases	1•4	Bans rate hikes except when approved at full-scale hearings; limits frequency of such hearings
Prop. E	Nuclear Weapons Freeze	1	Bi-lateral (US-USSR) nuclear weapons freeze resolution
Prop. G	Elected Public Utilities Commission	1•4	Provides for election of 3-member board, rather than appointment by governor
<b>MISSOURI</b>			
Prop. D	Citizens Utility Board	1•4	Establishes non-profit corporation to represent consumers in hearings/appeals before PUC
Prop. C	Sales Tax Increase	3•8	Increases sales tax by 1¢, with additional revenue to be used for education
<b>MONTANA</b>			
I-91	Anti-MX Missile	1	Advisory against placement of MX missile in state; includes nuclear weapons freeze resolution
I-92	Expanded Gambling-State Gaming Board	1•2•3	Clarifies types of legal games; sets up board to regulate games
I-93	End Liquor Quota System	1•2•4	Eliminates licensing quotas for sale of certain liquors
I-95	Economic Development Fund	3	Dedicates a portion of coal tax proceeds to be used for economic development in state
<b>NEBRASKA</b>			
	Ban Corporate-Owned Farms	4	Prohibits any corporation/syndicate (other than family farm corporations) from purchasing farm/ranch land in state

## Classification Codes:

1. Government/Political Reform 2. Public Morality 3. Revenue, Taxes & Bonds 4. Regulation of Business/Labor  
5. Health, Welfare, Housing 6. Civil Liberties/Civil Rights 7. Environmental/Land Use 8. Education

# INITIATIVE UPDATE

Ballot Designation	Subject	Classification	Provisions
<b>NEVADA</b>			
Question 8	Personal Property Tax	3	Exempts personal property from ad valorem taxes
Question 9	Food Tax Repeal	3	Removes sales tax from food
Question 12 (See Note 2)	Advocate for Utility Consumers	1•4	Establishes advocate's position in Attorney General's office
<b>NORTH DAKOTA</b>			
	Nuclear Weapons Freeze	1	Multi-lateral (all nations) nuclear weapons freeze resolution
	Limit Charitable Gambling	2	Restricts certain games currently allowed
<b>OHIO</b>			
	Elected Public Utilities Commission	1•4	Requires election of public utilities commissioners, with 6-year terms and publicly financed campaigns
<b>OKLAHOMA</b>			
SCHEDULED FOR BALLOT: RUN-OFF ELECTION, SEPT. 21, 1982			
[PASSED	Pari-Mutuel Betting Yes: 58% No: 42%]	2	Legalizes wagering on horse races
GENERAL ELECTION, 1982			
	Redistricting	1	Replaces current legislative redistricting outline with substitute plan
<b>OREGON</b>			
Measure 3	Property Tax Limitation	3	Caps property taxes at 85% of 1979 levels--other provisions
Measure 4	Self-Serve Gas Stations	4	Allows persons other than service station employees to pump gasoline and other fuels
Measure 5	Nuclear Weapons Freeze	1	Bi-lateral (US-USSR) nuclear weapons freeze resolution
Measure 6	Abolish LCDC-State Land Use Planning Powers	1•7	Ends state's land use authority and continues city/county land use planning
<b>SOUTH DAKOTA</b>			
"A"	Abolish Multi-member State Senate Districts	1	Reduces representation of large urban areas to 1 senator, 2 representatives
<b>WASHINGTON</b>			
I-412	Retail Credit Interest Rate	4	Sets most maximum loan & retail rates at 12% API or 1% over Fed discount rate, whichever is greater
I-414	Bottle Deposit Bill	4•7	Requires 5¢ deposit on beverage containers; includes refund/redemption procedures
I-435	Corporate Franchise Tax	1•3•4	Repeals food sales tax; replaces with corporate franchise tax

## NOTES:

1. A Legislative Substitute (Prop. H) will also appear on Michigan ballot which would allow fuel adjustment costs to be granted through mini-hearings and reaffirmed at regular hearings on price increases.
2. A Legislative Substitute (Question 11) will also appear on the Nevada ballot which proposes an Office of Consumer Advocacy within the Attorney General's office. Question 11 provides for state funding; under initiated version, position is funded by utilities companies.



# LEGISLATIVE UPDATE

1983 Session:				
State	Opens:	Time** Limits	Last Day Bills Can Be Filed	Initiative & Referendum Legislation
*ALABAMA	4/19	30 LD in 105 CD	24th LD	No I&R bills in 81 session
ALASKA	1/17	None	No restrictions	Bills to allow statute by initiative have been introduced in the past
ARIZONA	1/10	Late April	29th LD	Passed bill in 1981 to require finance reports for initiative campaigns
ARKANSAS	1/10	60 CD	55th CD	No recent I&R bills
CALIFORNIA	12/6/82	None	None	3 bills in past 2 years for minor changes (1 passed)
COLORADO	1/5	None	60th LD	Major changes to I&R laws adopted in 80-81. Some problems with 1982 drives may cause more activity
*CONNECTICUT	1/5	6/8	Determined during Session	I&R bills introduced each session; have not gone beyond committee in the past
*DELAWARE	1/11	By 6/30	Determined during Session	I&R bills considered in 81-82; died with adjournment
FLORIDA	4/5	60 CD	(H) noon 1st day except for standing committees; (S) 11th day	No I&R bills in 81-82
*GEORGIA	1/10	40 LD	(H) 30th LD (S) 33rd LD	I&R defeated in Senate by 1 vote in 1981. Could see more activity in 1983
*HAWAII	1/19	60 LD	19th LD by constitution; actual deadlines set during session	7 I&R bills during 81-82; interest seemed to increase, but none reported out of committee
IDAHO	1/10	None	(H) 20th LD (S) 12th LD	Tried to change needed majority to pass I&R in 1981; failed
ILLINOIS	1/12	None	(H) 4/6 firm (S) 4/11	Very limited I&R in state; efforts to expand have failed
*INDIANA	1/10	61 LD or 4/30	(H) 16th LD (S) 12th LD	Two I&R bills in 81; died w/adjournment
*IOWA	1/10	None, except limit on per diem pay; expect to end by mid-May	(H) 7th Friday (S) 7th Friday	Three bills introduced to establish I&R 81-82; no action taken
*KANSAS	1/10	None; expect to end by mid-May	31st CD for individuals; 45th CD for most committees	Four I&R bills in 81-82; support growing
*KENTUCKY	NO 1983 SESSION			
*LOUISIANA	4/18	60 LD in 85 CD	15th CD	No I&R legislation in recent years
MAINE	12/1/82	100 LD	To Leg. Drafting by 2nd Friday; in final form by 7th Friday	Five bills for various reforms in 1982, one passed, to limit petition circulation time to one year
*MARYLAND	1/12	90 CD	None during last 35 days	One bill to establish I&R in 81; defeated in committee
MASSACHUSETTS	1/5	None	1st Wednesday in December (exceptions)	No I&R legislation in 81-82
MICHIGAN	1/5	None	No restrictions	No recent changes have been made to I&R laws
*MINNESOTA	1/4	120 LD or 1st Monday after 3rd Saturday in May	No restrictions	Constitutional amendment to establish I&R defeated in 1980
*MISSISSIPPI	1/4	90 CD	16th LD	No recent I&R bills
MISSOURI	1/5	June 30	60th LD	No recent changes have been made to I&R laws

\*\*LD=Legislative Days; CD=Calendar Days

\* States not currently having initiative process

# LEGISLATIVE UPDATE

State	1983 Session:		Last Day Bills Can Be Filed	Initiative & Referendum Legislation
	Opens:	Time** Limits		
MONTANA	1/3	90 LD	Individual: to drafting by 10th LD to floor by 18th; committee: 38th LD to drafting, 40th LD to floor	Three minor bills passed in 81-82; seven others died at end of session
NEBRASKA	1/5	90 LD	10th LD	Several bills to change I&R law introduced in 81-82; none passed
NEVADA	1/17	60 CD	Bill drafting by 30th LD	Two bills introduced in 81 to change present I&R laws; no action taken
*NEW HAMPSHIRE	1/5	Limited only by lid on pay and per diem	(H) Drafting by 1/31 & approved for intro by 4/15; (S) 4/12	Bill to establish I&R passed Senate in 81; defeated in House
*NEW JERSEY	1/11	None; all year session	No restrictions	Proposals to establish I&R have been fiercely debated past few years
*NEW MEXICO	1/18	60 CD	30th LD	Bill to establish was tabled in 81
*NEW YORK	1/5	None	(A) end of March (S) determined after session starts	Sixteen bills introduced in 81 to establish I&R
*NORTH CAROLINA	1/12	None	By April 1	Some I&R activity in last session
NORTH DAKOTA	1/4	80 LD	Bills by 15th LD; Amendments by 33rd LD	Two minor changes to I&R laws in 81; four bills died with adjournment
OHIO	1/3	None	(H) 3/15 (S) 4/30	Efforts to tighten I&R failed in 81-82
OKLAHOMA	1/4	90 LD	None	No changes proposed
OREGON	1/10	None	(H) 20th CD (S) 36th CD	Efforts to tighten process failed in 81-82
*PENNSYLVANIA	1/4	None	No restrictions	Six bills introduced in 81-82 to establish I&R; all died
*RHODE ISLAND	1/4	Limited only by lid on pay & per diem	(H) 38th LD (S) 40th LD	Established a committee to study I&R process in 81
*SOUTH CAROLINA	1/11	First Thursday in June	(H) 4/15 (S) if received from (H), by 5/1	One bill to establish process presented in 81-82; no action
SOUTH DAKOTA	1/4	40 LD	14th LD	Efforts to raise signature requirement failed in 81
*TENNESSEE	1/4	90 LD	(H) 20th LD (S) 10th LD (JR) 30th day	No recent I&R activity
*TEXAS	1/11	140 CD	60th CD	Six bills to establish in 81; narrowly defeated; expect 83 activity
UTAH	1/10	60 CD	30th CD	Minor changes considered in 81-82; none adopted
*VERMONT	1/5	None	(H) 5th week (12th if through Legisl. Drafting) (S) 53rd CD	One bill to establish process defeated in 81
*VIRGINIA	1/12	30 CD	Set during session	Bills to establish process introduced past sessions with no action; increased interest expected in 83
WASHINGTON	1/10	105 CD	(H) 50th day	Omnibus bill passed in 82 with several changes to laws
*WEST VIRGINIA	1/12	60 CD	(H) 50th CD (S) 41st CD	Bills have been introduced in past to establish process; expect activity in 83
*WISCONSIN	1/11	None	No restrictions	Bills to establish process unsuccessful in past sessions; expect activity in 83
WYOMING	1/11	40 LD	18 LD	Expect bills calling for major changes to be introduced in 83 (82 session limited to budget)

\*\*LD=Legislative Days; CD=Calendar Days

\* States not currently having initiative process

# Successful Initiative Petition Drives

The INITIATIVE UPDATE, listing all citizen-initiated measures which qualified for the ballot in 1982, actually represents only a fraction of initiative activity across the country this year.

A look at petition drives that didn't make the ballot gives the more representative picture. The broad variety of issues that sought ballot qualification this year is catalogued into the eight major subject classifications used in the Initiative Update. Listed below are measures that were titled but did not qualify for the ballot in 1982.

## GOVERNMENTAL/POLITICAL REFORM

State	Description-Title
AZ	Provide for election of judges (2)
AR	Alter qualifications for constitutional offices (2)
CA	Provide for recall of legislators Prohibit transfer of campaign funds Regulate planning (eminent domain)
CO	Regulate annexation by municipalities
FL	Safeguard emergency services in state Designate English as state's official language
ID	Establish legal tender (gold-silver)
IL	Expand initiative process (Lincoln Amendment)
MA	Expand initiative process (Political Honesty Amendment-Quinn)
MI	Limit length of legislative sessions Abolish county governments Propose reforms for legislature (4) (consolidated into one proposal by legislature prior to defeating measure)
MT	Abolish motor vehicle department
MO	Revise various sections of budget
ND	Provide for recall of legislators
NV	Establish Regional Water Board
OR	Provide for part-time legislature Simplify ballot composition Place term limit on legislators End legislative repeal of initiatives Require open primary elections

State	Description-Title
UT	Set 2-term limit for electees Set up Metro Service Districts "No Fault" fines by government
WA	Require open legislative meetings Provide for community correctional facilities Establish victim compensation fund Require lobby-campaign finance disclosure Limit public official perks Limit salaries for elected officials End state's alcohol sales

## PUBLIC MORALITY

State	Description-Title
AZ	Prevent cruelty to animals (ban cock-fighting)
CA	Decriminalize possession and cultivation of marijuana for personal use
CO	Allow state lotteries Legalize casino gambling Repeal 1982 Lottery Act Require sterilization of animals sold through state/private agencies
FL	Legalize casino gambling
MA	Allow state lotteries
MI	Legalize casino gambling Allow local control of nude dancing Allow local control of pornographic material
MO	Expand number of crimes for which death penalty can be given
OK	Legalize pari-mutual betting Allow liquor sales by the drink

State	Description-Title
OR	Allow lotteries and charitable raffles
SD	Decriminalize possession and cultivation of marijuana for personal use
WA	Expand types of legal gambling Decriminalize possession and cultivation of marijuana for personal use

## REVENUE, TAXES AND BONDS

State	Description-Title
AZ	Limit property taxes (Son of 106)
CA	Regulate public debt, revenues and taxes
AR	Institute a motor vehicle fuel tax
CA	Increase mil levy for libraries Limit taxes (CAST)
CO	Ban use of state funds for abortion Limit real property tax Place tax on alcoholic beverages for rehabilitation programs
FL	Establish property tax rates Increase mineral severance tax rate
FL	Set tax cap (limitation)
MA	Limit property tax (Jarvis-Prop. 13)
ME	Limit property sales tax (Fair Share)
MI	Limit taxation (Citizen's Choice) Set state spending limitations Prohibit tax increases
MT	Rollback property taxes Repeal single business tax Lower state taxes
MO	Remove education from property tax funding base Increase Sales Tax for education
MT	Set uniform property tax
MO	Exempt interest from state taxes Return tax appraisal duties to county
OH	Repeal Merchants/Manufacturers Tax Revise property tax assessment base Repeal 1/8-cent conservation tax
OR	Authorize municipal income tax Limit property tax to 1% TCV Limit property tax to raw value of land
WA	Reform private property laws Remove tax credits for political campaign contributions Remove pollution tax credits Provide 30% homestead exemption on property tax
SD	Cut property taxes
UT	Limit taxes
WA	Cut residential property taxes Repeal food sales tax (3) Reduce property taxes Provide tax relief for senior citizens Repeal sales tax increases Establish transaction tax to replace other taxes Exempt automobiles from sales tax (2) Place tax on all forms of legal games (2)

State	Description-Title
MT	End milk controls within state
MO	Establish penalties for large scale layoffs & plant closures
OH	Curtail energy activity within state (anti-nuclear)
OR	Control toxic substances in workplace Control of hazardous materials Regulate forestry activities
WA	Provide for licensing and duties of denturists Establish a renewable energy commission Replace appointed Public Utilities Commission with elected one
WA	Regulate industrial insurance Retail Credit Lid (I-411)
WY	Provide for licensing and duties of denturists Limit utility rate increases Provide for energy allocations in emergencies Require warranties on all electronics equipment sold in state Repeal I-394 (nuclear waste disposal ban) passed in 1980
WY	Require water replacement for all slurry pipeline operations Protect levels of in-stream flows

## HEALTH, WELFARE AND HOUSING

State	Description-Title
AZ	Appropriate funds for Medicaid
CA	Place limit on Medi-Cal claims Control rate of population growth Subsidize housing through taxation
MA	Allow for joint custody in divorce
MI	Limit welfare/ADC payments
OR	Require that insurance cover all licensed care
WA	Cut welfare benefits Require welfare recipients to work

## CIVIL LIBERTIES/CIVIL RIGHTS

State	Description-Title
CA	Provide communications network for citizen use Increase punishment for "habitual criminals"
MI	Revise and reform criminal codes (Bookston)
MI	Establish tougher sentences for crimes against senior citizen
MT	Expand number of crimes for which death penalty can be assessed
MT	Abolish the Exclusionary Rule in criminal trials
MO	Promote neighborhood schools (anti-busing initiative)
OR	Expand the number of crimes for which the death penalty can be assessed Allow the death penalty for aggravated murder Reform parole system

## ENVIRONMENTAL PROTECTION AND LAND USE

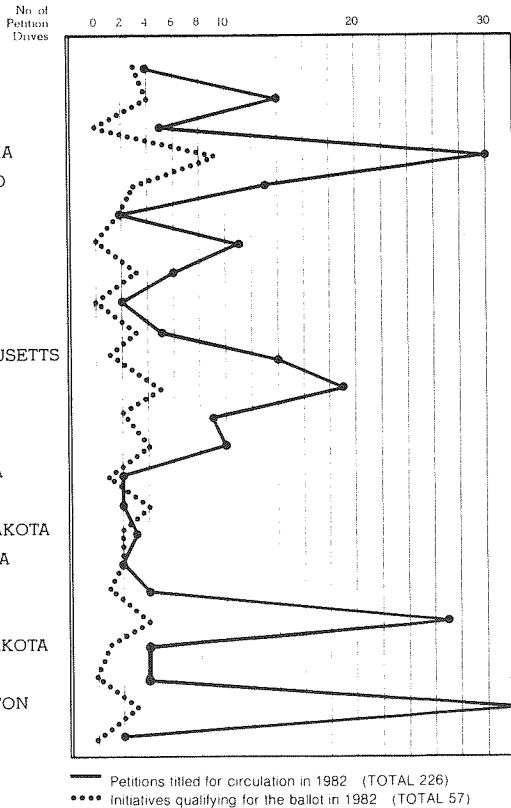
State	Description-Title
ME	Protect moose
NE	Establish fund for protection of wildlife through tax checkoff
OR	Regulate fish and game resources End state's role in land management End state's role in land planning
WA	Provide for emission controls
WY	Protect levels of in-stream flows

## EDUCATION

State	Description-Title
AZ	Provide for election of state regents
CA	Allow prayer in schools
CA	Provide for education funding
MI	Require Bible classes (K-12)
WA	Limit college tuition

NOTE: Descriptions provided above may not reflect the total scope of the proposal but are given only to indicate the general thrust of the initiative.

Which are the most "active" Initiative states? The answers for 1982 can be found in the chart comparing the number of petition drives launched in each state with the number actually being voted on this year.



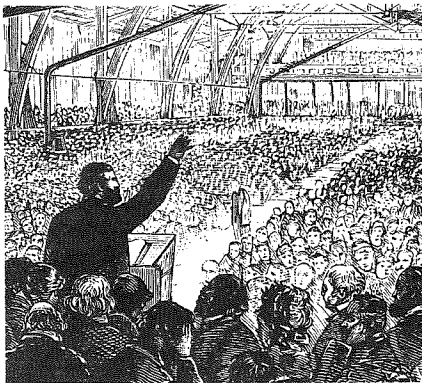
\* MISSOURI does not have pre-filing requirements, so this number reflects what were reported to be active petition drives during 1982.

\*\* NEVADA requires that all constitutional amendments successfully pass in two general elections. Of the four initiatives on the 1982 ballot, only one is the result of a 1982 petition drive. Two are appearing for the second time. Another is the result of an earlier indirect initiative statute.

# Direct Democracy Research Group Reports to Political Science Convention

Representatives of the National Center for Initiative Review participated in the panel discussion on direct democracy as part of the American Political Science Association's annual meeting held in Denver September 2-5, 1982.

The panel included several academicians who are currently involved in research on some aspect of direct democracy. Following is a summary of papers presented.



## **"The Initiative in the 1980s: Popular Support, Issue Agendas, and Legislative Reform of the Process."**

David B. Magleby, Brigham Young University, Walt Klein and Sue Thomas, National Center for Initiative Review.

During the past decade there has been a resurgence of initiative and referendum activity. This upsurge has been especially great in the number of measures which are titled by election officials and which begin the petition circulation process. However, a declining percentage of the propositions that are titled actually qualify for the ballot. Those measures that do qualify for the ballot have generated significant interest in the process of direct legislation as well as in their particular special interest.

The direct legislation process has typically been seen as very popular with the public, but this paper demonstrates that this conventional wisdom needs some modification. While most recent surveys show a high percentage of voters think the initiative was a good thing, a recent New Jersey study by the Eagleton Institute

shows a high percentage of voters have serious concerns about the process.

The paper categorizes by subject matter all of the issues on the 1982 election ballots and attempts to explain why so many measures that were titled failed to qualify for the ballot. Legislation affecting the initiative process is surveyed and possible reforms of the process are discussed.

## **"The Role of Elites in Shaping Public Opinion."**

John Zaller, Dept. of Political Science and Survey Research Center, University of California, Berkeley.

Proposes a model for empirical evidence to support the importance of roles of elites in shaping public opinion. Zaller tests the model on three issues:

1. School desegregation in the 1950s;
2. The Vietnam War in the 1960s; and
3. Gay rights at the time of the 1978 initiative campaign in late 1970s.

The model is based on the general claim that the effect of elite communications on mass attitude formation and change can be explained by two primary factors — the likelihood that individuals will be exposed to elite communications, and the disposition of individuals to accept the contents of those communications. Investigates the questions: If elites undertake a campaign (whether consciously or not) to persuade the public to accept a new idea, who among the public should be first to accept the idea?

## **"California Initiatives and the Single-Subject Rule."**

Daniel H. Lowenstein, U.C.L.A. Law School, Los Angeles.

Lowenstein's work is especially relevant considering recent unsuccessful legal challenges to the "Victim Bill of Rights" initiative adopted by California voters in 1982. His paper reviews California court decisions regarding "rea-

sonably germane" and "functionally related" rulings within the single-subject restriction on initiative proposals in his home state.

## **"Popular Vote on Populist Amendments."**

Charles H. Backstrom, University of Minnesota, Minneapolis, Minnesota.

Backstrom analyzes voter drop-off in the 1980 Minnesota election which included the constitutional amendment to provide for initiative and referendum in that state. He uses the aggregate vote on the amendment with full precinct vote and a 100-precinct model of the state as well as pre-election public opinion polls. Especially interesting are his findings on the voter drop-off, based on types of voting machines employed. Finds that drop-off was substantially greater where lever machines were employed versus where punch-card systems or paper ballots were used.

## **"The Illinois Cutback Initiative and its Aftermath."**

David H. Everson and Joan A. Parker, Illinois Legislative Studies Center, Sangamon State University, Illinois.

Everson and Parker reviewed the history of the initiative in Illinois, the restrictions placed on the process by the state constitution, and the campaign to cut back the number of members of the state legislature by elimination of multi-member legislative district. Everson describes the concept of cumulative voting, competition for legislative seats under multi-member and single member legislative districts, and assesses the impact of the "cutback" on legislative activity. He concludes with a discussion of the 1982 Illinois Initiative which would have expanded use of the initiative and its unsuccessful effort for ballot placement.

Copies of all the papers summarized above can be obtained by writing the authors.

# Press Reports on Initiative Growth

The initiatives currently qualified for the 1982 ballots span issues that affect the economy, the environment, and the daily lives of millions of Americans. As a result, coverage of the initiative process in general has begun to reflect the enormous importance attached to the process and its effect on legislative activity.

In recent months, the National Center for Initiative Review has provided information to a variety of news organizations that have written about initiatives.

**Business and Public Affairs Fortnightly** sees the 1982 increase in initiatives as a movement to be watched closely:

"...Don't underestimate the importance of findings by **Business Week** (4/12), the **Initiative News Service**, and the Colorado-based **National Center for Initiative Review**, that the 1981-82 election cycle is witnessing the greatest intensity of citizen initiatives since the 1920's. This is an important trend now moving into high gear.... Experts assume many

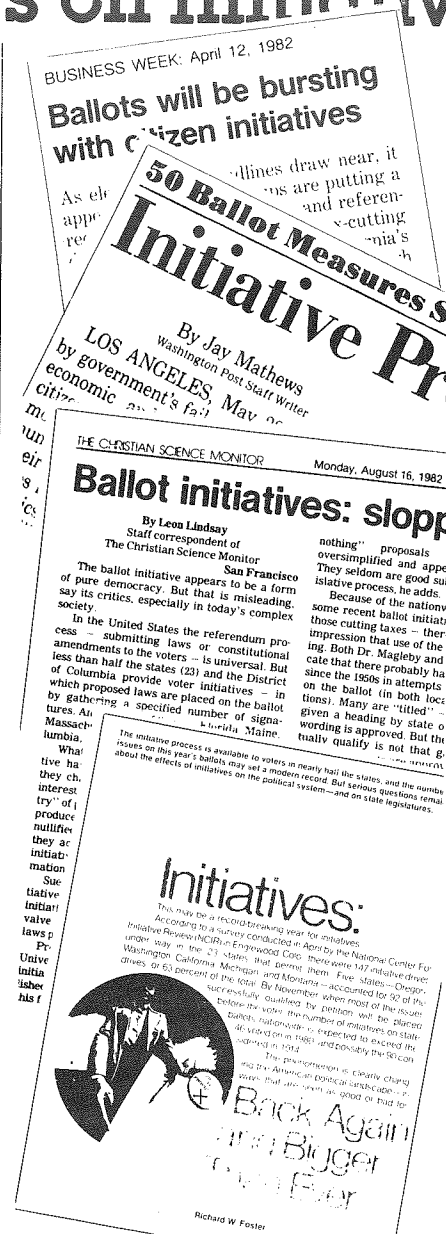
## NCIR's Seminar

The National Center for Initiative Review will sponsor its annual Seminar on the Initiative Friday, Jan. 21, 1983, at the L'Enfant Plaza Hotel in Washington, D.C. Seminar moderator will be Board Chairman Stu Spencer.

Featured on the Seminar program will be Mervin Field, president of the Field Institute of California, with the results and an analysis of the first major poll sponsored by NCIR and Brigham Young University to assess California voter attitudes about the initiative process.

Also participating will be NCIR board members, who will moderate panels of academic and political experts discussing the 1982 initiative experience and prospects for reform.

Additional details about the Seminar program and official registration forms will be mailed with the I.Q. update in November.



azine of the National Conference of State Legislatures, featured an article in their July-August 1982 issue, entitled "Initiatives: Back Again and Bigger Than Ever," which stated:

"A look at this year's initiative drives shows the diversity of voter frustrations, ideologies, concerns and pet peeves... In many instances, initiative proponents—including some legislators—are responding to what they see as legislative inertia..."

This plethora of proposals continues to raise serious questions about the effects of the process.

The **Christian Science Monitor**, in their August 16 article entitled, "Ballot initiatives: sloppy laws from special interests?" summarized the initiative situation today:

"Through the initiative process, boosters of measures often too controversial or politically unpopular to make it through the legislature can bring their case directly to the voter..." The result, the article continues, is that "...decisions of often far-reaching consequences are made in the polling booth instead of through debate and compromise in legislative chambers..."

And, according to the May 29 **Washington Post**, "Despite the initiative's renewed popularity, many politicians and political science professors say they are troubled by what they consider ill-drawn initiative proposals that appeal to public passions against taxes and crime, but only produce long court battles over their constitutionality..."

**State Legislatures** admits that even though there are many problems with the process, little is being done to change and reform it. In the article NCIR's Sue Thomas points out, "Legislatures aren't at the point where they think they can get involved in initiative reform without adversely affecting themselves."

So, in the decade of the 1980s, the initiative process continues to increase as citizen frustration with government at many levels increases. As the **Washington Post** predicts, the process will "perhaps radically alter the style of American politics..."

more will qualify than the 46 making the ballot in 1980...."

The August 16, 1982, **Christian Science Monitor**, substantiates that assessment and quotes NCIR Research Director Sue Thomas as pointing out this year's total is ahead of last year's.

What are the reasons for this impressive increase in the number of initiatives?

According to a May 29, 1982, article in the **Washington Post**:

"Distressed by government's failure to solve a host of economic and social problems, private citizens in the United States have mounted what appears to be a record number of campaigns this year to get their proposals on the state ballots..."

**State Legislatures**, the mag-

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## NCIR Seminar: The Path to Reform

"The Initiative in Contemporary America: The Path to Reform" was the subject of the National Center for Initiative Review (NCIR) sponsored second annual seminar held at the L'Enfant Plaza Hotel in Washington, D. C., January 20 and 21 of this year.

Attending the seminar this year were representatives of business, industry, trade associations. Panel speakers represented academia, political practitioners, as well as political observers, joining NCIR's Board of Directors on the program.

Walt Klein, President of NCIR, opened the seminar. "We believe that this morning we probably have the best collection of expertise on the initiative process ever assembled in one room, certainly within the last several years," Klein stated.

Attendees participated in roundtable discussions of possible

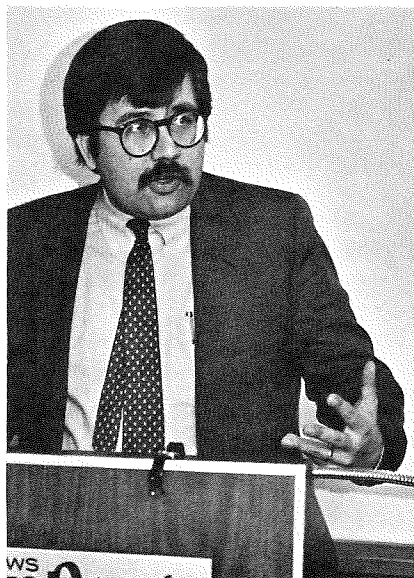
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**The best collection of expertise on the initiative process ever assembled in one room . . .**

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reforms and improvements in the initiative process with some of the nation's foremost authorities on direct democracy.

Dr. David Everson, Director, Illinois Legislative Studies Center, Sangamon State University launched the seminar with a dis-



*"James Madison . . . argued in Federalist Paper #10 that direct democracy . . . was dangerous . . . (because) voters would cast their votes on temporary and partial considerations."—David Magleby*

cussion on the impact of initiatives on voter turnout. Dr. David Magleby, political science professor at Brigham Young University, followed, outlining the myths and misconceptions of how the initiative works.

Polling data on voters' attitudes about the initiative process and issues were presented by Mervin Field, president of the Field Institute in California.

At lunch, seminar participants heard from Lou Cannon, White House Correspondent for the Washington Post. A former California statehouse reporter, Cannon

Continued on page 12

## The Field Institute Report

**D**uring the 1982 General Election, California voters gave us some surprising and significant information on their views of the initiative process. NCIR sponsored a survey by the Field Institute to track California voters' views on the process itself. Extensive pre-election study was done to identify voter awareness, opinions and attitudes toward the initiative process and toward six specific statewide initiative questions. In addition, over 6,000 exit interviews were conducted on election day.

Not surprisingly, voters felt citizens ought to be able to vote directly on important issues and policies instead of having their representatives voting for them. Moreover, they believe the voting public can be trusted to do what is right on important government policies and large-scale government programs.

However, poll results showed that people recognize that many issues are very complicated and that the voting public in general

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Legislative Update . . . . . Pages 7-9  
Focus: . . . . . Pages 3 & 4  
Voter Turnout . . . . . Pages 2 & 3



## Initiatives and Voter Turnout in 1982

Given the opportunity to cast a vote on important measures, do citizens participate more often in the election process? Proponents of expanding the initiative process frequently argue it would increase voter turnout.

However, David Everson, a political scientist at Sangamon State University in Illinois, reported at the 1983

National Seminar on the Initiative that his research shows initiatives do not increase voter turnout. After comparing election cycles over a 20-year period, and focusing on voter turnout in Northern initiative versus non-initiative states, Everson concluded that the turnout differences are so small they are insignificant.

Except for Everson's work, little empirical research is available on the subject of initiatives and voter participation. Much more research is needed before any definitive conclusions can be drawn on cause and effect, but there are patterns that emerge from available data.

There are instances where a highly volatile initiative was the object of an intensive media campaign and ultimately received a large percentage of the votes cast on election day. However, few if any ballot measures can actually be shown to have caused an increase in voter turnout.

The best yardstick for making that assessment is voter "drop-off"—the comparison between total votes cast in the election and the number of voters actually casting a vote on the ballot measure. Some states measure this by reporting the number (percent) of "blank" votes. If a ballot question was responsible for draw-

ing large numbers of voters to the polls, than that measure should suffer little, if any drop-off.

### I.Q. Looks at Drop-off

In this edition, "I.Q." takes a closer look at the official results of the November 1982 elections in 18 states and the District of Columbia to see if it's possible to identify the presence of initiatives on the ballot with an increase in voter turnout.

Election results shown on the "Initiative Update" charts rank ballot measures according to the total number of votes cast on the issue, from the lowest voter drop-off to the highest.

Turnout figures, as reported by the various states, only show the percentage of registered voters who cast ballots in a particular election. They do not relate to the total number of qualified voters—that is, residents of a state who are eligible to register to vote, whether they have done so or not. Neither are these figures any measure of how well informed a voter is when he steps into the booth.

Voter turnout, however, is useful in calculating the level of voter par-

Continued on page 3

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# QUARTERLY SPOTLIGHT

ticipation throughout the ballot.

In the 1982 elections, average turnout in the 18 initiative states (plus the District of Columbia) was about 60%. This ranged from a low of 37% in D.C. to a high of 75% in Nevada. (See voter turnout chart.)

The drop-off figures show some interesting voting behavior patterns on initiatives in 1982.

First, there was a drop-off in the number of votes cast on every ballot measure, on the average about 10%. The lowest drop-off was on the proposal to move the capital of Alaska from Juneau to Anchorage, which was voted on by 99.6% of those casting a ballot in 1982. (Two measures in Colorado reporting low drop-off rates have actually been calculated on the number of votes cast for governor since the total number of ballots cast is not yet available. The drop-off rates should be higher when calculated on that basis.) At the other extreme, almost

24% of Nebraskans failed to vote on a water bond proposition.

Second, even when the drop-off level was relatively low (0.4 to 5%), voters tended to vote "No" on these issues. This might be explained by the fact that most issues with little drop-off were also the object of intensive media blitzes in the waning days of the campaign. Voters reacted to those campaigns — more often than not by casting a negative vote. This trend can be seen in the table comparing the pass/fail margins of ballot measures which received the highest number of votes cast in their respective states.

Finally, it appears the opportunity to vote on policy questions was not incentive enough to draw dramatically larger numbers of voters to the polls in 1982, since the drop-off figures for ballot measures show that a significant percentage of voters who did go to the polls failed to cast their votes on the issue questions.

## Reform Efforts in Maine



Two bills have been introduced in Maine's current legislative session which attempt to alter existing initiative laws: LD-65 (Webster-R) is a constitutional amendment which would require that if an initiative has been defeated at the polls during the past five years, the signature requirement would double from the current 10% to 20%. Hearings have been held in the State Government Committee, but no action has been taken to date.

The other bill, LD-7, would place restrictions on contributions that could be made to an initiative campaign. These restrictions would be identical to current limitations on contributions to candidate races. No action has been reported on this bill.

## Initiatives Receiving Most Votes on State Ballots November 1982

Subject	State	Outcome	Margin	Heavy Media	Drop-off
Nuclear Weapons Freeze	DC	Passed	44.6	Yes	5.9
Bottle Bill	WA	Failed	41.4	Yes	2.8
Bottle Bill	AZ	Failed	36.2	Yes	5.6
Elected PUC	OH	Failed	34.8	Yes	9.1
Dentistry	ID	Passed	30.4	Yes	8.7
Wine Sales in Supermarkets	CO	Failed	30.2	Yes	0.2*
Limit Charitable Gambling	ND	Failed	26.0		4.2
Gun Control	CA	Failed	25.6	Yes	5.3
Expanded Gambling	MN	Failed	24.8	Yes	6.5
Permit Self-Serve Gas	OR	Failed	15.2	Yes	2.4
Ban Corporate-Owned Farms	NE	Passed	13.0	Yes	8.0
Nuclear Plant Shutdown	ME	Failed	12.0	Yes	0.6
Sales Tax Increase	MO	Passed	6.4	Yes	9.3
Redistricting	OK	Failed	2.2		13.8
Rate Hikes — Utilities**	MI	Passed	1.4	Yes	7.4

\*Based on incomplete election results.

\*\*Superseded by legislative alternate which received a higher affirmative majority.

This negative voting trend on initiative proposals held with initiatives placing second and third in the total number of votes cast on issues. Eleven initiatives placed second with eight being rejected; five initiatives placed third with three being rejected.

# INITIATIVE UPDATE

1982 election results for ballot measures in initiative states—by position, source, and total votes.

Ballot Position	Source	Subject	Votes For	Votes Against	% For	% Against	Total On Issue	% Not Voting (Dropoff)	% Reg. Voters on Issue	(%RV Deciding)	
Registered Voters = 266,407; Votes Cast in Election = 199,180; Voter Turnout = 74.8%; Average Drop-off Rate = 7.08%											
ALASKA	8	LR	Move State Capitol	91,249	107,083	46.0	54.0	198,332	0.4	74.4	(40.2)
	7	Init	Fish/Game Subsistence	79,679	111,770	41.6	58.4	191,449	3.9	71.9	(41.9)
	6	Init	Ban State \$\$ for Abortion	77,829	113,005	40.8	59.2	190,834	4.2	71.6	(42.4)
	5	Init	Tundra Rebellion	136,633	50,791	72.9	27.1	187,424	6.0	70.4	(51.3)
	9	LR	Residential Bonds	118,914	67,168	63.9	36.1	186,082	6.6	69.8	(44.6)
	4	LR *	State \$\$ Limitations	110,669	71,531	60.7	39.3	182,200	8.5	68.4	(68.4)
	2	LR	Veterans Housing	111,460	69,497	61.6	38.4	180,957	9.1	67.9	(41.8)
	3	LR	Judicial Qualifications	123,172	53,424	69.7	30.3	176,596	11.4	66.3	(46.2)
1	LR	Const. Convention	63,816	108,319	37.1	62.9	172,135	13.6	64.6	(40.7)	

\*This referred measure actually grew out of an earlier initiative proposal.

Registered Voters = 1,140,849; Votes Cast in Election = 742,923; Voter Turnout = 65.12%; Average Drop-Off = 10.8%											
ARIZONA	6	Init	Bottle Bill	223,825	477,856	31.9	68.1	701,681	5.6	61.5	(41.9)
	8	Init	Voter Registration	347,559	331,985	51.1	48.9	679,544	8.5	59.6	(30.5)
	2	LR	Prohibit Bail in Felonies	550,220	128,992	81.0	19.0	679,212	8.6	59.5	(48.2)
	10	LR	Legislative Salaries	219,461	455,615	32.5	67.5	675,076	9.1	59.2	(39.9)
	7	Init	PEACE Sunday-Weapons Freeze	273,146	397,462	40.7	59.3	670,608	9.7	58.8	(34.8)
	4	LR	Tax Exempts-Slum Property	294,220	371,674	44.2	55.8	665,894	10.4	58.3	(32.6)
	3	LR	Compensation-Jud/Elec. Off.	167,556	497,888	25.2	74.8	665,444	10.4	58.3	(43.6)
	5	LR	Create St. Board/Education	232,524	430,383	35.1	64.9	662,907	10.8	58.1	(58.1)
	9	Init	Anti-Sagebrush Rebellion	280,285	373,290	42.9	57.1	653,575	12.0	57.3	(32.7)
	1	LR	Reg. Ambulance Services	360,164	212,878	62.9	37.1	573,042	22.9	50.2	(31.6)

Registered Voters = 11,557,355; Votes Cast in Election = 8,064,314; Voter Turnout = 69.8; Average Drop-Off = 12.01%											
CALIFORNIA	15	Init	Gun Control	2,840,154	4,799,586	37.2	62.8	7,639,740	5.3	66.1	(41.5)
	11	Init	Bottle Deposit Bill	3,359,281	4,256,274	44.1	55.9	7,615,555	5.6	65.9	(36.8)
	12	Init	Nuclear Weapons Freeze	3,871,345	3,528,463	52.3	47.7	7,399,808	8.3	64.0	(33.5)
	9	LR	Texts-Private Schools	2,810,191	4,411,672	38.9	61.1	7,221,863	10.4	62.5	(38.2)
	3	LR	Veterans Bond Act	4,840,325	2,369,166	67.1	32.9	7,209,491	10.6	62.4	(41.9)
	5	LR	1st Time Home Owners Bonds	3,875,064	3,323,877	53.8	46.2	7,198,941	10.7	62.3	(33.5)
	1	LR	School Lease-Purchase Bond	3,621,422	3,554,500	50.5	49.5	7,195,922	11.0	62.1	(23.3)
	2	LR	County Jail Bonds	3,893,113	3,276,068	54.3	45.7	7,169,181	11.1	62.0	(33.7)
	4	LR	Lake Tahoe Bonds	3,780,098	3,365,937	52.9	47.1	7,146,035	11.4	61.8	(32.7)
	13	Init	Water Resources	2,497,200	4,599,103	35.2	64.8	7,096,303	12.0	61.4	(39.8)
	7	LR	Tax-Real Prop Valuation	2,802,425	3,990,336	41.2	58.8	6,792,761	15.8	58.8	(34.5)
	6	LR	Public Pension Investment	2,650,290	4,110,123	39.2	60.8	6,760,413	16.2	58.4	(35.6)
	14	Init	Reapportionment Commission	3,065,072	3,672,121	45.5	54.5	6,737,193	16.5	58.3	(31.8)
	10	LR	Unify Court Systems	2,314,700	4,362,767	34.7	65.3	6,677,467	17.2	57.8	(37.7)
	8	LR	Transfer \$-Local Govts.	3,367,595	3,236,686	51.0	49.0	6,604,281	18.1	57.1	(29.1)

Registered Voters = 1,464,549; Votes cast for Governor = 956,021\*; Voter Turnout = 65.3; Average Drop-Off = 7.33

COLORADO	7	Init	Wine Sales-Supermarkets	333,467	620,190	34.9	65.1	953,657	0.2*	65.1	(42.3)
	5	Init	Bottle Bill	242,653	708,564	25.5	74.5	951,217	0.5	64.9	(48.4)
	2	LR	Denial of Bail	737,813	156,336	82.5	17.5	894,149	6.5	61.1	(50.4)
	6	Init	Rocky Flats Conversion Fund	325,985	564,606	36.6	63.4	890,591	6.8	60.8	(38.6)
	3	LR	Judicial Discipline	659,905	193,425	77.3	22.7	853,330	10.7	58.3	(45.1)
	1	LR	Property Tax Changes	551,334	290,590	65.5	34.5	841,924	11.9	57.5	(37.6)
	4	LR	Eliminate Governors Call	442,601	372,897	54.3	45.7	815,498	14.7	55.7	(30.2)

\*Total votes cast in election will not be certified until 3/83. We have used governor's race for statistics.

Registered Voters = 324,976; Votes Cast in Election = 120,234; Voter Turnout = 37.0%; Average Drop-Off = 6.6%											
D.C.	1	Init	Nuclear Weapons Freeze	82,238	31,579	72.3	27.7	113,817	5.9	35.0	(25.3)
	2	CR	Statehood	59,300	52,177	53.2	46.8	111,477	7.3	34.3	(18.2)

Registered Voters = 541,164; Votes Cast in Election = 332,237; Voter Turnout = 61.4%; Average Drop-Off = 13.47%

IDAHO	10	Init	Dentistry	197,756	105,436	65.2	34.8	303,192	8.7	56.0	(36.5)
	9	Init	Resident Exempt.-Prop. Tax	168,895	130,062	56.5	43.5	298,957	10.0	55.2	(31.2)
	3	LR	Women's Political Rights	193,826	102,390	65.4	34.6	296,216	10.8	54.7	(35.8)
	2	LR	Morman's Rights	191,870	100,113	65.7	34.3	291,983	12.1	54.0	(35.5)
	1	LR	Supreme Court Judges	203,000	87,917	69.8	30.2	290,917	12.4	53.8	(37.5)
	11	Init	Pro-Nuclear Initiative	175,407	114,408	60.5	39.5	289,815	12.8	53.6	(32.4)
	4	LR	4-Yr Terms-Co. Attys.	179,139	108,850	62.2	37.8	287,989	13.3	53.2	(33.1)
	8	LR	Waive Jury Trials-Fels.	199,606	86,251	69.8	30.2	285,857	14.0	52.8	(36.9)
	5	LR	Industrial Rev. Bonds	175,087	101,255	63.4	36.6	276,342	16.7	51.1	(32.4)
	6	LR	Land Handling-St. Brds.	177,188	99,075	64.1	35.9	276,263	16.8	51.1	(32.7)
7	LR	Corp. Cumulative Voting	141,463	122,489	53.6	46.4	263,952	20.6	48.8	(26.1)	

Registered Voters = 755,837; Votes Cast in Election = 460,295; Voter Turnout = 60.9%; Average Drop-Off = 6.6%											
MAINE	3	Init	Nuclear Plant Shutdown	201,617	256,124	44.0	56.0	457,741	0.6	60.6	(33.9)
	2	Init	Milk Price Controls(Repeal)	222,422	232,430	48.9	51.1	454,859	1.2	60.2	(30.8)

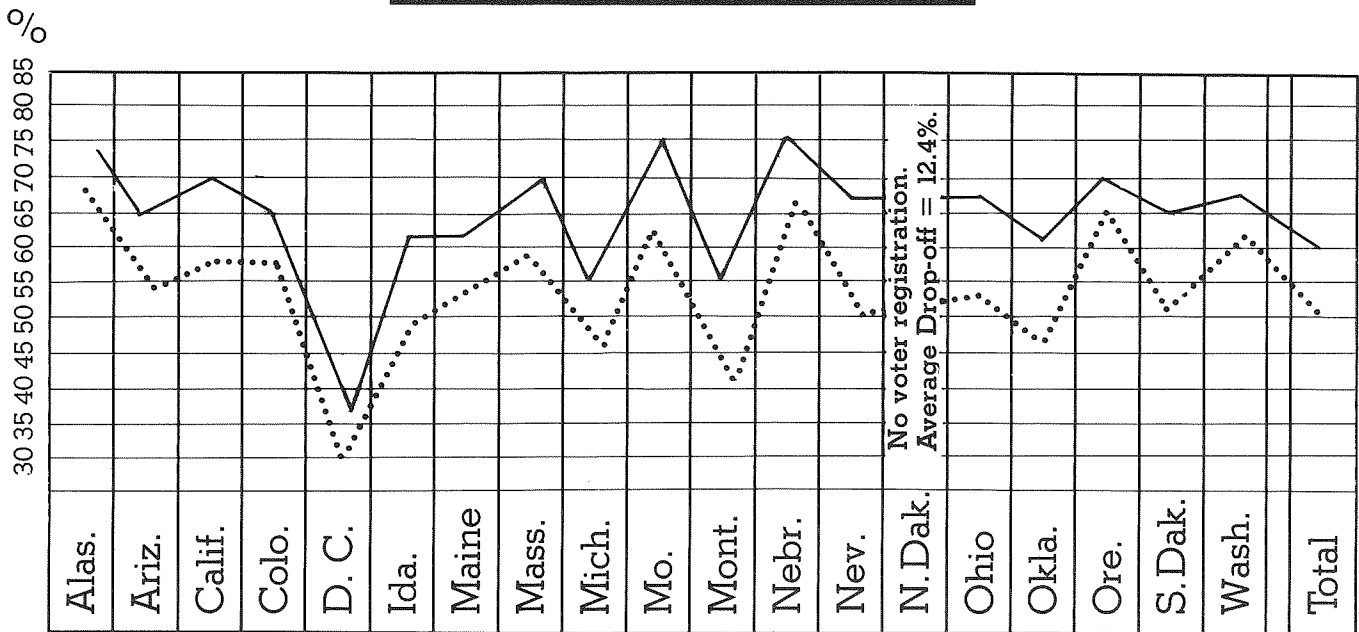
# INITIATIVE UPDATE

Ballot Position	Source	Subject	Votes For	Votes Against	% For	% Against	Total On Issue	% Not Voting	% RV on Issue	% RV Deciding	
MAINE	1	Init	Tax Indexing	240,023	182,939	56.7	43.3	422,962	8.1	56.0	(31.8)
	5	LR	Guarantees-Student Loans	257,040	162,696	61.3	38.7	419,736	8.8	55.5	(34.0)
	4	LR	Limit Life Unissued Bonds	241,838	152,727	61.3	38.7	394,565	14.3	52.2	(32.0)
Registered Voter = 3,025,975; Votes Cast in Election = 2,103,780; Voter Turnout = 69.5; Average Drop-Off = 11.26%											
MASS	4	Ref	Bottle Bill (Uphold)	1,143,956	791,846	59.1	40.9	1,935,802	8.0	64.0	(37.8)
	2	LR	Reinstate Death Penalty	1,131,668	748,549	60.2	39.8	1,880,217	10.6	62.1	(37.4)
	1	LR	State Aid-Nonpublic Schools	708,034	1,160,130	37.9	62.1	1,868,164	11.2	61.7	(38.3)
	3	Init	Nuclear Power/Waste Disp.	1,249,462	602,955	67.5	32.5	1,852,417	11.9	61.2	(41.3)
	5	LR	Nuclear Weapons Freeze	1,323,791	471,993	73.7	26.3	1,795,784	14.6	59.3	(43.7)
Registered Voters = 5,624,573; Votes Cast in Election = 3,135,978; Voter Turnout = 55.8; Average Drop-Off = 9.97%											
MICHIGAN	4	Init	Prohibit Auto Rate Hikes	1,472,442	1,431,884	50.7	49.3	2,904,326	7.4	51.6	(26.2)
	1	LR	Legislative Immunity	1,804,728	1,029,743	63.7	36.3	2,834,471	9.6	50.4	(32.1)
	7	LA	Alt. to #4 above	1,670,381	1,131,990	59.6	40.4	2,802,371	10.6	49.8	(29.7)
	5	Init	Nuclear Weapons Freeze	1,585,809	1,216,172	56.6	43.4	2,801,981	10.7	49.8	(28.2)
	6	Init	Elected P.U.C.	1,026,160	1,771,098	36.7	63.3	2,797,258	10.8	49.7	(31.5)
	3	Init	Prohibit Due-on-Sale Loans	1,344,463	1,445,897	48.1	51.9	2,790,360	11.0	49.6	(25.7)
	2	Init	State Police Staff Levels	720,915	2,111,802	25.4	74.6	2,832,717	9.7	50.4	(37.5)
Registered Voters = 2,748,726; Votes Cast in Election = 1,553,505; Voter Turnout = 56.5%; Average Drop-Off = 15.33%											
MISSOURI	12	Init	1¢ Sales Tax Increase-Ed.	757,756	667,190	53.2	46.8	1,424,946	9.3	51.8	(27.6)
	11	LR	4¢/gal. Gas Tax Increase	492,293	905,289	35.2	64.8	1,397,946	10.1	50.9	(32.9)
	3	LR	Pension Increase-Local Gov.	667,728	684,327	49.4	50.6	1,352,055	13.0	48.2	(24.9)
	5	LR	Medical Plan-State Emp.	523,225	815,153	39.1	60.9	1,338,378	13.8	48.7	(21.7)
	1	LR	Constitutional Convention	406,446	927,056	30.5	69.5	1,333,502	14.2	48.5	(33.7)
	13	Init	Citizens Utility Board	513,247	815,973	38.6	61.4	1,329,220	14.4	48.4	(29.7)
	6	LR	Veh.Reg.Tax(Replace Gas Tax)	591,270	734,594	44.6	55.4	1,325,864	14.7	48.2	(26.7)
	8	LR	No Sup. Crt Review-Life Terms	756,042	563,482	57.3	42.7	1,319,524	15.1	48.0	(27.5)
	2	LR	Admin. Law Changes (Ban)	497,341	729,329	38.6	61.4	1,289,670	17.0	46.9	(26.5)
	7	LR	Delegate Selection-Con.Conv	496,888	790,062	38.6	61.4	1,286,950	17.2	46.8	(28.7)
	10	LR	St.Sen. Reapportionment	724,225	544,691	57.1	42.9	1,268,916	18.4	46.2	(26.3)
9	LR	Majority Rqmts.-Bond Elec.	495,430	764,872	36.6	63.4	1,260,302	18.9	45.9	(27.8)	
4	LR	Cong. Redistricting Comm.	481,210	729,031	39.8	60.2	1,210,241	22.1	44.0	(26.5)	
Registered Voters = 445,888; Votes Cast in Election = 328,082; Voter Turnout = 74.0%; Average Drop-Off = 10.84%											
MONTANA	6	Init	Expanded Gambling	115,297	191,334	37.6	62.4	306,631	6.5	68.8	(42.9)
	7	Init	End Liquor Quota System	121,078	182,724	39.9	60.1	303,802	7.4	68.1	(40.9)
	4	LR	Repeal I-84(Mill Tailings)	70,375	222,210	24.1	75.9	292,585	10.8	65.6	(49.8)
	5	Init	Anti-MX/Nuclear Weapons	168,594	125,092	57.4	42.6	293,686	10.5	65.9	(37.8)
	8	Init	Economic Dev-Coal Fund	207,629	84,875	71.0	29.0	292,504	10.8	65.6	(46.7)
	2	LR	Limit Leg. Sessions	118,980	171,196	41.0	59.0	290,176	11.6	65.1	(38.4)
	1	LR	Public Fund Investment	128,607	153,264	45.6	54.4	281,871	14.1	63.2	(34.4)
3	LR	Out-of-Session Leg. Act.	147,463	131,560	52.8	47.2	279,023	15.0	62.6	(33.1)	
Registered Voters = 832,121; Votes Cast in Election = 559,422; Voter Turnout 67.2; Average Drop-Off = 17.61											
NEBRASKA	6	Init	Ban Corporate Farms	290,377	224,555	56.5	43.5	514,932	8.0	61.9	(34.9)
	1	LR	Legislative Activity	210,647	264,826	44.3	55.7	475,473	15.0	57.1	(31.8)
	4	LR	Expenses-St. Legislature	178,549	289,459	38.2	61.8	468,008	16.4	56.2	(34.8)
	3	LR	Redemption Time Limit-Tx Sale	196,131	248,255	44.1	55.9	444,386	20.6	53.4	(29.8)
	2	LR	Industrial Dev. Bonds	220,771	215,083	50.6	49.4	435,854	22.1	52.4	(26.5)
5	LR	Water Project Bonds	247,607	179,550	58.0	42.0	427,157	23.6	51.3	(29.8)	
Registered Voters = 322,254; Votes Cast in Election = 242,578; Voter Turnout = 75.3; Average Drop-Off = 7.8%											
NEVADA	2	LR	Right to Bear Arms	162,432	66,361	71.0	29.0	228,793	5.7	71.0	(50.4)
	9	Init	Exempt Food-Sales Tax	94,014	133,999	41.2	58.8	228,013	6.0	70.8	(41.6)
	4	LR	No Parole-Capital Cases	132,508	93,869	58.5	41.5	226,377	6.7	70.2	(41.1)
	1	LR	Conservation Exempt=P.Tax	142,111	83,328	63.0	37.0	225,439	7.1	69.9	(44.1)
	10	LR	Library Construction Bonds	104,878	119,526	46.7	53.3	224,404	7.5	69.6	(37.0)
	5	LR	State Boundaries	147,536	76,514	65.8	34.2	224,050	7.6	69.5	(45.8)
	8	Init	Personal Prop Exempt-P.Tax	169,066	54,368	75.7	24.3	223,434	7.9	69.3	(52.5)
	6	LR	Establish Estate Taxes	87,701	134,359	39.5	60.5	222,060	8.5	68.9	(41.7)
	3	LR	Suspended-Deferred Sentences	87,220	134,713	39.3	60.7	221,933	8.5	68.9	(41.7)
	11	LA	Alt to Question 12	158,296	62,802	71.6	28.4	221,098	8.9	68.6	(49.1)
	7	LR	Mobile Home Exempt-Sales Tax	102,232	117,724	46.5	53.5	219,956	9.3	68.3	(36.5)
	12	Init	Advocate-Utility Consumers*	93,502	124,964	42.8	57.2	218,466	9.9	67.8	(38.8)
*Question 11 (Legislative Alternate) took effect.											
Registered Voters (none); Votes Cast in Election = 272,876; Voter Turnout-N/A; Average Drop-Off = 12.44%											
NORTH DAKOTA	6	Init	Expanded Gambling	96,677	164,816	37.0	63.0	261,493	4.2	---	---
	7	Init	Nuclear Weapons Freeze	139,089	98,882	58.4	41.6	237,971	12.8	---	---
	4	LR	Gov & Lt. Gov - Election	85,510	149,627	36.4	63.6	235,137	13.8	---	---
	1	LR	Elim. Med Center Mil Levy	115,326	119,561	49.1	50.9	234,887	13.9	---	---
	2	LR	Emin. Domain \$\$ Options	176,464	57,203	75.5	24.5	233,667	14.4	---	---
	5	LR	Board of Higher Education	94,228	127,087	42.6	57.4	221,315	18.9	---	---
3	LR	Constitutional Cleanup	150,236	70,491	68.1	31.9	220,727	19.1	---	---	

# INITIATIVE UPDATE

Ballot Position	Source	Subject	Votes For	Votes Against	% For	% Against	Total On Issue	% Not Voting	% RV on Issue	% RV Deciding	
Registered Voters = 5,674,128; Votes Cast in Election = 3,551,995; Voter Turnout = 62.6; Average Drop-Off = 10.63%											
OHIO	3	I-CA	Elected Public Util. Comm.	1,053,274	2,175,893	32.6	67.4	3,229,167	9.1	56.9	(38.4)
	1	LR	Financing - Home Loans	1,827,453	1,356,336	57.4	42.6	3,183,789	10.4	56.1	(32.2)
	2	LR	1¢ Sales Tax Inc - RRs	708,605	2,420,593	22.2	77.8	3,111,198	12.4	54.8	(42.7)
Registered Voters = 1,485,780; Votes Cast in Election = 901,488; Voter Turnout = 60.7; Average Drop-off = 14.63%											
OKLA	1	Init	Redistricting Plan	379,545	397,142	48.9	51.1	776,687	13.8	52.3	(26.7)
	3	LR	Funding Water Resource Plan	378,759	387,160	49.5	50.5	765,919	15.0	51.5	(26.1)
	2	LR	Local Indebtedness	343,376	422,068	44.9	55.1	765,444	15.1	51.5	(28.4)
Registered Voters = 1,526,655; Votes Cast in Election = 1,063,913; Voter Turnout = 69.7; Average Drop-off = 4.85%											
OREGON	4	Init	Allow Self-Serve Gas	440,824	597,970	42.4	57.6	1,038,794	2.4	68.0	(39.1)
	6	Init	End State Land Use Plan.	461,271	565,056	44.9	55.1	1,026,327	3.5	67.2	(37.0)
	3	Init	Property Tax Limitation	504,836	515,626	49.5	50.5	1,020,462	4.1	66.8	(33.8)
	5	Init	Nuclear Weapons Freeze	623,089	387,907	61.6	38.4	1,010,996	5.0	66.2	(40.8)
	2	LR	Lengthen Veto/Approval Time	385,672	604,864	38.9	61.1	990,536	6.9	64.9	(39.6)
	1	LR	Inc. Tax Base-New Construct.	219,034	768,150	22.2	77.8	987,184	7.2	64.7	(50.3)
Registered Voters = 426,511; Votes Cast in Election = 278,562; Voter Turnout = 65.3; Average Drop-Off = 13.78%											
SOUTH DAKOTA	4	LR	Expanded Gambling	107,555	147,147	42.2	57.8	254,702	8.6	59.7	(34.5)
	3	LR	State Leg. Opening Dates	137,264	98,995	58.1	41.9	236,259	15.2	55.4	(32.2)
	2	LR	SchoolFines/Rates/Land Sales	130,630	104,432	55.6	44.4	235,062	15.6	55.1	(30.6)
	1	Init	Abolish Single-Member Dists.	122,704	112,188	52.2	47.8	234,892	15.7	55.1	(28.8)
Registered Voters = 2,105,563; Votes Cast in Election = 1,404,831; Voter Turnout = 66.72%; Average Drop-Off = 5.93%											
WASHINGTON	2	Init	Bottle Bill	400,156	965,951	29.3	70.7	1,366,107	2.8	64.9	(45.9)
	3	Init	Corporate Franchise Tax	453,221	889,091	33.8	66.2	1,342,312	4.5	63.8	(42.2)
	1	Init	Limit Interest Rates-Retail	452,710	880,135	34.0	66.0	1,332,845	5.1	63.3	(41.8)
	4	LR	Tax Increment Financing	393,030	882,094	30.8	69.2	1,275,124	9.2	60.6	(41.9)

## Percent of 1982 Voter Turnout Vs. Drop-off On Issue Votes in Initiative States



\_\_\_\_\_ Voter turnout: Percent of registered voters who cast a ballot, November 1982  
 ..... Voter drop-off: Percent of those voting who voted on issue questions (average for all ballot measures)

# LEGISLATIVE UPDATE

State	1983 Session Opens:	Time Limits	Last Day Bills Can Be Filed	Initiative & Referendum Legislation
* ALABAMA	NO SESSION UNTIL 4/19/83			I&R legislation expected.
ALASKA	1/17	None	No restrictions	No I&R legislation filed. Past efforts have been to expand I&R to allow CAs.
ARIZONA	1/10	Late April	29th LD	HCR-2002—6 mo. filing deadline on Initiative. Passed bill in 1981 to require finance reports for initiative campaigns.
ARKANSAS	1/10	60 CD	55th CD	No I&R legislative activity. No recent I&R legislation.
CALIFORNIA	12/6/82	None	None	Seven bills introduced to date to (1) provide review process; (2) establish ballot designation routine; (3) alter majority requirements; and (4) technical changes.
COLORADO	1/5	None	60th LD	One local I&R bill to change signature requirements and allow special elections on I&R.
* CONNECTICUT	1/5	6/8	Determined during session	No recent I&R activity. I&R bills introduced during past years have not gone beyond committee.
* DELAWARE	1/11	By 6/30	Determined during session	No I&R legislative activity to date.
FLORIDA	4/5	60 CD	(H) noon 1st day (S) 11th day	No I&R legislation prefiled. Florida established signature verification challenge procedures in 1982.
* GEORGIA	1/10	40 LD	(H) 30th LD (S) 33rd LD	No new I&R legislative activity to date. I&R defeated in Senate by 1 vote in 1981.
* HAWAII	1/19	60 LD	19th LD by constitution - actual deadlines set during session	No I&R legislation filed so far in 83. 7 I&R bills introduced during 81-82. While interest seemed to increase, none were reported out of committee.
IDAHO	1/10	None	(H) 20th LD (S) 12th LD	No I&R legislation filed.
ILLINOIS	1/12	None	(H) 4/6 firm (S) 4/11	No I&R legislation. Very limited I&R, previous efforts to expand have failed.
* INDIANA	1/10	61 LD or 4/30	(H) 16th LD (S) 12th LD	No I&R legislative activity. Two 1982 bills died w/adjournment.
* IOWA	1/10	None, except limit on per diem pay; expect to end by mid-May	(H) 7th Friday (S) 7th Friday	No new I&R legislative activity. Three 1982 bills introduced; no action taken.
* KANSAS	1/10	None; expect to end by mid-May	31st CD for individuals; 45th CD for most committees	No new I&R legislation. Four I&R bills in 81-82. While none passed, sponsors claim increased support.
* KENTUCKY	NO 1983 SESSION			
* LOUISIANA	4/18	60 LD in 85 CD	15th CD	No I&R legislation in recent years.
MAINE	12/1/82	100 LD	To Leg. Draft by 2nd Friday; in final form by 7th Friday	LD-89 Posting of Text at Polling Place. LD-7 Referendum Reports & Finances. LD-65 Double signature requirements for certain initiatives.
* MARYLAND	1/12	90 CD	None during last 35 days	No new I&R legislative activity. Bill to establish I&R in 81 defeated.

LD=Legislative Days; CD=Calendar Days \* States not currently having initiative process

# LEGISLATIVE UPDATE

State	1983 Session Opens:	Time Limits	Last Day Bills Can Be Filed	Initiative & Referendum Legislation
MASSACHUSETTS	1/5	None	1st Wednesday in December (exceptions)	No I&R legislation introduced.
MICHIGAN	1/5	None	No restrictions	No I&R legislative activity. No changes made to I&R in previous years.
* MINNESOTA	1/4	120 LD or 1st Monday after 3rd Saturday in May	No restrictions	No I&R legislative activity. Previous CA to establish I&R defeated.
* MISSISSIPPI	1/4	90 CD	16th LD	No I&R legislative activity.
MISSOURI	1/5	June 30	60th LD	Bill filed to clarify the meaning of a "yes" vote on I&R.
MONTANA	1/3	90 LD	Individual: to drafting by 10th LD to floor by 18th; committee: 38th LD to draft, 40th LD to floor	HB-107 Revisions of Deadline for Filing— Pro/Con Arguments—Voter Handbook. Assigned to State Administration Committee 1/12/83.
NEBRASKA	1/5	90 LD	10th LD	No I&R legislation filed. Bills filed in previous years have not passed.
NEVADA	1/17	60 CD	Bill drafting by 30th LD	No I&R legislation filed.
* NEW HAMPSHIRE	1/5	Limited only by lid on pay and per diem	(H) Drafting by 1/31 & approved for intro by 4/15; (S) 4/12	No I&R legislation filed. 1981 bill to establish I&R passed Senate, defeated in House.
* NEW JERSEY	1/11	None; all year session	No restrictions	Several I&R bills introduced. All in committee.
* NEW MEXICO	1/18	60 CD	30th LD	No I&R legislation filed. Bill to establish in 81 was tabled.
* NEW YORK	1/5	None	(A) end of March (S) determined after session begins	No I&R legislation filed. Sixteen bills introduced in 81 to establish I&R.
* NORTH CAROLINA	1/12	None	By April 1	No I&R legislation filed. At least one expected later in session.
NORTH DAKOTA	1/4	80 LD	Bills by 15th LD; Amendments by 33rd LD	No I&R legislation filed.
OHIO	1/3	None	(H) 3/15 (S) 4/30	No I&R legislation filed. Previous bills to tighten I&R laws failed.
OKLAHOMA	1/4	90 LD	None	No I&R legislation filed.
OREGON	1/10	None	(H) 20th CD (S) 36th CD	No I&R legislative activity.
* PENNSYLVANIA	1/4	None	No restrictions	No recent I&R activity. Previous attempts to establish I&R died.
* RHODE ISLAND	1/4	Limited only by lid on pay & per diem	(H) 38th LD (S) 40th LD	Two bills to adopt I&R introduced.
* SOUTH CAROLINA	1/11	1st Thursday in June	(H) 4/15 (S) if received from (H), by 5/1	No I&R legislation filed. Previous attempts to establish process unsuccessful.
SOUTH DAKOTA	1/4	40 LD	14th LD	No I&R legislation filed. Previous effort to raise signature requirement failed.
* TENNESSEE	1/4	90 LD	(H) 20th LD (S) 10th LD (JR) 30th LD	No I&R legislative activity to date.
* TEXAS	1/11	140 CD	60th CD	Two bills to introduce I&R.

\* States not currently having initiative process

# LEGISLATIVE UPDATE

State	1983 Session		Last Day Bills Can Be Filed	Initiative & Referendum Legislation
	Opens:	Time Limits		
UTAH	1/10	60 CD	30th CD	No I&R legislation filed. Minor changes considered in previous years, none adopted.
*VERMONT	1/5	None	(H) 5th week (12th if through Legis. Drafting) (S) 53rd CD	No I&R legislation filed. Previous bills to establish I&R defeated.
*VIRGINIA	1/12	30 CD	Set during session	CA - To establish I&R. HJ-#1 Referred to Privileges & Election Committee. No action as of 1/13/83.
WASHINGTON	1/10	105 CD	(H) 50th day	Bill to require review of initiative proposals introduced—awaiting committee assignment.
*WEST VIRGINIA	1/12	60 CD	(H) 50th CD (S) 41st CD	No I&R legislation filed.
*WISCONSIN	1/11	None	No restrictions	Initiative bills concern local level, not statewide.
WYOMING	1/11	40 LD	18 LD	Four bills introduced: Two to lower signature and change majority requirement; one to change local initiative laws; one to provide recall of public officials.

## Field Institute Report, Cont.

During the first week of October 1982, The Field Institute administered a series of questions relating to the initiative process in telephone interviews to a statewide representative sample of 989 California registered voters. During the general election campaign (August-November 1982), the California Poll tracked voter awareness, opinions, and attitudes toward six statewide initiative contests. Four statewide pre-election surveys were taken among those considered likely to vote in the general election: August 23-27 (sample size 685); October 1-4 (sample size 838); October 24-26 (sample size 859); and October 29-31 (sample size 942). Initiatives tracked included: Prop. 9 - School Textbooks; Prop. 11 - Beverage Containers; Prop. 12 - Nuclear Weapons; Prop. 13 - Water Resources; Prop. 14 - Reapportionment; Prop. 15 - Guns.

On General Election Day (November 2) The California Poll then conducted an extensive poll of 6,345 voters leaving their precinct polling places after they had voted.

**OVERALL OPINION OF STATEWIDE PROPOSITION ELECTIONS**

	1982 %	1979 %
Good thing	80	83
No difference	9	11
Bad thing	6	4
No opinion	5	2

**Proposition 12 (Nuclear Weapons)**

**Summary**  
Would require the Governor to write the President urging a proposal to the Soviets to jointly halt nuclear weapons testing, production and development

**Campaign Expenditures**  
Yes side : approximately \$2,150,000  
No side : approximately \$10,000

**REACTION TO PRO AND CON INITIATIVE ARGUMENTS (2)**

	CA '82	N.J. '79	Agree	Disagree
Special interest groups would gain power by spending money to promote only their side of an issue	86%	62%	13	32
Since many people do not follow politics regularly, they may not be able to make an informed decision on the issues they would be asked to vote on	84%	76%	15	20
In those proposition races where only one side of an issue has enough money to pay for expensive campaign advertising, the outcome does not usually represent the will of the people but the interest of the big campaign contributors	82%	•	16	•
Many important issues are too complicated to be decided by a simple yes or no vote by people in an election	78%	69%	21	26
The job of making laws should be left to elected representatives. If people don't like what they do, they can vote them out of office.	60%	64%	38	32
Initiative and referendum would allow the public to decide issues where public officials are hesitant to act for fear of offending certain groups	86%	77%	11	14
If people had a chance to vote on issues they would become more interested and participate more in government and politics	71%	82%	27	14
Citizens ought to be able to vote directly on important issues and policies instead of having their representatives voting for them.	66%	78%	31	17

**BETTER LEGISLATING —**

**ELECTED REPRESENTATIVES OR VOTING PUBLIC ?**

	Elected reps	Voting public
Is better suited to decide upon highly technical or legal policy matters	66%	27
Is more influenced by special interest groups	64%	29
Gives a more thorough review to each particular aspect of a proposed law	58%	35
Generally enacts more coherent and well-thought-out government policies	48%	42
Is better suited to decide upon large-scale government programs or policies	42%	51
Can be trusted more often to do what is right on important government policies	26%	63

Continued from page 1

is not able to make informed decisions on many issues. Further, they reflect a belief that special interest groups would gain power by virtue of the money those groups would spend to influence elections.

Those polled said that their elected representatives should decide upon technical and legal policy matters and that these representatives are better able to give more thorough review to individual portions of a proposed law.



# Everson: Do Initiatives Increase Voter Turnout?

Dr. David Everson of the Illinois Legislative Studies Center, Sangamon State University, presented his analysis at the NCIR seminar of the relationship between initiatives on the ballot and voter turnout.

Due to increased interest in the initiative process in 1977, the question of adding a national initiative to the U. S. Constitution was raised. Proponents believed that the national initiative would increase voter turnout in the United States and thus begin to address the problem of declining voter turnout.

A 1981 Gallup Survey projected an increase of 26% in election turn-

out if Americans could vote on major issues. Dr. Everson considers that estimate extravagant.

His findings have shown that in presidential election years, initiative states have had about two percentage points higher turnout on the average than non-initiative states. Off-year elections have given initiative states about a five percent increase in voter turnout.

However, Dr. Everson continued, these percentages include southern states. He believes there is strong justification to exclude the South from the analysis of the impact of initiatives on voter turnout. The South traditionally has had low turnout and a low frequency of initiatives.

Looking only at northern states which had initiatives versus northern states that didn't have initiatives, Dr. Everson concluded, most of the advantage that initiative states appear to have over non-initiative states in voter turnout

disappears.

He pointed out that from 1960 to 1976 non-initiative states had an average voter turnout in presidential years of 65% and initiative states had 62%. In 1980 non-initiative states led with 1%. In the off-years 1962-1978, it was a wash: 48% compared to 48%.

Some circumstances might lead to a temporary increase in voter turnout should a national initiative be adopted, Dr. Everson believes. The saliency of the issues, the novelty of having national issues on the ballot for the first time and national media attention could bring greater voter turnout.

However, he stated, "I myself would be much more inclined to think that efforts to register more voters and efforts to strengthen and revitalize party organizations at the local, state and national level would have a much more beneficial impact on voter turnout than initiatives."

**Seminar note books containing background material and papers presented by the speakers are available from NCIR for \$50.**

## Where Do We Go From Here?

**UNQUESTIONABLY THE INITIATIVE PROCESS SERVED A GOOD AND VALUABLE FUNCTION BEGINNING WITH THE PROGRESSIVE ERA. HOWEVER, IT HAS NOW BECOME APPARENT THAT THESE FUNCTIONS HAVE CHANGED AS THE SYSTEM HAS CHANGED.**

William Cassella, Executive Director of the National Municipal League, Inc., outlined the ways in which an indirect initiative would reflect these changes. "The process has become a special interest process used by special interests to try to pass legislation that they can't get through the normal legislative process—and that includes business, labor, consumer activists. Anybody who's got a pet

idea that they can't get through the legislature is a potential abuser of the process."

The "indirect initiative" can reduce some of this abuse, asserts Cassella. Moreover, it can force consideration of measures with popular support and sometimes avoid the necessity of a popular referendum. This method requires submission of an initiative, sponsored by a responsible committee, to the legislature. There the measure will be subject to examination and debate and, if approved, become law.

If the legislature changes the citizens' proposal or refuses to approve it at all, then the sponsors still have the right to take the measure to the people.

The Indirect Initiative allows a safety valve for voters when their state legislature does not respond to public wishes. At the same time this method involves the legislature and undergirds the system of representative democracy.

"We are supporting the idea of having a device which would rein-

force and strengthen the representative system rather than undermine it," Cassella explained. "The indirect initiative is a way in which people may petition the legislature to do something—to press them to deal with the problem which they may very well have neglected. The device can be worked out in such a fashion that if the legislature fails to do something, with some more effort, you go ahead and take the issue to the people."

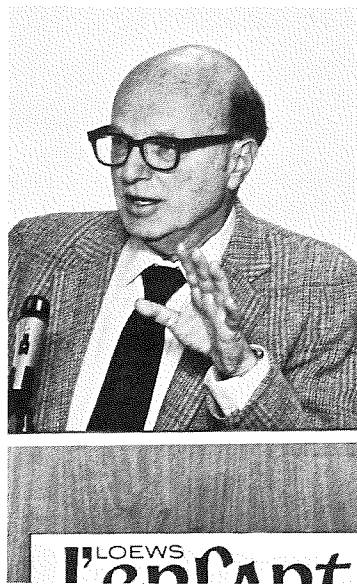
Cassella went on to argue that the Indirect Initiative provides a certain degree of citizen responsibility for deciding if the process should be completed.

He pointed out that it also provides opportunity for compromise and evaluation, including dealing with the legal and technical considerations that have plagued direct initiatives.

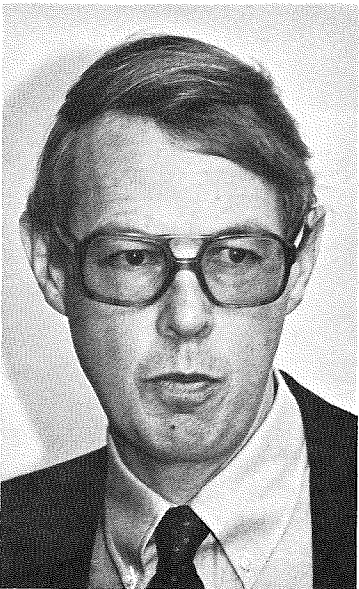
In conclusion, moving from direct to indirect initiative will maintain popular sovereignty while simultaneously reinforcing representative government.



*"On the specific issues, ... people said, yes, I want the initiative to get the things I want; but, no, I don't want it to have my opponents get the things they want."*  
 — Charles Backstrom



*"If the public is anything less than sure on any issue they will vote no."*  
 — Mervin Field



*"I'm forced to conclude from the data that I've looked at that initiatives are no panacea in terms of dealing with the contemporary problem that we have of (low) voter turnout."*  
 — David Everson



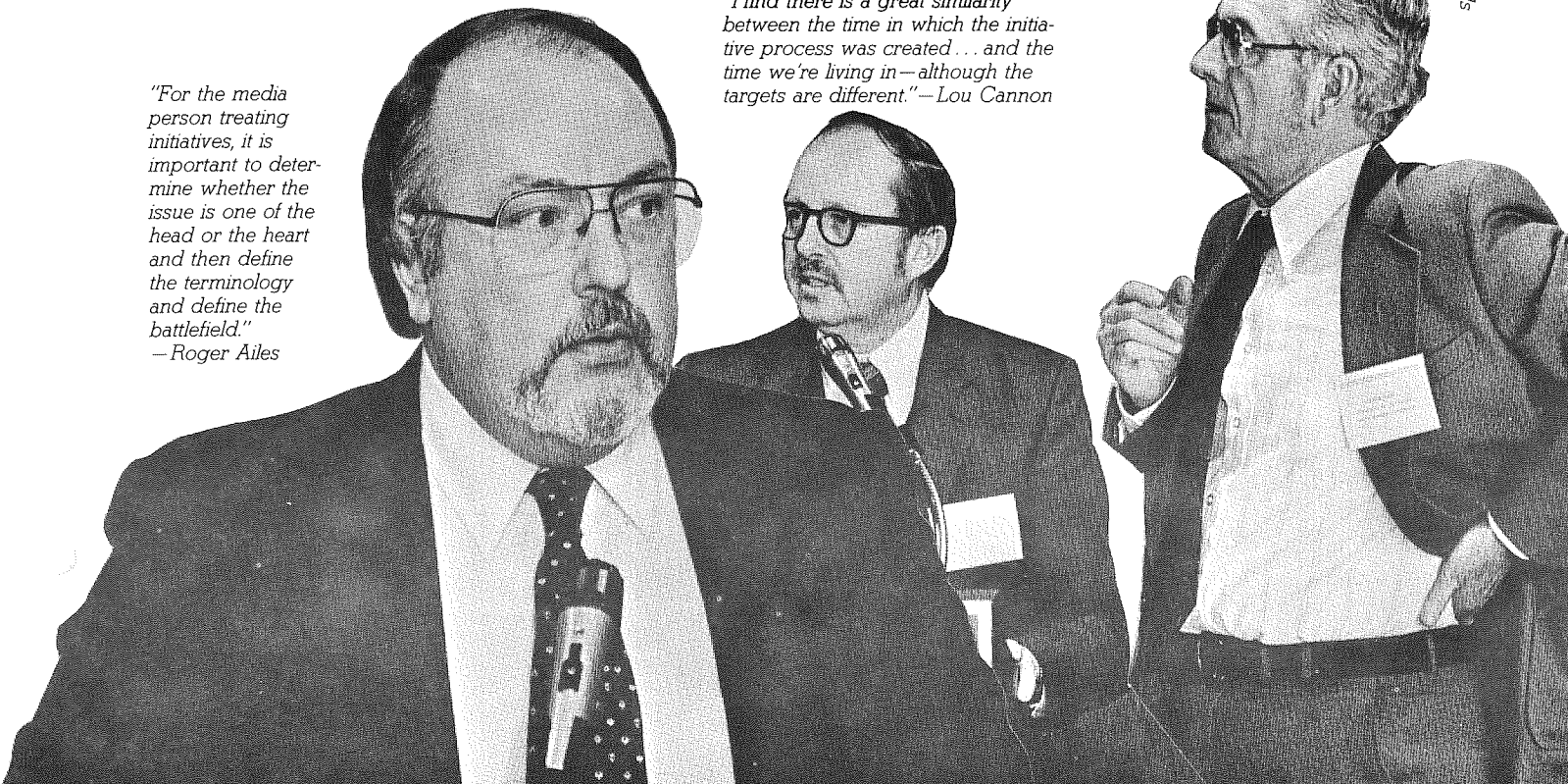
*"The most important question to be asked is: Do initiative questions inherently pull voters out of their chairs and pull them down to the voting booth or is that a reflection of the dramatically high level of spending of some of the most important propositions?"*  
 — Walt Klein

# SEMI-INITIATIVE

*"I think another reason ... why judicial activity has become important ... is that it tends to be about the only significant check on the initiative." — Gordon Baker*

*"For the media person treating initiatives, it is important to determine whether the issue is one of the head or the heart and then define the terminology and define the battlefield."*  
 — Roger Ailes

*"I find there is a great similarity between the time in which the initiative process was created ... and the time we're living in—although the targets are different." — Lou Cannon*





*"My criteria is to see how we can deal in enduring principle but be very cautious that our reforms are not absolute, because in the democratic system there are really no absolutes for all time in terms of institutional arrangements. The institution must be dynamic and adjust to the times and circumstances." — William Cassella*

## Path, Cont.

Continued from page 1

talked about the historical development of the initiative in California and how that translates into citizen participation in national issue trends today.

One of the nation's foremost political media practitioners, Roger Ailes, talked about the role of media in initiative campaigns and the methods by which issues may be defined and presented in the media. Professor Charles Backstrom, University of Minnesota, examined the initiative itself as an issue and analyzed the Minnesota voters' rejection of the initiative and referendum process in 1980.

Studying the role of the courts in the initiative process is more important than it ever has been, according to Professor Gordon Baker, University of California at Santa Barbara. Professor Baker's subject was, "The Initiative and the Courts: Pushing the Judiciary into a Legislative Role?"

Finally, William Cassella, Executive Director, National Municipal League, moderated a panel discussion of possible reforms and improvements for the initiative process.

## New Election Phenomenon Emerging

California's revised procedure for requesting absentee ballots is creating a phenomenon new to the American election process. A recent revision in the law was used effectively in 1982 for a massive mailing to California Republicans encouraging them to return a signed postcard requesting an absentee ballot.

Mervin Field, one of the country's leading pollsters, believes that absentee balloting in California will impact the initiative process even more in the future as it increases, perhaps to as much as 10% of the total vote.

In support of his prediction, Field noted that over 500,000 absentee votes were cast in the 1982 General Election, about 7% of the total vote and almost double the percentage in the last gubernatorial election.

The absentee votes represented not only an inordinately high percentage but also were heavily weighted to Republican, conservative and elderly voters. As a result, according to Field, his exit polling data on election day had to be adjusted to take those factors into account.

Field cited fact that Tom Bradley, the Democrat candidate for governor, actually won the election at the polls on November 2, but the absentee votes carried George Deukmejian into office. "Deukmejian got a plurality of approximately 112,000-115,000 votes absentee. He won the election by 92,000 votes but he lost on Election Day," Field said at the 1983 National Seminar on the Initiative.

"I can see an increase in absentee voting. I can see it moving easily into the 10% or more range in California. If it's equally distributed, it's not going to matter, but if you have partisan interest or special interest seizing upon the device, then you're going to have a new phenomenon in elections," Field predicted.

Field pointed to a significant new concept in elections: that of two-tiered elections geared to the absentee voter, in addition to the traditional election day campaign. This phenomenon will most certainly impact the initiative process, Field predicted, as partisan and single issue advocates focus their strategies to capture the pre-election absentee voter.



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## Legislative Wrap-up

Attempts to reform current initiative laws were considered in fourteen states this year.

Many legislative sessions have adjourned or recessed leaving initiative proposals languishing in committees. (See Focus: New Initiative Legislation, Page 2.)

No significant activity has taken place in any of these states, except for a recent maneuver in New Jersey. On May 24, a rule to relieve the Senate State Government Committee of SJR53 was invoked (whereby a bill can be sent directly to the floor without being voted out of the committee). The bill went to the Senate floor for the second reading and subsequently was passed by a vote of 34-0. The State Government Affairs Committee must now hold hearings, scheduled for Monday, June 20, prior to the bill being sent to the House for consideration. This is a replay of legislative activity in the 1981 session. (Several other bills to establish I&R in New Jersey are being held in this same committee.)

Some states allow bills which were still in committee at the end of the session to carryover to the second half of the biennial session. Therefore, eleven states will have initiative legislation awaiting consideration in 1984.

Increasingly, state legislators are actively considering important initiative reforms in their states. Attempts to reform current initiative laws were considered in fourteen states this year. Three bills have passed to date and one is still in conference committee.

Colorado revamped its signature thresholds for local initiatives/re-

ferendums and changed the base on which that percentage is calculated. Instead of total votes for the office of governor at the last election for governor, the base will be a percentage of registered voters within a given political subdivision. South Dakota also altered its law concerning local initiatives. Changes were made in petition circulation periods and the need for special elections was somewhat mitigated by allowing certain initiatives to appear on general election ballots if that election falls within a certain time frame. Wyoming passed a law affecting statewide initiatives. Signatures can no longer be collected at polling places and electioneering for candidates and issues is prohibited within 100 feet of the polls.

In Oklahoma a conference committee is trying to iron out differences in versions of a bill which would require that the secretary of state prepare a ballot title for initiative proposals which would be comprehensible to a person at the 8th grade level of education. If the committee fails to reach a compromise prior to adjournment in early June, this bill must be reassigned to another committee to stay alive for 1984.

Interim study committees will look at the pro and con arguments of the initiative over the recesses. Iowa, Connecticut, Hawaii and Washington have assigned initiative bills for further study.

## Initiative Drives Continue to Boom

The past few months show a marked increase in initiative petition activity, up from 54 drives in March to 76 drives currently underway. The active drives are categorized by subject below. NCIR categorizes petition drives under eight subject headings and cross-references between categories to develop a clearer picture of initiative direction since many of the petition efforts relate to more than one subject.

(Note: This list does not include the 19 drives which have failed.)

Government/Political Reform	41
Public Morality	12
Revenue, Taxes & Bonds	25
Regulation of Business/Labor	23
Health, Welfare, Housing	6
Civil Liberties/Civil Rights	7
Environmental/Land Use/ Natural Resources	10
Education	3

The three most active categories currently — Government/Political Reform, Revenue, Taxes & Bonds, and Regulation of Business/Labor — are historically the most active areas of direct legislation activity.

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# QUARTERLY SPOTLIGHT

## Focus: New Initiative Legislation

By Sue Thomas  
NCIR Research Director

Eighteen states have considered adding the initiative process to their constitutions during 1983 (see box). While no state seems on the verge of adopting a new law, several bills will carryover to 1984 sessions and some states will have interim studies on the process with reports due at the beginning of that session.

Many of the states now considering the initiative process appear to have taken note of how the process actually works in other states. It is evident from the quality of legislation seen this year that legislative staffs are becoming much more sophisticated in their approach to the content of their proposals.

With that in mind, it is interesting to see how the various states deal with the most important provisions inherent in the process. Many of the bills introduced in 1983 showed a thorough understanding of various ballot access mechanisms on the part of sponsors; others were remarkably simple in their approach to direct legislation.

To evaluate the proposals, we selected 21 bills from several states and compared their requirements on the basis of what we consider the most standard initiative provisions.

**DIRECT VS. INDIRECT INITIATIVES:** Only a few initiative states

### STATES CONSIDERING ADOPTION OF I&R IN 1983 SESSIONS.

Alabama	New Mexico
Connecticut	New Jersey
Georgia	New York
Hawaii	Pennsylvania
Indiana	Rhode Island
Iowa	South Carolina
Kansas	Texas
Maryland	Virginia
Mississippi	West Virginia

now require submission of an initiative to the legislature for initial consideration (Indirect Initiative). However, many of the 1983 bills proposed this indirect method of citizen participation. Alabama, Georgia, Hawaii, Iowa, New Jersey and Texas considered the Indirect Initiative. At the same time, the Direct Initiative was well represented by bills introduced in Indiana, Pennsylvania, South Carolina, Virginia and Rhode Island. The Direct Initiative bypasses the legislature and places a qualified proposal directly on the ballot.

Alabama considered a two-step indirect initiative based on the Ohio and Massachusetts model. Here, an initial petition drive requiring a rather small signature threshold (6% in this case) is submitted to the legislature for action. If no positive action is taken by the legislature within a specified time limit, the proponents have the option of conducting a second petition drive (another 6%) to qualify the measure for the ballot.

### SIGNATURE REQUIREMENT:

Signature thresholds for constitutional amendments via the initiative ranged from a 15% requirement in Texas to a low of 5% in Virginia. However, it is important to note the base used for the signature requirement. Texas based their requirement on the total votes for governor (TGV) in the last election for that office; Virginia used the total number of registered voters (TRV) in the state at a given point in time. The TGV was the most popular base in the states compared.

Ignoring the difference in bases, the percentage requirements for

amendments varied widely: 3 bills called for 15%; 5 for 12%; 4 for 10%; 4 for 8%; several bills in Virginia called for 6%. One bill introduced in Indiana set a numerical value on signatures — 150,000 for amendments, 90,000 for statutes.

### GEOGRAPHIC DISTRIBUTION

**OF SIGNATURES:** The majority of I&R bills considered this year did not require a geographic distribution of signatures. This important concept requires a minimum percentage of total signatures collected to come from various parts of a state (based on congressional district, state legislative districts, or counties.)

About half the states currently allowing the initiative process require this kind of distribution but, significantly, heavy initiative states such as California, Washington, Oregon, Colorado and North Dakota do *not*.

Bills requiring geographic distribution of signatures were introduced in Alabama, Georgia, Hawaii, Iowa and New Jersey.

**PREFILING/TITLING:** Prefiling of initiative proposals was not called for in most of the bills analyzed, effectively leaving the titling of proposals to initiative proponents. Those states which included prefiling requirements in their proposals were Indiana (with titling by the Secretary of State), New Jersey (titling done by proponents), Texas (titling by proponents with approval of Attorney General), and Virginia, Pennsylvania and Rhode Island (titling by Attorney General).

### LEGISLATIVE AMENDMENT/

**REPEAL:** Most of the proposed bills did provide for amendment or repeal of initiatives by the state legislature, although some restrictions were placed on doing so. The most common limitation was that any alteration or repeal of initiated laws (within a specified minimum period of between 1-3 years) would require an extraordinary majority in both houses of the state legislature. Other proposals would allow legislators to amend or repeal statutes, but not constitutional amendments. Iowa considered a novel provision to provide the governor veto power over laws passed via the initiative.

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# LEGISLATIVE UPDATE

STATE	DESCRIPTION OF LEGISLATION	ACTION - DISPOSITION
		Passed
AL	Two bills were introduced 5-24-83 which would allow direct legislation. H631: Allows power of referendum H634: Amends constitution to allow initiative and referendum Both bills sponsored by Kvolheim and Gaston.	Bills were assigned to the State Administration Committee. No action has been scheduled to date.
AZ	All legislation on I and R died in committee. No carryover.	Adjourned 4-30-83.
CA	Several bills are still active. A174: Consecutive numbering of initiated ballot measures. A94: Provide for review of proposals by AG for form and language. AB20: Change type size of title and text requirements for petitions.	A:174: Passed the Assembly 3-3-83 and was assigned to Senate Elections and Reapportionment Comm. on 3-10-83. A94: Is up for 3rd reading in Assembly. AB20: No action. Last day for committees to report policy bills was 5-20-83. Summer recess is expected 7-15 to 8-15. Adjournment will be mid-September.
CO	SB174: Pertains only to local initiative/referendums. Would change eligibility requirements for petition signatories and base for signature threshold from previous election to registered voters in district.	
CT	Twelve bills to establish the initiative were introduced this session. One is still under consideration.	SJR16 was adopted by committee on a 10 to 6 vote on 2-14-83. Bill was sent to Senate where it was tabled for calendar on 5-3-83. Adjournment is set for 6-8. Measure must pass both houses by two-thirds vote. No carryover.
FL	SI57: would allow signatures to be valid for up to six years.	This is a committee substitute for H157. Sent to Judiciary Committee on 5-2. Grant of 15 days extended to committee.
GA	HR160 would establish an indirect initiative.	Referred to Retirement Committee for carryover to 1984 session.
HI	Four bills to establish statewide initiatives were introduced: HB854, SB391 and companion bills HB1223 and SB248.	All dead for 1982. Carryover to 1984. Adjourned 4-30-83.
IA	One bill (SJR4) to establish a statewide initiative process has been introduced.	The bill is still in the Senate State Government Committee and can carryover to 1984. There will be an interim study committee to report to full committee in 1984.
ID	SB1124 would have required that no more than 20% of signatures on a petition come from one county.	Killed on the Senate floor.
IN	Two bills, HJR7 and SJR2, were introduced to establish statewide initiative and referendum.	Both bills died in Committee. Adjourned 4-15-83. No carryover.
KS	One bill, SCR1602, was introduced to establish the initiative process.	Bill died in Committee. Can carryover. Adjourned 4-10-83.
ME	Several bills are still pending: LD7: Regulate contributions to issue committees. LD89: would require posting of initiative text at polls. LD694: would limit contributions to candidates.	Adjournment must be on 100th LD (5-26 is 80th LD). LD7: Unassigned table in House. LD89: Enacted in House 5-25; sent to Senate. LD694: Withdrawn. (LD65, an attempt to require increased signatures for recently defeated initiatives, was reported unfavorably earlier in the session.)
MD	One bill to establish the initiative process (HB430) was introduced.	The Constitutional and Administrative Law Committee gave this bill an unfavorable report on 2-28-83.
MS	Three bills were introduced to establish the initiative and referendum process: HR14, SR511 and SR519.	None of these bills were reported from committee by the 2-3-83 deadline. Adjourned 4-3-83; no carryover.

Continued on page 4

# LEGISLATIVE UPDATE

STATE	DESCRIPTION OF LEGISLATION	ACTION - DISPOSITION
MT	HB107: Attempts to clarify time limits and other restrictions on pro-con argument preparation for voter handbook.	Bill passed House and was sent to State Administration Committee in Senate. It was reported on 3-2-83, heard on floor and resubmitted to committee on 3-5-83. No further action. Adjourned 4-21-83; no carryover.
NE	LB518 would prevent the payment of expenses for petition circulators outside their home county and require that county election officials provide copies of the proposal to those signing the petitions.	No action taken by State Government Committee; will carry over to 1984. Adjournment 5-25-83.
NJ	Several bills to allow the initiative process or to implement such an amendment have been introduced in the 1983 session including: ACR70, AB972, ACR61, ACR129, SCR5153, SCR53 and SCR11. SCR53 is active.	Sponsor of SCR53 invoked rule to relieve committee of the bill. Was brought to floor 5-24 for second reading and passed 34 to 0. Hearings will be held by State Government Committee on 6-20. Other bills are still in committee and no action has been taken.
NM	HJR4: To allow an advisory "non-binding" statewide initiative.	Killed on the floor 3-18-83. Adjourned 3-18-83.
NY	Nine bills are pending on initiatives. (Please see previous I.Q. for details.)	No action has been taken since last report.
OH	Two bills to reform initiative process are pending. HB131: Requires circulators to show their city and county of residence on petition. HB204: Requires circulators to provide summary (or summary of summary) to those signing petitions.	HB131 has not been assigned to a committee since it was introduced 2-8-83. HB204 is in House Economic Affairs Committee, but has had no action to date.
OK	H1176: Requires Secretary of State to prepare ballot title at 8th grade level of understanding. SJR20: Prohibits corporate contributions in certain areas.	H1176 passed Senate 4-27 and is currently in conference committee. SJR20 is in Senate Standards and Ethics Committee. Adjournment not set, but limited to 90 day session.
PA	Two bills, H136 and SB171, have been introduced to establish the initiative process.	SB171 is in the State Government Committee with no action to date. H136 is in the House Judiciary Committee with no action since last report.
RI	Two bills were introduced in the House to establish the initiative process: 83H5026 and 83H5077.	Both died with adjournment. Can carry over to 1984 session.
SC	Four bills to establish the initiative process have been introduced: H2206, H2432, HJR2372, and SJR15.	The House bills were tabled in committee. The Senate bill was not reported, but it can carry over to second half of session. Adjournment is expected 6-9 with cleanup session in August.
SD	H1024: Changes period for submitting county petitions and allows certain initiatives to be placed on general election ballots, rather than requiring special elections.	Passed.
TX	HJR2 and HJR6 would allow statewide initiatives.	Hearings held 5-9-83 in House State Affairs Committee. No action since that time. Adjournment is 5-30; no carryover.
UT	HJR2 would have expanded the initiative process to include constitutional amendments.	Failed on House vote 1-31-83.
VA	Five bills were introduced to establish the initiative process: HJR1, 137, 59, 92, and SJR66.	All referred to Privilege and Elections Committee. Defeated on committee vote.
WA	SB3484 requires review of initiative proposals by the AG prior to circulation of petition.	No action. There will be an interim study committee to consider reform possibilities.
WV	HJR14: Would have established the initiative process.	Died with adjournment on 3-16-83; no carryover.
WY	Several bills were introduced. (See I.Q. March update)	Legislature adjourned without passing any election legislation except to limit electioneering or collection of petition signatures within 100 feet of polls.

NOTE: States not listed had no initiative legislation introduced in the current session.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign.Req.	Due	Ballot	Provisions
<b>ALASKA</b>						
Limit Payment of Legislative Per Diem Rates	A.G.	ST	19,918	1-4-84	11-84	Restrict length of sessions by placing limit (90 days) on number of days per diem will be paid.
<b>ARKANSAS</b>						
Change Length of Terms for State Officers from Two Years to Four Years	In Prog	CA	78,935	7-7-84	1984	Proponents are not the same as those who sponsored a similar drive in 1982.
<b>ARIZONA</b>						
Move Primary Election from September to June	Announced	CA	108,955	7-5-84	1984	Initiative 1-I-84
Raise Drinking Age From 19 to 21	In Prog	ST	72,637	7-5-84	1984	Initiative 2-I-84
<b>CALIFORNIA</b>						
Redraw Congressional Reapportionment Districts	Failed	REF	393,835			Insufficient signatures submitted.
Legalize Adult Possession and growth of Marijuana	Failed	ST	393,835			Insufficient signatures submitted.
Establish a Sports Fans Consumer Board	Failed	ST	393,835			Insufficient signatures submitted.
Require New Public Employees to Enroll in Federal Social Security	In Prog	CA	630,136	6-30-83	1984	Disallow further additions to private retirement funds by state, county or local government employees or those working for agencies.
Redraw Congressional and Legislative District Lines	In Prog	ST	393,835	9-1-83	1984	Would replace current plan with combination of all recent proposals. Sponsor: Sebastiani
Reform Legislative Rules Procedures, Powers, and Funding	In Prog	ST	393,835	10-7-83	1984	Sponsor: Paul Gann
Decriminalization of Marijuana, Drug Paraphernalia Sales, etc. for Adult Use	In Prog	ST	393,835	10-17-83	1984	Sponsor: Herer
Establish Space Station	In Prog	ST	393,835	10-17-83	1984	Sets forth findings of U.S. space program. Calls for inhabited space station by end of decade.
Close Loopholes in Proposition 13	Announced	CA	630,136			Although the press has reported this initiative is active, it has not yet been filed. Sponsor: Paul Gann
<b>COLORADO</b>						
Legalize Casino Compound in Pueblo	Announced	CA	46,737			Extensive media coverage of press conference announcing new petition drive. Nothing filed with state as of 5-25-83.
<b>DISTRICT OF COLUMBIA</b>						
Preserve the Rhodes Tavern as Historic Site	Certified	ORD	14,671		Next	Calls for preservation of oldest building in town which once served as town hall.
Legalize Marijuana and Drug Paraphernalia	In Prog	ORD	14,671	5-31-83	Next	See Title
<b>FLORIDA</b>						
Limit All Taxes to 5%	Certified	CA	298,743		11-84	See Title
Establish State Lotteries	On Hold	CA	298,743	8-84	11-84	Proponent is watching legislative session to see if alternate bill is passed. If not, will reactivate drive.

Continued on page 6



# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign.Req.	Due	Ballot	Provisions
<b>IDAHO</b>						
Limit Terms for State Legislators	Failed	ST	32,665			Proponent failed to file the needed 20 preliminary signatures to have proposal titled.
<b>MAINE</b>						
Ban Moose Hunting	Certified	ST	37,026		11-83	See Title
<b>MICHIGAN</b>						
Limit Size of Welfare Benefits	Failed	ST	243,201			Insufficient raw signatures submitted.
Reserve a percentage of State Revenues for Schools	In Prog	CA	304,001	7-9-84	11-84	"FAIR" Petition
Require Voter Approval on All Tax Increases; Limit Taxes	In Prog	CA	304,001	7-9-84	11-84	"Voters' Choice on Revenue"
Reduce Property Tax and Require Voter Approval on any new Taxes or Tax Increases	In Prog	CA	304,001	7-9-84	11-84	T.A.G. Tax Cut Petition -- Taxpayers Action Group
Limit the Ballot to a Single Proposal on an Issue	In Prog	CA	304,001	7-9-84	11-84	T.A.G. Ballot Limit Petition -- Taxpayers Action Group
<b>MISSOURI</b>						
Halt Callaway Nuclear Power Plant Until Waste Disposal Plan Is Developed	In Prog	ST	67,581	7-7-84	11-84	See Title
Legalize Pari-Mutuel Betting	Announced	CA	108,130	7-7-84	11-84	Similar drive failed to gather sufficient signatures in 1982.
<b>OHIO</b>						
Raise Drinking Age from 18 to 21	In Prog	CA	335,673	8-1-83	11-83	See Title.
Alcohol Beverage Tax	In Prog	ST	100,702 100,702	1-15-84 5-15-84	11-84	Two-cent per drink tax to fund alcohol rehabilitation programs. Two-phase petition drive. Second step if measure fails in legislature.
Repeal Increase in State Income Taxes	Titled	CA	335,673	8-2-83	11-83	Taxes were increased 90% in current session. Proposal repeals increase. Titling completed 5-9-83.
<b>OREGON</b>						
Restrict Government Competition with Private Industry	In Prog	CA	83,361	7-6-84	11-84	Would not allow employees to be hired if in competition with private firms. Other provisions. (#1)
Legalize Possession and Growth of Marijuana for Adults' Personal Use	In Prog	ST	62,521	7-6-84	11-84	Decriminalizes possession, growth, transport and consumption for private and medical use. In second filing. (#2 and #13)
Place Moratorium on Auto Emission Tests	In Prog	ST	62,521	7-6-84	11-84	Would end program in 1985 and 1986, not to be reinstated without voter approval. In second filing. (#3 and #10)
Dissolve All Metro Service Districts	In Prog	ST	62,521	7-6-84	11-84	Allows only 100 days to dissolve and dispose of assets. In second filing. (#4 and #9)
Abolish Land Conserv. and Develop't Comm., Land Use Bd. of Appeals and Dep't. of Land Cons. & Development.	In Prog	ST	62,521	7-6-84	11-84	Continues 1982 effort to place land use planning powers in hands of local bodies. Also provides challenge procedure. (#5)

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign. Req.	Due	Ballot	Provisions
<b>OREGON, continued</b>						
Reduce State Income Tax to 3/4 of the 1980 Levels	In Prog	CA	62,521	7-6-84	11-84	See Title. (#6)
Limit Property Taxes	In Prog	CA	83,361	7-6-84	11-84	Taxes would be based on 1% of land's true cash value. Similar to 1982 proposal which was defeated at polls. (#7)
Ban Sales Tax	In Prog	CA	83,361	7-6-84	11-84	would prohibit imposition of tax for transfer of any tangible or intangible property. (#8)
Change Makeup of Land Conservation and Develop't Comm. and Set Up Appeal Process	In Prog	ST	62,521	7-6-84	11-84	Describes makeup of state, county and city planning groups and provides appeal process. (#11)
Protect Private Property	In Prog	CA	83,361	7-6-84	11-84	Forbids passage of any law that infringes on use, ownership, and enjoyment of private property. (#12)
<b>UTAH</b>						
Ban Salacious Material on TV	Certified	ST	60,002		6-84	State Legislature overrode Gov's veto of similar bill; however, there is no legal provision for removing an initiative once it has qualified for ballot. AG and LG are exploring possibilities for removal.
Establish New Working Hours for State Offices	In Prog	ST	60,002	6-5-84	11-84	Would have offices open from Noon until 8:00 PM.
Community Correctional Facilities	In Prog	ST	60,002	6-5-84	11-84	Carryover from 1982. Would prohibit regional prisons in residential areas.
Elected Public Utility Commission	In Prog	CA	60,002	6-5-84	11-84	See Title
<b>WASHINGTON</b>						
I-444: Transactional Tax	In Prog	ST	138,472	7-8-83	11-83	Established 1% transfer tax on all exchanges to replace all state taxes. Failed to qualify for the ballot in 1980 and 1982.
I-445: Limit Authority of State Game Authority	In Prog	ST	138,472	7-8-83	11-83	Defines duties of board. Restricts special hunting seasons and stops elk hunting within a few years.
I-446: Rating of Performance of State Agency by Voters	In Prog	ST	138,472	7-8-83	11-83	would require election to judge agency performance, if requested by petitions signed by 10,000 voters.
I-447: Expand Gambling, Abolish State Gaming Commission	In Prog	ST	138,472	7-8-83	11-83	Requires that 25% of profits from all games be dedicated to education, exempts lotteries and pari-mutuels.
I-448/I-452: Reduce Sales and Use Taxes; Eliminate Watercraft Use Taxes	In Prog	ST	138,472	7-8-83	11-83	Original proposal refiled as I-452. Reaction to recent bill passed in legislature.
I-449/I-451: Terminate and Liquidate Joint Operating Electrical Agencies	In Prog	ST	138,472	7-8-83	11-83	Original proposal refiled as I-451. Target is Washington Public Power Supply System (WPPSS).
I-450/I-453: Ban IRS Notices of Privacy Act and Paperwork Reduction Act by State Statute	In Prog	ST	138,472	7-8-83	11-83	I-450 declined by AG; refiled with changes as I-453.
I-454: Ban Use of State Funds for Abortion Unless Life is Threatened	In Prog	ST	138,472	7-8-84	11-84	See Title

Continued on page 8

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign. Req.	Due	Ballot	Provisions
<b>WASHINGTON, continued</b>						
Indirect: Salmon and Steelhead Resources	In Titlmg	ST	138,472	1-84	11-84	Filed 4/29/83. Will be submitted to 1984 legislature if signatures are completed.
Indirect: Rollback State Taxes to 12/31/80 Levels	In Titlmg	ST	138,472	1-84	11-84	Filed 5/9/83. Will be submitted to 1984 legislature if signatures are completed.
<b>WYOMING</b>						
Regulate Deposit of State Money in Credit Unions	Inactive	ST	25,810	12-11-83	1984	Sets forth requirements and procedures for state fund deposits. No activity reported.
Lower Signature Requirements for State Initiatives	Inactive	CA	25,810	12-11-83	1984	AG has ruled CA's can be done through initiative. This effort arises out of failure of legislature to act on proposal. No activity reported.

Continued from page 2

### SIGNATURE CERTIFICATION:

This very important area of qualification has been generally ignored in the current batch of bills. Several seemed to indicate that signatures accompanied by sworn affidavits would only be counted by election officials and therefore would be "presumed valid" unless challenged (Georgia, Hawaii and Texas). Other bills were completely silent on verification of signatures. (See *Initiative Quarterly* Volume I, Issue I, October 1982, for an in-depth look at the certification process.)

**CAMPAIGN FINANCIAL DISCLOSURE:** Full disclosure of expenditures and contributions was called for in only three states: Hawaii (3 bills), Texas (2 bills), and Rhode Island (1 bill). The subject was ignored in all other pieces of legislation.

**LIMITS ON BALLOT FREQUENCY:** Four states considered initiative proposals that would constitutionally limit how often an initiative proposal could appear on the ballot. These "cooling off" periods ranged from 5 years in New Jersey to 2 general elections in Rhode Island.

**MISCELLANEOUS:** Almost uniformly, the bills we analyzed called for a simple majority to pass an initiative. Subject matter was restricted in most measures and few of the bills specified a circulation period for signature collection. Paid circulators were prohibited in Texas and Rhode Island proposals.

### SUMMARY

Considering the combinations of ballot access controls found in many of the bills analyzed, most call for a

carefully regulated process. Perhaps this is because these states have taken note of how the process works in other states and are trying to make adjustments to their proposals to avoid some of the pitfalls that can be found in heavy user states.

This tendency to more carefully regulate access to the ballot is in keeping with the trend that can be seen in the laws of states which have adopted the initiative process in recent years.

### ALASKA (1959)

Limited to statutes; requires a 10% signature threshold based on total votes cast in gubernatorial election with signatures spread over 2/3 of the election districts.

### WYOMING (1968)

Limited to statutes; 15% signature threshold to be distributed over 2/3 of the counties; majority to pass must be majority of votes cast in last general election.

### ILLINOIS (1970)

Limits the initiative to "structural and procedural" changes to the Legislative Article (Article IV) of the state constitution.

### FLORIDA (1972)

Constitutional amendments only; signature requirement is 8% of the voters in the last presidential election to be distributed over 1/2 of the state's congressional districts; proponents are charged 10 cents per signature to certify for ballot placement.

NCIR will continue to track initiative legislation and to report our findings to those interested in how the process works in the user states and how it might work under proposed legislation.

## Current Initiative Petition Drives by Status — for 1983-84 Ballots

In Progress (Active) . . . . .	36
In Titling/Review/	
Attorney General (AG) . . . . .	4
Announced, Not Filed . . . . .	4
Inactive/On Hold . . . . .	3
Complete/Certified . . . . .	4
Withdrawn	
(May have been refiled) . . . . .	6
Failed . . . . .	19
Total Drives	
Attempted to Date . . . . .	76

*Included in this tabulation is the referendum drive in California to repeal the Congressional Reapportionment legislation. An advisory referendum petition drive has been completed in Alaska to gain support for a nuclear weapons freeze resolution. This proposal, which has been submitted to the legislature, is not included in this list because it was not an attempt to qualify for a ballot position.*

The next edition of *Initiative Quarterly* will feature a comprehensive chart showing initiative provisions state by state. It will include a key showing which states allow local initiative, referendum and recall. The chart will give a detailed guide to requirements for qualifying initiatives for the ballot in each of the states having the process.

# Initiative Quarterly

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Third Quarter 1983

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## New Tool for Initiative Study

An accurate, readily-referenced, easy-to-use means of comparing the intricacies of the initiative structure . . . .

Initiative laws from state to state show an astonishing diversity—virtually no two states have identical initiative provisions. Yet, within each state, the particular initiative mechanism employed will profoundly influence the initiative experience.

Each year, NCIR receives hundreds of requests for information about how the initiative process works in particular states. Providing accurate answers involves consulting and cross-checking numerous sources. Even with the excellent information found in constitutional excerpts, in studies reported by governmental agencies, in academic articles, and in literature provided by individual state officers, any interstate comparative analysis of initiative procedures has been, at best, time-consuming.

An accurate, readily-referenced, easy-to-use means of comparing the intricacies of the initiative structure from state to state has long been needed.

NCIR has compiled a state-by-state comparison of initiative provisions and summarized them in chart form. This expansive wallchart, **INITIATIVE PROVISIONS BY STATE**, outlines more than twenty different provisions for ballot access, and allows easy cross-reference and comparison of the current initiative provisions in every state. Information on the chart is easily accessible, yet the format provides sufficient detail to make the chart a valuable tool for in-depth study.

NCIR is pleased to provide this chart to **Initiative Quarterly** subscribers. Hundreds of hours were spent compiling and organizing the data. We feel it will be an invaluable aid in stimulating interest in the dynamics of the initiative process.

### Current Initiative Petition Drives by Status — for 1983-84 Ballots

Certified . . . . .	7
Complete/In Certification . . . . .	2
Announced, Not Filed . . . . .	3
In Titling/Review/	
Attorney General (AG) . . . . .	18
In Progress (Active) . . . . .	84
Inactive/Abandoned . . . . .	3
Withdrawn	
(may have been refiled) . . . . .	6
Failed since last report . . . . .	13
Failed/Withdrawn/Abandoned	
previously (dropped from report) . . . . .	41
Total Drives	
Attempted to Date . . . . .	177

### Inside I. Q.

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## Ballot Measures Qualified

While a few states have initiative proposals on November ballots, most do not, since many states only allow initiatives to appear on biennial general election ballots. Several of those initiatives have generated legal challenges before even being voted on:

An initiative to save the historic 184-year-old Rhodes Tavern in Washington, D.C. would establish a 7-member board to negotiate with the building's owner, and would make preserving and protecting the landmark public policy. Since the initiative would only create a non-binding resolution, developer Oliver T. Carr could raze the structure—formerly the town hall—even if voters approve the measure. But Carr's application for the demolition permits he needs was answered by a court injunction barring the tavern's demolition until the public has a chance to vote on the proposal.

Maine's initiative to ban moose hunting will appear on the November ballot despite a court challenge against the petition signature threshold used to qualify the measure.

The state supreme court ruled 6-1 against an argument by the Sportsman's Alliance of Maine (SAM) that the Save Maine's Only Official State Animal (SMOOSA) measure qualified for the ballot under an outdated signature threshold based on 1978 election results, and that a higher threshold pegged to the 1982 voted numbers should have been in effect.

The court answered that the SMOOSA committee's decision to file their 39,942 valid petition signatures on November 1, 1982 allowed their petition to be qualified under the older threshold, thus avoiding the December 1, 1982 threshold increase from 37,026 to 40,030 signatures. The state's constitution does not bar such early filings, the court said.

Continued on Page 2

Ohio voters will decide three ballot issues:

- A proposal to raise the state's drinking age from 19 to 21.
- A proposal to require a 3/5 majority in the state legislature to increase taxes
- A proposal to repeal the 90% state income tax increase enacted in 1983

Two measures have already qualified for 1984 ballots, and each has already generated legal contests:

A Florida constitutional property tax limitation sponsored by Floridians for Tax Relief would roll back the tax base 1980-81 levels and would limit increases in all state and local taxes to 5% a year. Miami lawyer Martin Fine has filed suit to bar the measure from the ballot on the grounds that it violates both Florida's one-subject-per-initiative rule and the Constitution's guarantee of due process.

State officials in Utah are exploring ways to remove a measure from the 1984 ballot that would ban salacious materials from cable television. Earlier this year, the state's legislature passed a similar law, overriding a veto by the governor — who called the measure unconstitutional — and rendering the initiative contest moot. Meanwhile, the ACLU has filed suit challenging the constitutionality of the new statute, and a second 1984 initiative campaign is under way to repeal the law should the court uphold it.

## Initiative Quarterly

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# New York Times looks at initiative process

## Voters vs. Legislatures: Ballot Issues Increasing

By ROBERT LINDSEY  
Special to The New York Times

LOS ANGELES, Sept. 15 — Want to end nuclear war, start a space program, get tougher on crooks, cut taxes or reapportion electoral districts? In California, you pass a petition or, more likely, you hire someone to do it for you.

The initiative, an 85-year-old reform from the progressive era that grants voters in 23 states the right to bypass legislators by writing their own laws and then getting them adopted or rejected at the ballot box, has been experiencing a resurgence in much of the nation recently.

Last year 58 voter-initiated measures were placed on the ballot in 18 states, the largest number since 1934, and 26 were passed.

In no state has use of the initiative made greater headway than in California, where political scientists say it has drastically reshaped the machinery of government and led to the growth of a multimillion-dollar specialty trade whose practitioners get initiative measures placed on the ballot and then campaign for approval.

### Californians Seen Undeterred

This week, for the first time in 35 years, the California Supreme Court removed a measure from the ballot when it ruled a Republican-backed reapportionment plan was unconstitutional. But political scientists predict the decision will not deter Californians from using the process to change their laws.

According to a new study by David Maglebey of Brigham Young University, an academic specialist in the field, there were more than four times as many initiative petition drives started in California in the 1970's than in the 1960's, for a total of 181. Of this number, 22 got enough signatures to qualify for the ballot and 7 were adopted.

In the 1980 and 1982 elections, there were 107 initiative petition drives; 13 qualified and 5 were adopted. If Californians follow the patterns of the recent past, Dr. Maglebey said, the number will climb substantially in 1984.

"The resurgence began in the 70's," he said, "but I think the 80's will be the decade of the initiative; I prophesy more measures will qualify during the 1980's than in any previous decade."

### The 'Initiative Industry'

Dr. Eugene C. Lee, who teaches political science at the University of California, said the number of ballot propositions had "gone up with the rise of special-interest politics and the growth of the initiative industry — you've got people making money out of it."

Even as it gains renewed popularity, the initiative process is a subject of dispute. Some political scientists say the renewed interest is evidence that state legislators are not responding to the wishes of the public, often because they are under the influence of big-spending lobbyists and special-interest groups. Therefore, the political experts say, the process is fulfilling the objectives envisaged for it.

"There's a growing sense of futility and unhappiness in the public over the Legislature, that it's not doing its job" and that "because it is so influenced by special interests, nothing happens," said Charles M. Price, a specialist in state government at Chico State University.

### Proposition 13 and Aftershocks

The most commonly cited example of an initiative that grew out of legislative inaction is Proposition 13, the 1978 law that substantially limited property taxes in the nation's most populous state.

Two little-known California businessmen, Howard Jarvis and Paul Gann, gathered enough signatures to place the measure before voters after several years in which lobbyists for cities, counties and school districts, ignoring

mounting public protests, successfully blocked legislative efforts to reduce rapidly growing property taxes.

The measure, which passed by 2 to 1, slashed property taxes as promised. But critics have assailed Mr. Jarvis and Mr. Gann as drafting a vaguely written law that has had profound, unforeseen effects on government because it all but took away local government's only taxing power and shifted enormous power to the state capital in Sacramento.

Despite such criticism, many California leaders say it would be political suicide to propose ending the initiative process, even if, as Dr. Price and other political scientists say, the turn-of-the-century progressives who fought for acceptance of the initiative to bypass corrupt and unresponsive legislatures would barely recognize it today.

The political scientists say the original process has been drastically altered by the advent of professional petition-passers and consultants who specialize in computerized direct-mail techniques and other modern campaign methods and the availability of millions of dollars in campaign funds to special-interest groups.

### Turning Into a Major Business

The researchers say circulating initiative petitions and promoting initiative campaigns has become a major business for companies that employ thousands of people who gather signatures for a fee, serving, in effect, as hired guns for the special interests.

Typically, the researchers say, it costs about 60 cents for each signature collected the conventional way, by door-to-door canvass or at a shopping center, for example, and about \$2 a signature when "high-tech" campaign methods are employed.

Computers are used to identify registered voters who, for demographic reasons, are regarded as the most likely to respond to a direct-mail appeal for their signatures. Many more valid signatures were said to have been collected this way than those gathered by conventional methods of petition-passing.

Among the most prominent members of the "initiative industry" in California are the Butcher-Ford Company, Judith Brown Associates and the F. G. Kimball Company. Political scientists who have studied the changing role of the initiative say that the emergence of professional signature-gathering services makes it possible for almost any well-financed initiative proposal to reach the ballot.

According to a study directed by Dr. Maglebey, who is writing a book, "Direct Legislation," about the initiative, many such proposals are written so unclearly that the vast majority of voters cannot comprehend them.

In the kind of vacuum of understanding that results, he continued, emotions and the slickest and often the most expensive television campaign carry the day. "It sometimes approaches an electoral roulette," Dr. Maglebey said.

### The Game Is Expensive

By all accounts, it is an expensive game. According to the National Center for Initiative Review in Denver, more than \$85 million was spent by the proponents and opponents of the 58 initiative measures that went before voters in 1982. The Denver organization, which describes itself as a clearinghouse for information about the initiative process, is financed in part by corporations that are concerned about the increasing use of the initiative to pass laws they regard as antibusiness.

Critics of big business assert that corporations are subverting the original function of the initiative as a tool of reform in the hands of the citizens by pouring millions of dollars into campaigns in which, generally, the richest contender wins.

About \$20 million was spent by business last year, they point out, to defeat a variety of consumer-backed initiatives aimed at utility companies and to fight environmentalists' "bottle bills," which require consumers to pay a refundable deposit on beverage cans and bottles to reduce litter. Three years ago, the critics say, the tobacco industry spent more than \$7 million on a successful campaign to defeat a proposed California law that would have placed a variety of restrictions on smokers.

Businessmen say they must spend the money in self-defense. They argue that the initiative process has made it possible for small groups of people, well-organized and sometimes well-financed, to pass laws that, in the businessmen's eyes, are often irrational and economically unacceptable.

Regardless of the merits of each side in the dispute, said Roy Palmer, a researcher at the National Center for Initiative Review, "The costs involved are enormous, and they're getting larger."

Of the 22 states that have adopted the initiative process since South Dakota became the first in 1898, the majority are in the West; five, Florida, Michigan, Ohio, Maine, and Massachusetts, are in the East. The District of Columbia allows for voter initiatives as well. Illinois has a statute that provides for initiatives, but specialists on the subject say there are so many restrictions on its use that it is rarely used.

One conservative leader who is said to have Presidential ambitions, Representative Jack F. Kemp, Republican of upstate New York, has said he favors establishing a national initiative patterned after the law in California.

Dr. Maglebey said, "Supporting the initiative has become a way for both liberals and conservatives to establish populist credentials." Moreover, he says, it can provide a politician with instant celebrity.

"How else could Paul Gann become a candidate for the United States Senate and Howard Jarvis end up on the cover of Time Magazine?" Dr. Maglebey asked. Edmund G. Brown Jr., he added, rode into the California Governor's office largely on the publicity he gained while championing a 1974 initiative aimed at reducing corrupting influences in the State Legislature.

The initiative has been available to voters in California, since 1912, when it was enacted at the behest of the state's Progressive Governor, Hiram Johnson.

In recent years, voters have set tax policy by passing Proposition 13 and several other tax-cutting initiatives; they have determined how long felons should remain in jail, with Proposition 8; helped determine the shape of the state's future growth by turning down a mammoth water canal project, with Proposition 9; and they have given California its own foreign policy by voting in favor of a two-sided freeze on nuclear weapons development, with Proposition 12. Another measure, which did not qualify for the ballot, called on the state to endorse launching a space station by the end of the decade.

When administrators of the state's junior college system became unhappy recently over a decision by Gov. George Deukmejian to impose a \$50-a-semester tuition fee, they did what comes naturally in California: they announced plans for an initiative drive, later abandoned, to go around the Governor.

In California, the signatures of 5 percent of the total votes cast in the previous gubernatorial election (394,000), place a proposed measure on the ballot; 8 percent of that total vote (630,000) is required to place a constitutional amendment before the voters.

Despite the changes that time and modern campaign technology have brought to the reforms of the old progressives, many political scientists, including Dr. Price of Chico State, maintain that the advantages outweigh the disadvantages.

In California and elsewhere, he said, state legislatures are "under enormous influence by special interests because of their money and campaign contributions."

THE NEW YORK TIMES, SATURDAY, SEPTEMBER 17, 1983

## Focus: New Initiative Legislation

### Nevada Officials Now Able to Scrutinize Signatures

By Eric Miller

Initiative petition signatures in Nevada are no longer presumed valid under a new law that took effect there July 1, a change that pleases state and county officials who felt that Nevada's old law left much room for error.

The new law is a much-needed improvement to the state's provisions for direct legislation, according to Secretary of State William D. Swackhamer, who promoted the bill through the state legislature.

"We had been concerned that maybe some things were getting through that shouldn't have," Swackhamer said in a recent phone interview from Carson City. "Under our old law, all we could do was verify the number of signatures, and verify that the person signing the petition lived in the right county. We didn't have any way of certifying or comparing the signatures (to registered voter lists)."

new law (Senate Bill 354), which is modeled after California's law and provides for both random and exhaustive signature certification.

Nevada county clerks and registrars who gathered in Carson City last month for their biannual workshop on new state election laws endorsed the the new law despite the fact that it promises to create a big seasonal workload for them, Swackhamer said.

"They know it's going to be a big job, but it got an enthusiastic reception," Swackhamer said. "They generally felt the same way we (state officials) did - that in the past, we had not been any too accurate about petition signatures."

Under the new law, the county clerk in each county is responsible for checking petition signatures against names on the county's voter rolls. If the petitions submitted to the clerk contain fewer than

individually - and passes or fails the petition on those results.

Swackhamer said the random sampling procedure adopted from California is well-tested, court-approved, and extremely accurate.

"The counsel for the election department of the California Secretary of State's office told me that in the two instances when California had followed up the random sampling with a name-by-name verification of signatures, the percentage of valid names fell within one percent of the percentage established by random sampling," Swackhamer said.

Since Swackhamer estimates that the new certification procedure could take up to 65 days, initiative petitions must now be turned in 65 days earlier than under the old law. That's not a change likely to upset petitioners, since Nevada's petition circulation period is unlimited - petitioners can start gathering signatures as early as they wish.

How much will the new procedure cost Nevada's 17 counties, which must foot the bill for checking the names? No one knows yet, Swackhamer said. But "the county clerks are especially relieved that the law requires that county commissioners provide them with whatever help they need to get the job done."

No petitions have been filed with the Secretary of State's office since the law went into effect, so the new signature verification method still awaits its first test.

With the passage of Nevada's new law, only Arizona, Colorado, Oklahoma and South Dakota still have no provision for checking petition signatures against voter rolls. Thirteen initiative states and the District of Columbia certify every signature on every petition. Four states use some sort of scientific random sampling procedure, and another four states, like Nevada, fall back to individual signature certification if the random sampling is inconclusive.

(See IQ's October, 1982 issue for a detailed review of petition signature certification techniques employed by various states.)

*The new law is a much-needed improvement to the state's provisions for direct legislation, according to Secretary of State William D. Swackhamer, who promoted the bill through the state legislature.*

Swackhamer said that even when officials had doubts about the validity of signatures, they were powerless to check the signatures against voter rolls unless someone filed a formal challenge against the petition. And that's exactly what happened two years ago, he said, when an initiative proposal that would have amended the state's constitution to repeal the food tax in restaurants met the signature threshold requirement - but just barely.

"The petition had just the bare minimum number of signatures needed in some of the counties," Swackhamer recalled. "The Nevada Taxpayers Association took some of the petitions to those counties, checked the signatures and found that they were indeed deficient, something we had suspected all along."

The measure was thrown off the ballot, but Swackhamer's concern over such problems led him to propose the

500 signatures, the clerk checks each individually. If there are more than 500, the clerk uses a scientific sampling method.

Swackhamer's office then tabulates the results from all the counties. There are three possible outcomes:

- 1) If the random sampling predicts that the number of valid signatures is probably 110% or more of the required minimum, the petition is considered qualified for the ballot without further verification.
- 2) If the number of valid signatures appears to be below 90% of the minimum needed, the petition is disqualified.
- 3) However, if the number of valid petition signatures appears to fall within 90% and 110% of the minimum threshold level, the Secretary of State instructs each county clerk to verify each signature

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign. Req.	Due	Ballot	Remarks
<b>ALASKA</b>						
Limit Payment of Legislative Per Diem Rates	Inactive	ST	19,936			#83-01. Moot since legislators have been placed on salary.
Abolish Alaska Transportation Commission/Deregulate	In Prog	ST	19,936	1-11-84	11-84	#83-02. Lift requirement that US flagships transport to Alaska.
Nuclear Weapons Freeze	In Prog	ST	19,936	6-30-84	11-86	#83-03. Would establish the nuclear weapons freeze as state policy. Could be on 1984 ballot if submitted by 1-11-84.
Compensation for State Legislators	In Prog	ST	19,936	9-14-84	11-86	#83-04: Could be on 1984 ballot if submitted by 1-11-84.
<b>ARIZONA</b>						
Move Primary Election from September to June	In Prog	CA	108,955	7-5-84	1984	Initiative 1-I-84.
Raise Drinking Age From 19 to 21	In Prog	ST	72,637	7-5-84	1984	Initiative 2-I-84.
<b>ARKANSAS</b>						
Change Length of Terms for State Officers from Two Years to Four Years	In Prog	CA	78,935	7-6-84	1984	Proponents are not the same as those who sponsored a similar drive in 1982.
<b>CALIFORNIA</b>						
Redraw Congressional and Legislative District Lines	Barred from Ballot by State Supreme Court			9-15-83		Sponsor: Rep. Sebastiani.
Call Constitutional Convention to Adopt a Federal Balanced Budget Amendment	Withdrawn	ST	393,835			Sponsored by the National Tax Limitation Committee. No. 0313, Refiled as No. 0327 below.
Reform Legislative Rules Procedures, Powers, and Funding	Complete	ST	393,835	10-7-83	1984	Sponsor: Paul Gann. No. 0314. In certification.
Decriminalization of Marijuana, Drug Paraphernalia Sales, etc. for Adult Use	Failed	ST	393,835	10-14-83	1984	Sponsor: Herer. No. 0315.
Establish Space Station	Failed	ST	393,835	10-14-83	1984	Sets forth findings of U.S. space program. Calls for inhabited space station by end of decade. No. 0316.
Utility Rates: Increase Lifeline Allowances, Etc.	Failed	CA	630,136	10-21-83	1984	Raises lifeline allocations to seniors and others, restricts rates. No. 0317.
Public Officers and Employees: Salaries, Expenses, Benefits, Etc.	In Prog	CA	630,136	11-21-83	1984	Establishes, among other provisions, maximum salaries and benefits. No. 0318.
Assure Human Survival by Placing All Nuclear Weapons Under Control of the United Nations	In Prog	ST	393,835	12-12-83	1984*	No. 0319.
Welfare Reform	In Prog	ST	393,835	12-12-83	1984*	Sponsor: R. H. Waters. No. 0320.
Legalize Casino Gambling and Lotteries	In Prog	CA	630,136	12-12-83	1984*	This is the 18th try to qualify this proposal for the ballot. No. 0321.
Disclosure of Campaign Finances/Regulation of Contributions, Expenditures, etc.	In Prog	ST	393,835	12-26-83	1984*	No. 0322.

\*California petition drives successfully completed by 11-29-83 will be on June 1984 ballot.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign.Req.	Due	Ballot	Remarks
<b>CALIFORNIA, continued</b>						
Require Cigarettes and Small Cigars to Meet Safety Standards by 1985	In Prog	ST	393,835	12-23-83	1984*	No. 0323
Require State to Divest Itself of Financial Holdings in South Africa	In Prog	ST	393,835	12-29-83	1984*	No. 0324.
"Save Prop. 13" Tax Limitation	In Prog	CA	630,136	3-14-84	11-84	Sponsors: Jarvis/Gann, to close loopholes in Proposition 13. Third revision, No. 0328. (First 2 withdrawn).
Criminal Court Reform	In Prog	CA	630,136	2-10-84	11-84	Sponsors: Robert Kane, retired justice, California Court of Appeal, and Evelle Younger, former California Attorney General. No. 0326.
Call Constitutional Convention to Adopt a Federal Balanced Budget Amendment	In Prog	ST	393,835	2-21-84	1984	Sponsored by the National Tax Limitation Committee. No. 0327 (Refiled version of No. 0313).
Welfare Reform	A.G.	ST	393,835	TBD	1984	Filed 8-17-83. Sponsor: Ross Johnson (A-64).
Educational Funding and Tax Reform	Withdrawn	CA	630,136	TBD	11-84	May be refiled.
Direct Vote of People to Repeal Law (untitled)	A.G.	CA	630,136	TBD	TBD	Filed 9-12-83. Sponsor: Applegate.
"Legislative Pink Slip"	A.G.	CA	630,136	TBD	TBD	Sets salaries, penalties in budget considerations.
Public Gaming Commission Educational Funds	A.G.	CA	630,136	TBD	TBD	Sponsor: R. Wilson -- See No. 0321 above.
<b>COLORADO</b>						
Legalize Casino Compound in Pueblo	Announced	CA	46,737			Expected to be filed in January 1984.
<b>DISTRICT OF COLUMBIA</b>						
Preserve the Rhodes Tavern as Historic Site	Certified	ORD	14,671		Next	Calls for preservation of oldest building in town which once served as town hall.
Prohibit Employers From Administering Drug Tests to Employees	In Prog	Ord	18,032	1-7-84	5-84	
Fair Travel Practices	In Review	Ord	18,000**	TBD	TBD	Initiative No. 15.
D.C. Unemployment Compensation Act of 1984	In Review	Ord	18,000**	TBD	TBD	No. 16.
Right to Shelter Act of 1983	In Review	Ord	18,000**	TBD	TBD	Unnumbered.
D.C. Self-Determination Act	In Review	Ord	18,000**	TBD	TBD	Unnumbered.

\*\*Exact signature requirement is established at time of approval for circulation and is equal to 5% registered voters in District at that time.



# Initiative Provisions By State

## Guide to Chart

By Sue Thomas NCIR Research Director

### 1 • Pre-Circulation

This area of the chart examines the various binding procedural requirements that must be met in many states before a petition can be circulated for signature collection. The chart notes the following possible state pre-circulation requirements: mandatory filing of a copy of the proposal with a state officer for review, and officer's title; possible subject matter restrictions (subjects disallowed for initiative legislation vary widely from state to state, but a state's Secretary of State or Attorney General can provide further information); possible ballot restrictions - while some states allow initiatives to appear on primary ballots and off-year ballots, others do not; and nature of preview by state officials, if any is required - some states preview the substantive merit and content of proposals, while others simply ensure compliance with required form.

**Titling** States have diverse provisions for the titling of an initiative proposal - some require titles to be written by a specified state official; while in other states, proponents title their own proposals. The timing of the titling procedure in the initiative life cycle can also have important implications: some states title proposals before petitions are circulated, while other states affix a title after petition signatures are turned in. Titling requirements can be very specific. For example, Oklahoma's legislature passed a bill in 1983 mandating the Secretary of State to prepare ballot titles for initiative measures that can be understood by voters with 8th-grade reading levels.

**Specified Petition Form** The petition form itself is often regulated by statute dictating such specifications as size of paper, size of print, warning statements, appearance of title and summary of proposal, and the number of signature lines that can appear on a given page of the petition. In states where petition proponents furnish their own petition forms, the state may still require that they submit a "proof" of the petition form for approval prior to circulation. Petition specifications are readily available from the Secretary of State of each state.

**Financial Disclosure Requirements** Some states require periodic reports on contributions/expenditures to initiative campaigns.

**Paid Versus Volunteer Circulators** Some states forbid payment of any kind to petition circulators (while other states allow reimbursement of expenses). Some states have no restrictions against paying signature collectors.

**INITIATIVE PROVISIONS BY STATE** outlines more than twenty different provisions for ballot access in every state, and allows easy cross-reference and comparison of the current initiative provisions. This guide provides additional information and explanation of the column headings on the enclosed chart.

NCIR canvassed the initiative states to collect procedural information and historical data on initiative laws. This material, plus a review of constitutional provisions, was the primary source for the chart. Heavy reliance was placed on previous research conducted by others, including the pioneer work of Virginia Graham and Thomas Durbin at the Congressional Research Services, Library of Congress. And the work of Dr. David B. Magleby of Brigham Young University was especially helpful.

The three major sections of the chart follow the life cycle of an initiative proposal from inception through date of implementation. An additional column of historical data provides a baseline perspective on the increase in initiative activity in recent years.

### 2 • Petition Circulation Period .....

After a petition is approved for circulation - if approval is needed - proponents must collect a certain number of signatures to qualify the measure for the ballot.

This section of the chart provides signature threshold and distribution information for two types of statewide initiative petitions - those that would amend a state's constitution, and those that would create a statute.

**Signature Thresholds** Established by each state's constitution, signature thresholds - the minimum number that will qualify a measure for the ballot - greatly influence the likelihood that any given measure can be qualified. Based on some previous election vote, a threshold is usually set as a percentage of the number of votes cast for all the candidates of a particular office. The most common base is the total number of votes cast for the office of governor at the last election in which that office appeared on the ballot. This is expressed in the chart as LGV. It is not uncommon, however, for some other state office total vote to be used as the base - perhaps the Secretary of State - or for the overall total votes cast in a previous election to be the basis for the signature threshold. In most states, the number of signatures required to qualify a constitutional measure for the ballot is greater than the number needed for a proposed statute, but some states set identical thresholds for both types of initiatives.

**Geographic Distribution** Only about half the initiative states require any kind of geographic distribution of petition signatures, and requirements vary. Congressional districts, state legislative districts, and counties are commonly-used divisions to ensure a minimum of signature distribution, and Alaska uses "election districts", which are political divisions within the state that do not coincide with either congressional, legislative or county lines. The chart lists the minimum number of districts (stated in parentheses) and numbers of signatures per district that meet requirements.

Since most states set their *statewide* signature threshold as a percentage of the total number of votes cast in a particular candidate race in the last general election (see **Signature Threshold** above), states commonly base their geographic distribution rule on the same formula and the same race, thus requiring petitioners to gather signatures in each district equal to a percentage of the total votes cast *in that district* for that same office. The remainder of the signatures needed to meet the overall statewide signature threshold could be collected from anywhere in the state.

A definite correlation exists between the presence of a geographic distribution rule and the number of initiatives appearing on a given state's ballots, as seen in the historical information in the final section of the chart. States where the initiative is heavily used, such as Arizona, California, Colorado, North Dakota, and Oregon, do not require signature distribution.

### 3 • Post-Circulation

**Filing Instructions** Petition signatures are usually filed with the Secretary of State, or in states lacking this office, with the Lieutenant Governor. Some states allow or require petitions to be turned in at the local level through the County Clerk's office.

**Signature Certification** Certification is the method used to verify that signatures contained in the petition are valid. Many states check each signature individually (**I**) against voter registration lists. A few do a random sample (**RS**) of signatures to determine if requirements have been satisfied. Four states do not validate signatures, but simply count them and presume they are valid (**PV**) upon submission of appropriate affidavits by circulators.

**Voter Education** Some states take steps to inform the voters of ballot measures appearing on upcoming ballots. A common method is to print the entire text of the measure in general publication newspapers at specified times prior to the election. States which do this are noted by the letter "N" Other states publish a pamphlet which is mailed to voters,

**Direct Versus Indirect Initiatives** Initiatives are classified direct or indirect depending on their route to the ballot. A **direct initiative**, having met signature thresholds and procedural rules, goes directly to the ballot to be voted on by the public. An **indirect initiative**, having met the requirements, is submitted to the state legislature for consideration before it goes to the ballot. Generally, the legislators have three options: (1) They can adopt the measure - subject to referendum - as presented, or in substantially the same form. (2) The legislature can "pass through" the initiative, sending it to the ballot in its original form for a vote by the electorate. (3) The legislature can draft its own, alternative version of the measure to appear along with the original initiative proposal on the ballot. Should both measures pass, the measure winning the higher majority vote becomes law.

Chart notations showing both "D" and "I" designations indicate that the state allows both direct and indirect initiatives. In these states, statutes are usually indirect and amendments are direct.

Massachusetts, Ohio and Utah use the indirect process to place the legislative review in the middle of the signature collection process. Taking a hypothetical Massachusetts initiative statute as an example, the first phase requires that 61,508 signatures (3% LGV) be collected prior to submission of the measure to the legislature. If the legislature fails to act on the measure within a specified time, an additional 10,251 signatures (5% LGV) must be collected before the initiative can be placed on the ballot, subject to the same standards and reviews as signatures collected earlier.

either individually or by household. These pamphlets usually contain the text of the proposed measure, and arguments for and against its passage. A "P" identifies these states. Most states (or localities) post some form of sample ballot at the polls, but this is not noted in the chart.

**Majority Required To Pass** Unlike candidate races, a simple majority of votes cast on the issue will not always pass a ballot measure. Sometimes the majority requirement is also tied to the total votes cast in that election. And in Wyoming, a measure passes only if approved by a majority equal to a majority of total votes cast in the last general election.

**Effective Date** A ballot measure which passes does not take effect until the official canvass of the vote is completed and the results are officially announced by the governor or some other state officer. As the chart notes, some states impose an additional waiting period (30 days, or 90 days) which begins from the date the canvass is complete.

**Legislative Amendment or Repeal** Many states do not allow state legislatures to

**Deadlines** Filing deadlines for proposals depend on the type of initiative, i.e., direct or indirect. **Direct initiative deadlines** are tied to ballot dates - that is, a chart notation of "120 d" means signatures must be submitted no later than 120 days prior to the election on which the measure is to appear. Indirect initiative deadlines are tied to legislative session dates. In most cases, the chart shows the deadline in days prior to the beginning of a session, i.e., 10 days, as in the first-phase portion of an indirect statute in Ohio. Some states simply set an arbitrary day in a certain month. In these cases, the chart indicates only the month in which the deadline falls. Exact requirements can be obtained through the state offices or through NCIR.

**Maximum Circulation Periods** Filing deadlines are not the only limit that some states impose on the petition circulation period. Some states also impose limits on the length of time petitions can be in circulation. Some states, such as California, Colorado, and Oklahoma, require that circulation be complete within a specified number of days or months after approval for circulation is granted. Others limit circulation time by placing a time limit on the validity of petition signatures, as Florida did in 1983 by allowing signatures to be valid up to four years after the date of signature.

Sometimes a conflict arises during a petition drive between the **Filing Deadline** and the **Maximum Circulation Period**. If this happens, and if proponents are seeking to qualify their measure for the next election ballot (rather than a later one), the filing deadline for the ballot always takes precedence over the allowed circulation period.

amend or repeal initiated measures, in which case the initiative is valid until overturned by another initiative or struck down by a court. Those states that do allow legislative action on initiated laws usually severely restrict this power by specifying a waiting period - often several years - before the law can be amended, or imposing extraordinary majority levels required to change the law.

**Cooling-Off Period** Only a few states currently provide any kind of "cooling off" period, that is, restrictions on when a previously-defeated initiative can reappear on the ballot. Such restrictions are usually expressed in a number of years or a number of election cycles after the measure's last ballot appearance. Nevada has added a twist to "cooling off". Constitutional amendments there must pass in two successive general elections before they take effect.

### 4 • Miscellaneous

**Historical Use of the Initiative** The first column in this section indicates the year the process was adopted in a particular state—not when the process was first used. Ballot measures are broken into three time periods (1) from time of adoption of the process through 1969; (2) the total for the decade from 1970-1979; and (3) the total for the period from 1980-1982.

**Other Citizen Petition Processes Allowed** The last two columns of the chart show other direct legislation processes available, such as the **referendum**, wherein citizens can petition to subject a legislative action to a popular vote, or **recall** of elected officials. This same information is provided for local uses of citizen-initiated actions. Specific provisions for statewide referendum and recall are not included in this chart due to space limitations. A word of caution about local citizen-petition efforts: "home rule" or "charter" cities can establish their own particular guidelines for charter amendments, ordinances, referendums and recall efforts that may or may not agree with state statutes controlling non-charter cities. It is a good idea to check with municipal officials about local initiative, referendum, and recall provisions.

Additional copies of **INITIATIVE PROVISIONS BY STATE** are available from NCIR for \$5.00 each.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign. Req.	Due	Ballot	Remarks
<b>FLORIDA (Please see Note 1)</b>						
Limit All Taxes to 5%	Certified	CA	298,743		11-84	Under court challenge to bar from ballot.
Establish State Lotteries	In Prog	CA	298,743	90 d	1987	Committee: Committee for Florida State Lottery.
Unicameral Legislature	In Prog	CA	298,743	90 d	1987	Would cut number of legislators from 160 to about 120.
Establish Fish and Wildlife Commission	In Prog	CA	298,743	90 d	1988	Committee: Committee to Restore Fish and Wildlife Resources.
Legalize State-Owned Casinos	In Prog	CA	298,743	90 d	1987	Committee: Floridians for State Casinos.
Hazardous Waste Sites (Prohibit)	In Prog	CA	298,743	90 d	1987	Committee: Clean Backyard Project.
Elected PUC	In Prog	CA	298,743	90 d	1987	
Freeze Budget and Staffs at 1980 Levels for Fire, Police and Medical	In Prog	CA	298,743	90 d	1987	Committee: Save Our Emergency Services.
Legalized Casinos and Lotteries	In Prog	CA	298,743	90 d	1987	Committee: Citizens for Less Taxes.
Establish English as the Official Language of the State	In Prog	CA	298,743	90 d	1987	Committee: Floridians for the English Language Amendment.
Raise Drinking Age	In Prog	CA	298,743	90 d	1988	Committee: Save Our Teenagers.
<b>MAINE</b>						
Ban Moose Hunting	Certified	ST	37,026		11-83	See Title
<b>MASSACHUSETTS (NOTE: 8 of the 20 petitions submitted to the AG were declined--see August Update.)</b>						
Selection of Hazardous Waste Sites	In Prog	CA	61,508	12-7-83	1984	Indirect.
Revise the State's Workers Compensation System	In Prog	ST	61,508	12-7-83	1984	Indirect.
Disclosure to Employees Working with Toxic Materials	In Prog	ST	61,508	12-7-83	1984	Indirect. "Right to Know"
Prohibit Pound Seizures for Animal Experimentation	In Prog	ST	61,508	12-7-83	1984	Indirect.
Limit Legislative Sessions to Six Weeks	In Prog	CA	61,508	12-7-83	1984	Indirect.
Revise Laws Concerning Disability Income	In Prog	ST	61,508	12-7-83	1984	Indirect.
Repeal of the 7.5% Surtax	In Prog	ST	61,508	12-7-83	1984	Indirect.

NOTE 1: A law passed in the 1983 session placed a four-year validity period on all signatures gathered during an initiative campaign. This law is retroactive to all initiative proposals approved for circulation by the Secretary of State and therefore includes initiative petition drives which did not file signatures for the 1982 ballot as well as those proposals approved prior to October 1, 1983, for the 1984 (or future) ballot.

The petition drives shown as active under Florida in this report are those which have not officially closed their political committees with the Secretary of State and must therefore be assumed to be active until the expiration date of four years. Because of this, no ballot date is provided--this update reflects the election believed to be the latest a proposal could qualify for given the four-year validity rule. Deadline for filing proposals in Florida is 90 days prior to the election on which the ballot measure may appear.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign. Req.	Due	Ballot	Remarks
<b>MASSACHUSETTS, continued</b>						
Disclosure of Hazardous Waste--Accountability and Siting	In Prog	ST	61,508	12-7-83	1984	Indirect.
Reform Rules Governing the General Court (Legislature)	In Prog	ST	61,508	12-7-83	1984	Indirect.
Compensation for Victims of Crime	In Prog	ST	61,508	12-7-83	1984	Indirect.
Reform of Criminal Justice System (2)	Pending	ST	61,508	12-7-83	1984	Both petitions are under challenge as to suitability to the initiative.
<b>MICHIGAN</b>						
Reserve a percentage of State Revenues for Schools	In Prog	CA	304,001	7-9-84	11-84	"FAIR" Petition
Require Voter Approval of Any Tax Changes	In Prog	CA	304,001	7-9-84	11-84	"Voters' Choice on Revenue"
Reduce Property Tax and Require Voter Approval on any New Taxes or Tax Increases	In Prog	CA	304,001	7-9-84	11-84	T.A.G. Tax Cut Petition -- Taxpayers Action Group
Limit Constitutional Amendments on the Ballot to One Per Subject	In Prog	CA	304,001	7-9-84	11-84	T.A.G. Ballot Limit Petition -- Taxpayers Action Group
Restrict State Legislature from Increasing State Income Taxes by More than 5%	In Prog	CA	304,001	7-9-84	11-84	Sponsor: Thomas E. Brennan
Establish 7-member, Non-Partisan Reapportionment Commission	In Prog	CA	304,001	7-9-84	11-84	Sponsor: Thomas E. Brennan
Limit Office of Governor to Two Terms	In Prog	CA	304,001	7-9-84	11-84	Sponsor: Thomas E. Brennan
Make the State Legislature a Part-Time Body	In Prog	CA	304,001	7-9-84	11-84	Sponsor: Thomas E. Brennan
Provide for nomination of Supreme Court Justices and establish succession procedures	In Prog	CA	304,001	7-9-84	11-84	Justices will hold offices till successors are elected and qualified.
Regulation of utility rate allowances	In Prog	CA	304,001	7-9-84	11-84	Disallows charging customers for construction work in progress or for unneeded or abandoned plants. Other provisions.
Forbid Abortion Under Any Circumstances	Pending	CA	304,001	7-9-84	11-84	Not recommended for approval without some changes in form.
<b>MISSOURI</b>						
Forbid Operation of Nuclear Power Plants in State	In Prog	ST	67,581	7-7-84	11-84	See Title
Legalize Pari-Mutuel Betting	Announced	CA	108,130	7-7-84	11-84	Similar drive failed to gather sufficient signatures in 1982.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign. Req.	Due	Ballot	Remarks
<b>MONTANA</b>						
Change the Election Date to Coincide with Tax Due Dates	In Review	CA	36,047	6-29-84	11-84	Expect circulation to begin about October 13.
Forbid Seizure of Property or Jailing for Non-payment of Taxes	In Review	CA	36,047	7-13-84	11-84	Expect circulation to begin about 10-13 if approved.
<b>NEBRASKA</b>						
Increase State Legislators Salaries	In Prog	CA	54,790	7-6-84	11-84	Filed 8-3-83. Proponents: "Coalition for Fair Compensation."
<b>NEVADA</b>						
Freeze State Property Tax	Announced				11-84	The intention of proponents to submit this proposal has been noted in the press; however, no formal filing had been completed as of our press date.
<b>OHIO</b>						
Alcohol Beverage Tax	In Prog	ST	100,702 100,702	1-15-84 5-15-84	11-84	Two-cent per drink tax to fund alcohol rehabilitation programs. Two-phase petition drive. Second step if measure fails in legislature.
Raise Drinking Age from 18 to 21	Certified	CA			11-83	Issue #1.
Require 3/5 Majority in Legislature for Passing Tax Increases	Certified	CA			11-83	Issue #2.
Repeal Increase in State Income Taxes	Certified	CA			11-83	Issue #3. Taxes were increased 90% in current session. Proposal repeals increase.
<b>OKLAHOMA</b>						
Set Drinking Age at 18	Failed	CA				SQ-562. To offset 1983 law raising age to 21. (Referendum)
Liquor by the Drink	Complete	CA	132,470	10-17-83	11-84	SQ-563. Certification underway.
Denturism	In Prog	ST	70,650	11-28-83	11-84	SQ-565.
Code of Ethics	In Prog	CA	132,470	12-8-83	11-84	SQ-566. (Refiled version of SQ-564)
Lottery	In Prog	ST	70,650	11-28-83	11-84	SQ-567.
Elect Members of PUC	In Prog	CA	132,470	12-1	11-84	SQ-568.
<b>OREGON</b>						
Restrict Government Competition with Private Industry	In Prog	CA	83,361	7-6-84	11-84	#1: Would not allow employees to be hired if in competition with private firms. Other provisions.
Legalize Possession and Growth of Marijuana for Adults' Personal Use	In Prog	ST	62,521	7-6-84	11-84	#2: Decriminalizes possession, growth, transport and consumption for private and medical use. #13: Second filing.
Place Moratorium on Auto Emission Tests	In Prog	ST	62,521	7-6-84	11-84	#3: Would end program in 1985 and 1986, not to be reinstated without voter approval. #10: Second filing.
Dissolve All Metro Service Districts	In Prog	ST	62,521	7-6-84	11-84	#4: Allows only 100 days to dissolve and dispose of assets. #9: Second filing.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign.Req.	Due	Ballot	Remarks
<b>OREGON, continued</b>						
Abolish Land Conserv. and Develop't Comm., Land Use Bd. of Appeals and Dep't. of Land Cons. & Development.	In Prog	ST	62,521	7-6-84	11-84	#5: Continues 1982 effort to place land use planning powers in hands of local bodies. Also provides challenge procedure.
Reduce State Income Tax to 3/4 of the 1980 Levels	In Prog	CA	83,361	7-6-84	11-84	#6.
Limit Property Taxes	In Prog	CA	83,361	7-6-84	11-84	#7: Taxes would be based on 1% of land's true cash value. Similar to 1982 proposal which was defeated at polls.
Ban Sales Tax	In Prog	CA	83,361	7-6-84	11-84	#8: Would prohibit imposition of tax for transfer of any tangible or intangible property.
Change Makeup of Land Conservation and Develop't Comm. and Set Up Appeal Process	In Prog	ST	62,521	7-6-84	11-84	#11: Describes makeup of state, county and city planning groups and provides appeal process.
Protect Private Property	In Prog	CA	83,361	7-6-84	11-84	#12: Forbids passage of any law that infringes on use, ownership, and enjoyment of private property.
Limit Elk Cow Hunting and Change State Fish/Wildlife Commission	In Prog	ST	62,521	7-6-4	11-84	#14.
Incorporate the ERA into the State Constitution	In Prog	CA	83,361	7-6-4	11-84	#15.
Direct Removal and Control of Alleged "Threat" posed by "Rajneesh"	In Prog	ST	62,521	7-6-4	11-84	#17. Amended from #16, which was declined for titling by A.G.
Require that Elected Officials Comply Immediately with Voter Initiated Laws	In Prog	CA	83,361	7-6-4	11-84	#18.
"Contain and Repel" Certain "Cults"	In Prog	CA	83,361	7-6-4	11-84	#19: Same sponsor as Nos. 17 and 18 above.
Reinstate the Death Penalty	In Prog	CA	83,361	7-6-4	11-84	#20: Sponsor is William A. Jolly.
Death Penalty or Life Sentence for Aggravated Murder	In Prog	CA	83,361	7-6-4	11-84	#21: Sponsor is Delight Streich.
Death Penalty for Aggravated Murder Under Some Circumstances	In Prog	ST	62,521	7-6-84	11-84	#22: Sponsor is Delight Streich.
Adds Requirement for Approval of Radioactive Waste Disposal Sites	In Prog	ST	62,521	7-6-84	11-84	#23: Filed 7-7-83 and titled. Appealed by opponent.
Real Property Tax Limit	In Prog	CA	83,361	7-6-84	11-84	#24: Filed 7-20, titling appealed. Sponsor is Ray Philips who headed up similar drive in 1982.
Limit Voting to Persons Registered 20 Days Before Election	In Prog	CA	83,361	7-6-84	11-84	#25: Would require voter registration 20 days prior to an election.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign. Req.	Due	Ballot	Remarks
<b>OREGON, continued</b>						
Allow Tax Exemption for Certain Properties	Withdrawn	CA	83,361			#27. Refiled as Initiative #30.
Allow Tax Exemption for Certain Properties	Withdrawn	ST	62,521			#28. Refiled as Initiative #31.
Relating to Ethical Conduct in Public Office	A.G.					#29. In titling and review (filed 9-14-83).
Allow Tax Exemption for Certain Properties	A.G.	CA	83,361	7-6-84	11-84	#30. Filed 9-15-83.
Allow Tax Exemption for Certain Properties	A.G.	ST	62,521	7-6-84	11-84	#31. Filed 9-16-83.
State Lottery	A.G.	CA	83,361	7-6-84	11-84	In titling and review.
<b>SOUTH DAKOTA</b>						
Nuclear Weapons Freeze	In Prog	ST	13,929	7-84	11-84	
Prohibit School Openings Prior to Labor Day	In Prog	ST	13,929	7-6-84	11-84	
<b>UTAH</b>						
Ban Salacious Material on TV	Certified	ST	60,002		6-84	State Legislature overrode Gov's veto of similar bill; however, there is no legal provision for removing an initiative once it has qualified for ballot.
Repeal 1983 Law Regarding Salacious Material on TV	In Review	ST	60,002	6-5-84	11-84	Filed 9-27-83.
Establish New Working Hours for State Offices	In Prog	ST	60,002	6-5-84	11-84	Would have offices open from Noon until 8:00 PM.
Community Correctional Facilities	In Prog	ST	60,002	6-5-84	11-84	Carryover from 1982. Would prohibit regional prisons in residential areas.
Elected Public Utility Commission	In Prog	CA	60,002	6-5-84	11-84	See Title.
<b>WASHINGTON</b>						
Indirect: Salmon and Steelhead Resources	In Prog	ST	138,472	1-84	11-84	Filed 4/29/83. Will be submitted to 1984 legislature if signatures are completed. I-84.
Federal Balanced Budget Resolution	In Prog	ST	138,472	1-84	11-84	I-85.
<b>WYOMING</b>						
Regulate Deposit of State Money in Credit Unions	Inactive	ST	25,810	12-16-83	1984	Sets forth requirements and procedures for state fund deposits. No activity reported.
Lower Signature Requirements for State Initiatives	Inactive	CA				Constitutional Amendments not provided for in Wyoming Initiative laws.
In-Stream Flows	In Prog	ST	25,810	12-16-83	11-84	Slightly modified version of the 1982 initiative which narrowly missed ballot placement.
Water Storage for In-Stream Flows	In Prog	ST	25,810	12-16-83	11-84	Calls for levels necessary to sustain game fish.

# Initiative Quarterly

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## Issue Campaigns: 1982 costs were high!

One obvious conclusion: the initiative is an expensive forum for debate.

Early studies in any field tend to raise more questions than they answer. This **Initiative Quarterly** study will no doubt do so. In our first effort to examine the overall nature of ballot measure spending, we have gathered and analyzed every available spending report on 1982 state-wide initiative and referendum campaigns. Note "available" — several initiative states don't require any kind of reporting of campaign expenditures, and in those states which do

have some sort of requirement, attention paid to spending can range from diligent scrutiny to cursory review.

As a result, our compilation invites many observations, but defies efforts to draw rigid conclusions. However, the report does reveal general patterns of overall spending and points to areas where further study would be illuminating.

Committees on both sides of an issue often spend millions of dollars buying television and radio time and newspaper ads, and expend uncounted thousands of volunteer manhours as well. Hidden pre-election costs to the taxpayers — usually undocumented but possibly substantial — can include the cost of administering special elections, the expenses of preparing and distributing voter handbooks, the cost of other "voter education" efforts such as newspaper ads, legal and professional fees, the time invested by state officials at each step in the petitionary process, and the considerable costs of certifying signatures in those states requiring certification.

*Continued on Page 9*

## Current Initiative Petition Drives by Status — for 1983-84 Ballots

Certified.....	10
(1983 Election)—(5)	
Complete/In Certification .....	3
Announced, Not Filed .....	5
In Titling/Review/ Attorney General (AG) .....	31
In Progress (Active).....	91
Inactive/Abandoned .....	6
Withdrawn (may have been refiled) .....	4
Failed since last report .....	24
Failed/Withdrawn/Abandoned previously (dropped from report) .....	61
Total Drives Attempted to Date .....	235

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## Battle Spurs Calls for Reform

The September 15th decision by the California State Supreme Court to cancel a special December election on the Republican-backed Sebastiani redistricting plan was supposed to have been the final word on California reapportionment in the 1980s. But the state's initiative process allows no such finality. The high court's decision did quash Republican hopes of immediate relief from the Democratic-drawn legislative redistricting—the maps will almost certainly be used in 1984 elections. But yet another redistricting initiative has been filed by none other than Governor George Deukmejian himself, and Sebastiani supporters have promised to file still more initiatives designed to salvage Republican reapportionment interests and to punish the high court for its "political" decision.

The political spoils at stake, the intensity of the passions aroused, the sheer longevity of the dispute (now well into its third year) and the seemingly endless array of tactics that the initiative process affords a thwarted interest—these factors make the reapportionment battle a highly visible example of the initiative in action. The same factors have prompted many concerned Californians to look beyond the issue being debated to ask if the initiative is even the appropriate forum for settling such an issue.

*Continued on Page 2*



# California Reapportionment Battle

Cont. from Page 1

It has been almost two and a half years since the reapportionment battle actually moved from the legislative halls to the initiative front. Governor Deukmejian's initiative, which would vest the Legislature's redistricting powers in an independent commission, will be the fourth Republican initiative or referendum effort to circumvent the Democratic-controlled legislature. Republicans claim the court's decision virtually invited them to use an initiative like Deukmejian's proposal to change the state's constitution. At least one group of Republicans has threatened to use the initiative to change the high court itself.

The Democrats have so far successfully used legislative maneuvers and court suits to answer the Republican assaults (ironically, the redistricting maps could yet succumb to a

Republican-backed challenge pending in federal court), but as one editorial writer points out, Democrats are every bit as capable as Republicans of wielding the petitionary pen to protect their interests....

Where will all this lead? No one is sure—remembering where it all started is hard enough. But the initiative's leading role in the protracted battle has put the petitionary process

in the editorial spotlight. Recent months have seen numerous calls for reappraisal or reform of the state's initiative provisions, and the California League of Women Voters has launched an in-depth study examining the history of the initiative, its evolution with political conditions, and proposals for its reform.

A brief chronology of the dispute, and editorial excerpts, follow.

## Initiative Quarterly

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**September 16, 1981** - Governor Jerry Brown signs the first set of maps outlining congressional, state senate and Assembly districts based upon the new 1980 population census.

**September 17, 1981** - The Republican Party launches three referenda drives for the primary ballot to throw out what they call gerrymandered reapportionment lines.

**December 16, 1981** - Republicans join forces with Common Cause to push for an initiative on the November '82 general election ballot to permanently put the reapportionment process in the hands of a bipartisan commission instead of the Legislature.

**June 8, 1982** - The three referenda (Propositions 10, 11 and 12) to throw out the Democrat-drawn redistricting lines pass, mandating that a second set of lines be drawn.

**November 6, 1982** - A special session of the Legislature draws up a new set of reapportionment lines similar to those rejected by the voters. The new lines are passed under a provision making them immune from another referendum vote.

**November 9, 1982** - The Republican-Common Cause initiative (Proposition 14) to set up a reapportionment commission loses.

**April 4, 1983** - Republican Assemblyman Don Sebastiani of Sonoma launches and qualifies an initiative to redraw the lines.

**July 18, 1983** - Governor Deukmejian calls a December 13 special election on Sebastiani's plan to ensure that if the initiative passed, the new maps could be used for 1984 elections.

**July 19, 1983** - Democrats file a legal challenge to the special election on the grounds that it violates the state's one-reapportionment-per-census rule.

**September 15, 1983** - The state Supreme Court rules 6-1 that the Sebastiani initiative is unconstitutional, and cancels the December 13 election. The court's ruling held that the people's right to initiate was overruled in this case by the state constitutional rule that reapportionment shall occur only once a decade after each new census. However, the court's opinion suggested that the people could change the state's constitution.

**November 11, 1983** - Governor George Deukmejian files an initiative with the Attorney General's office which would: a) repeal the present reapportionment maps for Senate, Congressional and Legislative districts; b) vest responsibility for future reapportionment in the Fair Reapportionment Commission; and c) instruct the commission to prepare new maps by 1985, and after each census thereafter.

Continued on Page 7

From time to time I.Q. will feature articles on how initiative states came to adopt the process. This edition features Michigan.

# History of the Initiative in Michigan

By James W. Van Wormer, Ph.D.

Michigan's use of the initiative can be seen as characteristic of the process in at least two respects: use of the initiative has become increasingly important in the politics of the state, and statewide initiatives frequently attract national attention. In recent elections, voters have faced decisions on several controversial issues of profound impact on such varied topics as utility regulation, criminal parole restrictions, and nuclear weapons policy.

This report will examine the history of direct democracy in Michigan, including the unique political circumstances which led to the initiative's inclusion in the state constitution, the arguments of the initiative's proponents and opponents, and changes in the process and the level of statewide initiative activity. In regard to the dramatic growth in initiative activity in Michigan in recent years, special attention will be given to initiatives considered since the adoption of the 1963 Michigan constitution, with emphasis on the 1982 general election.

## History of Michigan's Initiative

An exploration of the initiative in Michigan might well begin with the constitutional convention of 1907<sup>1</sup>, where all but eight of the ninety-six delegates were Republicans. The 1908 constitution was basically a rewrite of the 1850 constitution. Most of the provisions were retained word-for-word, with some reorganization of the order in which material was presented<sup>2</sup>. Women's suffrage was turned down. Initiative, referendum, and recall were rejected, although the legislature was allowed to refer a measure to

popular vote if it chose to do so. This conservative document was approved by a five-to-one margin in the general election of November 3, 1908. Republican Fred Warner's reelection the same day made him the state's first three-term governor.

Yet less than five years later, Michigan would adopt a constitutional amendment creating the same initiative, referendum and recall provisions so soundly defeated at the constitutional convention of 1908. This rapid turn of events can be tied to two related factors: the political career of Chase Salmon Osborn, and several years of debilitating political turmoil within the state and across the nation.

One of the most interesting political figures that Michigan ever produced, Osborn was one of only a handful of figures who came to wield much influence outside the state. An independent man, Osborn's non-conformist nature was chiefly responsible for his rapid political rise, but in the long run also chiefly responsible for his rapid political decline after 1912. He was the first and only resident of the Upper Peninsula to be elected governor. A dynamic leader, he promised to give residents of the state a *new deal*, employing a term a Democrat would popularize two decades later. As the campaign of 1912 approached, Osborn played a key role in the efforts of liberal Republicans to dump President William Howard Taft in favor of ex-President Theodore Roosevelt<sup>3</sup>.

That spirited presidential contest shattered the Republican Party, both nationally and in Michigan. The Michigan campaign became especially confusing following

the Republican state and national conventions. Roosevelt accepted the Progressive nomination for President. In Michigan, Osborn backed Roosevelt. Outside Michigan, Osborn endorsed Democrat Thomas Woodrow Wilson. While continuing to insist he was a Republican, Osborn refused to support either the Republican or the Bull Moose slate for state office. With Osborn's backing, Roosevelt received the plurality in Michigan and gained all the state's electoral votes—the only time between 1852 and 1932 that a Republican did not. Wilson, the national winner, ran third in Michigan<sup>4</sup>.

Democrat Woodbridge N. Ferris bested his opponents in the gubernatorial race, receiving 194,017 votes to Republican Amos Musselman's 169,693 votes and the 152,909 recorded for Progressive Lucius W. Watkins. Ferris became only the second Democrat to be elected governor since the formation of the Republican Party in Michigan in 1854.

By 1916, the third-party battle would have run its course, and Republicans would close ranks to give Michigan's electoral votes to Charles Evans Hughes and the governorship to Albert E. Sleeper, a conservative from Bad Axe of the "Return to Normalcy" mode. During the interregnum, however, the Michigan legislature and electorate were in a state of flux. In 1913, Democrat Woodbridge Ferris and a Democrat-Bull Moose coalition in the legislature submitted a constitutional amendment to the electorate providing for the adoption of the Progressive Era<sup>5</sup> "reform" known as the initiative, referendum, and recall<sup>6</sup>.

*Continued on Page 4*

**A HISTORY OF THE INITIATIVE IN MICHIGAN  
TABLE 1**

Table 1. PETITION PROVISIONS UNDER BOTH THE 1908 CONSTITUTION AND THE 1913 INITIATIVE CONSTITUTIONAL AMENDMENT (INCORPORATED INTACT IN THE 1963 CONSTITUTION)

Provisions	1908	1913
Signature requirements	20% to be gathered only at regular election places during the regular November election	10% without control over the place or day of gathering
Distribution requirement	Yes: No more than 25% to be gathered in any one county <sup>9</sup> .	No
Legislative veto	Yes	No
Vote required	Majority on issue, and must exceed 1/3 the total vote for Secretary of State at the last election <sup>10</sup> .	Majority on issue
Legislative alternative allowed on ballot	Yes	Yes
Type of initiative provided	Constitutional only	Statutory* (8%) Referendum (5%) Recall (25%) Constitutional** (10%)

Sources: State Printers, Manual of the Constitutional Convention of Michigan, 1907. Citizens Research Council of Michigan, The Proposed Constitution (1963)

\*Initiatives proposing constitutional amendments are sent directly to the voters following certification of petitions signed by registered electors equaling 10% of the total votes cast for all candidates for governor at the last gubernatorial election.

\*\*Initiatives proposing statutes are sent to the legislature following certification of petitions signed by registered electors equaling 8% under the above-mentioned gubernatorial formula. Laws proposed to the legislature must be enacted or rejected by the usual vote within 40 days of presentation. The legislature may propose a substitute on the same subject, in which case both the original and the substitute appear on the ballot.

intelligently, and those who did not. It had been a duel between those who considered Progressive Era "reformers" to include the best people and those who considered them to be professional agitators. It had been a political fight of the meanest sort between those who believed the initiative to be an idea for which the time had come, and those who believed the initiative to be a bogus reform, the inclusion of which in the proposed constitution would signal the document's defeat<sup>7</sup>. Edwin Shaw of Newaygo had reflected the attitude of the majority of delegates in a speech which condemned the activities of the Michigan Direct Legislation League as promoting an idea that would throw the state into constant turmoil and confusion<sup>8</sup>.

The 1908 constitution allowed the legislature to refer a measure to popular vote if it chose to do so, but provided for no true initiative, because while the electorate could petition the legislature, the legislature could disapprove the petition. Table 1 illustrates provisions for the petitioning process under both the 1908 constitution and the 1913 constitutional amendment.

From adoption of the amendment in 1913 allowing the initiative until adoption of a new constitution in 1963, use of the initiative in Michigan was not extensive. The electorate adopted only one statutory initiative in a period of 49 years (Table 2) to legalize the sale

Cont. from Page 3

The Michigan electorate had overwhelmingly adopted the 1908 constitution without the initiative only five years before. Proponents and opponents had spiritedly debated the issues of representative versus direct democracy and the initiative had lost. It had been a contest between those who favored participatory democracy and those who feared mob rule. It had been a struggle between those who trusted the electorate to vote

**TABLE 2**

TABLE 2: CONSTITUTIONAL AND STATUTORY INITIATIVES ADOPTED BETWEEN 1914 AND 1970 UNDER THE 1913 AMENDMENT TO THE 1908 CONSTITUTION, AND THE 1963 CONSTITUTION

Date	Constitutional Initiatives	Statutory Initiatives
1914-1919	0	0
1920-1929	0	0
1930-1939	4	0
1940-1949	3	0
1950-1959	1	1
1960-1969	1	0
Totals	9	1

Source: Michigan Department of Management and Budget, Michigan Manual (1982).

## HISTORY OF THE INITIATIVE IN MICHIGAN

Cont. from Page 5

of oleomargarine. Similarly, the electorate only adopted nine constitutional initiatives in the same 49-year period—an average of less than two per decade.

A dramatic increase in initiative activity in Michigan coincided with the adoption of the 1963 constitution (Table 3), an interesting development made more curious by the fact that the 1963 constitution adopted, intact, the provisions of the 1913 initiative constitutional amendment.

TABLE 3

TABLE 3: INITIATIVES SINCE 1970, BY ELECTION

Election	Constitutional	Statutory	Total	Adopted	% Adopted
1970	1	0	1	1	100
1972	2	1	3	1	33
1974	1	0	1	1	100
1976	2	1	3	1	33
1978	5	1	6	4	67
1980	2	0	2	0	0
1982	2	4	6	4	67
Totals	15	7	22	12	55

Sources: Michigan, Department of Management and Budget, Michigan Manual (1982).

Bureau of Business Research, School of Business, Wayne State University, Michigan Statistical Abstract, Seventeenth Edition.

TABLE 4

TABLE 4: REFERENDA ON INITIATED LAWS SINCE 1970\*

Initiative	Date	Action
Proposal to change Michigan to daylight savings time	1972	Adopted
Proposal to ban throwaway bottles, cans	1976	Adopted
Proposal to place limits on parole	1978	Adopted
Proposal to prevent "due-on-sale" mortgage clauses from being enforced	1982	Rejected
Proposal to require hearings on all utility rate increases	1982	Adopted
Legislative alternative proposal on utility rate increases	1982	Adopted
Proposal expressing desire for a nuclear weapons freeze	1982	Adopted**

Sources: Michigan, Department of Management and Budget, Michigan Manual, 1982. Bureau of Business Research, School of Business, Wayne State University, Michigan Statistical Abstract, Seventeenth Edition, 1982-83.

\*Under the 1908 constitution, Michigan voters initiated and adopted only one proposal, to permit the sale of oleomargarine in 1950. Source: Congressional Research Service.

\*\*Under Michigan law, when two proposals deal with the same subject and both pass, the proposal receiving the most votes becomes law. In this case, the alternative proposal received the most votes.

an aberration, or may reflect a trend—noted elsewhere in the country in the early- and mid-70s—toward greater use of the initiative.

Since its adoption in 1913, the agenda of direct legislation in Michigan has encompassed a broad range of subjects. Table 5 employs a system of classification developed by David B. Magleby<sup>11</sup>. Since some measures could reasonably fall into more than one classification, a clearer picture of initiative subject distribution can be gained by indexing proposals under multiple categories. Thus, the total number of proposals categorized in Table 5 exceeds the actual number of ballot issues.

Continued on Page 6

Whereas the Michigan electorate had adopted only one statutory initiative in the previous 49 years, they adopted six statutory initiatives in the next sixteen years. They adopted nine constitutional amendments in those same sixteen years—as many as had been adopted in the preceding 49 years. As Table 4 illustrates, only one statutory initiative has been rejected by the electorate since 1963.

Until 1982, no more than one statutory initiative had ever been proposed in a single year. Four were proposed in 1982. Such a marked increase may have been

TABLE 5

TABLE 5: INITIATIVES OF ALL TYPES BY CATEGORY SINCE 1970

Category	Number Qualifying	Number Adopted	% Adopted
Government/Political Reform	24	13	54
Public Morality	3	2	67
Revenues/Taxes/Bonds	18	4	22
Regulation of Business and Labor	10	3	30
Health/Welfare/Housing	4	0	0
Civil Liberties/Rights	3	2	67
Environmental Protection/Land Use	3	3	100
Education	8	4	50

Sources: Michigan, Department of Management and Budget, Michigan Manual, 1982. Bureau of Business Research, School of Business, Wayne State University, Michigan Statistical Abstract, Seventeenth Edition, 1982-83.

NOTE: Since some ballot measures appear in more than one category, totals are greater than actual number of measures voted on.

## Conclusion

What accounts for the increase in initiative activity in Michigan? Although other observers have noted similar upswings in initiative activity in other states<sup>12</sup>, the exact causes remain elusive. While some might want to attribute the growth to a growing ethic of participation, the increase might as easily be explained by the rise of issue politics and special interests' discovery of the initiative's tremendous potential in promoting their respective agendas. An examination of the implications of the

trend toward ever-increasing use of the initiative to establish public policy and to write laws would fall beyond the scope of this paper. But more research in this area must be encouraged. For, barring any drastic change in the laws currently governing the use of the initiative in Michigan and elsewhere, the continued growth of the initiative's prevalence and power is a foregone conclusion.

*James Van Wormer is a high school and college government and political science teacher from Grand Blanc, Michigan, and prepared this article for I.Q.*

## NOTES

<sup>1</sup> The Constitutional Convention of 1907-08 consisted of 96 delegates selected on September 17, 1907, according to the provisions of Act 272, Public Acts of 1907. Three delegates were elected from each of 32 senatorial districts as delineated by Act 264, Public Acts of 1895. The convention convened in Lansing on October 22, 1907, and completed its work by March 3, 1903. The new constitution was submitted to the people on November 3, 1908, and was adopted by a vote of 130,783 to 24,705.

<sup>2</sup> Manual of the Constitutional Convention of Michigan, 1907.

<sup>3</sup> Robert M. Warner, Chase Salmon Osborn, 1860-1949 (Ann Arbor: University of Michigan Press, 1960) deals with the lives of important political figures of the period.

<sup>4</sup> Willis F. Dunbar, MICHIGAN: A History of the Wolverine State (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1972), pp. 524-25.

<sup>5</sup> For an examination of the major Progressive Era issues during the period 1890-1916, see David B. Magleby's Direct Legislation: Voting on Ballot Questions in the United States (Diss., Dept. of Political Science, Graduate Div., Univ. of California at Berkeley, 1980).

<sup>6</sup> Bruce A. Rubenstein and Lawrence E. Ziewacz, MICHIGAN: A History of the Great-Lakes State (St. Louis: Forum Press, 1981), p. 192.

<sup>7</sup> Official Report, Proceedings and Debates of the Constitutional Convention of the State of Michigan Convened in the City of Lansing, Tuesday, October 22, 1907, pp. 677-89.

<sup>8</sup> *Ibid.*, p. 679.

<sup>9</sup> A provision intended to limit the influence of Wayne County, which contains the City of Detroit.

<sup>10</sup> Since the intent was to ensure that constitutional initiatives would be voted on at the spring elections, which usually saw light voter turnout, the effect of this provision would be to make it nearly impossible for proposals to pass. See Proceedings and Debates, p. 682.

<sup>11</sup> Magleby, Direct Legislation; Magleby and others, "The Initiative in the 1980s: Popular Support, Issue Agendas, and Legislative Reform of the Process," paper prepared for delivery at the 1982 Annual Meeting of the American Political Science Association, Denver, Colorado, September 2-6, 1982.

<sup>12</sup> "Press Reports on Initiative Growth," Initiative Quarterly (Volume 1, Issue 1: October 1982), p. 12; "No Respite From Petition Drives," Initiative Quarterly (Volume 2, Issue 1A: March 1982 Update), p. 1; "Initiative Drives Continue to Boom," Initiative Quarterly (Volume 2, Issue 2: Second Quarter, 1983, page 1); Sue Thomas, "Focus: New Legislation" p. 2, 8.

## Connecticut's Electoral Process Conference

The Government Administration and Elections Committee of the Connecticut General Assembly is hosting a conference on that state's electoral process on Thursday, January 12, at the State Capitol. The purpose of the convention is to address the general question of the extent to which their process attracts capable candidates, encourages general voter participation, enables the electorate to be heard, and permits issues to be identified. Four workshops will be held during the day-long session. Our attention was drawn to the workshop on the initiative and referendum process — the subject of pending legislation for the second half of the current legislative session.

The I&R session, scheduled for 11:00 a.m. will be chaired by Don Noel of WFSB-TV. After an issue paper is presented by a representative of Central Connecticut State University, a panel discussion will follow. Panel members are Professor Everett Ladd (University of Connecticut); Nancy Beals (League of Women Voters of Connecticut); Marilyn Pearson (Connecticut State Taxpayers Association); Bruce L. Morris (former Deputy Speaker, House of Representatives); and Professor John Rourke (University of Connecticut).

The meeting call sets forth several questions to be addressed and discussed during the meeting, dealing with whether the initiative/referendum helps focus or fragment the discussion of public policy issues, what the potential for abuse might be, whether it enhances or undermines authority and governmental decision-making, if it precludes deliberative considerations of issues, and so on.

Attendees of the conference will be from many areas of political activism and will include legislators, lobbyists, PAC officials, political party activists, journalists, academics, town clerks, registrars of voters, and the public. Workshop sessions are limited to 50 participants. Registration is \$10 for the conference plus meals, or \$25 for the entire day, including meals. For more information contact the Government Administration and Elections Committee, Room 406 State Capitol, Hartford, CT 06106 (203-566-4553).

# Editorial Focus: Initiative Reform

Cont. from Page 2

## "A Matter of Initiatives"

Conventional legislative processes are often crude, corrupt and inadequate. Compared to the way initiatives are debated and evaluated in California, however—generally with television slogans and the angry pitches of computer-managed direct mail—the California Legislature is a model of thoughtful, responsible deliberation.

(T)here's the disturbing but undeniable fact that contemporary communications technology has made the initiative—designed to be the "people's" instrument of reform—into an increasingly accessible and useful political device for well-organized (and generally well-financed) interest groups.

It's also too easy, with the technology now available, to distort and confuse the complex matters that so many latter-day initiatives deal with.

Those distortions would not be crucial, however, were it not for the fact that the use of the initiative is becoming such a slippery slope. It creates increasing problems—and contempt—for the ordinary institutions of representative government remediable only by still more initiatives, while, at the same time, enlarging a form of government that is particularly susceptible to manipulation by computer, direct mail, simplification and outright lies. There is no way that debate about an initiative can lead to amendment or modification before it is passed—indeed, there is really no forum for serious debate whatever. The effect is to trivialize all public issues.

It would be foolish to argue that the initiative should be abolished; first, because it should be available as a sort of ultimate weapon, and second, because trying to abolish it would be like trying to repeal the law of gravity. At the same time, however, there's little question that the process itself has to be reformed to make it tougher—particularly for money interests—to abuse it. For the moment, the real beneficiaries are the technicians who know how to manipulate the system.... The real victim is good government.

— The Sacramento Bee, July 20, 1983

## "California's Initiative Process is in Drastic Need of Reform"

But there is a broader question swirling around the Sebastiani initiative.... and that is whether the participatory democracy of the initiative system created 70 years ago has turned into a participatory nightmare.

Since Hiram Johnson's day the initiative has become as sacred a political institution as there is in California.

But Johnson would not recognize today the system he viewed in 1912 as a means of breaking the special-interest influence on the state's legislative process. It has been turned so topsy-turvy in recent years that a noted political scientist warned recently it has been co-opted by the very special interests it was meant to combat.

Sebastiani aside, however, much of the blame for the current turn of events with the initiative system rests squarely with the Legislature, which has been content in recent years to leave to voters the often complex and controversial issues with which it has been unable or unwilling to deal.

It is doubtful that Hiram Johnson ever dreamed the initiative would someday be used to rewrite state tax policy, assume the legislative role of drawing political boundaries, or, in the case of Proposition 8 last year, draft a new criminal code—and the decisions made more often than not on the basis of slick advertising and simple sloganeering.

—William Endicott, Sacramento Bureau, Los Angeles Times, September 13, 1983

## "Redistricting Puzzle"

The Republicans seem to want it both ways, by maintaining that the people have the same power as the Legislature to make law (through the initiative process) but are not bound by the same operating rules.... In any case, the implications of the Republican position are staggering. What if the Sebastiani plan is approved by the voters, then immediately challenged in court? What if the courts prevent its actual use until all legal questions are resolved (which could take years)? By the Republican logic, it would follow that another plan could qualify in the meantime as an initiative and be approved by the voters. Indeed, any number of plans might qualify. When election time rolls around, which do you use? What happens if the second (or third, or fourth, etc.) plan is challenged in court, and still another qualifies for the ballot? This is no way to run a government—not even in California.

— Los Angeles Herald Examiner, September 11, 1983

## "Gerrymandering California-style"

A lawyer who wants the court to block the initiative says Republicans are breaking the rules. He has a point. But California has conflicting rules. California's Constitution says the Legislature should reapportion once, and only once, after each census. But California's Constitution undoes itself by promiscuously allowing referenda and initiatives.

Yet Californians seem fated to squander upward of \$30 million (state funds and political contributions) on a vote about something—reapportionment—that should be left to legislators.

— George F. Will - Washington Post Co., September 10, 1983

Continued on Page 8

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# Editorial Focus: Initiative Reform

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## "Taking the Initiative"

Originally designed to thwart special interests, the process is too often used today by those very interests.

If we are to preserve the integrity of the initiative process, we've got to think about reforming it. We should increase the number of signatures needed on petitions and require that backers and opponents accurately identify themselves on campaign material. We should also require that petition signers proportionally represent a majority of the counties, thereby insuring that the issue is of statewide concern.

We might also consider switching back to the "indirect initiative" process that some states now use exclusively.

The indirect approach would help limit the present system's worst abuses—extreme, poorly drafted measures—and it would pull the Legislature back into public debate on issues it tends these days to duck. Both ways, California would benefit.  
— Los Angeles Herald Examiner, September 20, 1983

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## "Verdict on Reapportionment"

In reaching this conclusion, the court had to consider another compelling and conflicting issue, the sanctity of the initiative. That has led Justice Frank Richardson to cast the only dissenting vote and to call the decision "a defeat of the people's right to vote".... That opinion distorts the view of the majority, which in no way denied the people their power. That power cannot be constructively exercised without appropriate restraint, however. The struggle over reapportionment following the 1980 census had already included an initiative (sic—referendum) that led to the rejection of the original plan. But the new initiative sought to intrude yet another plan.... No research group devising an initiative is likely to be more responsive to the public than those who serve subject to public election.

— Los Angeles Times, September 16, 1983

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## "Life After Sebastiani: Will it bring us endless initiatives - or real reform?"

The irrepressible Assemblyman Don Sebastiani and other Republicans vow they will appeal to the U. S. Supreme Court and have pledged a new ballot measure to prevent this kind of judicial interference in the initiative process.

We think they should reconsider. Democrats are as capable as Republicans of throwing reapportionment plans at the voters.... If Sebastiani and the other Republicans in the Legislature are truly interested in fairness, we urge them to take the lead in this fight and to get off the path they're now on—a path that can only lead to chaos.

—Los Angeles Herald Examiner, September 16, 1983

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## "The Growing Use of the Initiative"

Nearly 18 years ago, a prominent Republican lamented the misuse of the initiative process in California. Far from serving in the way in which it had been intended, as a citizens' tool with which to combat control of the Legislature by special interests, the initiative, instead, had become the tool of those same special interests.

Times have changed since Caspar Weinberger offered those views on December 3, 1965.

Given the right issue, one which touches an exposed nerve of a particular group or single-issue political organization, it's easier than ever to qualify initiatives for the ballot. Professional signature-gatherers remain available for hire, but the big difference today lies in the use of computer-directed mail to gather petition signatures and, often, to finance the circulation effort at the same time.

The initiative obviously has something to recommend itself during a period when Sacramento frequently is in ideological gridlock. But when the legislative process, with all its opportunities for legitimate compromise and adjustment, is made to work, it's a far more desirable way of writing laws. Weinberger recognized this in 1965. What he was really proposing then was the virtual elimination of the initiative process.

— The Sacramento Bee, October 30, 1983



## Issue Campaigns: 1982 costs

Cont. from Page 1

NCIR has calculated cost-per-vote figures for both proponent and opponent sides of each statewide proposal. Given the lack of uniform reporting requirements and the gaps in some of the data, we feel that such a figure presents the most telling and least subjective means of comparing reported spending on various issues in various states.

Looking for correlations between voting outcomes and spending figures is an exercise of dubious value, since 1) reporting requirements vary widely from state to state, 2) many campaigns involve large unreported costs, and 3) each campaign presents unique circumstances and numerous variables which we could neither satisfactorily weigh nor fairly ignore.

The "Summary of 1982 Financial Reports" (see page 10) contains reported figures for contributions (for, against and total) as well as expenditures (for, against and total) for 54 initiative and popular referendum issues which appeared on 19 different ballots in 16 states in 1982. The voting results were then added and a cost-per-vote amount was calculated. Special elections are shown separately, as are other statewide elections, including primary and general elections. Three measures which were voted on in Nevada, and two in North Dakota, are not listed in the table, since those states, as well as Arkansas, Utah, and Wyoming, do not require spending reports.

The reported spending on these ballot measures resulting from petition drives — both initiatives and popular referendums — totaled \$62,131,380 (a popular referendum allows citizens to petition for the chance to repeal a law by popular vote). Popular referendum questions included four measures in the California primary: the Peripheral Canal question (Prop. 9) and three redistricting/reapportionment questions (Prop.'s 10, 11 and 12); the forced deposit bill in Massachusetts' general election; and the "big truck" referendum in Missouri's special election.

AVERAGE DOLLAR-COST-PER-VOTE* AND RANGES** 1982 INITIATIVE BALLOT MEASURES (CPV = Cost Per Vote)				
State	\$ CPV For/ (Range)	\$ CPV Against/ (Range)	Avg. \$ CPV	# Issues
Alaska	1.51/(0.04-5.08)	2.52/(0-5.27)	2.00	3
Arizona	0.11/(0-0.32)	0.53/(0-1.53)	0.36	4
California P	0.38/(0-1.39)	0.44/(0-1.07)	0.41	6
California G	0.55/(0.19-0.92)	0.71/(0-1.52)	0.64	5
Colorado	1.67/(0.15-2.64)	0.77/(0-1.22)	1.06	3
Idaho	0.07/(0.01-0.17)	0.10/(0-0.25)	0.08	3
Maine	0.85/(0-2.21)	1.39/(0-3.37)	1.12	3
Massachusetts	0.13/(0.11-0.16)	0.62/(0.17-0.97)	0.31	2
Michigan	0.25/(0.02-0.72)	0.70/(0-3.07)	0.49	6
Missouri S	4.50	3.86	4.16	1
Missouri G	0.22/(0.12-0.29)	0.19/(0-0.34)	0.20	2
Montana	0.25/(0.01-1.16)	0.17/(0-0.48)	0.21	4
Nebraska	0.28	2.03	1.04	1
Ohio	NA	NA	0.20	1
Oklahoma R	0.14	0.48	0.16	1
Oklahoma G	0.21	0.0	0.10	1
Oregon	0.32/(0.09-0.51)	0.32/(0-0.84)	0.32	4
South Dakota	0.03	0.0	0.01	1
Washington	0.42/(0.05-0.62)	1.06/(0.45-1.77)	0.86	3

P - Primary Election  
G - General Election  
S - Special Election  
R - Runoff

\*In states where more than one issue was decided in 1982, the dollar-cost-per-vote figures (for, against, and average) represent averages arrived at by dividing the total reported spending (for or against) in all of the state's campaigns by the total number of corresponding votes.

\*\*The two numbers noted in the Range represent the lowest and highest cost-per-vote expenditures (for or against) among all of a state's campaigns in states where more than one issue was decided in 1982.

Based on the cost-per-vote figure, the most expensive initiative campaign was Alaska's failed Proposition 7, which would have disallowed special license classifications for persons who hunt and/or fish for personal consumption. Proponents of the issue reported spending \$5.08 for each vote cast on their side of the question, while opponents reported spending a little more — \$5.27 per vote, for an average of \$5.19 per vote cast.

The second most expensive campaign was the Missouri "big truck" ref-

erendum on a special April ballot, where proponents invested \$4.50 for each vote garnered and the opponents' reported spending averaged \$3.86 for each vote captured.

The least expensive initiative campaign was South Dakota's successful Proposition A, which abolished multi-member state senate districts. No expenditures were reported opposing the measure, while a total of \$3,248 was reported spent by proponents for an average cost per vote of about \$.01.

Continued on Page 12



# Issue Campaigns: Summary of 1982 Financial Reports

Election G,P,S Subject	Contributions			Expenditures			***Vote Results***			***Cost		per Against	Vote*** Average
	For	Against	Total	For	Against	Total	For	Against	Total	For	Against		
<b>ALASKA</b>													
Tundra Rebellion (#5)	5,150	0	5,150	5,150	0	5,150	136,633	50,791	187,424	0.04	0.00	0.03	
Ban State \$ for Abortion (#6)	34,789	134,618	169,407	33,928	105,102	139,030	77,829	113,005	190,834	0.44	0.93	0.73	
Fish,Game Substist. (#7)	392,103	537,488	929,591	404,476	589,375	993,851	79,679	111,770	191,449	5.08	5.27	5.19	
<b>TOTAL</b>	<b>432,042</b>	<b>672,106</b>	<b>1,104,148</b>	<b>443,554</b>	<b>694,477</b>	<b>1,138,031</b>	<b>294,141</b>	<b>275,566</b>	<b>569,707</b>	<b>1.51</b>	<b>2.52</b>	<b>2.00</b>	
<b>ARIZONA</b>													
Forced Deposit Bill (200)	73,949	819,524	893,473	72,110	730,392	802,502	223,825	477,856	701,681	0.32	1.53	1.14	
Nuclear Weapons Freeze (201)	49,176	0	49,176	48,722	1,000	49,722	273,146	397,462	670,608	0.18	0.00	0.07	
Voter Registr-Unofficial *1	N/A	N/A	0	100	48,766	48,866	347,559	337,985	679,544	0.00	0.15	0.07	
Anti-Sagebrush Rebellion *1	N/A	N/A	0	0	60,000	60,000	280,285	373,290	653,575	0.00	0.16	0.09	
<b>TOTAL</b>	<b>123,125</b>	<b>819,524</b>	<b>942,649</b>	<b>120,932</b>	<b>840,158</b>	<b>961,090</b>	<b>1,124,815</b>	<b>1,580,593</b>	<b>2,705,408</b>	<b>0.11</b>	<b>0.53</b>	<b>0.36</b>	
<b>CALIFORNIA</b>													
Gift Tax Repeal (#5-Miller)	22,714	60,225	82,939	22,572	57,378	79,950	2,864,400	1,809,814	4,674,214	0.01	0.03	0.02	
Gift Tax Repeal (#6-Rogers)	1,042,935	60,225	1,103,160	892,188	57,561	949,749	2,969,204	1,678,570	4,647,774	0.30	0.03	0.20	
Income Tax Indexing (#7)	1,022,337	1,077	1,023,414	1,021,402	1,074	1,022,476	2,849,049	1,673,698	4,522,747	0.36	0.00	0.23	
Criminal Justice Reform (#8)	1,029,077	56,168	1,085,245	1,027,954	54,286	1,082,240	2,534,461	1,973,899	4,508,360	0.41	0.03	0.24	
Peripheral Canal (Ref.) (#9)	2,810,612	3,753,453	6,564,065	2,789,917	3,623,046	6,412,963	2,013,475	3,375,513	5,388,988	1.39	1.07	1.19	
Reapportionment (#10,11,12)*2	0	2,236,846	2,236,846	0	2,235,828	2,235,828	1,813,321	3,078,680	4,892,001	0.00	0.73	0.46	
<b>TOTAL</b>	<b>5,927,675</b>	<b>6,167,994</b>	<b>12,095,669</b>	<b>5,754,033</b>	<b>6,029,173</b>	<b>11,783,206</b>	<b>15,043,910</b>	<b>13,590,174</b>	<b>28,634,084</b>	<b>0.38</b>	<b>0.44</b>	<b>0.41</b>	
<b>CALIFORNIA</b>													
Forced Deposit Bill (#11)	920,898	6,168,045	7,088,943	923,152	5,462,001	6,385,153	3,359,281	4,256,274	7,615,555	0.27	1.28	0.84	
Nuclear Weapons Freeze (#12)	3,593,849	6,236	3,600,085	3,483,605	15,000	3,498,605	3,871,345	3,528,463	7,399,808	0.90	0.00	0.47	
Water Resources (#13)	1,031,401	2,011,614	3,043,015	1,024,789	2,029,760	3,054,549	2,497,200	4,500,103	6,997,303	0.41	0.45	0.44	
Redistricting,Reapp. (#14)	216,746	0	216,746	589,580	0	589,580	3,065,072	3,672,121	6,737,193	0.19	0.00	0.09	
Gun Control (#15)	2,663,884	7,335,244	9,999,128	2,608,553	7,287,548	9,896,101	2,840,154	4,799,586	7,639,740	0.92	1.52	1.30	
<b>TOTAL</b>	<b>8,426,778</b>	<b>15,521,139</b>	<b>23,947,917</b>	<b>8,629,679</b>	<b>14,794,309</b>	<b>23,423,988</b>	<b>15,633,052</b>	<b>20,756,547</b>	<b>36,389,599</b>	<b>0.55</b>	<b>0.71</b>	<b>0.64</b>	
<b>COLORADO</b>													
Forced Deposit Bill (#5)	575,510	905,660	1,481,170	574,557	867,926	1,442,483	242,653	708,564	951,217	2.37	1.22	1.52	
Rocky Flats Conversion (#6)	30,877	696	31,573	49,482	360	49,842	325,985	564,606	890,591	0.15	0.00	0.06	
Wine Sales-Grocery Stores (#7)	884,985	540,066	1,425,051	881,271	591,184	1,472,455	333,467	620,190	953,657	2.64	0.95	1.54	
<b>TOTAL</b>	<b>1,491,372</b>	<b>1,446,422</b>	<b>2,937,794</b>	<b>1,505,310</b>	<b>1,459,470</b>	<b>2,964,780</b>	<b>902,105</b>	<b>1,893,360</b>	<b>2,795,465</b>	<b>1.67</b>	<b>0.77</b>	<b>1.06</b>	
<b>IDAHO</b>													
Residential Property Tax	1,591	7,630	9,221	1,571	7,630	9,201	168,895	130,062	298,957	0.01	0.06	0.03	
Denturistry	34,645	32,470	67,115	34,465	26,558	61,023	197,756	105,436	303,192	0.17	0.25	0.20	
Generation of Electricity	4,318	0	4,318	4,318	0	4,318	175,407	114,408	289,815	0.02	0.00	0.01	
<b>TOTAL</b>	<b>40,554</b>	<b>40,100</b>	<b>80,654</b>	<b>40,354</b>	<b>34,188</b>	<b>74,542</b>	<b>542,058</b>	<b>349,906</b>	<b>891,964</b>	<b>0.07</b>	<b>0.10</b>	<b>0.08</b>	
<b>MAINE</b>													
Tax Indexing	No Activity	Reported		No Activity	Reported		240,023	182,939	422,962				
Milk Price Controls	1,212,933	71,636	1,284,569	121,293	71,636	192,929	222,422	232,430	454,852	0.55	0.31	0.42	
Nuclear Plant Shutdown	296,058	883,107	1,179,165	445,582	863,360	1,308,942	201,617	256,124	457,741	2.21	3.37	2.86	
<b>TOTAL</b>	<b>1,508,991</b>	<b>954,743</b>	<b>2,463,734</b>	<b>566,875</b>	<b>934,996</b>	<b>1,501,871</b>	<b>664,062</b>	<b>671,493</b>	<b>1,335,555</b>	<b>0.85</b>	<b>1.39</b>	<b>1.12</b>	
<b>MASSACHUSETTS</b>													
Nuclear Power Ref. (Initiative)	110,572	100,240	210,812	133,950	100,240	234,190	1,249,462	602,955	1,852,417	0.11	0.17	0.13	
Forced Deposit (Referendum)	390,801	1,098,987	1,489,788	185,035	771,417	956,452	1,143,956	791,846	1,935,802	0.16	0.97	0.49	
<b>TOTAL</b>	<b>501,373</b>	<b>1,199,227</b>	<b>1,700,600</b>	<b>318,985</b>	<b>871,657</b>	<b>1,190,642</b>	<b>2,393,418</b>	<b>1,394,801</b>	<b>3,788,219</b>	<b>0.13</b>	<b>0.62</b>	<b>0.31</b>	

\*1 As reported in Initiative News Report, Vol. 4, No. 23, 12/2/83, p.3

\*2 Opposition figures provided by Initiative & Referendum Report, Vol. IV, No. 5, May 1983, pp. 10-11

Election G,P,S Subject	Contributions			Expenditures			***Vote Results***			***Cost		per Against	Vote*** Average
	For	Against	Total	For	Against	Total	For	Against	Total	For			
*****													
G	MICHIGAN												
	State Police Staffing (B)	338,185	26,684	364,869	338,185	28,684	366,869	720,915	2,111,802	2,832,717	0.47	0.01	0.13
	Ban Due-On-Sale (C)	193,299	232,121	425,420	193,299	232,121	425,420	1,344,463	1,445,897	2,790,360	0.14	0.16	0.15
	Ban Automatic Rate Hikes (D)	38,785	4,400,480	4,439,265	38,785	4,400,480	4,439,265	1,472,442	1,431,884	2,904,326	0.03	3.07	1.53
	Nuclear Weapons Freeze (E)	187,042	0	187,042	187,042	0	187,042	1,585,809	1,216,172	2,801,981	0.12	0.00	0.07
	Elected PUC (G)	22,167	1,699,367	1,721,534	22,167	1,699,367	1,721,534	1,206,160	1,771,098	2,977,258	0.02	0.96	0.58
	Ban Autom.Rate Hikes(Leg.Alt.)	1,209,418	38,785	1,248,203	1,209,418	38,785	1,248,203	1,670,381	1,131,990	2,802,371	0.72	0.03	0.45
	TOTAL	1,988,896	6,397,437	8,386,333	1,988,896	6,399,437	8,388,333	8,000,170	9,108,843	17,109,013	0.25	0.70	0.49
S	MISSOURI												
	Big Truck Referendum (Ref)	1,844,774	1,798,842	3,643,616	1,826,324	1,789,521	3,615,845	405,471	463,585	869,056	4.50	3.86	4.16
	TOTAL	1,844,774	1,798,842	3,643,616	1,826,324	1,789,521	3,615,845	405,471	463,585	869,056	4.50	3.86	4.16
G	MISSOURI												
	1 cent SalesTax Incr-Educ.	225,457	0	225,457	222,777	0	222,777	757,756	667,190	1,424,946	0.29	0.00	0.16
	Establish Consum.Util.Board	26,478	289,271	315,749	62,124	278,535	340,659	513,247	815,973	1,329,220	0.12	0.34	0.26
	TOTAL	251,935	289,271	541,206	284,901	278,535	563,436	1,271,003	1,483,163	2,754,166	0.22	0.19	0.20
G	MONTANA												
	Anti-MX/Nuclear Weapons Freeze	13,637	0	13,637	13,490	0	13,490	168,594	125,092	293,686	0.08	0.00	0.05
	Expanded Gambling	134,841	10,737	145,578	133,911	10,538	144,449	115,297	191,334	306,631	1.16	0.06	0.47
	End Liquor Quota System	1,626	74,929	76,555	1,155	88,089	89,244	121,078	182,724	303,802	0.01	0.48	0.29
	Coal Tax-Economic Dev't	6,227	0	6,227	6,227	0	6,227	207,629	84,875	292,504	0.03	0.00	0.02
	TOTAL	156,331	85,666	241,997	154,783	98,627	253,410	612,598	584,025	1,196,623	0.25	0.17	0.21
G	NEBRASKA												
	Ban Corporate-Owned Farms	79,722	470,682	550,404	80,201	456,480	536,681	290,377	224,555	514,932	0.28	2.03	1.04
	TOTAL	79,722	470,682	550,404	80,201	456,480	536,681	290,377	224,555	514,932	0.28	2.03	1.04
G	OHIO												
	Elected Public Util.Comm.	N/A	N/A	247,564	N/A	N/A	648,308	1,053,274	2,175,893	3,229,167	N/A	N/A	0.20
	TOTAL	N/A	N/A	247,564	N/A	N/A	648,308	1,053,274	2,175,893	3,229,167	N/A	N/A	0.20
S	OKLAHOMA												
	Pari-Mutuel Betting	641,819	171,262	813,081	622,092	156,230	778,322	4,461,224	324,550	4,785,774	0.14	0.48	0.16
	TOTAL	641,819	171,262	813,081	622,092	156,230	778,322	4,461,224	324,550	4,785,774	0.14	0.48	0.16
G	OKLAHOMA												
	Redistricting	76,697	0	76,697	81,054	0	81,054	379,545	397,142	776,687	0.21	0.00	0.10
	TOTAL	76,697	0	76,697	81,054	0	81,054	379,545	397,142	776,687	0.21	0.00	0.10
G	OREGON												
	Property Tax Limits	284,474	435,831	720,305	258,084	433,418	691,502	504,836	515,626	1,020,462	0.51	0.84	0.68
	Allow Self-Serve Gas	163,627	92,188	255,815	164,862	89,821	254,683	440,824	597,970	1,038,794	0.37	0.15	0.25
	Nuclear Weapons Freeze	57,727	0	57,727	55,502	0	55,502	623,089	387,907	1,010,996	0.09	0.00	0.05
	End State Land Use Planning	166,256	132,334	298,590	166,256	134,404	300,660	461,271	565,056	1,026,327	0.36	0.24	0.29
	TOTAL	672,084	660,353	1,332,437	644,704	657,643	1,302,347	2,030,020	2,066,559	4,096,579	0.32	0.32	0.32
G	SOUTH DAKOTA												
	Single-Member Legis. Distr.	3,248	0	3,248	3,248	0	3,248	122,704	112,188	234,892	0.03	0.00	0.01
	TOTAL	3,248	0	3,248	3,248	0	3,248	122,704	112,188	234,892	0.03	0.00	0.01
G	WASHINGTON												
	Lid on Retail Interest Rates	278,203	1,207,780	1,485,983	278,203	1,557,988	1,836,191	452,710	880,135	1,332,845	0.61	1.77	1.38
	Forced Deposit	268,517	949,846	1,218,363	247,547	952,350	1,199,897	400,156	965,951	1,366,107	0.62	0.99	0.88
	Replace Food Tax w/Corp. Tax	25,257	376,383	401,640	24,503	398,336	422,839	453,221	889,091	1,342,312	0.05	0.45	0.32
	TOTAL	571,977	2,534,009	3,105,986	550,253	2,908,674	3,458,927	1,306,087	2,735,177	4,041,264	0.42	1.06	0.86
*****													
	GRAND TOTAL	24,659,671	38,758,095	63,417,766	23,535,977	37,947,095	61,483,072	56,239,657	59,963,565	116,203,222	0.42	0.63	0.53

## Summary of 1982 Financial Reports

Cont. from Page 9

There were more than 116,203,000 votes cast on all of these statewide ballot questions in 1982, and on average, proponents reported spending \$.42 per favorable vote, while opponents reported spending \$.63 for each vote received.

But, again, the figures for reported spending tell only part of the story, and it's even hard to say just how big a part: a committee waging a campaign in one state may have to report several types of income and expenditures not required in the spending report filed by a similar committee in another state. Some states do not provide spending breakdowns by individual organizations of proponents and opponents, but merely provide total contributions and expenditures for each side. Ohio releases only one total — the sum of all reported spending. Other states only report expenditures, but not contributions (in which case, we have noted the corresponding amounts as contributions). Loans, whether retired, outstanding or forgiven, are handled in numerous ways, being counted as income and expenditures in some states' reports and ignored in others. Space limitations on the enclosed chart make it impossible to note where independent expenditures are included; however, only a few states (such as California) note these kinds of expenditures anyway. Still other states, such as Missouri, include them in total reported spending figures without reporting them separately.

### A LOOK AT SPECIAL CATEGORIES

#### Nuclear Weapons Freeze (5 measures)

Proponents heavily outspent the opponents in all states (Arizona, California, Michigan, Montana and Oregon) in 1982. Total reported spending figures were \$3,804,361 (\$3,788,361 pro to \$16,000 con) with 12,177,079 total votes cast.

The proponents' average cost per vote was \$.58, while the opponents spent virtually nothing, for an average overall cost-per-vote of \$.31. Assistance received in the form of free TV time granted under the FCC Fairness Doctrine is not reflected in these figures. In California, for example, freeze opponents reported receiving \$120,000 in free TV time.<sup>3</sup>

**Forced Deposit Bills** (5 measures, including the Massachusetts referendum) A total of \$10,786,487 was reported spent by committees in Arizona, California, Colorado, Massachusetts and Washington. Proponents reported spending \$2,002,401; opponents, \$8,784,086. The average cost per vote for the proponents was \$.37, while the opponents spent \$1.22 for each vote they received.

#### Energy and Utilities (8 measures in 6 states, Nevada not included)

Six states which report spending had energy- and utility-related measures on 1982 ballots: Idaho, Maine, Massachusetts, Michigan (three measures), Missouri, and Ohio. The total tab for these measures was \$9,945,419,<sup>4</sup> with \$1,916,344 spent by proponents (excluding Ohio) and \$7,380,767 spent in opposition to the measures (excluding Ohio). The average cost per vote in support of the initiatives was \$.40 while opponents spent \$1.36 per vote on their side of the issue.

Spending on the 18 measures in these three categories represented almost 40% of the total reported 1982 spending.

Of course, all of these variations result in an irregular and incomplete picture of spending, compounded by such omissions as free air time. The value of free advertising time granted by broadcasters is not reported in any state, yet can run to hundreds of thousands of dollars. A recent California League of Women Voters' study on initiative reform quotes a 1982 Proposition 11 (forced deposit) proponent as saying his organization had gained an estimated \$800,000 in free broadcast advertising.<sup>1</sup>

Yet another source of possible confusion lies in the transfer of money between committees. Only two states specifically note intercommittee transfers of funds. California adjusts total figures to offset duplication of funds. Massachusetts, on the other hand, simply indicates which committee made transfers.<sup>2</sup>

#### NOTES

<sup>1</sup> Initiative and Referendum in California: A Legacy Lost? (Sacramento: League of Women Voters of California, 1983), p. 50.

<sup>2</sup> The following formulas were used to adjust Massachusetts' committee finance reports to avoid duplication of funds from intercommittee transfers:

$$1. \text{Real Income} = \text{Reported Income} \\ \text{minus Intercommittee Transfers}$$

$$2. \text{Real Expenditures} = \text{Reported} \\ \text{Expenditures, minus Intercommittee} \\ \text{Transfers, plus Reported Deficits, minus} \\ \text{cash on hand}$$

<sup>3</sup> Initiative and Referendum Report, (Washington, D.C.: Free Congress Foundation) Vol. IV, No. 5, May 1983, pp. 10-11.

<sup>4</sup> Since Ohio does not provide spending breakdowns for opponents and proponents, but only a lump sum spent by all parties, expenditures on the utility measure there are included only in the total spending figure.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign. Req.	Due	Ballot	Remarks
<b>ALASKA</b>						
Abolish Alaska Transportation Commission/Deregulate	In Prog	ST	19,936	1-11-84	11-84	#83-02. Lift requirement that US flagships transport to Alaska.
Nuclear Weapons Freeze	In Prog	ST	19,936	1-11-84 or 6-30-84	11-84 11-86	#83-03. Would establish the nuclear weapons freeze as state policy. Could be on 1984 ballot if submitted by 1-11-84.
Compensation for State Legislators	In Prog	ST	19,936	1-11-84 or 9-14-84	11-84 11-86	#83-04: Could be on 1984 ballot if submitted by 1-11-84.
<b>ARIZONA</b>						
Move Primary Election from September to June Establish Presidential Primary	In Prog	ST	72,637	7-5-84	1984	Initiative 1-I-84. Withdrawn and refiled as 3-I-84.
Raise Drinking Age From 19 to 21	In Prog	ST	72,637	7-5-84	1984	Initiative 2-I-84. Sponsored by State Rep. Earl Wilcox.
Provide Statements to Jurists	In Prog	ST	72,637	7-5-84	1984	Initiative 4-I-84. Sponsor, Wayne Stump.
Use Gold/Silver Coins as Legal Tender	In Prog	ST	72,637	7-5-84	1984	Initiative 5-I-84. Sponsor, Wayne Stump.
Cost Effective Health Care	In Prog	ST	72,637	7-5-84	1984	Initiative 6-I-84. Withdrawn, revised and refiled as 7-I-84 (see 3-C-84).
Fair Value Rates for Public Service Corporation	In Prog	CA	108,955	7-5-84	1984	1-C-84, refiled as 2-C-84. Fair Electric Rates Coalition.
Regulation of Health Care Institutions	In Prog	CA	108,955	7-5-84	1984	3-C-84. Arizona Coalition for Cost Effective Quality Health Care.
<b>ARKANSAS</b>						
Change Length of Terms for State Officers from Two Years to Four Years	In Prog	CA	78,935	7-6-84	1984	
State-Owned Lottery	In Prog	ST	78,935	7-6-84	1984	Sponsor: State Rep. Doug Wood
<b>CALIFORNIA</b>						
Reform Legislative Rules Procedures, Powers, and Funding	Certified	ST			6-84	Sponsor: Paul Gann. No. 0314.
Public Officers and Employees: Salaries, Expenses, Benefits, Etc.	Failed	CA				No. 0318.
Assure Human Survival by Placing All Nuclear Weapons Under Control of the United Nations	Failed	ST				No. 0319.
Welfare Reform	Failed	ST				Sponsor: R. H. Waters. No. 0320.
Legalize Casino Gambling and Lotteries	Failed	CA				This was the 18th try to qualify this proposal for the ballot. No. 0321. Sponsor has refiled.
Disclosure of Campaign Finances/Regulation of Contributions, Expenditures, etc.	Failed	ST		12-26-83		No. 0322.
Require Cigarettes and Small Cigars to Meet Safety Standards by 1985	Failed	ST		12-23-83		No. 0323

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign. Req.	Due	Ballot	Remarks
<b>CALIFORNIA, continued</b>						
Require State to Divest Itself of Financial Holdings in South Africa	Complete	ST	393,835	12-29-83	1984	No. 0324.
"Save Prop. 13"	Inactive	CA	630,136		11-84	No. 0325: Sponsor has revised petition in circulation, to close loopholes in Proposition 13.
Criminal Court Reform	In Prog	CA	630,136	2-10-84	11-84	Sponsors: Robert Kane and Evelle Younger. No. 0326
Call Constitutional Convention to Adopt a Federal Balanced Budget Amendment	In Prog	ST	393,835	2-21-84	1984	Sponsored by the National Tax Limitation Committee. No. 0327 (Refiled version of No. 0313)
"Save Prop. 13" Tax Limitation	In Prog	CA	630,136	3-19-84	11-84	No. 0328: Revised No. 0325. This is the active drive.
No First-Use of Nuclear Weapons (Nuclear Weapons Policy)	In Prog	ST	393,835	5-7-84*	11-84	No. 0329: Sponsor, Dr. John Somerville, CA Nuclear No First Use Campaign.
Public Gaming Commission Educational Funds	In Prog	CA	630,136	5-7-84*	11-84	No. 0330: Sponsor, R. Wilson (Latest of many revisions).
Peoples Right to Repeal Laws (Plebiscite)	In Prog	CA	630,136	5-7-84*	11-84	No. 0331: Sponsor, Peter Applegate.
Tobacco Education Project through Taxes	In Prog	ST	393,835	5-7-84*	11-84	No. 0332: Sponsor, Gerry Mandell, Tobacco Education Council (Ventura).
Prayer in Public Schools	In Prog	CA	630,136	5-11-84*	11-84	No. 0334: Sponsor, Committee for Religious Freedom in Schools.
Welfare-Public Assistance Programs	In Prog	ST	393,835	5-11-84*	1984	No. 0335: Sponsor: Ross Johnson (A-64).
Legislators Compensation-Budget Bill Enactment	In Prog	CA	630,136	5-14-84*	11-84	No. 0333/0336: Sponsors, Les Kelting and Lee Phelps ("Pink Slip").
Designate California a Nuclear Free Zone	In Prog	ST	393,835	5-29-84*	1985	No. 0337: If turned in by 5/1, could be on 11-84 ballot.
Voting Materials only in English	In Prog	ST	393,835	5-29-84*	1985	No. 0338: (Same as above). Sponsor, Stanley Diamond.
Phase Out of Local Rent Control--Conversion of Rental Housing to Tenant Ownership	In Prog	ST	393,835	5-29-84*	1985	No. 0339: (Same as above). Sponsor, Trevor A. Grimm.
Campaign Contribution Limitations for State Legislative Candidates	A.G.	ST	393,835	TBD	TBD	Filed 11-15-83. Sponsors, T. K. Houston, A. Post.
Same as above, with Matching Public Funds	A.G.	ST	393,835	TBD	TBD	Filed 11-15-83. Sponsors, Same as above.
Welfare Reform	A.G.	CA	630,136	TBD	TBD	Filed 11-15-83. Sponsors, State Reps. E. Royce, P. Nolan, R. Waters, S. Nielsen, E. Konnyu.
Fair Reapportionment Commission	A.G.	CA	630,136	TBD	TBD	Filed 11-15-83. Sponsor, Governor George Deukmejian.
Agricultural Labor Relations	A.G.	ST	393,835	TBD	TBD	Filed 11-23-83. Sponsor, St. Sen. Jim Nielsen.
Governmental Reorganizat'n	A.G.	CA	630,136	TBD	TBD	Filed 11-29-83. Sponsor, D. Excell et al
Amendment to Fair Political Practices Act	A.G.	ST	630,136	TBD	TBD	Filed 12-3-83. Sponsor, Assemblyman Ross Johnson.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign.Reg.	Due	Ballot	Remarks
<b>CALIFORNIA, continued</b>						
Balanced Rights and Rent Control Phaseout	A.G.	CA	630,136	TBD	TBD	Filed 12-6-83. Sponsor, George Young.
California State Lottery	A.G.	CA	630,136	TBD	TBD	Filed 12-8-83. Sponsor, Barry Fadem.
Educational Voucher System	Announced					LA Herald Examiner interview 12-14-83 with Roger Magyar.
Balanced Rights and Rent Control Phaseout	A.G.	CA	630,136			Filed 12-14-83. Sponsor, George Young. Second proposal; separate drive.
Locally Governed Community College Stable Funding	A.G.	CA	630,136			Filed 12-20-83. Sponsors, Cornell, Voth and James Young.
Open Primary	A.G.	ST	393,835			Filed 12-23-83. Sponsors, Californians for Open Primary.
Legalization of State Lottery	A.G.	CA	630,136			Filed 12-26-83. Sponsor, Tom Sullivan.
*California petition signatures must be submitted to county clerks by 5-1-84 for measure to appear on November 1984 ballot.						
<b>COLORADO</b>						
Legalize Casino Compound in Pueblo	Announced	CA	46,737			Expected to be filed in January 1984.
Prohibit Public Funding of Abortions	Pending	CA	46,737	8-6-84	11-84	Titling completed 1-5-84. Awaiting approval to circulate.
Flat Rate State Income Tax	Leg.Coun.	CA	46,737	8-6-83	11-84	Filed 12-5-83. First hearing held 12-22-83. Sponsors, George Lilly.
Deregulate Transportation	Leg.Coun.	CA	46,737	8-6-84	11-84	Filed 12-9-83. First hearing held 12-22-83. Sponsors, Coloradans for Free Enterprise.
<b>DISTRICT OF COLUMBIA</b>						
Preserve the Rhodes Tavern as Historic Site	PASSED	Ord	YES: 59.68% NO: 40.32%		11-83	Calls for preservation of oldest building in town which once served as town hall.
Prohibit Employers From Administering Drug Tests to Employees	In Prog	Ord	18,032	1-7-84	5-84	Believed to be inactive.
Fair Travel Practices	In Prog	Ord	18,032	5-84	11-84	Initiative No. 15.
D.C. Unemployment Compensation Act of 1984	Declined	Ord				No. 16. Council's decision being challenged in court.
Right to Shelter Act of 1983	In Prog	Ord	18,032	5-84	11-84	Unnumbered.
D.C. Self-Determination Act	Declined	Ord				
*Exact signature requirements established at time of approval for circulation and is equal to 5% registered voters in District.						
<b>FLORIDA (Please see Note 1)</b>						
Limit All Taxes to 5%	Certified	CA	298,743		11-84	Under court challenge to bar from ballot.
Establish State Lotteries	In Prog	CA	298,743	8-6-84	1984	Committee: Committee for Florida State Lottery.
Unicameral Legislature	In Prog	CA	298,743	8-6-84	1984	Would cut number of legislators from 160 to about 120.
Establish Fish and Wildlife Commission	In Prog	CA	298,743	8-6-84	1984	Committee: Committee to Restore Fish and Wildlife Resources.
Legalize State-Owned Casinos	In Prog	CA	298,743	8-6-84	1984	Committee: Floridians for State Casinos.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign. Req.	Due	Ballot	Remarks
<b>FLORIDA, continued</b>						
Hazardous Waste Sites (Prohibit)	In Prog	CA	298,743	8-6-84	1984	Committee: Clean Backyard Project.
Elected PUC	In Prog	CA	298,743	8-6-84	1984	
Freeze Budget and Staffs at 1980 Levels for Fire, Police and Medical	In Prog	CA	298,743	8-6-84	1984	Committee: Save Our Emergency Services.
Legalize Casinos and Lotteries	In Prog	CA	298,743	8-6-84	1984	Committee: Citizens for Less Taxes.
Establish English as the Official Language of the State	In Prog	CA	298,743	8-6-84	1984	Committee: Floridians for the English Language Amendment.
Raise Drinking Age to 21	In Prog	CA	298,743	8-6-84	1984	Committee changed name to "Coalition 21."
Environmental Rights Amendment	In Prog	CA	298,743	8-6-84	1984	Committee: Clean-up 84.
Repeal Single Subject Restriction on Initiatives	In Prog	CA	298,743	8-6-84	1984	Committee: Citizens Initiative Committee.

NOTE 1: A law passed in the 1983 session placed a four-year validity period on all signatures gathered during an initiative campaign. This law is retroactive to all initiative proposals approved for circulation by the Secretary of State and therefore includes initiative petition drives which did not file signatures for the 1982 ballot as well as those proposals approved to attempt qualification for the 1984 ballot.

## MAINE

Ban Moose Hunting	DEFEATED	ST	YES: 39.66% NO: 60.44%		11-83	
Mandatory Auto Insurance	In Prog	ST	46,030	1-30-84	11-84	

## MASSACHUSETTS

Selection of Hazardous Waste Sites	Failed	CA				
Revise the State's Workers Compensation System	Failed	ST				
Disclosure to Employees Working with Toxic Materials	Failed	ST				
Prohibit Pound Seizures for Animal Experimentation	Certified	ST	61,508		11-84	Will need 10,251 additional signatures if not adopted by Legislature.
Limit Legislative Sessions to Six Months	Failed					
Revise Laws Concerning Disability Income	Failed					
Repeal of the 7.5% Surtax	Failed					
Disclosure of Hazardous Waste--Accountability and Siting	Failed					
Reform Rules Governing the General Court (Legislature)	Denied by State Supreme Court			12-14-83 as		not suitable for initiative action.
Compensation for Victims of Crime	Failed					
Reform of Criminal Justice System (2)	Failed					Both petitions failed.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign. Req.	Due	Ballot	Remarks
<b>MICHIGAN</b>						
Reserve a percentage of State Revenues for Schools	In Prog	CA	304,001	7-9-84	11-84	"FAIR" Petition
Require Voter Approval of Any Tax Changes	In Prog	CA	304,001	7-9-84	11-84	"Voters' Choice on Revenue"
Reduce Property Tax and Require Voter Approval on any new Taxes or Tax Increases	In Prog	CA	304,001	7-9-84	11-84	T.A.G. Tax Cut Petition (Quasi-Proposition 13) -- Taxpayers Action Group.
Limit Constitutional Amendments on the Ballot to One Per Subject	In Prog	CA	304,001	7-9-84	11-84	T.A.G. Ballot Limit Petition -- Taxpayers Action Group
Restrict State Legislature from Increasing State Income Taxes by More than 5%	In Prog	CA	304,001	7-9-84	11-84	Sponsor: Thomas E. Brennan
Establish 7-member, Non-Partisan Reapportionment Commission	In Prog	CA	304,001	7-9-84	11-84	Sponsor: Thomas E. Brennan
Limit Office of Governor to Two Terms	In Prog	CA	304,001	7-9-84	11-84	Sponsor: Thomas E. Brennan
Make the State Legislature a Part-Time Body	In Prog	CA	304,001	7-9-84	11-84	Sponsor: Thomas E. Brennan
Provide for nomination of Supreme Court Justices and establish succession procedures	In Prog	CA	304,001	7-9-84	11-84	Justices will hold offices till successors are elected and qualified.
Regulation of utility rate allowances	In Prog	CA	304,001	7-9-84	11-84	Disallows charging customers for construction work in progress or for unneeded or abandoned plants. Other provisions.
Forbid Abortion Under Any Circumstances	Pending	CA	304,001	7-9-84	11-84	Has not been submitted to State Board of Canvassors for approval.
<b>MISSOURI</b>						
Forbid Operation of Nuclear Power Plants in State	In Prog	ST	67,581	7-7-84	11-84	
Legalize Pari-Mutuel Betting	Pending	CA	108,130	7-7-84	11-84	Legislature may place on ballot. Proponents awaiting action.
<b>MONTANA</b>						
Change the Election Date to Coincide with Tax Due Dates	In Prog	CA	36,047	6-29-84	11-84	
Forbid Seizure of Property or Jailing for Non-payment of Taxes	In Prog	CA	36,047	6-29-84	11-84	
Milk Price Decontrol	In Review	ST	18,024	6-29-84	11-84	Filed Dec. 7; Withdrawn Dec. 12; Refiled December 15.
<b>NEBRASKA</b>						
Increase State Legislators Salaries	In Prog	CA	54,790	7-6-84	11-84	Proponents: "Coalition for Fair Compensation."
Bi-Lateral Nuclear Weapons Freeze/Anti-MX in Nebraska	Pending	CA	54,790	7-6-84	11-84	Awaiting court decision regarding suitability to initiative action.
<b>NEVADA</b>						
Freeze State Property Tax	Announced	CA	24,258	6-4-84	11-84	Not filed.
Elected State Board of Wildlife Commission	In Prog	CA	24,258	6-4-84	11-84	Proponents: "Coalition for Fair Compensation."



# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign.Req.	Due	Ballot	Remarks
<b>NORTH DAKOTA</b>						
Prohibit State Sale of State-Owned Farm Land	A.G. (holding)	ST	13,055	8-6-84	11-84	Awaiting court ruling on another case prior to approving.
Revert Junior Colleges to Local Control	Announced	ST	13,055	90 d	11-84	Not filed.
Bar Closure at 10 PM	Announced	ST	13,055	90 d	11-84	By the Prohibitionist group that sponsored anti-gambling in 1982.
<b>OHIO</b>						
Alcoholic Beverage Tax	In Prog	ST	100,702 100,702	1-15-84 5-15-84	11-84	Two-cent per drink tax to fund alcohol rehabilitation programs. Two-phase petition drive. Second step if measure fails in legislature.
Raise Drinking Age from 18 to 21	DEFEATED	CA	YES: 41.43% NO: 56.44%		11-83	Issue #1.
Require 3/5 Majority in Legislature for Passing Tax Increases	DEFEATED	CA	YES: 40.8% NO: 59.2%		11-83	Issue #2.
Repeal Increase in State Income Taxes	DEFEATED	CA	YES: 43.56% NO: 56.44%		11-83	Issue #3. Taxes were increased 90% in current session. Proposal repeals increase.
<b>OKLAHOMA</b>						
Liquor by the Drink	Complete	CA			11-84	SQ-563. Pending with Supreme Court.
Denturism	Abandoned	ST				SQ-565.
Code of Ethics	Abandoned	CA				SQ-566. (Refiled version of SQ-564)
Lottery	Abandoned	ST				SQ-567.
Elect Members of PUC	Abandoned	CA				SQ-568.
Tax Relief	Certified				11-84	SQ-569. Individual Income Tax.
<b>OREGON</b>						
Restrict Government Competition with Private Industry	In Prog	CA	83,361	7-6-84	11-84	#1: Would not allow employees to be hired if in competition with private firms. Other provisions.
Legalize Possession and Growth of Marijuana for Adults' Personal Use	In Prog	ST	62,521	7-6-84	11-84	#2: Decriminalizes possession, growth, transport and consumption for private and medical use. #13: Second filing.
Place Moratorium on Auto Emission Tests	In Prog	ST	62,521	7-6-84	11-84	#3: Would end program in 1985 and 1986, not to be reinstated without voter approval. #10: Second filing.
Dissolve All Metro Service Districts	In Prog	ST	62,521	7-6-84	11-84	#4: Allows only 100 days to dissolve and dispose of assets. #9: Second filing.
Abolish Land Conserv. and Develop't Comm., Land Use Bd. of Appeals and Dep't. of Land Cons. & Development.	In Prog	ST	62,521	7-6-84	11-84	#5: Continues 1982 effort to place land use planning powers in hands of local bodies. Also provides challenge procedure.
Reduce State Income Tax to 3/4 of the 1980 Levels	In Prog	CA	83,361	7-6-84	11-84	#6.
Limit Property Taxes	In Prog	CA	83,361	7-6-84	11-84	#7: Taxes would be based on 1% of land's true cash value. Similar to 1982 proposal which was defeated at polls.
Ban Sales Tax	In Prog	CA	83,361	7-6-84	11-84	#8: Would prohibit imposition of tax for transfer of any tangible or intangible property.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign.Req.	Due	Ballot	Remarks
<b>OREGON</b>						
Change Makeup of Land Conservation and Develop't Comm. and Set Up Appeal Process	In Prog	ST	62,521	7-6-84	11-84	#11: Describes makeup of state, county and city planning groups and provides appeal process.
Protect Private Property	In Prog	CA	83,361	7-6-84	11-84	#12: Forbids passage of any law that infringes on use, ownership, and enjoyment of private property.
Limit Elk Cow Hunting and Change State Fish/Wildlife Commission	In Prog	ST	62,521	7-6-4	11-84	#14.
Incorporate the ERA into the State Constitution	In Prog	CA	83,361	7-6-4	11-84	#15.
Direct Removal and Control of Alleged "Threat" posed by "Rajneesh"	In Prog	ST	62,521	7-6-4	11-84	#17. Amended from #16, which was declined for titling by A.G.
Require that Elected Officials Comply Immediately with Voter Initiated Laws	In Prog	CA	83,361	7-6-4	11-84	#18.
"Contain and Repel" Certain "Cults"	In Prog	CA	83,361	7-6-4	11-84	#19: Same sponsor as Nos. 17 and 18 above.
Reinstate the Death Penalty	In Prog	CA	83,361	7-6-4	11-84	#20: Sponsor is William A. Jolly.
Death Penalty or Life Sentence for Aggravated Murder	In Prog	CA	83,361	7-6-4	11-84	#21: Sponsor is Delight Streich.
Death Penalty for Aggravated Murder Under Some Circumstances	In Prog	ST	62,521	7-6-84	11-84	#22: Sponsor is Delight Streich.
Requires Approval of Radioactive Waste Disposal Sites	In Prog	ST	62,521	7-6-84	11-84	#23:
Real Property Tax Limit	In Prog	CA	83,361	7-6-84	11-84	#24: Sponsor, Ray Philips.
Limit Voting to Persons Registered 20 Days Before Election	In Prog	CA	83,361	7-6-84	11-84	#25: Would require voter registration 20 days prior to an election. Sponsor, Carolyn Oakley.
Child Custody	Declined by A.G.					#26.
Regulates Ethical Conduct: Influence Peddling, Gifts, Lobbying	In Prog	ST	62,521	7-6-84	11-84	#29. Sponsor, St. Sen. J. Wyers
Allow Tax Exemption for Certain Properties	In Prog	CA	83,361	7-6-84	11-84	#30. Refiled version of # 27.
Allow Tax Exemption for Certain Properties	Inactive	ST	62,521	7-6-84	11-84	#31. Refiled version of #28.
State Lottery	Pending	ST	62,521	7-6-84	11-84	#32. Cover sheet being reworked.
Oregon Tax Law Repeal	In Prog	ST	62,521	7-6-84	11-84	#33. Refiled version of #31 above.
Forbids Exclusion of Reliable Evidence Illegally Obtained	In Review	CA	83,361	7-6-84	11-84	#34.
Changes Provisions of Criminal Laws in State's Favor	In Review	ST	62,521	7-6-84	11-84	#35.
Oregon Marijuana Commission	Declined by A.G.					#36.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign. Req.	Due	Ballot	Remarks
Forbids Payment for Circulators of Petitions (all kinds)	Pending	CA	83,361	7-6-84	11-84	#37. Not expected to circulate.
Const. State and Local Gov't Spending Limits, Require Sales Tax Adoption	Pending	CA	83,361	7-6-84	11-84	#38.
State and Local Spending Limits	Pending	CA	83,361	7-6-84	11-84	#39.
Vests all Judicial Authority in Supreme Court and Justices of the Peace	Pending	CA	83,361	7-6-84	11-84	#40.
Homestead Exemption-Income Tax Funded Local Gov't Spending Limits	Pending	CA	83,361	7-6-84	11-84	#41.
Limit Public Employees' Salaries	Withdrawn					#42.
Salmon/Steelhead Fisheries	Untitled				11-84	#43.
Limit Public Employees' Salaries	Untitled				11-84	#44. Refiled version of #42.
<b>SOUTH DAKOTA</b>						
Nuclear Weapons Freeze	In Prog	ST	13,929	2-84	11-84	For submittal to Legislature.
Prohibit School Openings Prior to Labor Day	In Prog	ST	13,929	2-84	11-84	For submittal to Legislature.
Voter Approval of Radio-Active Dump Sites	In Prog	ST	13,929	2-84	11-84	For submittal to Legislature.
"Peace Through Strength" Resolution	In Prog	ST	13,929	2-84	11-84	For submittal to Legislature.
<b>UTAH</b>						
Ban Salacious Material on TV	Certified	ST	60,002		6-84	
Repeal 1983 Law Regarding Salacious Material on TV	In Prog	ST	60,002	6-5-84	11-84	
Establish New Working Hours for State Offices	In Prog	ST	60,002	6-5-84	11-84	Would have offices open from Noon until 8:00 PM.
Community Correctional Facilities	In Prog	ST	60,002	6-5-84	11-84	Carryover from 1982. Would prohibit regional prisons in residential areas.
Elected Public Utility Commission	In Prog	CA	60,002	6-5-84	11-84	
<b>WASHINGTON</b>						
Indirect: Salmon and Steelhead Resources	In Prog	ST	138,472	1-84	11-84	Will be submitted to 1984 legislature if signatures are completed. I-84. Sec. of State says looks possible to complete.
Federal Balanced Budget Resolution	In Prog	ST	138,472	1-84	11-84	I-85. Indirect to legislature. Sec. of State says appears to be inactive.
<b>WYOMING</b>						
Regulate Deposit of State Money in Credit Unions	Failed				1984	Reported Inactive.
Lower Signature Requirements for State Initiatives	Failed					Reported Inactive.
In-Stream Flows	Complete	ST	25,810	12-16-83	11-84	Filed signatures. Now in certification. Complete by 1-15-84.
Water Storage for In-Stream Flows	Failed	ST	25,810	12-16-83	11-84	Did not submit signatures by deadline.

# Initiative Quarterly

WE'VE MOVED

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## Indirect Initiative: A Closer Look

While all initiatives are initiated by citizens rather than by lawmakers, some initiatives do undergo the scrutiny of a legislature at some point before reaching the ballot, and it is this extra step that delineates initiatives as either examples of the direct or indirect initiative process. A direct initiative lives up to its

This is the most common type of initiative in the United States, used in some form in 22 states and the District of Columbia. The path of an indirect initiative, on the other hand, takes the proposal through the state legislature for possible action there before continuing on to the election ballot.

### ...An important improvement... or an obstructionist hurdle?

name—once enough signatures have been gathered and all other requirements have been met, such a proposal goes directly to the voters.

### Current Initiative Petition Drives by Status—for 1983-84 Ballots

Certified.....	13
(1983 Election)—(5)	
Complete/In Certification.....	3
Announced, Not Filed.....	3
In Titling/Review/ Attorney General (AG).....	27
In Progress (Active).....	134
Inactive/Abandoned.....	3
Withdrawn (may have been refiled).....	8
Failed since last report.....	13
Failed/Withdrawn/Abandoned previously(dropped from report).....	87
Total Drives Attempted to Date.....	291

The indirect initiative offers lawmakers the opportunity to review, debate and discuss, and adopt the proposed law—an opportunity absent when the direct initiative is used. In some states, the lawmakers can alter the initiative before adopting it. In other states, they must consider it without changing it.

Depending on one's viewpoint, the extra step of legislative review afforded by the indirect initiative process is either an important improvement to an otherwise reckless law-making process, or an obstructionist hurdle that frustrates citizens' efforts to legislate for themselves. IQ's **Spotlight** this quarter focuses on the indirect initiative. (Please turn to page 3.)

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## Utah's Initiative Puzzle

By Eric Miller

An initiative scheduled to appear on the Utah 1984 November ballot and aimed at banning pornography from cable television has spawned an administrative and judicial tangle that may take many months to work out.

It will probably be sometime after the November election before all of the knots unravel, and even then, the fight may go directly from the election ballot to the court docket.

In a recent telephone interview with **Initiative Quarterly**, Deputy Lt. Governor Brad Hainsworth reviewed the two-year old initiative dispute and offered guarded speculation on the possible outcomes.

In September of 1982, a group led by John Harmer filed an initiative petition with the state called the "Cable TV Decency Act". The proposal, aimed at regulating the content of cable-fed subscriber television, spells out a definition of salacious materials and prescribes criminal penalties for violators.

It is an indirect initiative, that is one which gives the state legislature an opportunity to act before the proposal is carried to the state's voters (see the story in this edition on indirect initiatives).

Continued on Page 2

## INITIATIVE PUZZLE IN UTAH

Cont. from Page 1

Under Utah's provision for an indirect initiative, proponents must gather a number of signatures equal to 5% of the total vote in the governor's race in the last election, currently about 30,000 names, before their proposal is submitted to the state's lawmakers. If they fail to receive satisfaction from the legislature, the proponents can then gather another 30,000 signatures to place their measure on an election ballot.

"They easily got that number of signatures," Hainsworth said of the initiative proponents. "In fact, they had no problem in getting all the signatures they needed to go to the ballot—all 60,000—before the legislature even met."

The 83rd Session of Utah's legislature did, indeed, choose to act on the initiative proposal. But rather than adopt the initiative as it was written, both houses adopted a similar bill drawn up with the help of the state attorney general.

### **"The interesting problem is: how in the world do you go about withdrawing something from the ballot?"**

"As I recall, the issue in the legislature was over penalties—whether or not certain things would be a felony or misdemeanor, when the state would seek to prosecute, and so forth," Hainsworth said. "The legislation written by the Attorney General and some others differed from the original initiative measure in some details of the penalties, and it passed."

But though SB 309 called for lesser penalties than the original initiative proposal, Utah's Governor Scott Matheson vetoed the law in March, 1983, claiming it was unconstitutional.

The legislature overrode the gubernatorial veto, reaffirming their intention to put the statute on the books.

The ACLU promptly brought suit to have the law thrown out. And that, according to Hainsworth, is the current status of the legislative version —

"on hold" awaiting a decision in the courts.

But, meanwhile, the proponents of the original initiative—the one calling for stiffer penalties—have decided to let their version go to a vote in November.

"So the Cable TV Decency Act is still going to appear on the ballot," Hainsworth said. "As far as I'm concerned, unless a court tells me otherwise, I don't have the authority to remove it..."

Hainsworth pointed out that the sponsors of the initiative don't seem to think that the legislature's action rendered their proposal superfluous, or that any upcoming court decision might render it moot, and "since the sponsors aren't treating it that way, I don't have any authority to do so."

But, as Hainsworth puts it, "Now an interesting situation has arisen:

another group, wanting to go another way entirely, has now filed an initiative petition with the Lt. Governor to repeal the legislature's act."

This direct initiative proposal bypasses the legislature entirely, Hainsworth said. Its proponents have until June to file the required number of signatures—60,000—for their measure to appear on the November ballot.

But even if the measure qualifies for the ballot, and passes, it wouldn't repeal the initiative version slated for the same ballot.

Hainsworth said he imagined that if the legislative version looked secure—that is, if the courts upheld it as constitutional and the initiative to repeal it failed to qualify for the ballot, that there might well be a movement by the sponsors of the original initiative to withdraw their issue from the November ballot and let the

recently-passed law stand as is. But Utah law wouldn't let the sponsors drop the issue even if they wanted to.

No mechanism exists in Utah's initiative provisions to remove a properly-qualified initiative from an election ballot, Hainsworth said, adding that any decision to attempt such a withdrawal would have to be judicial rather than administrative in nature.

"The interesting problem is: how in the world do you go about withdrawing something from the ballot?" he said.

"So it's a real can of worms," Hainsworth said. "You've got a bill on the books tied up in the courts, a petition that qualified for the ballot a long time ago that would make the law even stiffer, and another petition to repeal it..."

But almost any outcome is bound to spell trouble for the law passed by the legislature, which survived a gubernatorial veto only to face a triple threat of sorts: 1) the courts can strike it down; and/or 2) the initiative to repeal it may pass; and/or 3) the original initiative may pass and replace it as the law of the land.

Hainsworth thinks that the original initiative will pass by a wide margin in November, regardless of what the courts decide about the legislative version. "I would guess that it would easily pass," he said. "They had no trouble at all getting those signatures, and you know, that's not an easy task. In fact, it's an organizational feat."

If courts uphold the legislative version, and the initiative version passes in November, which statute will supercede the other? "I would imagine the initiative would take precedence," Hainsworth mused, "since it is the voice of the people... but I really don't know... I'm guessing. That would be a dispute of law."

Until November, it's anybody's guess. And since the initiative version, if successful at the polls, is bound to draw legal challenges of its own, the courts will almost certainly have the last word.

## Focus: Indirect Initiative

By Sue Thomas  
Executive Director  
NCIR

This Spotlight examines the indirect initiative process as it is used in the nine states that provide it:

**Alaska, Maine, Massachusetts and South Dakota** have no direct initiative procedure—all initiatives must pass through the state legislature.

**Michigan, Nevada and Ohio** require that statutory initiatives use the indirect route, while allowing constitutional initiatives to go directly to the voters without legislative review.

**Utah and Washington** offer initiative proponents the choice of either the indirect or direct mechanisms; proponents have historically bypassed the legislature by opting for the more direct route to the ballot.

### The Mechanics:

Each state sets a deadline by which initiative proponents must file the required number of signatures for their measure to be sent to the legislature. These deadlines usually fall prior to the commencement of the session.

### Two-Step Indirect Initiatives

**Ohio, Massachusetts and Utah** employ a two-step signature collection process. The first petition drive qualifies the measure for legislative review, but not for ballot placement. If the legislature fails to act on the proposal and the initiative's proponents are still determined to put the measure on the ballot, then they must undertake a second petition drive to gather additional signatures. In Massachusetts, for example, a statutory initiative can go to the legislature after 61,508 valid signatures are submitted prior to the session. Failing action by the General Assembly, an additional 10,251 signatures are necessary to place the measure on the ballot. All

signatures are subject to standards and reviews prescribed by each state.

### Legislative Review

In Alaska, Maine, South Dakota, Utah and Washington, the legislature is given the length of the session to consider an initiative proposal. Other states specifically limit the time during which the legislature can take action. If the time expires, the measure either defaults directly to the ballot or (in the two-step states) efforts can begin to complete the supplemental signature drive. Michigan and Nevada have placed a 40-day limit for legislative action; Ohio gives their lawmakers four months to review the proposals; and in Massachusetts, lawmakers must take action by the first Wednesday in May or the initiative's sponsors are free to press on with the second step of their petition drive to send the proposal to the voters.

States also differ in the leeway—if any—they offer their legislature in altering the original proposal. **Maine, Massachusetts, Michigan,**

**Nevada and Washington** require the proposal either be adopted exactly as presented or else passed on to the voters. **Alaska, Ohio and Utah** allow the lawmakers to pass a measure substantially the same as the initiative, in which case the proposal simply becomes law and no further action is required. In **South Dakota**, all initiatives are submitted to the legislature, where, as a formality, they are routinely passed through to the voters without legislative action.

When legislators are not afforded the opportunity to adopt an amended version of an initiative proposal, they are allowed to write their own version of the initiative, called a legislative alternate, which is offered to the voters along with the initiative. Should both measures pass—that is, receive a majority—then the measure winning the higher majority becomes law. There were two examples of this in 1982—the Michigan utility measures and Nevada's proposals for a utility consumer advocate. In both instances, a legislative alternative was accepted by voters by a wider margin than the initiative version.

### Pros and Cons of the Indirect Initiative

The main attraction of the indirect initiative is that it puts the legislature back into the loop of public policy formulation and offsets the main argument against the direct initiative, i.e., there is no debate and review of the initiative proposal before it goes to the voters. The National Municipal League (NML),

once an avid supporter of the direct initiative, now uses the indirect process in its model initiative legislation. At NCIR's 1983 Washington seminar, NML Executive Director Bill Cassella explained that the League has become convinced of the desirability of allowing lawmakers to review proposals prior to their submission to voters.

The indirect initiative also acts

as a strong warning to legislators that the public feels a particular problem needs to be addressed and can force their immediate attention to finding a solution to that problem. The downside of the indirect initiative is that no state has found a sure-fire method of assuring the legislators will not simply "pass through" the proposal to the voters, thus sidestepping a controversial vote on a tough question.

*Continued on Page 4*

# QUARTERLY SPOTLIGHT

Cont. from Page 3

Problems can also arise in determining whether a legislative action is "substantially" the same as the original initiative proposal presented to the lawmakers. In other words, if the legislature passes a bill similar to, but not identical to, an initiative proposal submitted for its consideration, is the substantive effect of the two measures similar enough to preclude sending the original proposal on to the ballot? This task of interpretation seldom falls to the initiative proponents. More often, an officer of the state is asked to make this determination. Initiative proponents who don't agree with the judgment rendered can file court challenges, or, in those states employing the two-step process (Ohio, Massachusetts and Utah), dissatisfied proponents can simply start the second half of their petition drive to gain access to the ballot (see the paragraph below on Utah's current predicament).

In a recent NCIR survey, election officials of states allowing indirect initiatives were asked, "If you could change any portion of your state's initiative provisions, what changes would you make?" The majority of states felt their process works well, except for a few areas in administrative procedures. All agreed the initiative is here to stay.

But in those states providing the choice between either the indirect or direct initiative process, why don't initiative proponents use the indirect process more? Many initiative proponents say that the indirect procedure creates an additional time lag that drags too much on the momentum of an initiative campaign. Initiative proponents may also fear that voters will take a cue from their lawmakers and vote against a proposal which the legislature has either already defeated or refused to act on, a reasonable prediction, given the relatively high voter approval rate for legislative measures referred to the ballot (about 60% in 1982) and the low voter approval rate for initiated measures (less than 30% in 1982).

## REQUIREMENTS FOR INDIRECT STATUTORY INITIATIVES

State:	AK	ME	MA	MI	NV	OH	SD	UT	WA
Constitutional amendments allowed under direct or indirect procedure?	No	No	I	D	D	D	I	No	No
Statutes allowed under direct or indirect?	I	I	I	I	I	I	I	D/I	D/I
Signature requirements for initiatives proposing statutes <sup>1</sup>	10	10	3+ .5 <sup>2</sup>	8	7	3+ 3	5	D:10 I:5+5	8
Filing Deadline <sup>3</sup>	1st LD	50th LD	Dec.	10	30	10	None <sup>4</sup>	10	10
How long can the legislature take to act? (S=Session)	S	S	1st Wed. in May	40d	40d	4mos.	S	S	S
Can the legislature amend the proposal (as long as it remains substantially the same?)	Y	N	N	N	N	Y	N	Y	N
Who decides if the legislature has satisfied the intent of the original initiative proposal?	LG/ AG	SS	na	na	na	Prop	na	LG/ AG	na
Can the legislature draft its own version of the proposal to be placed on the ballot along with the original measure?	na	Y	Y	Y	Y	na	na	N	Y
Can the legislature amend or repeal the initiative after it has been approved by the voters?	Y	Y	Y	N	Y <sup>5</sup>	N	Y	Y	Y <sup>6</sup>
Second deadline for filing signatures in states with two-step petition drives <sup>7</sup>	na	na	July	na	na	90d.	na	July	na
I=Indirect D=Direct LG=Lt. Governor AG=Attorney General SS=Sec. of State Prop=Proponents d.=day na=not applicable LD=Legislative Day									

<sup>1</sup>All percentages except Alaska are based on the total votes cast for office of governor at the last election where that office appeared on the ballot. Alaska bases signature requirements on the total number of votes cast in the last general election.

<sup>2</sup>In states using a two-step petitionary process, "n+n" refers to the percentages of signatures required in the first and second petition drives.

<sup>3</sup>All deadlines specify the number of days prior to the beginning of the legislature's session, unless otherwise noted.

<sup>4</sup>South Dakota allows statutory initiatives to be submitted throughout the session. Constitutional initiatives be submitted a year in advance of the session.

<sup>5</sup>After three years.

<sup>6</sup>After two years.

<sup>7</sup>Prior to the election in which the measure is to appear on the ballot.

The National Center for Initiative Review's chart "Initiative Provisions by State" sets forth comprehensive initiative requirements for all states. Copies are available from NCIR at 5670 S. Syracuse Circle, Suite 328, Englewood, Colorado 80111. Phone: 303-779-1949. Cost of the chart is \$5. (No charge for state legislators.)

# QUARTERLY SPOTLIGHT

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## Here's a state-by-state rundown of recent indirect initiative activity:

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**Alaska:** Petitions on three measures were circulated in hopes of qualifying for legislative review in this session, and one may yet succeed. Circulated by the Libertarian Party, the proposal would abolish the Alaskan Transportation Commission and deregulate certain aspects of transportation, especially those requiring the use of U.S. flagships in Alaskan ports. Although more than 26,000 signatures were submitted by the due date of January 11, 1984, about 8,500 were disqualified in the signature validation process. But proponents were granted an additional 30-day period to bring the number of qualified signatures to the minimum threshold of 19,936, and did, so the proposal has been submitted to the legislature. Failing approval by that body, the measure will appear on the November 1984 ballot.

Two other measures, one calling for a nuclear weapons freeze and another dealing with state legislators' compensation, were short the required number of signatures when the legislative session arrived, preventing the measures from being reviewed in this session, but not necessarily spelling the end of the proposals. The maximum signature collection period for an initiative in Alaska is one year, leaving open the possibility that proponents could continue collecting additional signatures until their respective June and September deadlines. Even so, a requirement that one full legislative session must take place between the filing of an indirect initiative and its appearance on the ballot would dictate that these measures, if successful, could appear on the ballot no earlier than 1986.

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**Maine:** Proponents of a proposal to make insurance mandatory on all automobiles failed to submit signatures by the due date. Maine has no pending initiative proposals on the 1984 ballot.

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**Massachusetts:** Of the twenty initiative proposals submitted to the Attorney General back in August, only one qualified for submission to the legislature, while the others succumbed to failed petition drives, court challenges and the like.

The successful measure, which dealt with experimentation on animals, was passed into law in December by the Massachusetts General Court (the legislative body).

The most important decision regarding Massachusetts initiative proposals this year was a state Supreme Court decision blocking an initiative proposal that would have made sweeping changes in the internal structure of the General Court. The court ruled that rather than proposing a statute or amendment, the proposal was attempting to set internal rules for the legislature, an area outside the prescribed realm of initiative activity in that state.

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**Michigan:** Of the 12 initiative proposals filed to date in Michigan for the 1984 ballots, eleven are constitutional amendments, and thus, under state law, direct initiatives. The single statutory initiative, calling for licensing and regulation of outdoor advertising, will be sent to the legislature if sufficient signatures are turned in by the May 30th filing deadline.

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**Ohio:** A petition to place a tax on alcoholic beverages to support alcoholism treatment programs was circulated in 1983, but won't be placed before the legislature this session since no signatures were filed by the January 15, 1984 deadline.

Under Ohio's two-step signature collection process for statutory initiatives, 100,702 signatures are necessary to submit the proposal to the legislature. If the measure is not adopted by that body, a second drive for 100,702 additional signatures must be completed before the measure can be placed on the ballot.

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**Nevada:** There are no statutory initiative proposals—the only kind subject to legislative scrutiny here—in circulation for 1984 ballots.

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**South Dakota:** All initiative proposals are referred to the legislature in this state, where the only action taken is a formal vote to pass the measure through to the ballot. In the current session, three of four measures which attempted to meet ballot access requirements (a measure seeking to control siting of nuclear waste storage in the state; a nuclear weapons freeze resolution; and a prohibition against starting the public school year prior to Labor Day) have received the perfunctory nod from the legislature and will appear on the November, 1984 ballot. Proponents of the fourth measure, a "peace through strength" resolution, failed to submit signatures before the session ended.

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**Utah:** Although initiative proponents here are offered the option of an indirect initiative incorporating a two-step signature drive, most initiative proponents opt for seeking ballot access directly, and so the indirect process is rarely used. The 1984 ballot will contain one such measure, however, which would ban salacious materials on television. The same ballot may also contain a direct initiative aimed at repealing a legislative version of the salacious materials ban addressed in the indirect initiative. See the story on Utah in this same issue.

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**Washington:** Proponents of two 1983 initiatives, one dealing with salmon resources and the other with a federally-balanced budget amendment, failed to submit signatures for review by the legislature. This was not surprising, since, as in Utah, the indirect mechanism is a seldom-used option, and proponents are probably intending to apply the signatures that they have collected toward a direct bid for ballot placement.



# LEGISLATIVE UPDATE

State	Bill No.	Legislative Proposal	Bill Status
AK	SB1/HB172:	Municipal I and R - Effective dates	Introduced 2-7-83. Now in respective Judicial Committees. If reported, will be referred to Finance Committees. Adjournment: May or June.
AZ	HB2039:	Campaign Committee Finance Reporting	Passed House 3-15-84. Forwarded to Senate.
	HB2061:	Allow Deputy Registrars to Circulate Petitions	Passed Senate 3-22-84 without change. Forwarded to governor.
	SCR1010:	Require Geographic Distribution of Signatures	Failed on third reading in Senate 2-13-84.
	SB1136:	Legislative Council to Prepare Analysis for Initiative Publicity Voter Handbook	Passed Senate 2-9-84; Passed House Judiciary Committee 3/26/84 without change. To Gov Ops Comm.
CT	HJR-CA9:	Establish statewide Initiative-Referendum	To House floor 3-7-84. Amended to allow legislature to amend initiative after second session from passage. No further action.
CA	ACA7:	Requires same majority to pass as is necessary to amend, if one contained in initiative proposal.	Sent back to Elections-Reapportionment Comm. 7/8; author must reactivate for further consideration.
	AB780:	Increases filing fee to \$1,000-\$800 refunded if 25000 signatures submitted, all if measure qualifies	Assembly passed 2/17. No further action taken.
	AB1206:	Voluntary compliance to financial disclosure of major contributors; limitations on contributions	Back in E and R committee. Scheduled hearings postponed. Committee staff feels this bill is dead due to many legal problems with content.
	AB1963:	Require hearings on initiative proposals	Died in committee 1-30-84.
	SCA44:	Require distribution of signatures by geographic regions, by political party; provide for amendment of initiated law by legislature, with limitations	In Elections and Reapportionment Committee. Hearings scheduled 2/15 postponed. Author expected to drop bill.
CO	SCR194:	Remove some rezoning decisions from initiative and referendum activity	Passed both houses with significant amendments. Going to Conference committee. Adjournment expected 5-22-84.
FL	S24/S25:	Provide for certification of petition signatures through random sampling technique	Both bills in Senate Judiciary Committee since 11-4-83.
	H33/H34:	Companion bills to above	Both bills in House Ethics and Election Committee since 10-13-83.
	H315:	Raise signature requirements from 8% LGV to 15%	In House Ethics and Election Committee since 2-9-84.
GA	HB160:	Establish statewide initiative and referendum	Carryover from 1983. Never out of committee. Adjourned 2-29-84.
ID	HB615:	Require geographic distribution of signatures with not more than 20% from any one county	In Senate State Affairs Committee since 3/13/84.
	HB500:	Limit sigs from any one county to 20% of total	In House State Affairs since 2-3-84. No action.
IL	HJRCA15:	Expand initiative process to include statutes	Referred to House Executive Committee 5-6-83. No action since that date.

# LEGISLATIVE UPDATE

State	Bill No.	Legislative Proposal	Bill Status
MD	HB94:	Provide for statewide indirect initiatives	Unfavorably reported from committee 2-7-84.
	HB24:	Provide for the statewide initiative	Unfavorably reported from committee 2-7-84. Withdrawn.
MS	SR556 and SR557:	Provide for statewide initiative	Both bills died in committee.
NE	LB1010:	Omnibus bill to make changes to the general provisions governing the municipal initiative process	Select filed for consideration before adjournment 4-9-84. Passed first stage of debate: For=26; Against=0; Abstained=23.
NJ		At least six bills have been introduced calling for a statewide initiative: SCR20, 22 and 59 and ACR 1, 42 and 47	Bills are in respective State Government Committees All were introduced at the beginning of current session. No activity planned in immediate future.
NY		About six bills have been introduced in the current session to adopt the initiative.	All bills are in Judicial Committee which has never taken action on such proposals in the past. No action has been planned at this time.
NC	SB540:	Extend power of initiative on matters of taxes and fees	Died in State Committee--not included under topics for reconsideration in short June session.
ND		No bills introduced however an interim committee will study the initiative and report in November	
OH	HB749:	Clarifies referendum exemption for certain PUD decisions	Introduced 3-15-84. Assigned to Local Govt. Committee.
OK	HB1860:	Forbid expenditure of public funds by elected officials for ballot measure campaigns	Died in committee.
RI	84H7040:	To establish a statewide initiative and referendum	Introduced 1-4-84 and referred to House Special Legislation Committee. No action since then.
TN	SJR-75:	To establish statewide initiative and referendum	Introduced 1983 and carried to this session. Withdrawn 3-14-84.
UT	HJR-5:	To expand the initiative process to allow constitutional amendments	Died in committee.
VA	HJR-97:	To establish statewide initiative and referendum	Committee voted to carry over to next session.
WI	SJR-58:	Establish initiative and referendum on state and local levels	Introduced 2-21-84 and referred to Urban Affairs and Government Operations Committee. No action to date. Adjournment 4-6-84.
WY	HR7 and HB182:	Proposing certain changes to the initiative process (elections and petitions)	Both bills died in committee.

**NOTE:** States not listed have no current legislative activity relating to the initiative and referendum process.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign.Req.	Due	Ballot	Remarks
<b>ALASKA</b>						
Abolish Alaska Transportation Commission/Deregulate	Complete	ST	19,936	1-11-84	11-84	#83-02. In legislature. Will go to November ballot if not passed in session.
Nuclear Weapons Freeze	In Prog	ST	19,936	6-30-84	11-86	#83-03. Missed filing deadline for 1984 consideration.
Compensation for State Legislators	In Prog	ST	19,936	9-14-84	11-86	#83-04: Missed filing date for 1984 ballot.
<b>ARIZONA</b>						
Move Primary Election from September to June Establish Presidential Primary	In Prog	ST	72,637	7-5-84	1984	Initiative 1-I-84. Withdrawn and refiled as 3-I-84.
Raise Drinking Age From 19 to 21	In Prog	ST	72,637	7-5-84	1984	Initiative 2-I-84. Sponsored by State Rep. Earl Wilcox.
Provide Statements to Jurists	In Prog	ST	72,637	7-5-84	1984	Initiative 4-I-84. Sponsor, Wayne Stump.
Use Gold/Silver Coins as Legal Tender	In Prog	ST	72,637	7-5-84	1984	Initiative 5-I-84. Sponsor, Wayne Stump.
Cost Effective Health Care	In Prog	ST	72,637	7-5-84	1984	Initiative 6-I-84. Withdrawn, revised and refiled as 7-I-84 (see 3-C-84).
Compulsory School Attendance-8 to 17 years old	In Prog	ST	72,637	7-5-84	1984	Initiative 8-I-84. Sponsor: State Representative Jesus Higuera.
Tax Credits for Water Purification	In Prog	ST	72,637	7-5-84	1984	Initiative 9-I-84. Sponsor: Pat Prate.
Fair Value Rates for Public Service Corporation	In Prog	CA	108,955	7-5-84	1984	1-C-84, refiled as 2-C-84. Fair Electric Rates Coalition.
Regulation of Health Care Institutions	In Prog	CA	108,955	7-5-84	1984	3-C-84. Arizona Coalition for Cost Effective Quality Health Care.
Coin Operated Gaming Devices	Withdrawn				1984	Initiative 10-I-84. Withdrawn.
<b>ARKANSAS</b>						
State-Owned Lottery	In Prog	ST	78,935	7-6-84	1984	Sponsor: State Rep. Doug Wood.
1/8 cent Sales Tax Increase	In Prog	CA	78,935	7-6-84	1984	Proceeds to be used for a Fish and Game Commission.
Unborn Child Amendment	In Prog	CA	78,935	7-6-84	1984	Promote health & welfare of unborn from conception to birth; legislature to regulate; limit state funds. Filed 3-7-84.
<b>CALIFORNIA</b>						
Reform Legislative Rules Procedures, Powers, and Funding	Certified	ST			6-84	No. 0314. Sponsor: Paul Gann.
Require State to Divest Itself of Financial Holdings in South Africa	Failed	ST	393,835			No. 0324.
"Save Prop. 13"	Failed	CA	630,136		11-84	No. 0325: Sponsor has revised petition in circulation, to close loopholes in Proposition 13. See No. 0328 due 3-19-84.
Criminal Court Reform	Failed	CA	630,136	2-10-84	11-84	No. 0326: Sponsors: Robert Kane and Evelle Younger. Insufficient signatures.
Call Constitutional Convention to Adopt a Federal Balanced Budget Amendment	Certified	ST	393,835	2-21-84	11-84	No. 0327:
"Save Prop. 13" Tax Limitation	Complete	CA	630,136	3-19-84	11-84	No. 0328 (Rev. No. 0325): In certification.
No First-Use of Nuclear Weapons (Nuclear Weapons Policy)	In Prog	ST	393,835	5-7-84*	11-84	No. 0329: Sponsor, Dr. John Somerville, CA Nuclear No First Use Campaign.
Public Gaming Commission Educational Funds	In Prog	CA	630,136	5-7-84*	11-84	No. 0330: Sponsor, R. Wilson (Latest of many revisions).

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign.Req.	Due	Ballot	Remarks
<b>CALIFORNIA, continued</b>						
Peoples Right to Repeal Laws (Plebiscite)	In Prog	CA	630,136	5-7-84*	11-84	No. 0331: Sponsor, Peter Applegate.
Tobacco Education Project through Taxes	In Prog	ST	393,835	5-7-84*	11-84	No. 0332: Sponsor, Gerry Mandell, Tobacco Education Council (Ventura).
Prayer in Public Schools	In Prog	CA	630,136	5-11-84*	11-84	No. 0334: Sponsor, Committee for Religious Freedom in Schools.
Welfare-Public Assistance Programs	In Prog	ST	393,835	5-11-84*	11-84	No. 0335: Sponsor: Ross Johnson (A-64).
Legislators Compensation-Budget Bill Enactment	In Prog	CA	630,136	5-14-84*	11-84	No. 0333/0336: Sponsors, Les Kelting and Lee Phelps ("Pink Slip").
Designate California a Nuclear Free Zone	In Prog	ST	393,835	5-29-84*	1985	No. 0337: If turned in by 5/1, could be on 11-84 ballot.
Voting Materials only in English	In Prog	ST	393,835	5-29-84*	1985	No. 0338: Sponsor: Stanley Diamond.
Phase Out of Local Rent Control-Conversion of Rental Housing to Tenant Ownership	In Prog	ST	393,835	5-29-84*	1985	No. 0339: Sponsor: Trevor A. Grimm.
Rent Control Phase Out by 1990-Amendment and Statute	In Prog	CA	630,136	5-29-84*	1985	No. 0340: Sponsor: George Young.
Welfare Reform	In Prog	CA	630,136	6-11-84	1985	No. 0341. Sponsors, State Reps. E. Royce, P. Nolan, R. Waters, S. Nielsen, E. Konnyu.
Rent Control Phase Out	In Prog	CA	630,136	6-15-84	1985	No. 0342: Sponsor: George Young. One of two drives underway.
State Lottery	In Prog	CA	630,136	6-18-84	1985	No. 0343: Sponsor: Barry Fadem.
Fair Reapportionment Commission	In Prog	CA	630,136	6-15-84	1985	No. 0344: Sponsor: Governor George Deukmejian.
Campaign Contribution Limitations - State Offices	In Prog	ST	393,835	6-25-84	1985	No. 0345. Sponsors: T. K. Houston, A. Post.
Agricultural Labor Management Relations Act	In Prog	ST	393,835	6-25-84	1985	No. 0346: Sponsor: St. Sen. Jim Nielsen.
Campaign Contributions Limits. Elective Offices	In Prog	ST	393,835	6-25-84	1985	No. 0347. Sponsors: See 0345 above.
Open Primary	In Prog	ST	393,835	6-25-84	1985	No. 0348: Sponsors: Californians for Open Primary.
Legalization of State Lottery	In Prog	CA	630,136	6-25-84	1985	No. 0349: Sponsor, Tom Sullivan.
"Short and Simple Tax Plan-State Income Taxes	Withdrawn	CA	630,136			No. 0350: Sponsor: Conway H. Collis Withdrawn-Refiled 2-28-84 with A.G.
Firearms: Right to Own Not To be Infringed Upon	In Prog	CA	630,136	7-24-84	1985	No. 0351: Sponsor: St. Sen. H. L. Richardson.
Educational Voucher	Announced					
Governmental Reorganizat'n	A.G.	CA	630,136	TBD	TBD	Filed 11-29-83. Sponsor: D. Excell et al.
Amendment to Fair Political Practices Act	A.G.	ST	630,136	TBD	TBD	Filed 12-3-83. Sponsor, Assemblyman Ross Johnson.
Locally Governed Community College Stable Funding	A.G.	CA	630,136			Filed 12-20-83. Sponsors, Cornell, Voth and James Young.
"Short and Simple" Tax Plan - State Income Taxes	A.G.	CA	630,136	TBD	TBD	Filed 2-28-84. Conway H. Collis Revision of 0350.
Federal Voter Initiative Process	A.G.	ST	393,835	TBD	TBD	Filed 3-13-84. David E. Miller.

\*California petition signatures must be submitted to county clerks by 5-1-84 for to be assured of ballot placement in 1984. Absolute filing deadline for the 1984 ballot is 6-28-84.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign.Reg.	Due	Ballot	Remarks
<b>COLORADO</b>						
Legalize Casino Compound in Pueblo	In Prog	CA	46,737	8-5-84	11-84	Began circulation in early March 1984.
Prohibit Public Funding of Abortions	In Prog	CA	46,737	8-5-84	11-84	Began circulation in early March.
Deregulate Transportation	In Prog	CA	46,737	8-5-84	11-84	Sponsors: Coloradans for Free Enterprise.
Voter Registration Through Drivers Licensing	In Prog	CA	46,737	8-5-84	11-84	Sponsor: Colorado Public Interest Group.
Reform of Education System	Pending	CA	46,737	8-5-84	11-84	First hearings 3-14-84. Sponsor: Clinton Bullock.
Raise Legal Drinking Age From 18 to 21 Years of Age	L.C.	ST	46,737	8-5-84	11-84	Filed 3-19-84 with Legislative Council. Sponsors: CO Federation of Parents, Inc.
<b>DISTRICT OF COLUMBIA</b>						
Prohibit Employers From Administering Drug Tests to Employees	Failed	Ord				Believed to have been an inactive effort.
Fair Travel Practices	Failed	Ord		1-7-84		Initiative No. 15.
D.C. Unemployment Compensation Act of 1984	Pending	Ord	15,000*	6 mos.	11-84	No. 18. Council's decision to decline overruled by court. Appeal filed.
Right to Overnight Shelter Act of 1983	In Prog	Ord	18,032	5-84	11-84	Was No.16. Revised/Refiled No. 17.
D.C. Self-Determination Act	Declined	Ord				Council decision to decline upheld by Court.
Public Service Commission Act	Withdrawn	Ord				
People's Council Election Act	In Prog	Ord	20,000	9-17-84	11-84	Relates to Public Service Commission; Must be certified by 8-31 for 11-84 ballot.
Unemployment Compensation in Private Industry	Declined	Ord				
*Exact signature requirement established at time of approval for circulation and is equal to 5% registered voters in District. Filing deadline is six months from date of approval to circulate.						
<b>FLORIDA (Please see Note 1)</b>						
Limit All Taxes to 5%	Pending	CA	298,743		11-84	State Supreme Court threw off ballot, 3-27-84. Appeal pending.
Establish State Lotteries	In Prog	CA	298,743	8-6-84	1984	Committee: Committee for Florida State Lottery.
Unicameral Legislature	In Prog	CA	298,743	8-6-84	1984	Would cut number of legislators from 160 to about 120.
Establish Fish and Wildlife Commission	In Prog	CA	298,743	8-6-84	1984	Committee: Committee to Restore Fish and Wildlife Resources.
Legalize State-Owned Casinos	In Prog	CA	298,743	8-6-84	1984	Committee: Floridians for State Casinos.
Hazardous Waste Sites (Prohibit)	In Prog	CA	298,743	8-6-84	1984	Committee: Clean Backyard Project.
Elected PUC	In Prog	CA	298,743	8-6-84	1984	
Freeze Budget and Staffs at 1980 Levels for Fire, Police and Medical	In Prog	CA	298,743	8-6-84	1984	Committee: Save Our Emergency Services.
Legalize Casinos and Lotteries	In Prog	CA	298,743	8-6-84	1984	Committee: Citizens for Less Taxes.
Establish English as the Official Language of the State	In Prog	CA	298,743	8-6-84	1984	Committee: Floridians for the English Language Amendment.
Raise Drinking Age to 21	In Prog	CA	298,743	8-6-84	1984	Committee: "Coalition 21."

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign. Req.	Due	Ballot	Remarks
<b>FLORIDA, continued</b>						
Environmental Rights Amendment	In Prog	CA	298,743	8-6-84	1984	Committee: Clean-up 84.
Repeal Single Subject Restriction on Initiatives	In Prog	CA	298,743	8-6-84	1984	Committee: Citizens Initiative Committee.
NOTE 1: A law passed in the 1983 session placed a four-year validity period on all signatures gathered during an initiative campaign. This law is retroactive to all initiative proposals approved for circulation by the Secretary of State and therefore includes initiative petition drives which did not file signatures for the 1982 ballot as well as those proposals approved to attempt qualification for the 1984 ballot.						
<b>IDAHO</b>						
Limit Exemptions for Sales Taxes; Uniformity	In Prog	ST	32,666	7-6-84	11-84	Sponsor: Bannock County Property Owners.
Prohibit use of Property Taxes for General Public Services	In Prog	ST	32,666	7-6-84	11-84	Sponsor: Bannock County Property Owners.
Lowering Signature Requirements for Recall (all)	A.G.	ST	32,666	7-6-84	11-84	Revision of earlier version. Refiled 3-5-84.
Limit Legislative Amendment of Initiatives	In Prog	ST	32,666	7-6-84	11-84	
Interest Earnings on Fish and Game Account	A.G.	ST	32,666	7-6-84	11-84	Would revert to Fish and Game Commission.
Idaho Natural and Recreational River System	A.G.	ST	32,666	7-6-84	11-84	Limits uses - especially development.
Exempt Food from Sales Tax	A.G.	ST	32,666	7-6-84	11-84	
Concealed Weapons: Allows Possession; Permit System	A.G.	ST	32,666	7-6-84	11-84	
<b>MAINE</b>						
Mandatory Auto Insurance	Failed	ST	46,030	1-30-84	11-84	No signatures submitted.
<b>MASSACHUSETTS</b>						
Prohibit Pound Seizures for Animal Experimentation	Adopted	ST	61,508		11-84	Passed in Legislature. This will be considered a successful drive.
<b>MICHIGAN</b>						
Reserve a percentage of State Revenues for Schools	In Prog	CA	304,001	7-9-84	11-84	"FAIR" Petition.
Require Voter Approval of Any Tax Changes	In Prog	CA	304,001	7-9-84	11-84	"Voters' Choice on Revenue".
Reduce Property Tax and Require Voter Approval on any new Taxes or Tax Increases	In Prog	CA	304,001	7-9-84	11-84	T.A.G. Tax Cut Petition (Quasi-Proposition 13) -- Taxpayers Action Group.
Limit Constitutional Amendments on the Ballot to One Per Subject	In Prog	CA	304,001	7-9-84	11-84	T.A.G. Ballot Limit Petition -- Taxpayers Action Group.
Restrict State Legislature from Increasing State Income Taxes by More than 5%	In Prog	CA	304,001	7-9-84	11-84	Sponsor: Thomas E. Brennan.
Establish 7-member, Non-Partisan Reapportionment Commission	In Prog	CA	304,001	7-9-84	11-84	Sponsor: Thomas E. Brennan.
Limit Office of Governor to Two Terms	In Prog	CA	304,001	7-9-84	11-84	Sponsor: Thomas E. Brennan.
Make the State Legislature a Part-Time Body	In Prog	CA	304,001	7-9-84	11-84	Sponsor: Thomas E. Brennan.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign.Reg.	Due	Ballot	Remarks
<b>MICHIGAN, continued</b>						
Provide for nomination of Supreme Court Justices and establish succession procedures	In Prog	CA	304,001	7-9-84	11-84	Justices will hold offices till successors are elected and qualified.
Regulation of utility rate allowances	In Prog	CA	304,001	7-9-84	11-84	Disallows charging customers for construction work in progress or for unneeded or abandoned plants. Other provisions.
Forbid Abortion Under Any Circumstances	Pending	CA	304,001	7-9-84	11-84	Has not been submitted to State Board of Canvassors for approval.
Control of Outdoor Advertising; Licensing	Pending	ST	243,201	5-30-84	11-84	Indirect: Must be submitted to Legislature prior to ballot placement.
Unicameral Legislature	Pending	CA	304,001	7-9-84	11-84	Filed 1-19-84: Awaiting approval to circulate.
<b>MISSOURI</b>						
Forbid Operation of Nuclear Power Plants in State	In Prog	ST	67,581	7-7-84	11-84	
Legalize Pari-Mutuel Betting	Pending	CA	108,130	7-7-84	11-84	Legislature may place on ballot. Proponents awaiting action.
<b>MONTANA</b>						
Change the Election Date to Coincide with Tax Due Dates	In Prog	CA	36,047	6-29-84	11-84	C-I-20.
Forbid Seizure of Property or Jailing for Non-payment of Taxes	In Prog	CA	36,047	6-29-84	11-84	C-I-21.
Raise Legal Age for Drinking of Alcoholic Beverages from 19 to 21	Pending	CA	36,047	6-29-84	11-84	C-I-22.
Call for a Federal Balanced Budget	Pending	CA	36,047	6-29-84	11-84	C-I-23.
Implement a 5 Percent Sales Tax	Pending	CA	36,047	6-29-84	11-84	C-I-24.
Milk Price Decontrol	In Prog	ST	18,024	6-29-84	11-84	I-96.
Dentistry: Regulation Of; Allow Fitting of Plates	In Prog	ST	18,024	6-29-84	11-84	I-97.
Nuclear Disarmament by US; (Unilateral)	In Prog	ST	18,024	6-29-84	11-84	I-98: US to dismantle one system and wait to see what USSR response will be. Calls for beginning with a Montana-based system.
Call for Federal Balanced Budget	In Prog	ST	18,024	6-29-84	11-84	I-99.
<b>NEBRASKA</b>						
Increase State Legislators' Salaries	In Prog	CA	54,790	7-6-84	11-84	Proponents: "Coalition for Fair Compensation."
Bi-Lateral Nuclear Weapons Freeze/Anti-MX in Nebraska	Pending	CA	54,790	7-6-84	11-84	Awaiting court decision regarding suitability to initiative action.
Limitation on State Spending	In Prog	CA	54,790	7-6-84	11-84	Sponsors: Taxpayers Survival Comm. 1/2 rate of PC income over 5% year.
Limitation of Property Taxes: 1.5% Assessed Value	In Prog	CA	54,790	7-6-84	11-84	Sponsors: Taxpayers Survival Comm. 3-yr intervals; improvements exempt.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign.Req.	Due	Ballot	Remarks
<b>NEBRASKA, continued</b>						
Parents Rights regarding their Children	In Prog	CA	54,790	7-6-84	11-84	Adds new section to state Bill of Rights.
Providing for the Popular Election of Judges	Pending	CA	54,790	7-6-84	11-84	In titling and approval process.
<b>NEVADA</b>						
Freeze State Property Tax	Announced	CA	24,258	6-4-84	11-84	Not filed.
Elected State Board of Wildlife Commission	In Prog	CA	24,258	6-4-84	11-84	Proponents: "Coalition for Fair Compensation."
<b>NORTH DAKOTA</b>						
Prohibit State Sale of State-Owned Farm Land	Inactive	ST	13,055	8-6-84	11-84	This attempted petition drive has been discontinued.
Revert Junior Colleges to Local Control	In Prog	ST	13,055	8-6-84	11-84	
Bar Closure at 10 PM	Announced	ST	13,055	8-6-84	11-84	By the Prohibitionist group that sponsored anti-gambling in 1982.
<b>OHIO</b>						
Alcoholic Beverage Tax	Failed	ST		1-15-84		No signatures were turned in by filing deadline for consideration by the legislature this session.
<b>OKLAHOMA</b>						
Liquor by the Drink	Complete	CA			11-84	SQ-563. Pending with Supreme Court.
Tax Relief	Failed				11-84	Our last edition indicated this measure had qualified for the ballot. It did not.
<b>OREGON</b>						
Restrict Government Competition with Private Industry	In Prog	CA	83,361	7-6-84	11-84	#1: Would not allow employees to be hired if in competition with private firms. Other provisions.
Legalize Possession and Growth of Marijuana for Adults' Personal Use	In Prog	ST	62,521	7-6-84	11-84	#2: Decriminalizes possession, growth, transport and consumption for private and medical use. #13: Second filing.
Place Moratorium on Auto Emission Tests	In Prog	ST	62,521	7-6-84	11-84	#3: Would end program in 1985 and 1986, not to be reinstated without voter approval. #10: Second filing.
Dissolve All Metro Service Districts	In Prog	ST	62,521	7-6-84	11-84	#4: Allows only 100 days to dissolve and dispose of assets. #9: Second filing.
Abolish Land Conserv. and Develop't Comm., Land Use Bd. of Appeals and Dep't. of Land Cons. & Development	In Prog	ST	62,521	7-6-84	11-84	#5: Continues 1982 effort to place land use planning powers in hands of local bodies. Also provides challenge procedure.
Reduce State Income Tax to 3/4 of the 1980 Levels	In Prog	CA	83,361	7-6-84	11-84	#6.
Limit Property Taxes	In Prog	CA	83,361	7-6-84	11-84	#7: Taxes would be based on 1% of land's true cash value.
Ban Sales Tax	In Prog	CA	83,361	7-6-84	11-84	#8: Would prohibit imposition of tax for transfer of any tangible or intangible property.
Change Makeup of Land Conservation and Develop't Comm. and Set Up Appeal Process	In Prog	ST	62,521	7-6-84	11-84	#11: Describes makeup of state, county and city planning groups and provides appeal process.
Protect Private Property	In Prog	CA	83,361	7-6-84	11-84	#12: Forbids passage of any law that infringes on use, ownership, and enjoyment of private property.
Limit Elk Cow Hunting and Change State Fish/Wildlife Commission	In Prog	ST	62,521	7-6-84	11-84	#14.



# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign.Req.	Due	Ballot	Remarks
<b>OREGON, continued</b>						
Incorporate the ERA into the State Constitution	In Prog	CA	83,361	7-6-4	11-84	#15.
Direct Removal and Control of Alleged "Threat" posed by "Rajneesh"	In Prog	ST	62,521	7-6-4	11-84	#17. Amended from #16, which was declined for titling by A.G.
Require that Elected Officials Comply Immediately with Voter Initiated Laws	In Prog	CA	83,361	7-6-4	11-84	#18.
"Contain and Repel" Certain "Cults"	In Prog	CA	83,361	7-6-4	11-84	#19: Same sponsor as Nos. 17 and 18 above.
Reinstate the Death Penalty	In Prog	CA	83,361	7-6-4	11-84	#20: Sponsor is William A. Jolly.
Death Penalty or Life Sentence for Aggravated Murder	In Prog	CA	83,361	7-6-4	11-84	#21: Sponsor is Delight Streich.
Death Penalty for Aggravated Murder Under Some Circumstances	In Prog	ST	62,521	7-6-84	11-84	#22: Sponsor is Delight Streich.
Requires Approval of Radioactive Waste Disposal Sites	In Prog	ST	62,521	7-6-84	11-84	#23:
Real Property Tax Limit	In Prog	CA	83,361	7-6-84	11-84	#24: Sponsor, Ray Philips.
Limit Voting to Persons Registered 20 Days Before Election	In Prog	CA	83,361	7-6-84	11-84	#25: Would require voter registration 20 days prior to an election. Sponsor, Carolyn Oakley.
Regulates Ethical Conduct: Influence Peddling, Gifts, Lobbying	In Prog	ST	62,521	7-6-84	11-84	#29. Sponsor, St. Sen. J. Wyers.
Allow Tax Exemption for Certain Properties	In Prog	CA	83,361	7-6-84	11-84	#30. Refiled version of #27.
Allow Tax Exemption for Certain Properties	Inactive	ST	62,521	7-6-84	11-84	#31. Refiled version of #28.
State Lottery	In Prog	ST	62,521	7-6-84	11-84	#32. Allow legislature to provide for
Oregon Tax Law Repeal	In Prog	ST	62,521	7-6-84	11-84	#33. Refiled version of #31 above.
Allows Use of Unconstitutionally Obtained Criminal Evidence.	In Prog	CA	83,361	7-6-84	11-84	#34. Title changed from last report
Revise Numerous Criminal Laws: Police Powers; Trials; Evidence; Sentencing	In Prog	ST	62,521	7-6-84	11-84	#35. Title changed from last report
Forbids Payment for Circulators of Petitions (all kinds)	In Prog	CA	83,361	7-6-84	11-84	#37.
Const. State and Local Gov't Spending Limits; Require Sales Tax Adoption.	In Prog	CA	83,361	7-6-84	11-84	#38.
State and Local Spending Limits	In Prog	CA	83,361	7-6-84	11-84	#39.
Vests all Judicial Authority in Supreme Court and Justices of the Peace	In Prog	CA	83,361	7-6-84	11-84	#40.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign.Req.	Due	Ballot	Remarks
<b>OREGON, continued</b>						
Homestead Exemption-Income Tax Funded; Local Gov't Spending Limits	In Prog	CA	83,361	7-6-84	11-84	#41.
Limit Public Employees' Salaries; Regulate Pensions	In Prog	CA	83,361	7-6-84	11-84	#42. Equal to pay in private sector.
Restrictions on Commercial Salmon Hatcheries	In Prog	ST	62,521	7-6-84	11-84	#43.
Limit Public Employees' Salaries	Inactive				11-84	#44. Refiled version of #42. Sponsors have decided on #42.
Create Citizen Utility Board to Represent Interest of Consumers	Pending	ST	62,521	7-6-84	11-84	#45. Proponents are challenging title to state supreme court.
Repeal Land Use Regulation with Local Planning Remaining	In Prog	ST	62,521	7-6-84	11-84	#46. Sponsors: Dallas Ferry, Roy Durham, and Patrick Kelly.
Conform Certain Rights of of Accused Under Federal and State Constitutions	In Prog	CA	83,361	7-6-84	11-84	#47. Sponsor: Cheryl A. Kuhn.
Provide Exemption to the Definition of Illegal Pyramid Clubs	In Prog	ST	62,521	7-6-84	11-84	#48. Sponsor: Diana Van Cleave. Those with less than \$25 investment.
Limit Terms of Legislative Office	In Prog	CA	83,361	7-6-84	11-84	#49. Terms limited to three consecutive, eight years out of 12. Requires resignation upon filing for another office with overlapping term.
Establish State-Run Lottery to Fund Public Transportation	Pending	CA	83,361	7-6-84	11-84	#50. In titling.
<b>SOUTH DAKOTA</b>						
Nuclear Weapons Freeze	Certified				11-84	Legislature approved for ballot.
Prohibit School Openings Prior to Labor Day	Certified				11-84	Legislature approved for ballot.
Voter Approval of Radio-Active Dump Sites	Certified	ST			11-84	Legislature approved for ballot.
"Peace Through Strength" Resolution	Failed	ST	13,929	2-84	11-84	Did not submit signatures.
Repeal HB1026 which Raised Legal Drinking Age to 19	In Prog	REF	13,929	6-13-84	11-84	
<b>UTAH</b>						
Ban Salacious Material on TV	Certified	ST	60,002		6-84	
Repeal 1983 Law Regarding Salacious Material on TV	In Prog	ST	60,002	6-5-84	11-84	
Establish New Working Hours for State Offices	In Prog	ST	60,002	6-5-84	11-84	Would have offices open from Noon until 8:00 PM.
Community Correctional Facilities	In Prog	ST	60,002	6-5-84	11-84	Carryover from 1982. Would prohibit regional prisons in residential areas.
Elected Public Utility Commission	In Prog	CA	60,002	6-5-84	11-84	
<b>WASHINGTON</b>						
Indirect: Salmon and Steelhead Resources	Failed	ST	138,472	1-84	11-84	I-84. Did not file signatures by deadline.
Federal Balanced Budget Resolution	Failed	ST	138,472	1-84	11-84	I-85. Did not file signatures by deadline.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign.Req.	Due	Ballot	Remarks
<b>WASHINGTON, continued</b>						
Decommercialization of Steelhead; Indian Rights	In Prog	ST	138,472	7-6-84	11-84	I-456: Same as I-84 above.
Establishing 18 as Minimum Legal Age for All Entitlements except relating to Alcohol	In Prog	ST	138,472	7-6-84	11-84	I-457: Relates to employment, licenses, etc.
Tax Watercraft on Basis of Length Rather than Value; Proceeds for Boating Safety Programs and Facilities	In Prog	ST	138,472	7-6-84	11-84	I-458: Refiled as I-459: Sponsor: Louise Miller.
Increase Taxes on Alcoholic Beverages; Proceeds-Victims Assistance; Research; Enforcement	In Prog	ST	138,472	7-6-84	11-84	I-460: Would also tax out of state wine. Sponsor: E.C. Renas.
Require Corporations Issuing Securities with Gold - Clause to Make Payment in Gold	In Prog	ST	138,472	7-6-84	11-84	I-461. Sponsor: Robert Ellison.
Petition Congress to Have Space Shuttle Energy Lottery; Increase Space Travel; Energy Independence	In Prog	ST	138,472	7-6-84	11-84	I-462. Sponsor: Jeff Bales.
Petition Congress to Pass Balanced Budget Amendment; or Call Constitutional Convention for Same	In Prog	ST	138,472	7-6-84	11-84	I-463. Sponsor: James Medley.
Exempt the Value of Trade-In Automobiles from Sales Tax Calculation	In Prog	ST	138,472	7-6-84	11-84	I-464. Sponsor: Eugene Prince.
Lower Sales and Business Tax Rates; Set Spending Limits; Limit Tax Increases	In Prog	ST	138,472	7-6-84	11-84	I-465. Sponsor: Ken Pullen.
Legalized Casino Gambling on a Local Option Basis	In Prog	ST	138,472	7-6-84	11-84	I-466. Sponsor: Fred Ladd, Ocean Shores, Washington.
Replace all Current Taxes with Transaction Tax Not to Exceed 1%	In Prog	ST	138,472	7-6-84	11-84	I-467. Sponsor: Clarence Keating who has sponsored similar drives before.
Property Tax Reduction "Proposition 13 Type"	Pending	ST	138,472	7-6-84	11-84	I-468. Untitled. Sponsor: Martin Ottesen, Tacoma.
Change Regulation of Legal Gambling in State	Pending	ST	138,472	7-6-84	11-84	Unnumbered and untitled at press time. Sponsor: M. Kinsley, Seattle.
<b>WYOMING</b>						
In-Stream Flows	Failed	ST	25,810	12-16-83	11-84	Filed less than 2,000 surplus signatures. More than 3000 were disqualified. AG has ruled additional signatures can be filed.

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# Initiative Quarterly

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Volume 3, Issue 2  
Second Quarter 1984

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## Lawmakers as Petitioners: An Analysis

The explosive growth of the initiative process is seen by many as an alarming encroachment into the halls of representative democracy, and by others as a reassertion of public control over the institutions of government. The phenomenon has rekindled an old debate over whether the process of making laws and establishing public policy should be performed by elected representatives or directly by the people.

There are now some new twists to the debate.

Lawmakers who have long been concerned that the initiative is usurping legislative power now might feel even more reason for con-

### Current Initiative Petition Drives by Status—for 1983-84 Ballots

On 1983-84 Ballot . . . . .	6
Certified . . . . .	12
Complete/In Certification . . . . .	6
Announced, Not Filed . . . . .	1
In Titling/Review/ Attorney General (AG) . . . . .	5
In Progress (Active) . . . . .	152
Inactive/Abandoned . . . . .	6
Withdrawn (may have been refiled) . . . . .	5
Failed since last report . . . . .	22
Failed/Withdrawn/Abandoned previously (dropped from report) . . . . .	106
<b>Total Drives</b> Attempted to Date . . . . .	321

### The initiative is being used more and more by legislators and other government officials to realize their agenda.

cern: the initiative is being increasingly used to remodel legislatures themselves. Of the approximately 300 measures which have sought space on 1983-84 ballots, 65 have government reform as their principle goal, and another hundred initiatives would have a secondary im-

pact on government. Measures have been introduced that would dictate legislatures' internal rules, committee appointments, scheduling, salaries, fiscal policy—virtually all aspects of a legislature's structure and procedure.

*Continued on Page 3*

## Majorities of Minorities...

On Tuesday, June 6, California voters passed the Gann Legislative Reform Initiative, which, if upheld in court, will significantly alter the balance of power within the state's legislature. The Gann initiative calls for sweeping changes in the structure and operation of the legislature through provisions that would set new rules for legislative committee membership, leadership, and authority.

A quick look at the primary voting results—53 to 47 percent—seems to indicate a clear majority in favor of the measure. But a majority of what? The state's registered voters? No, because the total registered voters in California for the June primary numbered 11,530,956, so the total June 6th vote total of 5,516,387 represents a total voter turnout of 47.8%.

A majority, then, of those voters who turned out to vote in the primary? Wrong again, because ballot results show that almost a million people (989,709) who went to the polls—nearly one in five—chose not to vote at all on Proposition 24.

*Continued on Page 2*

### Inside I.Q.

Focus: Legislators . . . . .	pp. 3-5
Book Review . . . . .	pp. 6-7
Initiative Update . . . . .	pp. 8-10

What all this means is that a bill of profound implication for the state was enacted into law by the approval of four out of ten people who voted in the primary election... by approximately twenty percent of the state's total registered voters.

It may be the fact that primaries historically have a lower turnout than general elections that lead veteran citizen-legislators like Gann to work to place their measures on primary ballots—Proposition 13 appeared on the primary election ballot in 1978 and Gann's Victim Bill of Rights (Prop 8) was on the June 1982 ballot.

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## Seven Initiative Measures Qualify for California's November Ballot

In addition to legislatively referred measures, Californians will be called upon to cast their vote on seven initiative proposals in the November general election.

Among the issues to appear are a call for a constitutional convention to adopt a federal balanced budget amendment; an attempt to plug the loopholes in Prop 13, called the "Jarvis 4" initiative; reform of the welfare-public assistance programs;

efforts to establish English as the official language for voting materials; Governor Deukmejian's proposal for a fair reapportionment commission; establishment of a state lottery and limitation of campaign contributions for state elective offices.

Ballot designations have not yet been assigned since all legislative proposals must be set for the ballot before proposition numbers can be established for initiatives.

## Nebraska Supreme Court Denies Nuclear Freeze—Anti-MX Initiative

On June 15, 1984, a divided Nebraska State Supreme Court handed down a 4-3 decision denying proponents of a nuclear weapons freeze/anti-MX missile initiative the right to circulate petitions for the November ballot.

The initiative, declined for filing by Secretary of State Allen Beerman, would have allowed Nebraska voters to show their support for a verifiable nuclear weapons freeze and to oppose the deployment of the MX missile in their state. If the initiative had been passed by voters, the governor would have been required to inform the President of the United States and members of Congress, as well as the chairman of the

Presidium of the Supreme Soviet of the vote and its policy statement.

In disallowing the initiative, the majority opinion stated "We hold that the initiative petition proposed...is nothing more than a non-binding expression of public opinion and not a proper subject for the initiative in Nebraska."

Secretary Beerman had refused to file a copy of the proposed initiative in September 1983 after obtaining an opinion from the Attorney General that the initiative process could not be used for the creation of a resolution or for conducting advisory votes on questions of public policy. (*Lincoln Journal*, Friday, June 15, 1984).

## Prohibition Against Paid Petition Circulators Challenged in Colorado

A suit brought by Paul K. Grant, leader of the Libertarian Party in Colorado, and others against Natalie Meyer, Secretary of State, challenges the constitutionality of Colorado's statutory prohibition against paid signature collectors. The plaintiffs argued their right to protection under the First Amendment is being violated in their attempts to qualify an initiative proposal for the November ballot.

NCIR's Executive Director, Sue Thomas, testified as an expert witness for the defense in a trial held at the U. S. District Court in Denver on June 27, 1984. Thomas testified that even with the prohibition, Colo-

rado initiative activity has traditionally been ranked among the top four or five states nationally.

Plaintiffs based their challenge on the 1982 Oregon case *Libertarian Party of Oregon vs. Norma Paulus, Secretary of State*. In that case, the courts ruled the prohibition against paid circulators was a violation of the First Amendment rights of initiative proponents because it limited their freedom of political expression. Oregon now allows paid signature collectors.

U.S. District Judge John Moore indicated he would rule on the case in the near future. His decision is expected by July 6.

## Focus: Lawmakers as Petitioners

**By Sue Thomas**  
**NCIR Executive Director**

*Cont. from Page 1*

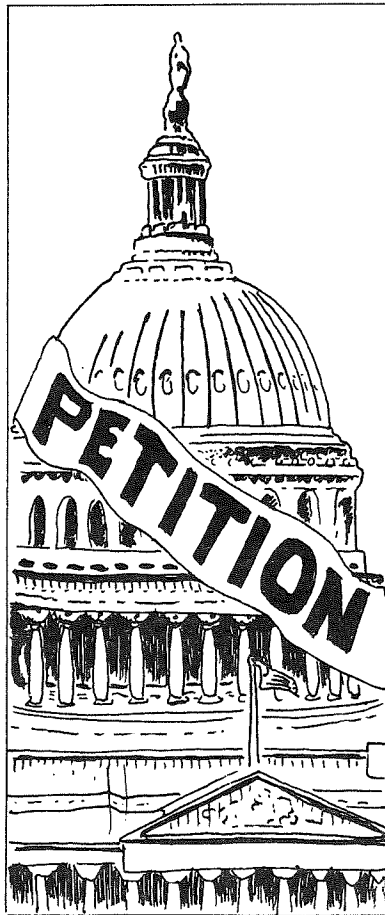
Examples include a Florida initiative amendment proposing to replace the bicameral state legislature with a smaller, unicameral body; the sweeping California "Gann" legislative reform initiative which voters approved on June 6th and which is now headed for the courts, and an Alaska measure endeavoring to reverse a recent salary hike for lawmakers and reinstitute per diem as a way to limit the length of sessions.

But even as initiative proponents turn their attention to refashioning state legislatures, and even as some lawmakers publicly express concern over the burgeoning use of the initiative and urge its reform, some state legislators are turning on the initiative to breathe new life into their legislative proposals. The initiative is being used more and more by legislators and other government officials to realize their agenda.

Of the eight initiative proposals likely to appear on California's November ballot, six were offered either by Republican members of the Democrat-controlled state legislature or through the Republican governor's office.

California's Governor George Deukmejian, on record saying he will employ the initiative whenever his agenda stalls in the legislature, is currently leading a petition drive to establish a state redistricting and reapportionment commission, the latest Republican-sponsored move in a hard-fought reapportionment battle that moved from the legislative chambers to the election ballot

(hence the courtrooms) more than three years ago.



drawings by K. Nathan Day

And in Colorado, an initiative to restructure the state's personnel system is being sponsored by Governor Richard Lamm, joined by a bipartisan committee of legislators and former Governor John Love.

These initiative wielders are not unaware of the irony of an elected representative circumventing the forum of representative government via ballot propositions, and usually offer the defense that an opposing group has a stranglehold on the normal legislative channels.

But critics of the growing practice insist that the cure is worse than the problem and warn of several likely results if the trend continues:

- State legislatures are already hobbled by a lack of public trust. In many states, the public largely perceives legislatures as impotent committees held hostage by special interests and unable to find and enact timely and just solutions to public concerns. This perception is reinforced when a lawmaker takes a legislative fight to the streets via the petition process, since he or she can often exploit this lack of public confidence to rally support for the initiative by claiming that the corrupt or insensitive legislature is once again ignoring the public interest and defying the public will.

Ironically, the charge gains credibility in the public's eyes because the accuser is an elected representative.

- The average citizen's political attention span is relatively short, and the heavy media attention afforded initiative campaigns (which tend to be emotionally charged and expensively-promoted) inevitably diverts attention from candidate politics and diminishes the perceived significance of candidate races. California's recent initiatives on gun control, bottle deposits, homosexual rights, and smoking all received far more media coverage and voter attention than concurrent candidate contests.

*Continued on Page 4*

# QUARTERLY SPOTLIGHT

Cont. from Page 3

•The caliber of public leadership could suffer, as dynamic politicians choose the path of least resistance to pursue their aims. Why would a potential leader be satisfied with slow progress up the legislature's ladder of influence when sponsorship of a controversial initiative can catapult an individual into national prominence?

A report entitled "Legislatures Under Siege" currently being drafted by the National Conference of State Legislatures points to reform of the initiative process as crucial to rebuilding the weakened legislatures in many states. The NCSL urges states to adopt more rigorous provisions by which initiatives qualify for election ballots, and speculates that unless legislatures begin to reclaim a central role in the life cycle of public policy formation, these institutions will continue their decline.

**What are the attractions that tempt a lawmaker to take a proposal directly to the voters?**

•The lawmaker can draft the measure to read exactly as he or she wants. There is no worrisome wrangling over a bill's language as there might be in a legislature to satisfy various cosponsors. And once the petition is approved for circulation, not a single word of the proposal can be amended. The initiative must go to the polls and pass or fail exactly as worded by its proponents. (In fact, the only method for revision under the initiative process is to drop a petition drive already underway, file a reworded petition, and start the signature collection process all over again.)

•If the measure qualifies to appear on the ballot, proponents don't have to convince two-thirds or three-fifths of the voters to concur, as they might need to in the legislature to enact the same statute or amendment. An initiative proposal—even a constitutional amendment—can usually be enacted by fifty percent plus one voter of those who choose to vote on the issue.



•Win or lose, the initiative campaign can give the sponsoring lawmaker "Lone Ranger" status as a daring maverick standing up to a self-serving legislature, and affords access to a great deal of free media coverage.

•Using the initiative process sidesteps the need to guide a bill through committees, defend it at hearings and debates, protect it from unacceptable amendment, hammer out a compromise between houses. There's no need to laboriously construct a fragile coalition, no threat of a gubernatorial veto; no need for horsetrading. In fact, the initiative process makes no allowance for compromise, revision or amendment at all.

The elements that make the process appealing are exactly its weaknesses, critics protest. The initiative removes too many legislative obstacles. There's no opportunity for deliberation and compromise. There's no chance to improve the good, weed out the bad, moderate the extremes, strengthen the weak, combine the similar. There is no opportunity to build unity among diverse interests, to forge new alliances. The initiative must be approved unaltered and whole... or not at all.

In California, where the initiative end-run around the general assembly and the senate is becoming something of a Republican institution, a consultant to the California Assembly who preferred not to be named characterized the initiative tactics used by lawmakers as "dirty pool" and suggested that new legislators should have to "sign an oath not to use the initiative" if their pet legislation languishes in the legislature. His reasoning is that the only legislators compelled to resort to the initiative are those lacking the reasoning, persuasion and negotiating skills to convince their colleagues of the value of their proposals and to form workable relationships for mutual benefit—in other words, poor lawmakers. Unable to credibly defend their ideas in debate, unwilling to use reasonable discussion and patient dedication to establish their programs, they declare contempt for the validity of the judgment of the forum they sought election to, and seek political power through another means entirely.

Some critics warn that the lawmakers-turned-petitioners are doing great damage to their own causes, and to the lawmaking process, by underestimating the

*Continued on Page 4*

# QUARTERLY SPOTLIGHT

political reverberations of an initiative campaign. Lawmakers who undertake an initiative as either leverage to gain a remedy through the legislature, or as "insurance" should no such remedy appear, run the danger of preempting the possibility of a legislative remedy at all.

Representative Chris Paulson (R-District 3) of the Colorado Legislature explained it this way: "If the measure reaches the ballot and is defeated by voters, any possibility of reaching a legislative solution to a problem is stifled because legislators can say 'the people don't want this.'" An example in Colorado, he said, are the attempts in recent sessions to reach an agreement on raising the drinking age to 21.

"We have finally built enough momentum to where we think we could get a bill in the next session which would do just that, but it's taken a while to gain the support. Now, if the initiative (to raise the drinking age) fails to qualify or if it is defeated at the polls, all our work will be lost and it will be a long time before we can do anything more about it."

And when a bill's proponents crank up the initiative machinery in the background of a legislative fight, resentment over the threat of an initiative campaign may move lawmakers to obstruct the passage of the legislative bill. This usually forcing voters to adopt or reject a less moderate proposal than was offered to the legislature.

In a recent interview with NCIR, Representative Paul Schauer (R-District 39) of the Colorado Legislature said that use of the initiative by legislators threatens the legislative institution because it is a weapon wielded by "the minority against the majority." Announcing the intention to pursue an initiative

action should a bill fail in session is "politics by extortion," Schauer said.

Does use of the initiative by state agencies—another trend—raise similar questions? State agencies must depend on the legislature for funding and program creation, that is, for their future. One of the functions of an agency is to provide information used in developing legislative proposals and to lobby for proposals vital to its welfare. If these are passed in the legislature, the agency benefits. If the legislature fails to adopt these proposals and the agency opts to circulate an initiative petition, how will this affect legislative attitudes during the next budget cycle? And if the initiative succeeds, how does the legislature deal with an apparent erosion of its policy-making power over agencies under its control?

As the petition becomes a favored tool for forging public policy, its effect on representative government will become much more profound, critics warn. Without the unified action of lawmakers, governors and state agencies to study and improve the processes of direct democracy, that effect may be serious damage to state government.

Legislators and other government officials using the initiative have put themselves directly in the way of that course urged by the NCSL as vital to saving legislatures themselves—to adopt reforms designed to rein in the runaway growth of lawmaking via election ballot.

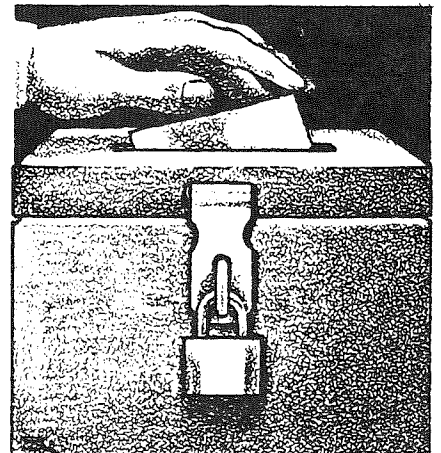
It's unlikely that these elected officials will support bills raising the number of signatures needed to qualify an initiative, requiring that those signatures meet some sort of geographic distribution requirements, establish or increase filing fees, or ensure diligent signature certification techniques.

Governor Deukmejian recently vetoed a bill which would have raised California's initiative filing fee from \$200 to \$1,000 and was quoted as saying the measure would have had a "chilling effect" on citizen's initiatives. The bill's sponsor had hoped the measure would discourage some of the frivolous initiative filings while not inhibiting serious efforts to qualify an initiative for the ballot, since most earnest initiative committees in that state expend hundreds of thousands, sometimes several millions, of dollars.

But even legislators who fear their state's initiative process is being misused are almost universally reluctant to sponsor bills to change it, because their fear of political vulnerability is even greater.

Politicians have always been loath to reform the initiative process for fear they will be accused of denying individuals the right to petition the government. So despite widespread acknowledgements in academic, political and journalism circles of the need for reforms, most efforts to modify initiative provisions fail.

But as long as it is easier to qualify a political agenda for the ballot than build a coalition within a legislative body, the power and attraction of the initiative will likely grow, even as the stature of legislatures will likely diminish.





## Book Review

By Sue Thomas  
NCIR Executive Director

# Direct Legislation: Voting on Ballot Propositions in the United States

David B. Magleby  
The Johns Hopkins University Press, Baltimore, 261 p., \$27.50  
Scheduled Publication: August, 1984

**T**hey were known as the "Progressives," and the battle cry of their turn-of-the-century movement was "Let the people decide." They distrusted political parties and government institutions as the puppets of monied interests, and they lobbied for changes to weaken those powers and strengthen the voice of the voter.

Many changes that the Progressives helped bring about, including direct primaries, expanded suffrage, direct election of Senators, and citizen involvement in social programs, have long been accepted as encouraging better self-government.

promise such potential to "let the people decide" their fate in the late Twentieth Century as to take the populist's breath away. These are, of course, the initiative, the referendum, and the recall.

And greatest among these is certainly the initiative—that process by which citizens draft their own bills and amendments and petition to place them on election ballots for approval or rejection by popular vote.

But today's "participationists" aren't the only people who grow a little breathless when they contemplate the potential power of the initiative. Also feeling a little faint are those academics and political

Professor David B. Magleby of Brigham Young University has made a good start at changing all that with his soon-to-be published **Direct Legislation: Voting on Ballot Propositions in the United States**.

Using polling data, public documents and research, Magleby sets out to answer questions fundamental to any rational discussion of direct legislation: Has the process fulfilled the expectations of its creators? Does it live up to the claims of its modern-day advocates? Does the initiative influence representative government, and how? Does it create new political behavior? Does it shift the balance of power within the government? What has been the experience of other countries with direct legislation?

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**While written from the academic perspective, Magleby's easy-reading style invites the general-interest reader as well as the scholar to explore the growing phenomenon of ballot propositions.**

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But since the rebirth of confrontational politics in the 1960s, new tensions have arisen between those who think that citizens should be directly involved in forming policy and passing laws, and those who insist that people can best rule themselves through elected representatives.

And in this ongoing struggle, the "New Progressives" have found that their predecessors left them a much more valuable legacy than just a battle cry around which to rally. They have rediscovered a somewhat dusty kit of old-fashioned petitionary tools forged by their turn-of-the-century namesakes, tools seeming to

observers who watch the explosive growth of the initiative in recent years and literally fear for the future of representative democracy.

Both camps, at times, turn to emotional appeals to make their case: The initiative will usher in a golden age of citizenship... The initiative will legitimate mob rule... The initiative will double voter turnout at the polls... The initiative will crush the rights of minorities...

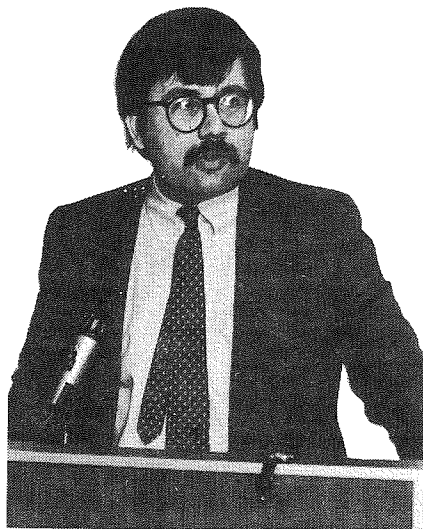
What their debate has usually lacked is the dispassionate study of direct legislation based on research and observation... facts.

Magleby devotes the book's opening chapters to outlining the early Progressive platform as well as the efforts of the New Progressives in expanding the citizen's role, especially through the use of the initiative process.

These chapters outline the arguments for and against direct legislation, define the scope of the research—which is extensive—and establish Magleby's hypothesis that, while not the disaster its detractors claim, the initiative as it exists today is seriously defective as an expression of the public will and a means of enacting public policy.

Magleby examines the initiative process from two directions:

what sort of measures qualify for the ballot and by what means—



**Professor David B. Magleby**  
**Brigham Young University**

that is, what is the agenda and how is it set?

and, what is the nature of voter behavior in considering initiative proposals?

### Surveying public opinion

Each state sets various requirements under which a petition is circulated and by which a measure qualifies for the ballot, and Magleby examines these provisions seeking to answer the question, Does the initiative mechanism encourage the private citizen as a petitioner, or special interest groups of greater political and financial resources?

The comparison between the citizen-legislator and the elected representative is a central theme, and Magleby applies polling data gathered in recent years in New Jersey, Florida, Massachusetts and California to assess the public's opinions about the the initiative process. An example of one of many interesting findings: while a majority of voters believe people ought to be able to somehow vote on important issues, only a small percentage could name any specific issues they would like to vote on themselves, and most felt that legislatures are better-equipped to enact laws.

Magleby focuses much of his attention on the level and quality of voter participation in initiative elections. Among the questions he addresses are: Who votes on ballot measures? How representative are those voting of the general public? How do the voters form their opinions? What influence do campaign spending and opinion leaders have on ballot measure voting decisions?

Using survey data from several past election cycles, Magleby examines the evidence that those on the low end of the economic and educational scales tend to abstain from casting votes on ballot measures.

Also discussed are the assertions that casting ballots on initiative proposals present voters with complications unparalleled in candidate contests, such as the inevitable legal-technical language of propositions, confusion about the meaning of a "yes" or "no" vote, and lack of political party cues to give philosophical context to the proposed law.

The reader is also treated to an in-depth scrutiny of the initiative phenomenon as it exists in California, long the leader in direct democracy. Magleby traces the development of professional initiative campaign management firms that use computerized direct mail signature collection, fundraising techniques, and sophisticated media promotion to ensure ballot placement, and he discusses the implications of this "initiative industry."

Throughout the book, Magleby scrutinizes the argument that the initiative has fallen prey to the influence of the very special interests it was intended to defeat, and addresses other criticisms of the process, namely, that the initiative as it exists in many states today is indeed weakening the political party structure, removing accountability from elected officials, diminishing the perceived importance of candidate races, otherwise diverting political resources, and even threatening to undermine the checks and balances

built into our representative form of government—our republic.

### "The People Rule?"

In his concluding chapter "The People Rule?", Magleby presents his ideas for improving the mechanisms of direct democracy from both ends, that is, both through petition circulation provisions in each state and through voter participation. Topics include simplification of ballot language and titling procedures, the use of multiple-choice questions rather than the all-or-nothing "yes" or "no", geographic distribution and timely collection of signatures, and diligent signature certification procedures.

**Direct Legislation** is an important advance in the study of initiative politics because the author hasn't limited the study to a single subject or a single election, but rather examines the political behavior generated by the process of direct legislation over many years.

While written from the academic perspective, Magleby's easy-reading style invites the general-interest reader as well as the scholar to explore the growing phenomenon of ballot propositions. **Direct Legislation** features numerous charts and graphs, as well as appendices including statistical methodology, historical data on initiative activity, readability tests on voter pamphlets, and pertinent court cases. Extensive notes provide the reader with detailed citations on the sources for the book, and the bibliography catalogs additional reading in this fascinating field of political activity.

**Direct Legislation** goes a long way toward bringing discussion of the petitionary processes into the well-lit classroom. While much ground remains to be explored, including such areas as the cost-effectiveness of direct legislation, the role of the courts, etc., Magleby has given the academic and political communities an excellent springboard for future study. We hope to see Professor Magleby sequel this work with many more.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign. Req.	Due	Ballot	Remarks
<b>ALASKA</b>						
Abolish Alaska Transportation Commission/Deregulate	Certified	ST			11-84	#83-02. Legislature referred to ballot. Court challenge pending.
Nuclear Weapons Freeze	In Prog	ST	19,936	6-30-84	11-86	#83-03. Missed filing deadline for 1984 consideration. Circulation for '86 ballot, one year from 6-30-83 approval date.
Compensation for State Legislators	In Prog	ST	19,936	9-14-84	11-86	#83-04: Missed filing date for 1984 ballot.
<b>ARIZONA</b>						
Move Primary Election from September to June Establish Presidential Primary	In Prog	ST	72,637	7-5-84	1984	Initiative 1-I-84. Withdrawn and refiled as 3-I-84.
Raise Drinking Age From 19 to 21	Inactive	ST	72,637	7-5-84	1984	Initiative 2-I-84. Sponsored by State Rep. Earl Wilcox. Passed by state legislature 1984.
Provide Statements to Jurists	In Prog	ST	72,637	7-5-84	1984	Initiative 4-I-84. Sponsor, Wayne Stump (State Legislator).
Use Gold/Silver Coins as Legal Tender	In Prog	ST	72,637	7-5-84	1984	Initiative 5-I-84. Sponsor, Wayne Stump (State Legislator).
Cost Effective Health Care	In Prog	ST	72,637	7-5-84	1984	Initiative 6-I-84. Withdrawn, revised and refiled as 7-I-84 (see 3-C-84).
Compulsory School Attendance-8 to 17 years old	In Prog	ST	72,637	7-5-84	1984	Initiative 8-I-84. Sponsor: State Representative Jesus Higuera.
Tax Credits for Water Purification	In Prog	ST	72,637	7-5-84	1984	Initiative 9-I-84. Sponsor: Pat Prate.
Reduce Drinking Age to 18	In Prog	ST	72,637	7-5-84	1984	Initiative 11-I-84. Sponsor: Pima License Beverage Association.
Palo Verde Study Commission; Costs and Benefits	In Prog	ST	72,637	7-5-84	1984	Initiative 12-I-84.
Fair Value Rates for Public Service Corporation	In Prog	CA	108,955	7-5-84	1984	1-C-84, refiled as 2-C-84. Fair Electric Rates Coalition.
Regulation of Health Care Institutions	In Prog	CA	108,955	7-5-84	1984	3-C-84. Arizona Coalition for Cost Effective Quality Health Care.
<b>ARKANSAS</b>						
State-Owned Lottery	In Prog	CA	78,935	7-6-84	1984	Sponsor: State Rep. Doug Wood.
1/8 cent Sales Tax Increase	In Prog	CA	78,936	7-6-84	1984	Proceeds to be used for a Fish and Game Commission.
Lengthen Terms of State Officers to 4 Years	In Prog	CA	78,936	7-6-84	1984	
Unborn Child Amendment	In Prog	CA	78,936	7-6-84	1984	Promote health & welfare of unborn from conception to birth; legislature to regulate; limit state funds.
Allow Casino Gambling In Cities and Counties	In Prog	CA	78,936	7-6-84	1984	Proponents want casino games in resort of Hot Springs.
<b>CALIFORNIA</b>						
Reform Legislative Rules Procedures, Powers, and Funding	PASSED	ST	YES: 53% NO: 46%		6-84	Yes: 2,398,960; No: 2,127,718. Voter Turnout: 47.8%; Dropoff: 18%
Call Constitutional Convention to Adopt a Federal Balanced Budget Amendment	Certified	ST			11-84	No. 0327. Ballot number to be determined.
"Save Prop. 13" Tax Limitation	Certified	CA			11-84	No. 0328. (Rev. No. 0325). Ballot number to be determined.
No First-Use of Nuclear Weapons (Nuclear Weapons Policy)	Failed	ST				No. 0329. Insufficient signatures.
Public Gaming Commission Educational Funds	Failed	CA				No. 0330. Sponsor: R. Wilson (latest of many revisions).
Peoples Right to Repeal Laws (Plebiscite)	Failed	CA				No. 0331. Sponsor: Peter Applegate.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign. Req.	Due	Ballot	Remarks
<b>CALIFORNIA, continued</b>						
Tobacco Education Project through Taxes	Failed	ST				No. 0332. Sponsor: Gerry Mandell, Tobacco Education Council (Ventura).
Prayer in Public Schools	Failed	CA				No. 0334. Sponsor: Committee for Religious Freedom in Schools.
Welfare-Public Assistance Programs	Certified	ST				No. 0335. Sponsor: Ross Johnson (A-64). Ballot number to be determined.
Legislators Compensation-Budget Bill Enactment	Failed	CA				No. 0333/0336. Sponsors: Les Kelting and Lee Phelps ("Pink Slip").
Designate California a Nuclear Free Zone	Failed	ST				No. 0337. Insufficient signatures filed for ballot qualification.
Voting Materials only in English	Certified	ST			11-84	No. 0338. Sponsor: Stanley Diamond. Ballot number to be determined.
Phase Out of Local Rent Control-Conversion of Rental Housing to Tenant Ownership	Failed	ST				No. 0339. Sponsor: Trevor A. Grimm. Insufficient signatures filed for ballot qualification.
Rent Control Phase Out by 1990-Amendment and Statute	Failed	ST				No. 0340. Sponsor: George Young. Insufficient signatures filed.
Welfare Reform	Failed	CA				No. 0341. Sponsors: State Reps. E. Royce, P. Nolan, R. Waters, S. Nielsen, E. Konnyu.
Rent Control Phase Out	Failed	CA			1984	No. 0342. Sponsor: George Young. Certification was to be complete by 6-26.
State Lottery	Certified	CA			11-84	No. 0343. Sponsor: Barry Fadem, for Scientific Games, Inc.
Fair Reapportionment Commission	Complete	CA	630,136		1984	No. 0344. Governor George Deukmejian. Ballot number to be determined.
Campaign Contribution Limitations - State Offices	In Prog	ST	393,835	6-25-84	1985	No. 0345. Sponsors: T. K. Houston, A. Post.
Agricultural Labor Management Relations Act	In Prog	ST	393,835	6-25-84	1985	No. 0346. Sponsor: St. Sen. Jim Nielsen.
Campaign Contribution Limits--Elective Offices	Certified	ST			11-84	No. 0347. Sponsor: Ross Johnson (A-64). Ballot number to be determined.
Open Primary	In Prog	ST	393,835	6-25-84	1985	No. 0348. Sponsors: Californians for Open Primary.
Legalization of State Lottery	In Prog	CA	630,136	6-25-84	1985	No. 0349. Sponsor: Tom Sullivan.
Firearms: Right to Own Not To be Infringed Upon	In Prog	CA	630,136	7-24-84	1985	No. 0351. Sponsor: St. Sen. H. L. Richardson.
Locally Governed Community College Stable Funding	In Prog	CA	630,136	9-11-84	1985	No. 0352. Sponsors: Cornell, Voth and James Young.
"Short and Simple" Tax Plan - State Income Taxes	In Prog	CA	630,136	9-11-84	1985	No. 0353. Sponsor: Conway H. Collis. Revision of 0350.
Federal Voter Initiative Process	In Prog	ST	393,835	9-17-84	1985	No. 0354. Sponsor: David E. Miller.
Governmental Reorganizat'n	A.G.	CA	630,136	TBD	TBD	Filed 11-29-83. Sponsor: D. Excell et al.
Fair Motor Vehicle Insurance Plan	A.G.	CA	630,136	TBD	TBD	Filed 5-3-84. Sponsor: Manuel D. Talley for United Freedom Association.
<b>COLORADO</b>						
Legalize Casino Compound in Pueblo	In Prog	CA	46,737	8-5-84	11-84	Recent reports indicate this drive will fail to gather sufficient signatures.
Prohibit Public Funding of Abortions	In Prog	CA	46,737	8-5-84	11-84	Began circulation in early March.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign. Req.	Due	Ballot	Remarks
<b>COLORADO, continued</b>						
Deregulate Transportation	In Prog	CA	46,737	8-5-84	11-84	Sponsors: Coloradans for Free Enterprise. Libertarian Party challenging constitutional prohibition against paying signature circulators.
Voter Registration Through Drivers Licensing	In Prog	CA	46,737	8-5-84	11-84	Sponsor: Colorado Public Interest Group.
Reform of Education System	Inactive	CA	46,737	8-5-84	11-84	Title Challenge Upheld by State Supreme Court 6-15. All signatures invalid up to that date. Proponents have dropped drive.
Raise Legal Drinking Age from 18 to 21 Years of Age	In Prog	ST	46,737	8-5-84	11-84	Title Challenge Pending in State Supreme Court as of 6-25.
State Personnel System Reforms	In Prog	CA	46,737	8-5-84	11-84	Sponsor: Governor Dick Lamm, et al. Title challenge pending.
Election and Recall of Judges	In Prog	CA	46,737	8-5-84	11-84	Sponsors: St. Reps. Mielke, McManus and Bath.
Allow Charitable Organizations to Have Poker Nights	In Prog	CA	46,737	8-5-84	11-84	Sponsor: J. R. Stone--Gambling Equipment Owner.
<b>DISTRICT OF COLUMBIA</b>						
Right to Overnight Shelter Act of 1983	Complete	Ord	18,032*	5-84	11-84	Was No.16. Revised/Refiled No. 17. In certification.
D.C. Unemployment Compensation Act of 1984	Failed	Ord	15,000*	6 mos.	11-84	No. 18. Council's decision to decline overruled by court. Appeal denied.
People's Council Election Act	In Prog	Ord	20,000*	9-17-84	11-84	Relates to Public Service Commission; Must be certified by 8-31 for 11-84 ballot.
DC Statehood Constitutional Convention Act	In Prog	Ord	20,000*	TBD	TBD	No. 20. Must be certified by 8-31 for 8-31 for 11-84 ballot.
DC Universal Human Rights Initiative	In Prog	Ord	20,000*	TBD	TBD	No. 21. Must be certified by 8-31 for 11-84 ballot.
<b>*Exact signature requirements established at time of approval for circulation and are equal to 5% registered voters in District. Filing deadline is six months from date of approval to circulate.</b>						
<b>FLORIDA (Please see Note 1)</b>						
Limit All Taxes to 5%	Failed	CA	298,743		11-84	State Supreme Court threw off ballot, 3-27-84.
Establish State Lotteries	In Prog	CA	298,743	8-6-84	1984	Committee: Committee for Florida State Lottery.
Unicameral Legislature	In Prog	CA	298,743	8-6-84	1984	Would cut number of legislators from 160 to about 120. (St. Leg. Evans-Jones).
Establish Fish and Wildlife Commission	In Prog	CA	298,743	8-6-84	1984	Committee: Committee to Restore Fish and Wildlife Resources.
Legalize State-Owned Casinos	In Prog	CA	298,743	8-6-84	1984	Committee: Floridians for State Casinos (J. Kashuk).
Hazardous Waste Sites (Prohibit)	In Prog	CA	298,743	8-6-84	1984	Committee: Clean Backyard Project.
Elected PUC	In Prog	CA	298,743	8-6-84	1984	
Freeze Budget and Staffs at 1980 Levels for Fire, Police and Medical	In Prog	CA	298,743	8-6-84	1984	Committee: Save Our Emergency Services. (Professional Firefighters Union is a major proponent.)
Legalize Casinos and Lotteries	Pending	CA	298,743	8-6-84	1984	Committee ordered by SEC on 3-22-84 to return about \$1.4 million to investors.
Establish English as the Official Language of the State	In Prog	CA	298,743	8-6-84	1984	Committee: Floridians for the English Language Amendment (St. Rep. Robert Melby).
Raise Drinking Age to 21	In Prog	CA	298,743	8-6-84	1984	Committee changed name to "Coalition 21." (St. Sen. R. H. Langley.)

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign.Req.	Due	Ballot	Remarks
<b>FLORIDA, continued</b> Environmental Rights Amendment	In Prog	CA	298,743	8-6-84	1984	Committee: Clean-up 84.
Limit Malpractice Awards Amendment	In Prog	CA	298,743	8-6-84	1984	Committee: Florida Medical Associatiion.
Repeal Single Subject Restriction on Initiatives	In Prog	CA	298,743	8-6-84	1984	Committee: Citizens Initiative Committee.

**NOTE 1:** A law passed in the 1983 session placed a four-year validity period on all signatures gathered during an initiative campaign. This law is retroactive to all initiative proposals approved for circulation by the Secretary of State and therefore includes initiative petition drives which did not file signatures for the 1982 ballot as well as those proposals approved to attempt qualification for the 1984 ballot.

<b>IDAHO</b>						
Limit Exemptions for Sales Taxes; Uniformity	In Prog	ST	32,666	7-6-84	11-84	Sponsor: Bannock County Property Owners. SS reports this drive is inactive.
Prohibit use of Property Taxes for General Public Services	In Prog	ST	32,666	7-6-84	11-84	Sponsor: Bannock County Property Owners. SS reports this drive is inactive.
Lowering Signature Require- ments for Recall (all)	In Prog	ST	32,666	7-6-84	11-84	Lowers Requirements from 20% TRV to 20% of total votes in last election for office.
Limit Legislative Amend- ment of Initiatives	In Prog	ST	32,666	7-6-84	11-84	
Interest Earnings on Fish and Game Account	In Prog	ST	32,666	7-6-84	11-84	Would revert to Fish and Game Commission.
Idaho Natural and Recrea- tional River System	In Prog	ST	32,666	7-6-84	11-84	Limits uses - especially development.
Exempt Food from Sales Tax	In Prog	ST	32,666	7-6-84	11-84	
Concealed Weapons: Allows Possession; Permit System	In Prog	ST	32,666	7-6-84	11-84	
Repeal All State Taxes; Replace w/6% Sales Tax	In Prog	ST	32,666	7-6-84	11-84	Sponsor: Bob Hallstrom for Eagle Forum.
Protecting the Family by Protecting the Constitutional Rights of the Natural Person	In Prog	ST	32,666	7-6-84	11-84	Sponsor: Bob Hallstrom for Eagle Forum. SS says sponsors will not push for 11/84 ballot but will try for 1986.

<b>MICHIGAN</b>						
Reserve a percentage of State Revenues for Schools	In Prog	CA	304,001	7-9-84	11-84	"FAIR" Petition.
Require Voter Approval of Any Tax Changes	In Prog	CA	304,001	7-9-84	11-84	"Voters' Choice on Revenue".
Reduce Property Tax and Require Voter Approval on any new Taxes or Tax Increases	In Prog	CA	304,001	7-9-84	11-84	T.A.G. Tax Cut Petition (Quasi-Proposition 13) -- Taxpayers Action Group.
Limit Constitutional Amendments on the Ballot to One Per Subject	In Prog	CA	304,001	7-9-84	11-84	T.A.G. Ballot Limit Petition -- Taxpayers Action Group.
Restrict State Legislature from Increasing State Income Taxes by More than 5%	In Prog	CA	304,001	7-9-84	11-84	Sponsor: Thomas E. Brennan.
Establish 7-member, Non- Partisan Reapportionment Commission	In Prog	CA	304,001	7-9-84	11-84	Sponsor: Thomas E. Brennan.
Limit Office of Governor to Two Terms	In Prog	CA	304,001	7-9-84	11-84	Sponsor: Thomas E. Brennan.
Make the State Legislature a Part-Time Body	In Prog	CA	304,001	7-9-84	11-84	Sponsor: Thomas E. Brennan.
Provide for nomination of Supreme Court Justices and establish succession procedures	In Prog	CA	304,001	7-9-84	11-84	Justices will hold offices until suc- cessors are elected and qualified.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign. Req.	Due	Ballot	Remarks
<b>MICHIGAN, continued</b>						
Regulation of utility rate allowances	In Prog	CA	304,001	7-9-84	11-84	Disallows charging customers for construction work in progress or for unneeded or abandoned plants. Other provisions.
Forbid Abortion Under Any Circumstances	Pending	CA	304,001	7-9-84	11-84	Has not been submitted to State Board of Canvassors for approval.
Control of Outdoor Advertising; Licensing	Failed	ST				No signatures submitted.
Unicameral Legislature	In Prog	CA	304,001	7-9-84	11-84	Sponsor: Jim Burchell.
Legalize Slot Machines In Bars	In Prog	CA	304,001	7-9-84	11-84	Sponsor: St. Rep. Tom Scott. 50% Income to Property Tax Relief.
Reduce Single Business Tax	In Prog	CA	304,001	7-9-84	11-84	Sponsor: Dr. John Zettelmaier. Would exempt for income less than \$1 million per year.
State Spending Reduction	In Prog	CA	304,001	7-9-84	11-84	1% reduction per year for ten years.
<b>MISSOURI</b>						
Forbid Operation of Nuclear Power Plants in State	Complete	ST	67,581	7-7-84	11-84	Certification to be completed by mid-July.
Legalize Pari-Mutuel Betting	In Prog	CA	108,130	7-7-84	11-84	Sponsor: Karen Shafer, Kansas City.
Limit Rate Increases to Union Electric for Callaway Nuclear Plant	In Prog	CA	108,130	7-7-84	11-84	Sponsor: Electricity Ratepayers Protection Project.
<b>MONTANA</b>						
Change the Election Date to Coincide with Tax Due Dates	Complete	CA	36,047	6-29-84	11-84	C-I-20. Certification underway.
Forbid Seizure of Property or Jailing for Non-payment of Taxes	In Prog	CA	36,047	6-29-84	11-84	C-I-21.
Raise Legal Age for Drinking of Alcoholic Beverages from 19 to 21	In Prog	CA	36,047	6-29-84	11-84	C-I-22. Sponsor: St. Leg. Mary Ellen Connolly.
Call for a Federal Balanced Budget	In Prog	CA	36,047	6-29-84	11-84	C-I-23. Sponsor: Larry Williams.
Implement a 5 Percent Sales Tax	In Prog	CA	36,047	6-29-84	11-84	C-I-24. Sponsor: Bill Todd. No direct taxes on income, property.
Milk Price Decontrol	In Prog	ST	18,024	6-29-84	11-84	I-96.
Dentistry: Regulation Of; Allow Fitting of Plates	In Prog	ST	18,024	6-29-84	11-84	I-97.
Nuclear Disarmament by US; (Unilateral)	In Prog	ST	18,024	6-29-84	11-84	I-98: US to dismantle one system and wait to see what USSR response will be. Calls for beginning with a Montana-based system.
Call for Federal Balanced Budget	Inactive	ST	18,024	6-29-84	11-84	I-99. SS reports this drive dropped.
<b>NEBRASKA</b>						
Increase State Legislators' Salaries	Inactive	CA	54,790	7-6-84	11-84	SS reports this drive was dropped after court ruled Legislators can be paid expenses.
Bi-Lateral Nuclear Weapons Freeze/Anti-MX in Nebraska	Failed	CA	54,790	7-6-84	11-84	Court ruled subject not proper for initiative activity 6-15-84.
Limitation on State Spending	In Prog	CA	54,790	7-6-84	11-84	Sponsors: Taxpayers Survival Comm. 1/2 rate of PC income over 5% year.
Limitation of Property Taxes: 1.5% Assessed Value	In Prog	CA	54,790	7-6-84	11-84	Sponsors: Taxpayers Survival Comm. 3-yr intervals; improvements exempt.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign. Req.	Due	Ballot	Remarks
<b>NEBRASKA, continued</b>						
Parents Rights regarding their Children	In Prog	CA	54,790	7-6-84	11-84	Adds new section to state Bill of Rights.
Providing for the Popular Election of Judges	In Prog	CA	54,790	7-6-84	11-84	Sponsor: Charles Gove, Candidate for State Legislature (Dist. 25).
<b>NEVADA</b>						
Freeze State Property Tax	Complete	CA	24,258	6-4-84	11-84	In Certification (by 6/26/84).
Establish State Lottery	Failed	CA	24,258	6-4-84	11-84	Sponsor: Eleanor Heimrich for People for Nevada Lotteries; would benefit elderly.
Establish Privately-owned, State-regulated Lottery	Failed	CA	24,258	6-4-84	11-84	Sponsor: Charles Griffin for People for Silver State Lottery; would benefit education.
Legislative Process Reform	Failed	CA	24,258	6-4-84	11-84	Sponsor: Bobbie W. Shofner. Would have vested all legislative power in the people; use of modern technology in voting.
Elected State Board of Wildlife Commission	In Prog	ST	24,258	10-19	TBD	Proponents: "Coalition for Fair Compensation." Must be submitted to Legislature in 1985.
<b>NORTH DAKOTA</b>						
Revert Junior Colleges to Local Control	In Prog	ST	13,055	8-6-84	11-84	
Bar Closure at 11 PM	In Prog	ST	13,055	8-6-84	11-84	By the Prohibitionist group that sponsored anti-gambling in 1982.
Right to Bear Arms	In Prog	ST	13,055	8-6-84	11-84	Sponsor: Phillip Johnston, Chairman, NRA (Forest River, ND).
Allow Food Establishments to Serve Alcoholic Beverages on Sunday Afternoons	Announced	ST	13,055	8-6-84	11-84	By ND Beverage Dealers and Restaurant Association.
<b>OHIO</b>						
Federal Balanced Budget	In Prog	CA	335,673	8-10-84	11-84	
Control of Education by Local School Boards	In Prog	CA	335,673	8-10-84	11-84	
<b>OKLAHOMA</b>						
Liquor by the Drink	Certified	CA			9-84	SQ-563.
Property Tax Limitation	In Prog	CA	132,740	7-9-84	11-84	Sponsor: Mike Grissom. Limit at .5% TCY (1982); increase/decrease @2% of inflation rate; voter approval for fees or taxes.
<b>OREGON</b>						
Restrict Government Competition with Private Industry	In Prog	CA	83,361	7-6-84	11-84	#1: Would not allow employees to be hired if in competition with private firms. Other provisions.
Legalize Possession and Growth of Marijuana for Adults' Personal Use	In Prog	ST	62,521	7-6-84	11-84	#2: Decriminalizes possession, growth, transport and consumption for private and medical use. #13: Second filing.
Place Moratorium on Auto Emission Tests	In Prog	ST	62,521	7-6-84	11-84	#3: Would end program in 1985 and 1986, not to be reinstated without voter approval. #10: Second filing.
Dissolve All Metro Service Districts	In Prog	ST	62,521	7-6-84	11-84	#4: Allows only 100 days to dissolve and dispose of assets. #9: Second filing.
Abolish Land Conserv. and Develop't Comm., Land Use Bd. of Appeals and Dep't. of Land Cons. & Development	In Prog	ST	62,521	7-6-84	11-84	#5: Continues 1982 effort to place land use planning powers in hands of local bodies. Also provides challenge procedure.
Reduce State Income Tax to 3/4 of the 1980 Levels	In Prog	CA	83,361	7-6-84	11-84	#6.
Limit Property Taxes	In Prog	CA	83,361	7-6-84	11-84	#7. Taxes would be based on 1% of land's true cash value.



# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign.Reg.	Due	Ballot	Remarks
<b>OREGON, continued</b>						
Ban Sales Tax	In Prog	CA	83,361	7-6-84	11-84	#8. Would prohibit imposition of tax for transfer of any tangible or intangible property.
Change Makeup of Land Conservation and Develop't Comm. and Set Up Appeal Process	In Prog	ST	62,521	7-6-84	11-84	#11. Describes makeup of state, county and city planning groups and provides appeal process.
Protect Private Property	In Prog	CA	83,361	7-6-84	11-84	#12. Forbids passage of any law that infringes on use, ownership, and enjoyment of private property.
Limit Elk Cow Hunting and Change State Fish/Wildlife Commission	In Prog	ST	62,521	7-6-4	11-84	#14.
Incorporate the ERA into the State Constitution	In Prog	CA	83,361	7-6-4	11-84	#15.
Direct Removal and Control of Alleged "Threat" posed by "Rajneesh"	In Prog	ST	62,521	7-6-4	11-84	#17. Amended from #16, which was declined for titling by A.G.
Require that Elected Officials Comply Immediately with Voter Initiated Laws	In Prog	CA	83,361	7-6-4	11-84	#18.
"Contain and Repel" Certain "Cults"	In Prog	CA	83,361	7-6-4	11-84	#19. Same sponsor as Nos. 17 and 18 above.
Reinstate the Death Penalty	In Prog	CA	83,361	7-6-4	11-84	#20. Sponsor is William A. Jolly.
Death Penalty or Life Sentence for Aggravated Murder	In Prog	CA	83,361	7-6-4	11-84	#21. Sponsor is Delight Streich.
Death Penalty for Aggravated Murder Under Some Circumstances	In Prog	ST	62,521	7-6-84	11-84	#22. Sponsor is Delight Streich.
Requires Approval of Radio-active Waste Disposal Sites	In Prog	ST	62,521	7-6-84	11-84	#23.
Real Property Tax Limit	In Prog	CA	83,361	7-6-84	11-84	#24. Sponsor, Ray Philips.
Limit Voting to Persons Registered 20 Days Before Election	In Prog	CA	83,361	7-6-84	11-84	#25. Would require voter registration 20 days prior to an election. Sponsor, Carolyn Oakley.
Regulates Ethical Conduct: Influence Peddling, Gifts, Lobbying	In Prog	ST	62,521	7-6-84	11-84	#29. Sponsor, St. Sen. J. Wyers.
Allow Tax Exemption for Certain Properties	In Prog	CA	83,361	7-6-84	11-84	#30. Refiled version of #27.
Allow Tax Exemption for Certain Properties	Inactive	ST	62,521	7-6-84	11-84	#31. Refiled version of #28.
State Lottery	In Prog	ST	62,521	7-6-84	11-84	#32. Allow legislature to provide for.
Oregon Tax Law Repeal	In Prog	ST	62,521	7-6-84	11-84	#33. Refiled version of #31 above.
Allows Use of Unconstitutionally Obtained Criminal Evidence.	In Prog	CA	83,361	7-6-84	11-84	#34.
Revise Numerous Criminal Laws: Police Powers; Trials; Evidence; Sentencing	In Prog	ST	62,521	7-6-84	11-84	#35.
Forbids Payment for Circulators of Petitions (all kinds)	In Prog	CA	83,361	7-6-84	11-84	#37.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign.Req.	Due	Ballot	Remarks
<b>OREGON, continued</b>						
Const. State and Local Gov't Spending Limits; Require Sales Tax Adoption.	In Prog	CA	83,361	7-6-84	11-84	#38.
State and Local Spending Limits	In Prog	CA	83,361	7-6-84	11-84	#39.
Vests all Judicial Authority in Supreme Court and Justices of the Peace	In Prog	CA	83,361	7-6-84	11-84	#40.
Homestead Exemption-Income Tax Funded; Local Gov't Spending Limits	In Prog	CA	83,361	7-6-84	11-84	#41.
Limit Public Employees' Salaries; Regulate Pensions	In Prog	CA	83,361	7-6-84	11-84	#42. Equal to pay in private sector.
Restrictions on Commercial Salmon Hatcheries	In Prog	ST	62,521	7-6-84	11-84	#43.
Create Citizen Utility Board to Represent Interest of Consumers	In Prog	ST	62,521	7-6-84	11-84	#45. Proponent: Peter Defasio.
Repeal Land Use Regulation with Local Planning Remaining	In Prog	ST	62,521	7-6-84	11-84	#46. Sponsors: Dallas Ferry, Roy Durham, and Patrick Kelly.
Conform Certain Rights of Accused Under Federal and State Constitutions	In Prog	CA	83,361	7-6-84	11-84	#47. Sponsor: Cheryl A. Kuhn.
Provide Exemption to the Definition of Illegal Pyramid Clubs	Inactive	ST	62,521	7-6-84	11-84	#48. Sponsor: Diana Van Cleave. Those with less than \$25 investment.
Limit Terms of Legislative Office	In Prog	CA	83,361	7-6-84	11-84	#49. Terms limited to three consecutive, eight years out of 12. Requires resignation upon filing for another office with overlapping term.
Establish State-Run Lottery to Fund Public Transportation	In Prog	CA	83,361	7-6-84	11-84	#50. Sponsor: Donald Sprinkel.
Require Local Land Planning Repeals State laws regulating Planning	In Prog	CA	83,361	7-6-84	11-84	#51. Sponsor: B. J. Rogers.
Establish State-Run Lottery	In Prog	CA	83,361	7-6-84	11-84	#52. Sponsor: Herbert Ewig Specifies distribution to education emergency services and human services.
Establish State Lottery Commission with Profits to Economic Development	In Prog	CA	83,361	7-6-84	11-84	#53. Sponsor: St. Sen. Dell Isham.
Provisions for Lottery if Constitutionally Authorized	In Prog	ST	62,521	7-6-84	11-84	#54. Sponsor: St. Sen. Dell Isham.
Prohibits State Funded Abortions Except to Save Mother's Life	In Prog	CA	83,361	7-6-84	11-84	#55. Sponsor: St. Sen. Anthony Meeker.
Bars Substances Causing Cancer or Mutations from Water and Food	In Prog	ST	62,521	7-6-84	11-84	#56. Sponsor: Will Noonan, PhD.
Provide Exemptions to Definition of Illegal Pyramid Club	In Prog	ST	62,521	7-6-84	11-84	#57. Sponsor: Diana Van Cleave. Revision of #48.
<b>SOUTH DAKOTA</b>						
Nuclear Weapons Freeze	Certified				11-84	Legislature approved for ballot.
Prohibit School Openings Prior to Labor Day	Certified				11-84	Legislature approved for ballot.
Voter Approval of Radio-Active Dump Sites	Certified	ST			11-84	Legislature approved for ballot.

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign.Reg.	Due	Ballot	Remarks
<b>UTAH</b>						
Ban Salacious Material on TV	Certified	ST	60,002		11-84	
Repeal 1983 Law Regarding Salacious Material on TV	Failed	ST				
Establish New Working Hours for State Offices	Failed	ST				Would have offices open from Noon until 8:00 PM.
Community Correctional Facilities	Failed	ST				Carryover from 1982. Would prohibit regional prisons in residential areas.
Elected Public Utility Commission	Failed	CA				
Legalization of Pari-Mutuel Betting	Complete	CA				LG says it appears sigs are short; Clerks have until 7-3 to complete.
<b>WASHINGTON</b>						
Decommercialization of Steelhead; Indian Rights	In Prog	ST	138,472	7-6-84	11-84	I-456. SS says this one is probable for 1984.
Establishing 18 as Minimum Legal Age for All Entitlements except relating to Alcohol	In Prog	ST	138,472	7-6-84	11-84	I-457. Relates to employment, licenses, etc.
Tax Watercraft on Basis of Length Rather than Value; Proceeds for Boating Safety Programs and Facilities	In Prog	ST	138,472	7-6-84	11-84	I-458, Refiled as I-459. Sponsor: Louise Miller.
Increase Taxes on Alcoholic Beverages; Proceeds-Victims Assistance; Research; Enforcement	In Prog	ST	138,472	7-6-84	11-84	I-460. Would also tax out of state wine. Sponsor: E.C. Renas.
Require Corporations Issuing Securities with Gold - Clause to Make Payment in Gold	In Prog	ST	138,472	7-6-84	11-84	I-461. Sponsor: Robert Ellison.
Petition Congress to Have Space Shuttle Energy Lottery; Increase Space Travel; Energy Independence	In Prog	ST	138,472	7-6-84	11-84	I-462. Sponsor: Jeff Bales.
Petition Congress to Pass Balanced Budget Amendment; or Call Constitutional Convention for Same	In Prog	ST	138,472	7-6-84	11-84	I-463. Sponsor: James Medley.
Exempt the Value of Trade-In Automobiles from Sales Tax Calculation	In Prog	ST	138,472	7-6-84	11-84	I-464. Sponsor: Eugene Prince.
Lower Sales and Business Tax Rates; Set Spending Limits; Limit Tax Increases	In Prog	ST	138,472	7-6-84	11-84	I-465. Sponsor: Ken Pullen.
Legalized Casino Gambling on a Local Option Basis	In Prog	ST	138,472	7-6-84	11-84	I-466. Sponsor: Fred Ladd, Ocean Shores, Washington.
Replace all Current Taxes with Transaction Tax Not to Exceed 1%	In Prog	ST	138,472	7-6-84	11-84	I-467. Sponsor: Clarence Keating who has sponsored similar drives before.
Property Tax Reduction "Proposition 13 Type"	In Prog	ST	138,472	7-6-84	11-84	I-468. Sponsor: Martin Ottesen, Tacoma.
Change Regulation of Legal Gambling in State	In Prog	ST	138,472	7-6-84	11-84	I-469. Sponsor: M. Kinsley, Seattle.
Prohibit Public Funding of Abortion except to Save Mother's Life	In Prog	ST	138,472	7-6-84	11-84	I-470 & I-471. Sponsor: Michael Undseth.
<b>WYOMING</b>						
In-Stream Flows	Pending	ST	25,810	12-16-83	11-84	Filed less than 2,000 surplus signatures. More than 3000 were disqualified. AG has ruled additional signatures can be filed. SS expects additional signatures by 7-15.

# Initiative Quarterly

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## November Initiatives: What Voters Will Be Facing

After numerous legal challenges in several states, 42 initiatives were probable for the November ballot in 16 states plus the District of Columbia, but a late court ruling in Arkansas struck one from the ballot and rulings in Missouri denied ballot status to one of the issues that were on appeal. The final ballot count is 40.

### Initiative Ballot Measures November 1984—By Category

Governmental/Political Reform	4
Public Morality Issues	8
Revenue/Taxes/Bonds	7
Regulation of Business/Labor	8
Health, Welfare & Housing	2
Civil Liberties/Civil Rights	5
Environmental/Land Use/Natural Resources	2
Education	2
National Policy Issues	2
Total	40
Initiatives appearing on earlier 1984 ballots	2
Grand Total for 1984	42

Our analysis starting on page 8 compares this year's initiative menu to those of the last few election cycles by issue category, by level of activity within each state, and by the success rates of petition drives. **IQ** examines initiative activity during the last election cycle within each state, looking at growth and possible parallels between the number of petitions circulated and the number of measures that qualified for the ballot. A closer look at success/failure rates of initiative drives in 1984 suggests some reasons why 1984 had fewer successful initiative drives than in previous elections.

## Courts Down to the Wire in Four States

### Florida's Court Bars Two Initiatives

**T**he Florida Supreme Court has removed two initiatives from the November ballot after hearing arguments that the proposals violated the state's "one subject" rule for initiatives.

Amendment 1 was the first initiative struck down. The proposed constitutional amendment would have limited revenue growth rates of the state and local governments as of fiscal year 1985-86. Maximum allowed revenues would equal 1980-81 revenues, with allowable growth not to exceed two-thirds of the Consumer Price Index for the preceeding year. Taxes from new construction were exempt. Regardless of the change in CPI, revenue growth was limited to 5 percent. Some exceptions to the limits could be approved by voters.

*Continued on Page 2*

## Inside I.Q.

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Petition Activity Analysis . . . . . pp.8-10  
1984 Ballot Summary . . . . . pp.11-15  
Continuing Petition Drives . . . . . p.16

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A March 27 ruling removed the measure from the ballot stating that Amendment 1 "clearly violates the single-subject requirement" because it "includes at least three subjects, each of which affects a separate existing function of government."

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More recently, the court ordered Amendment 9 removed from the ballot. This measure was challenged on three points: 1) that it violated the single-subject restriction; 2) that the ballot title and summary were deceptive and would not inform the voter as to the actual content of the measure; and 3) that it would violate due process requirements.

The measure would have reformed tort law to limit damages payable in malpractice suits in the following ways: 1) no party could be found liable for damages in excess of his/her percentage of liability in a multi-party suit (to eliminate current law requiring joint and severable liability); 2) courts could grant a summary judgment on the mo-

tion of any party when it was found that no genuine dispute existed concerning the material facts of the case; and 3) non-economic damages (pain and suffering, mental anguish, etc.) would not be awarded in excess of \$100,000 against any party.

Amendment 9 was officially titled "Citizens' Rights in Civil Actions." However, the purpose of the measure was to limit the amount of monetary award that could be obtained in a malpractice suit.

The court made its ruling on October 3 without a written opinion so that the November ballot could be prepared on schedule. The opinion was to be issued at a later date.

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## Oregon's Legal Battles Put Secretary of State Under Fire

Oregon's Marijuana Initiative appeared destined for a place on the November ballot several times this year when initiative proponents seemed to successfully challenge the state's signature verification process, but the case ultimately left the random sampling procedure in place and forced the initiative off the ballot.

Initiative proponents turned in about 85,000 signatures by the due date of July 6. When the standard random sampling was performed, an unusually high invalidity rate of 28 percent disqualified the measure from the ballot.

Proponents sued, arguing that Secretary of State Norma Paulus had intentionally skewed the sample to keep the measure from the ballot and that many signatures had been improperly disqualified. The Supreme Court ordered Paulus and county clerks to correct errors made in the sampling process and, if a new random sampling yielded sufficient valid signatures, to place the measure on the ballot. The court found that Paulus and

the clerks "erroneously failed" to count signatures of:

- voters who signed a petition in a county other than their county of residence
- voters who moved or changed their names after signing the petition
- voters whose names were purged from the counties' active voter file after signing the petition.

On August 30, Paulus announced that the measure would appear on the ballot. She also said she would seek clarification of the court ruling. The court issued a clarifying ruling on that same date which allowed Paulus to recount the signatures to determine if any had been improperly disqualified before deciding whether the measure would go to the ballot.

The recount had the same results as the original sampling—too few signatures

*Continued on Page 7*

## Focus: The Courts and the Ballot

In the modern life cycle of the successful initiative, it is now almost expected that the clatter of the voting booth levers will hardly be still before the thump of the courthouse gavel is heard. Legal suits challenging constitutionality or intent have become sort of a rite of passage for successful initiatives to cross on the way from the ballot to the statute books.

But in the past, such has typically been the order of deliberation—voter's booth, judge's chambers. Courts have usually intervened in initiative politics only after election day, and have ruled liberally to protect the right of citizens to petition measures onto the ballot.

states are now being sued to justify their administration of, and provisions for, the initiative process.

Parties seeking either to obstruct or ensure ballot placement for an issue not only challenge the content of specific initiatives. Specifics of the initiative process—provisions for titling, signature certification, preparation of voter information, etc.—are being increasingly questioned.

For example, the focus of many legal challenges has been the random sampling of signatures, a statistical method developed to replace the laborious and

process, as it now exists in those various states, is to propose statutes or constitutional amendments. In Nebraska, California and Montana cases, the courts refused to allow a "resolution" or "advisory" initiative to be considered by the voters, and a Massachusetts case also drew a careful distinction between a law and a rule.

These actions, from states with very diverse populations and political complexities, run counter to the traditional liberal construction courts have previously applied to initiative laws. The recent rulings strongly insist that only some, not all, legislative powers are available through the initiative.

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**...the fate of some initiatives remains so uncertain that election officials have been warned to be prepared to add or drop issues from the ballot sheet at a moment's notice.**

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In 1982 there were certainly pre-election efforts to mire initiatives in judicial bogs, but there were no surprise rulings. Michigan, Arizona, Wyoming and Colorado certification techniques were challenged and upheld. The single-subject rule was reviewed repeatedly in the California courts, always with a liberal interpretation. Titling challenges were numerous, but seldom affected ballot placement.

Yet, in 1984, the number of important court actions prior to election day has so confused the picture that no two sources of initiative activity can agree on how many—or which—initiatives will appear on November ballots, and the fate of some initiatives remains so uncertain that election officials have been warned to be prepared to add or drop issues from the ballot sheet at a moment's notice.

Does this signal a different attitude by the courts, or more successful legal tactics by proponents and opponents? Both. The evidence suggests that proponents and opponents have learned to attack the judicial pressure points of the initiative, as seen in increasingly sophisticated challenges, challenges filed earlier in the initiative cycle, and the fact that some

expensive process of checking the validity of each of several thousand, hundred thousand, or million, petition signatures.

The use of random sampling is considered essential in states where officials must speedily verify millions of signatures on several proposals. But the mechanics of random sampling—standards of sample selection, criteria for disqualification of signatures, confidence levels, and so forth—give dissatisfied initiative proponents and opponents plenty to talk about when they go to court. Challenges will continue until each state derives a sampling methodology acceptable not only to statisticians but also to groups active in initiative politics.

There's no doubt that the legal challenges have become more effective. But at least as important seems to be a greater willingness on the part of the courts to intervene in initiative politics early on, and a determination on the part of the courts to protect the original intent of the initiative process.

At least four 1984 cases have resulted in express definitions of the proper use of the initiative. Rulings in all four cases stressed that the intended use of the initiative

In December, 1983, the Massachusetts Supreme Court barred a petition entitled "An Act Providing for the Reform of the General Court" as dealing with a subject beyond the intended scope of the initiative—the internal procedures of the state legislature.

In *Milton Paisner & Others vs. Attorney General & Others*, the court stated, "the Legislature has functions other than law-making, and among these other functions is rule-making. The petition here concerns rules not laws. The popular initiative must propose either a law or a constitutional amendment, and this petition does neither...Laws govern conduct external to the legislature, while rules govern internal procedures; a law is binding, a rule is not."

The ruling continues..."Thus, the initiative proposed here should not be characterized as a law because it is not binding. If enacted, it would be no more than a non-binding expression of opinion, and we have held that such a plebiscite or declaration is not law and is not an appropriate subject for the popular initiative" (at p. 11).

The decision in *State Ex Rel. Brant vs. Beerman*, (No. 83-384, Nebraska, June

# QUARTERLY SPOTLIGHT

Cont. from Page 3

15, 1984) also addressed the proposition that an initiative proposal must propose a law or a constitutional amendment.

Backers of a Nebraska initiative calling for a verifiable nuclear weapons freeze sued when the Secretary of State and Attorney General declined to give their initiative ballot space.

Establishing that a law is more than "an ineffectual expression of opinion possessing no sanction to compel" (at p.213-214), the Nebraska Supreme Court ruled against the plaintiffs, stating that "government should be spared the burdensome cost of election machinery as a straw vote on the electorate's opinions, sentiments, or attitudes on public issues" and that the proposal was "not a proper subject for the initiative in Nebraska." (at p. 215).

Both of the above decisions were issued before any signatures had been filed; both decisions upheld the authority of state officers to determine the suitability of an initiative's content.

Two other cases dealt with similar questions, but involved initiatives already qualified for the ballot—petitions had been circulated, signatures filed and validated, and the measures approved for ballot placement when the rulings were handed down.

On August 27, 1984, the California Supreme Court refused to allow an initiative calling for a federal balanced budget amendment to appear on the November state ballot.

The crux of the court's decision in American Federation of Labor-Congress of Industrial Organizations et al vs. March Fong Eu, as Secretary of State, etc. et al, was that the U.S. Constitution, Article V, provides two—and only two—methods of proposing constitutional amendments—either by Congress (2/3 of both houses) or by application of the legislatures of 2/3 of the states. Either case would require ratification by 3/4 the states or by conventions in 3/4 the states.

The Court concluded that the initiative did not fall within Article V of the U.S. Constitution, which "envision[s] legislators free to vote their best judgment, responsible to Page 4

their constituents through the electoral process, not puppet legislators coerced or compelled by loss of salary or otherwise to vote in favor of a proposal they may believe unwise." (at p.8)

Pointing out that the California constitution says the initiative power is the power to adopt "statutes," the court said that the initiative in question "does not adopt a statute or enact a law. It adopts, and mandates the legislature to adopt, a resolution..."

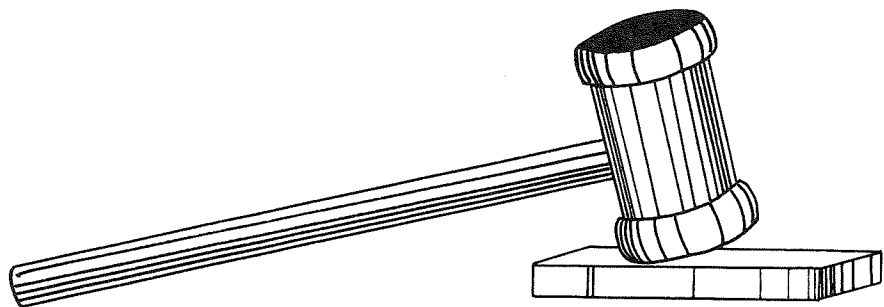
The court stated that the initiative in California, "is not a public opinion poll. It is a method of enacting legislation, and if the proposed measure does not enact legislation, or if it seeks to compel legislative action which the electorate has no power to compel, it should not be on the ballot." (at p. 9)

U.S. Supreme Court Justice William Rehnquist refused to set aside the ruling, stating he believed a majority of the nation's highest court "would conclude that there is an adequate and independent state ground for the California court's decision...therefore, the case appears to lack a federal question warranting review by the U.S. Supreme Court" (*Denver Post*, September 8, 1984, p. 11D)

nothing but a resolution and the initiative power granted the people under the Montana constitution to enact "laws" and "amendments" does not include the power to enact an Article V resolution. Additionally, the people of Montana cannot circumvent their constitution by indirectly doing that which cannot be done directly.

Although the Justices' opinion is not available at this date, excerpts from the court order, quoted above, reflect the same tone and concerns as the California decision.

What will be the response if courts continue to disallow advisory measures and resolutions? Frustrated proponents of advisory measures may try to change the initiative process itself to allow such measures. The California Supreme Court went so far as to suggest that "it may well be that the declaration of broad statements of policy is a more suitable use for the initiative than the enactment of detailed and technical statutes," only to maintain that, nevertheless, such resolutions fall outside of the intended scope and literal construction of the state's current initiative provisions.



In a 6-1 decision reached October 1, 1984, the Montana State Supreme Court also ordered an initiative calling for a federal balanced budget amendment removed from the ballot. Quoting from the court order in State ex rel. Harper vs. Waltermire, No. 84-391 (Montana, October 1, 1984):

(The initiative) is independently and separately facially invalid under the Montana Constitution (citations). Although said initiative purports to be a constitutional amendment, it is

Or, proponents of advisory measures may simply change their tactics and seek media access rather than ballot access. Petitions in themselves are powerful instruments as the expression of a collective will, and any elected representative or official who ignores the message of tens of thousands of signatures does so at peril.

The initiative process has been around for almost 85 years, but only with the recent surge in initiative activity have many of these problems developed. As the popularity of the initiative seems to in-

Continued on Page 5

*Cont. from Page 4*

crease with each election cycle, so deepens the plight of the state officials charged with administering the process.

Outside the states of Massachusetts, Nebraska, and Oregon, no mechanism exists for state officers to decline an initiative measure as unconstitutional before signatures are collected.

Also, controversy over initiative content will continue to generate court cases unless states adopt pre-filing content review, an idea which itself raises questions. Should states bar circulation of petitions that are almost certainly to be later declared unconstitutional? Should states bar circulation of petitions falling outside

the definition of initiative subjects? Should states sue for early court decisions on such petitions, before signatures have been gathered?

Some states send initiative suits directly to the state Supreme Court, recognizing that a protracted appeal process and an inflexible election calendar seldom make for timely decisions on ballot issues.

If court challenges are to become an expected part of virtually every initiative proposal, allowances will have to be made in the provisions of the initiative process itself to accommodate the time-consuming process of adjudication. As the predicament of Missouri election officials illustrates,

signature filing deadlines only 90 or 120 days before an election may no longer be practical.

Initiative proponents might claim that these recent rulings will have a "chilling" effect on the initiative... but the reverse might also be claimed: such rulings could prevent advisory issues from cluttering the ballot, confusing the voter, and trivializing the initiative process. Early initiative proponents saw the initiative as a means by which citizens might force action, in the face of government inaction, on issues of utmost importance. But if we assign utmost importance to all issues, have we assigned it to any?

---

## Colorado Ban on Paid Circulators Upheld

Does a prohibition against paying people to gather petition signatures violate the free speech rights of initiative proponents? Yes, said backers of a Colorado deregulation initiative, and earlier this year they went to court to argue their case.

In Paul K. Grant et al vs. Natalie Meyer<sup>1</sup>, the plaintiffs argued that a state law prohibiting paid petition circulators infringed on free speech rights, because part of the process of obtaining the signatures of electors is the communication to those persons of the merits of the issue. Thus the communication inherent in the petitioning process is political expression, hence protected speech.

The state of Colorado defended the law as serving the state's compelling interest to protect the integrity of the initiative process. The state asserted that the statute prevented abuses in signature collection efforts without creating any real obstruction to proponents' efforts to qualify initiatives in the state.

The judge's opinion in that case (later upheld in appeal) provides useful observations on the role of petition circulators in the initiative process.

Ruling against the plaintiffs and upholding the constitutionality of the statute, District Judge John Moore wrote:

"...The evidence did not indicate that plaintiffs were prevented in any way from espousing their cause simply because they could not obtain paid petition circulators. At best, the evidence indicates plaintiffs' purposes would be enhanced if the corps of volunteers could be augmented by a cadre of paid workers." (Grant, p.5)

"Thus, a threshold question is raised. Does the statute in question constitute a restraint upon the plaintiffs' right to free speech? Remembering that the right asserted here is the right to articulate a political belief to others in face-to-face confrontations over a petition for an initiated constitutional amendment, one must first ask whether the statute imposes a burden on that right.

"In some cases relied upon by plaintiffs, it is apparently assumed that the burden exists.

Yet, I question whether the individual right of any of the plaintiffs is affected by this statute. In order to cross the first threshold, one must find that plaintiffs' rights to political elocution have been restricted because they cannot pay someone else to speak. As I understand the contention, it is not that plaintiffs desire to pay for the dissemination of their political position, as one would do in political advertising, but that they desire to pay someone else to speak upon a subject which plaintiffs support. Thus viewed, the question arises as to whose rights of speech are involved? Can plaintiffs claim their rights to free speech have been invaded because someone else cannot be paid to speak?" (Grant, pp.5-6)

Citing evidence presented by the state (Sue Thomas, Executive Director of NCIR, testifying as an expert witness, see IQ, 2nd Quarter 1984, p. 2), Moore pointed out:

"...provocative historical data from Colorado...shows advocates of initiative measures in this state have as much success





in getting ballot position for their measures as do citizens in states in which petition circulators can be paid....this state ranks fourth in the total number of initiatives placed on the ballot. This is so despite the fact that 20 other states and the District of Columbia permit the payment of petition circulators. The evidence also establishes that Colorado's requirements for placing initiated measures upon the ballot are about the least restrictive of any state. These facts tell me the prohibition against payment of circulators is in reality no inhibition." (p.8)

In his written opinion, Moore reviewed testimony given by Paul Grant, one of the plaintiffs, which indicated that during a past petition drive, Grant persuaded electors to sign a petition simply because it was his birthday. In another drive in Florida, Grant encountered circulators of a petition he supported who padded the petitions with names taken from a telephone book. Moore's opinion asserted:

"While he stated those petitions were not submitted when the padding was discovered, I would nonetheless assume the circulators were motivated to this endeavor by the money they received for each signature obtained.

"This testimony leads directly to the state's purpose of protecting the integrity of the process. The evidence has established under Colorado law, all petition signatures have presumed validity, and no effort is made, as in most states, to independently verify the validity of signatures except upon the filing of written objections. Thus, in order to retain the facility with which initiated measures are qualified for the ballot and to protect the validity of petitions, Colorado does have an interest in eliminating a temptation to pad petitions which transcends the remedy of making such padding a criminal offense." (p.10)

"While it is of perhaps less significance, it cannot be gainsaid that the testimony of Mr. Grant lends credence to the state's contention paid circulators, who are really sales persons paid on the basis of results, would be persuaded to

use techniques of salesmanship which are not inherently illegal just to enhance their own compensation. Indeed, if persons were persuaded to sign Mr. Grant's petition simply because it was his birthday, it takes only a minor stretch of the imagination to conjure possibilities of circulators obtaining signatures because of any other persuasive tactic resulting from the fertile mind of an expert salesman." (p.11)

Moore's decision was taken to the U.S. Court of Appeals, where the July decision in Coloradans for Free Enterprises, Inc. vs. Natalie Meyer, Secretary of State<sup>2</sup> upheld Judge Moore's ruling.

The appellate court further denied Grant's requests to either extend the deadline by which proponents must file their petitions—August 6, 1984—or to order the Secretary of State to place the initiative (Deregulation of Transportation) on the November ballot.

<sup>1</sup>Civil Action No. 84-JM-1207, US District Court, Denver, July 3, 1984

<sup>2</sup>84-1949 [10thC, Colorado (1984)]. US Court of Appeals, 10th Circuit (Colorado) on July 31, 1984

#### And Now There Are 40

In a surprisingly rapid case, the Arkansas Womens Political Caucus was successful in having the "Unborn Child Amendment" stricken from the November 6th ballot. The Arkansas Supreme Court, less than two weeks prior to the election, ruled that the popular title and ballot question of this amendment (#65) were misleading to the voter.

The written opinion in Arkansas Womens Political Caucus vs. The Honorable Paul Riviere, Secretary of State, et al, No. 84-215 (Arkansas, October 24, 1984) expressed concern that the provision "no public funds of the state shall be used directly or indirectly to pay for the expenses of performing or inducing an abortion" was too vague.

Missouri's Supreme Court took some of the guesswork out of the November initiative scene on Wednesday, October 24, by ruling that two initiatives—Proposition B and Constitutional Amendment 7—would appear on the ballot. Another pending measure, Proposition A, which would ban nuclear power plant operation in the state is dead for 1984. Barring any further surprise court actions the total count of initiative measures on the November 6th ballot now stands at 40.

Cont. from Page 2

to qualify for ballot placement. The initiative was removed from the ballot again. Proponents returned to court asking that the Secretary's ruling be overturned on the basis that the sampling process was faulty.

On September 13, the court rejected the request.

On September 15, proponents requested the court to reconsider its refusal to order the measure to the ballot. The court gave Paulus a week to respond to points made in the lawsuit.

On September 26, the court again upheld the decision of the Secretary, barring the Marijuana Initiative from the November ballot.

(Some of the details of this report were taken from articles appearing in the *Oregonian*, Portland, OR, the *Mail Tribune*, Medford, OR, and the *East Oregonian*, Pendleton, OR, from August 18-September 27, 1984.)

An attempt to bar the "Victim's Rights Bill" from the Oregon ballot was rejected by the Oregon Supreme Court early in September. In a suit brought by the American Civil Liberties Union, the initiative was characterized as in violation of the single-subject restriction, and opponents contended that Norma Paulus, Secretary of State, erred by placing Measure 8 on the ballot.

The court did not rule on the constitutionality of Measure 8, but declined to intervene in the case at the "eleventh hour" stating that opponents should have taken action when the initiative petition was titled.

## Missouri's Ballot Hung Up In Court

As of this writing, the contents of Missouri's November ballot remain so uncertain that Secretary of State James C. Kirkpatrick wrote an October 5 memo to the state's election authorities warning them to "be prepared at any time" to either add or remove propositions from the ballot. Since Kirkpatrick's memo explains quite well the reasons for all the uncertainty, it is reprinted below.

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Subject: Summary of status of Constitutional Amendments and Statutory Measures proposed for the November 6, 1984 General Election

**Constitutional Amendments Nos. 1, 3 and 5** will definitely appear on the ballot in November.

Constitutional Amendment 1 deals with local retirement systems; Constitutional Amendment 3 deals with medical benefits for dependents of state officers and employees of the state; Constitutional Amendment 5 provides for a state lottery.

Other issues that may or may not appear on the ballot include: Constitutional Amendment 7 proposed by initiative petition dealing with pari-mutuel wagering. The petition was declared insufficient by our office, and a court case was filed in Judge Kinder's court. Judge Kinder has overturned our decision and ordered the matter be placed on the ballot. However, his decision has been appealed and will be heard in the Missouri Court of Appeals in Kansas City on October 18, 1984.

Proposition "A" proposed by initiative petition closing the Callaway Nuclear Plant was found insufficient by our office and a court case was filed in Judge McHenry's Court challenging our decision. Judge McHenry ruled in our favor and ordered the Proposition not to be included on the November 1984 ballot, which decision was supported by the Western Division of the Missouri Court of Appeals, Kansas City, MO, Monday October 1, 1984. Again, however, this decision has been appealed to the Missouri Supreme Court and to date no date has been set for a hearing.

Proposition "B" also submitted by petition dealing with electrical rates charged consumers by Union Electric and other electric plants in Missouri was approved by our office as sufficient. However, Union Electric filed a case in Judge Kinder's court protesting our decision and the court has ordered Proposition "B" off the ballot. The sponsors of the petition appealed that decision to the Missouri Court of Appeals in Kansas City, which court upheld Judge Kinder. However an appeal has been filed in the Supreme Court, and again to this date, no hearing has been set.

As the official statewide issue ballot now stands Constitutional Amendments No. 1, 3 and 5 are definitely on the ballot. Constitutional Amendment No. 7 is printed on the ballot but could be stricken by a competent court of law.

Statutory Measure Proposition "A" is not printed on the ballot, and of course, will not be unless ordered to do so by an Appellate Court.

Proposition "B" is printed on the absentee ballot; however, it will be removed from the General ballot unless otherwise ordered by a competent court of law.

In a nutshell, Constitutional Amendments Nos. 1, 3, 5 and 7 and Proposition B should be printed on the absentee ballots for the November 6, 1984 General election. However, the election authority should be prepared at any time to remove Constitutional Amendment 7 and/or Proposition 'B' from the ballot pending a directive by a competent court of law or the Secretary of State, and/or be prepared to add Proposition "A" to the ballot.

Table 1 compares the 42 initiatives that appeared to be headed for the November ballot in 16 states plus the District of Columbia with initiative activity in the previous six years. The summary in Table 1 listing subject classifications since 1978 shows that the level of activity has dropped in 1984 in the categories of governmental reform, taxes, regulation of business, and national policy questions, while activity increased in the categories of public morality, health/welfare, civil liberties, and education.

Table 1. Initiative Ballot Measures On State Ballots  
1978-1984 — By Category

CATEGORY	1978		1979		1980		1981		1982		1983		1984		TOTAL	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Government/Political Reform	1	2	--	--	6	14	1	17	6	10	1	20	5	12	20	10
Public Morality Issues	6	16	--	--	5	12	--	--	3	5	--	--	9	21	23	12
Revenue/Taxes/Bonds	14	36	1	33	19	44	1	16	14	24	1	20	7	16	57	29
Regulation-Business/Labor	9	23	--	--	9	21	3	50	16	28	1	20	8	19	46	23
Health/Welfare/Housing	1	3	--	--	1	2	--	--	--	--	--	--	2	5	4	2
Civil Liberties/Rights	4	10	--	--	--	--	--	--	2	3	1	20	5	12	12	6
Environmental/Land Use	3	8	2	64	2	5	--	--	9	16	1	20	2	5	19	10
Education	1	2	--	--	1	2	1	16	--	--	--	--	2	5	5	3
National Policy Issues	--	--	--	--	--	--	--	--	8	14	--	--	2	5	10	5
<b>TOTAL</b>	<b>39</b>	<b>100</b>	<b>3</b>	<b>100</b>	<b>43</b>	<b>100</b>	<b>6</b>	<b>100</b>	<b>58</b>	<b>100</b>	<b>5</b>	<b>100</b>	<b>42</b>	<b>100</b>	<b>196</b>	<b>100</b>

## A Comparison of Initiative Activity By State

The number of titled proposals increased by more than 30 percent, from 225 in 1982 to 325 in 1983-84. A look at activity within the states will help identify areas of growth and possible parallels between the number of petitions circulated and the number of measures that qualified for the ballot. Table 2 lists, by state, the number of initiative proposals submitted for approval to circulate and shows the number and percentage of those measures which qualified for the ballot.

Levels of initiative activity remained relatively constant in most initiative states. California, the District of Columbia, Idaho, Oklahoma, and Oregon saw large increases in the number of petitions titled. With the increase in titled measures, there was a dramatic decrease in the percentage of measures that qualified for the ballot. For example,

California's success rate dropped in half, Idaho went from a 50% success rate in 1982 to a meager 9% in 1984. Oregon was the only state with a large increase in the level of activity that maintained about the same (low) percentage of successful drives in both elections.

### A Closer Look at Success/Failure Rates

At first glance, it appears that 1984 had fewer successful initiative drives. Of the 325 measures tracked by *Initiative Quarterly* in 1983-84, only 40 will be voted on, for a success rate of slightly less than 13 percent. This is lower than 1982's 58 successful drives out of 225 attempted, a success rate of about 25 percent. Add to this Alaska's legislative pay initiative and Massachusetts's animal experimentation initiative, both of which were adopted in those states' legislatures, and the six measures

which were thrown off ballots by state courts, and the 1984 success rate would rise to about 16 percent.

This leads to the question: Were petition drives simply less successful across the board, or were some states' success rates particularly lower than in 1982? To find the answer, we grouped states by the number of initiative petitions titled, in increments of 5, and then looked at the average success rate for each increment of titled measures in 1982 and 1984. Using the figures in Table 2, the results of this comparison are shown in Figure 1 (page 10).

In both years, states where 5 or fewer initiative petitions circulated had a high success rate, even slightly higher this year than in 1982. But, as the number of proposals in a given state increased, the chance for success dropped dramatically. As the number of proposals increased to the 5-to-10 increment, the success

*Continued on Page 9*

Cont. from Page 8

rate plummeted from 52% to about 19% in 1984. This rate continues to fall until the range of 31-35 proposals, where it picks up slightly and then increases again in the ranges of 56-60 and 61-65 proposals. In California and Oregon, with 64 and 57 initiatives respectively, the success rate was only 14%, up a bit from the 10% bottom mark in 1982.

**Conclusions**

The graphs in Figure 1, drawn from the numbers in Table 2 (page 9),

show that even though the success rate for initiative petition drives was lower in 1984 than in the previous election, most states held fairly constant both in the number of measures titled and the percentage that reached the ballot. A large increase in the number of titled measures in a few states accounts for the decline overall in success rates.

The marked decline in success rates as the total number of proposals in-

crease could indicate a saturation point or threshold in the behavior of the public, a public called upon to sign petitions and to respond to direct mail appeals. Or, increases in the number of frivolous measures may be skewing the 1984 numbers--proponents may be filing more proposals for approval to circulate petitions, but then failing to make a serious attempt to qualify the measure for the ballot.

Continued on Page 10

**Table 2. Comparison of Successful Initiative Drives  
By State — 1982 - 1984**

State	1982					1983					1984					Carried Forward
	Titled	No. Qualified	%	No. On Ballot	%	Titled	No. Qualified	%	No. On Ballot	%	Titled	No. Qualified	%	No. On Ballot	%	
Alaska	4	4	100	3	75	—	—	—	—	—	4	2	50	1	25	2
Arizona	14	4	29	4	29	—	—	—	—	—	15	2	13	2	13	—
Arkansas	5	1	20	0	0	—	—	—	—	—	5	4	80	3	60	—
California	30	9	30	9	30	—	—	—	—	—	64	9 <sup>a</sup>	14	7	11	4
Colorado	13	3	31	3	31	—	—	—	—	—	10	3	30	3	30	—
DC	2	2	100	2	100	1	1	100	1	100	12	1	15	1	15	3
Florida	11	0	0	0	0	—	—	—	—	—	17	2	12	0	0	15
Idaho	6	3	50	3	50	—	—	—	—	—	11	1	9	1	9	—
Illinois	2	0	0	0	0	—	—	—	—	—	—	—	—	—	—	—
Maine	5	3	60	3	60	1	1	100	1	100	1	0	0	0	0	—
Massachusetts	14	1	7	1	7	—	—	—	—	—	20	1	5	0	0	—
Michigan	19	5	26	5	26	—	—	—	—	—	17	1	6	1	6	—
Missouri	9	2	22	2	22	—	—	—	—	—	3	1	33	2 <sup>b</sup>	66	—
Montana	10	4	40	4	40	—	—	—	—	—	10	3	30	2	20	—
Nebraska	2	1	50	1	50	—	—	—	—	—	6	0	0	0	0	—
Nevada	2	2	100	3	150 <sup>c</sup>	—	—	—	—	—	6	1	17	1	17	1
North Dakota	3	2	66	2	66	—	—	—	—	—	4	2	50	2	50	—
Ohio	4	1	25	1	25	4	3	75	3	75	1	0	0	0	0	—
Oklahoma	2	2	100	2	100	—	—	—	—	—	11	1	9	1	9	3
Oregon	27	4	15	4	15	—	—	—	—	—	57	8	14	8	14	—
South Dakota	4	1	25	1	25	—	—	—	—	—	4	3	75	3	75	—
Utah	4	0	0	0	0	—	—	—	—	—	6	1	17	1	17	—
Washington	31	3	10	3	10	14	0	0	0	0	17	3	18	3	18	—
Wyoming	2	0	0	0	0	—	—	—	—	—	4	0	0	0	0	—
<b>TOTALS</b>	<b>225</b>	<b>56</b>	<b>25</b>	<b>56</b>	<b>25</b>	<b>20</b>	<b>5</b>	<b>25</b>	<b>5</b>	<b>25</b>	<b>305</b>	<b>49</b>	<b>16</b>	<b>42</b>	<b>13</b>	<b>28</b>

<sup>a</sup>Sebastiani's Reapportionment initiative was originally intended for the June 1984 primary and later scheduled for a special election on December 13, 1984. It was removed from the ballot by the California Supreme Court. The initiative is included in the 1984 count.

<sup>b</sup>Pari-Mutuel wagering failed in certification but was placed on the ballot by the State Supreme Court on October 24, 1984.

<sup>c</sup>Nevada law requires amendments by initiative to appear on two successive general election ballots. Thus, 1982's ballot had the two measures certified in 1982 plus a measure carried forward from the 1980 ballot.

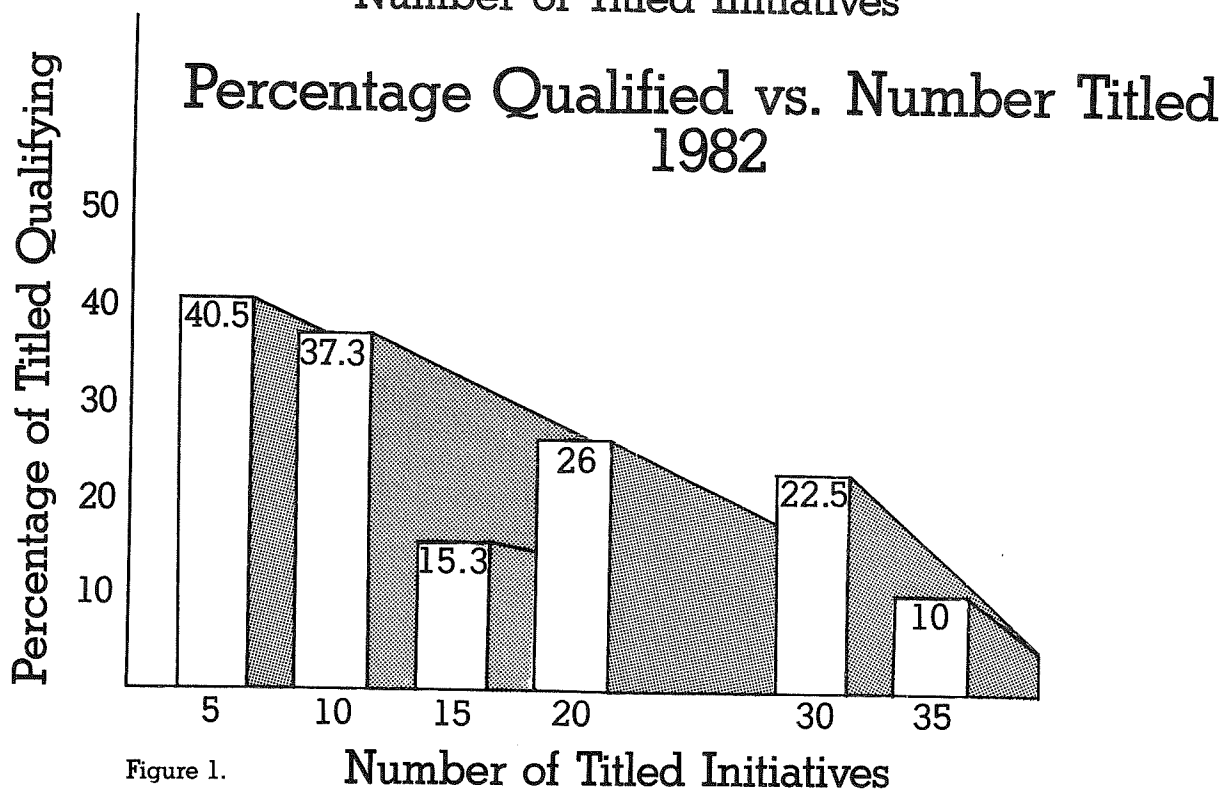
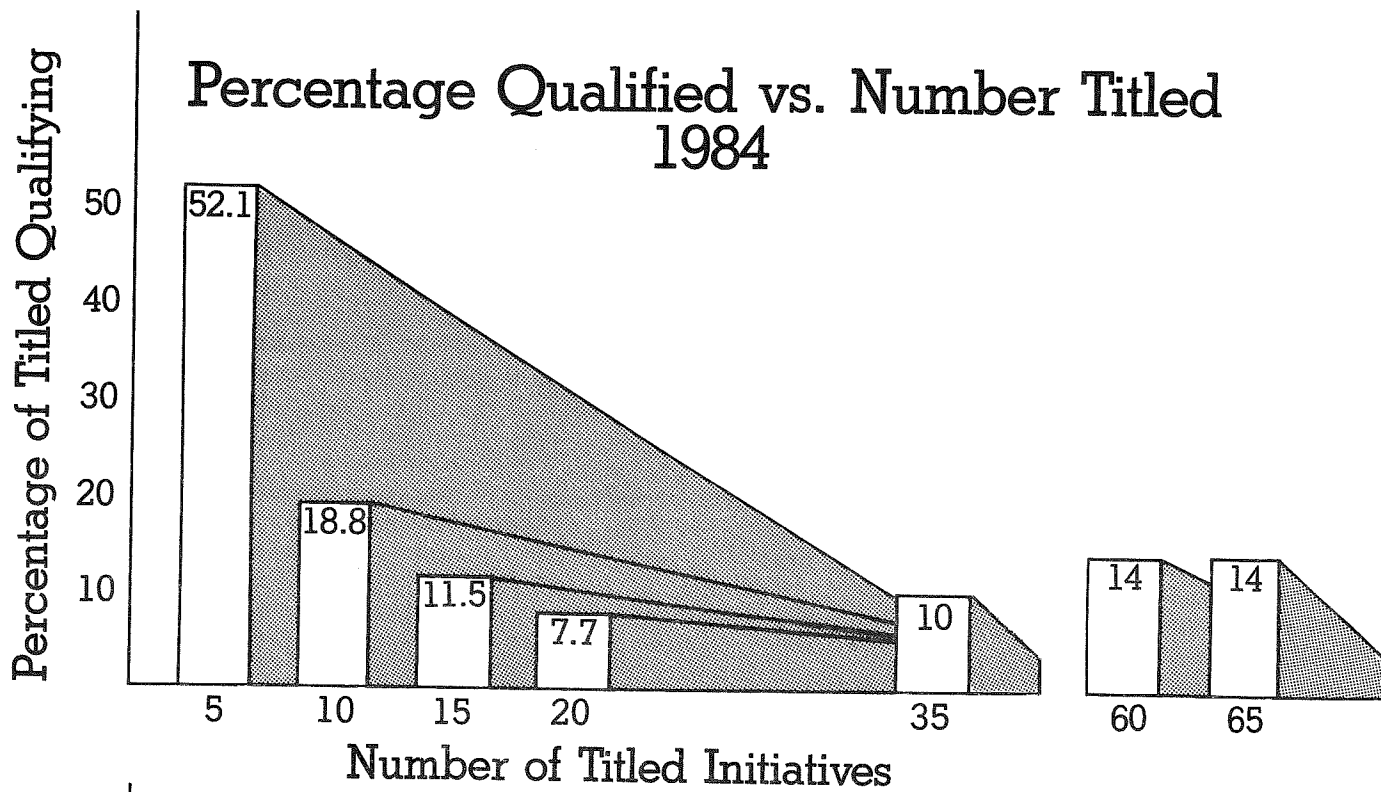


Figure 1.

# INITIATIVE UPDATE

Summary of Initiative Ballot Measures  
Appearing on State Ballots  
November 6, 1984 (unless otherwise noted)

## ALASKA

**Ballot Measure 3 (ST): Abolish the Alaska Transportation Commission and Deregulate Transportation:** 1) repeals statutes establishing Alaska Transportation Commission and those which empower the Commission to regulate activities of air carriers and motor freight operators; 2) requires those persons who carry passengers of freight for hire to provide insurance or other adequate security to assure financial responsibility for their activities; 3) restricts power of municipalities to regulate persons who carry passengers or freight; 4) directs governor to seek repeal of federal statutes (The Jones Act) which requires use of U.S. vessels to ship goods between U.S. ports.

## ARIZONA

**Initiative 200 (ST): Cost Effective Health Care:** 1) establishes Arizona Health Care Authority with jurisdiction over all non-federal hospitals in state, with three directors, appointed by the governor, responsible for adopting and administering state health plan, establishing prices for hospital services, and reviewing capital expenditure proposals; 2) funded by reductions in State Department of Health Services, federal funds and state funding by legislature and levies on hospitals (based on number of beds); 3) capital expenditures over \$1M, some new services and increase in beds to be approved by commission and comply with state health plan; 4) pricing--for specific services to be set in accordance with "diagnosis related groupings" as used by Medicare; 5) provides incentives in that hospitals can use surplus funds (less than DRG) as they wish; 6) authority to cease in 1993 unless extended by legislature.

**Initiative 110 (CA): Regulation of Health Care Institutions:** grants state authority to regulate; not required for passage and implementation of #200 but to strengthen state's position in case of legal challenge.

## ARKANSAS

**Amendment 64: Four-Year Term:** Would increase terms for state constitutional officers from current 2-year term.

**Amendment 65: Unborn Child Amendment:** 1) establishes state public policy as promoting the health and welfare of unborn from conception to birth; 2) legislature to regulate; 3) allows state funds for abortion only if mother's life is in danger. **LATE UPDATE: Ruled off the ballot by Arkansas Supreme Court 10-24-84.**

**Amendment 66: Lawful Wagering:** Would allow casino gambling in Garland County (Hot Springs); proceeds of state's portion of funds as follows: 40% to county governments, 40% to municipalities in the First Class and to county seats; 20% to state treasury to reduce and/or eliminate sales taxes paid by citizens 65 and over, or for burial expenses, or for prescription medicines. (Note: disbursement provisions are not contained in ballot title.)

**Amendment 67: Game and Fish Sales Tax:** 1) increases sales tax by 1/8% to fund Game & Fish Commission; 2) revenues to be deposited in the state treasury in the Game Protection Fund to the exclusive use of the Game & Fish commission as appropriated by the legislature.

## CALIFORNIA

**Proposition 36: Taxation Initiative. Constitutional Amendment (Save Prop 13):** 1) amends Article 13A enacted by Prop. 13 in 1978, adding restrictions on real property taxation, enactment of new tax measures and charging of fees; 2) prohibits imposition of new taxes based on real property ownership, sale or lease; 3) prohibits increasing other taxes except upon 2/3 vote of legislature for state taxes and 2/3 vote of electorate for local government; 4) restricts imposition of fees exceeding direct costs of services provided; 5) provides specified refunds including taxes attributable to assessed value inflation adjustments in tax years 1976-77 through 1978-79; other changes.

**Proposition 37: State Lottery. Initiative Constitutional Amendment and Statutes:** 1) amends constitution to authorize establishment of a state lottery and to prohibit casinos; 2) adds statutes for establishment of state-operated lottery; 3) revenues--50% prizes, not more than 16% expenses; at least 34% to public education; 4) requires equal amounts be distributed to K-12, community college districts, state universities and colleges, and the University of California; 5) contains a number of specific provisions concerning operation and administration of lottery and funds.

# INITIATIVE UPDATE

**Proposition 38: Voting Materials in English Only. Initiative Statute:** 1) states declaration of public policy concerning use of common English language; 2) adds new statute requiring governor to write to President and all members of Congress a communication urging federal law to be amended so that ballots, pamphlets, and all other official voting materials be printed in English only.

**Proposition 39: Reapportionment. Initiative Constitutional Amendment & Statute:** 1) repeals existing constitutional and statutory provisions; 2) adds provisions specifying criteria and procedures to reapportion Senate, Assembly, Congressional and Equalization districts for 1986 and after each decennial census; 3) establishes commission to adopt plans, with 8 former appellate court justices who have not previously been representatives from districts reapportioned and meeting other criteria, plus certain non-voting members; 4) voting members selected by lot equally from two lists of justices appointed by governors representing the largest and second largest list of registered voters; 5) plans subject to referendum and Supreme Court review.

**Proposition 40: Campaign Contribution Limitations. Elective State Offices. Initiative Statute:** 1) adds limits on contributions to and expenditures by candidates for elective state offices; 2) permits contributions by individuals, PACs, and political parties; 3) individual yearly contributions limited to \$1,000 per candidate and \$250 per party or PAC, with \$10,000 maximum to all candidates; 4) parties and PACs yearly contributions limited to \$1,000 per candidate; 5) restricts independent expenditures, loans and use of surplus contributions; 6) candidates can expend personal funds without limit; 7) provides some public funds to candidates to match personal expenditures of opposition candidates; other enforcement provisions and limitations.

**Proposition 41: Public Assistance Programs. Initiative Statute:** 1) establishes Public Assistance Commission to annually survey and report on state per capita expenditures and state and county administrative costs of public assistance programs in California and other states; 2) limits expenditures for benefits under each program to the national average expenditure, including California, plus 10%; 3) permits increase in any program expenditure upon majority vote of legislature so long as total expenditures do not exceed limit; 4) defines programs included; exempts programs--primarily involving aged, blind and disabled; 5) provides for amendment by legislature after specified public notice; other provisions.

## COLORADO

**Measure 3 (CA): Prohibit Use of Public Funds for Abortion:** 1) Prohibits use of public funds by state or any of its agencies or subdivisions to pay for or reimburse, directly or indirectly, any person, agency or facility for any induced abortion; 2) permits the General Assembly, by specific bill, to authorize and appropriate funds for medical services necessary to prevent the death of a pregnant mother or her unborn child if every reasonable effort is made to preserve the life of each.

**Measure 4 (ST): Voter Registration:** 1) provides for additional voter registration of qualified electors applying for a driver's license; 2) allows voter registration up to 25 days before an election; 3) provides that registered electors not voting in one general election will retain their registration, but may be placed on an "inactive" status if it appears they have moved from their address of registration; 4) provides for the purging or making current of "inactive" voter registrations.

**Measure 5 (CA): Casino Gaming:** 1) provides for the conduct of casino gaming in Pueblo County as of July 1, 1985; 2) directs appointment of a commission to regulate and license casino gaming and the sale of alcoholic beverages in conjunction therewith, and to control an adjacent recreational area; 3) directs payment to the commission of license fees and up to 10% of gross proceeds from casino gaming and that, after deduction of administrative and organizational costs from such payment, appropriation of the balance for public schools and the medically indigent program; 4) requires the General Assembly to implement the amendment.

## DISTRICT OF COLUMBIA

**Initiative No. 17: D.C. Right to Overnight Shelter Act:** Would compel the District of Columbia government to provide adequate overnight shelter to anyone who wants it; provides for identification of homeless.

## IDAHO

**IP No. 1 (ST): Tax-Free Food Initiative:** 1) exempts the sale of food products for human consumption; 2) does not include food products prepared and sold in any eating establishment or for food products sold in vending machines at a price of more than 15 cents.

# INITIATIVE UPDATE

## MICHIGAN

**Proposition C(CA): Voters Choice Initiative:** 1) requires voter approval of all new taxes and all changes in taxation which result in revenue increases; 2) requires voter approval or 4/5 approval of the responsible legislative body to increase revenues through use of any fee, license, user fee or permit; 3) every proposal for tax revenue increase or new tax to state total anticipated revenue, purpose for which funds will be devoted, and date of expiration; 4) uses December 31, 1981 as reference point to determine if revenue increases occur due to any legislative change; 5) limits non-resident income taxes levied by any political subdivision to 1/2%; 6) provides 90-day transition period.

## MISSOURI

**Proposition A(St): Ban Nuclear Power Plants:** 1) a nuclear power plant may not be operated in the state; 2) to protect Missouri from economic uncertainties and risks associated with operation of nuclear power plants, including uncertainties of nuclear waste disposal problems; 3) defines "nuclear power plant" as an electric power generating facility utilizing nuclear fission as a power source; 4) costs incurred through 11/6/84 in connection with nuclear power plant can be recovered by company; 5) authorizes Attorney General to enforce this act, and failing his action, allows citizen to bring action to enforce and if successful, recover expenses and legal fees. **LATE UPDATE: Supreme Court rejected for ballot 10/24/84.**

**Constitutional Amendment 7: Pari-Mutuel Betting:** This initiative failed in certification; appeals are pending in State Supreme Court. **LATE UPDATE: Supreme Court cleared for ballot 10/24/84.**

**Proposition B(ST): A Proposed Act Respecting Electrical Corporations:** 1) protects ratepayers from rate shock by either limiting rate increases to 10% per year in question, deferring any additional amount until a later year or by phasing in total increase over a period of not less than 5 years; 2) disallows charges related to construction cost overruns; 3) prohibits consumers from being charged for contributions relating to cleanup or repair of another utility company's damaged plants; 4) disallows charges for new power plant construction; 5) disallows charges for construction of nuclear power plants until an economically feasible, permanent means of disposal for radioactive waste from plant has been approved; 6) distributes costs of cancelled power plants among federal government, utilities and consumers; 7) prohibits utilities from transferring assets to holding companies. **LATE UPDATE: Supreme Court cleared for ballot 10/24/84.**

## MONTANA

**I-96 (ST): Milk Price Decontrol:** 1) abolishes State Board of Milk Control; 2) eliminates state control of the price of milk; 3) eliminates certain license requirements and other regulations on the sale of milk.

**I-97 (ST): State Licensing of Denturists:** 1) permits denturists to make, fit, repair, and furnish dentures to the public; 2) sets standards for issuing licenses and conduct of practice; 3) creates State Board of Dentistry to administer examinations to applicants for licenses and to collect fees for issuing and renewing licenses; 4) exempts licensed denturists from the Dental Practices Act and amends several sections of that act.

## NEVADA

**Question 12 (CA): Tax Limitation:** 1) requires new revenue measures from 1/1/84 (under any name) be proposed by 2/3 vote of the governing body and approved by simple majority of voters on the issue at a general or special election; 2) without said approval, the following shall not increase: any tax (except taxes ad valorem and taxes levied to service debt), any fee for licenses or permits, any service charge beyond what is reasonably necessary to cover increased cost of providing service; 3) no increase over 5% over previous year unless excess is approved by voters; 4) governments may levy tax or service charge necessary to cover cost of indebtedness existing as of 1/1/87. No indebtedness shall be incurred after that date unless first approved by voters in the jurisdiction or by 2/3 majority in each house of the legislature; 5) establishes trust accounts for industrial accidents/occupational diseases and for funding and administering public employees retirement funds. (Note: This amendment must pass in 1984 and 1986 to become effective.)

## NORTH DAKOTA

**Ballot Measure 3 (CA): Right to Bear Arms:** 1) Reaffirms right of citizens to own weapons; 2) prohibits legislature from passing laws infringing upon this right.



# INITIATIVE UPDATE

## NORTH DAKOTA, continued

**Ballot Measure 4 (CA): Control of Junior Colleges:** Repeals 1983 law which placed responsibility for administration and funding of junior colleges to state.

## OKLAHOMA

**State Question 563 (CA): Liquor by the Drink:** Appeared on ballot 9-18-84

yes = 425,803 (52%), n = 396,923 (48%) turnout = 49.7%

## OREGON

**Ballot Measure 2 (CA): Constitutional Real Property Tax Limit:** 1) limits real property tax to lesser of 1.5% 1981 assessed value as adjusted or amount levied for 1983-84; 2) taxes for existing debt exempted; 3) assessed values may increase 2% annually; 4) requires state-financed renter relief; 5) new or increased taxes require majority vote of 50% of legal voters of taxing unit; 6) specifies two tax election dates; 7) limits license, user fees and service fees to actual costs; 8) exempts social security benefits from taxation.

**Ballot Measure 3 (CA): Citizens' Utility Board:** 1) creates Citizen's Utility Board to represent interests of electric, telephone, gas and heating utility consumers before legislative, administrative and judicial bodies, and to also conduct research and investigations; 2) authorizes Oregon residents contributing \$5 million to board to vote for members of board; 3) establishes eligibility requirements and limits contributions and expenditures for board candidates; 4) authorizes board to periodically include certain material with utility mailings subject to limited cost reimbursement to the utility; 5) exempts municipalities, cooperatives and people's utility districts.

**Ballot Measure 4 (CA): State Lottery:** 1) establishes a state lottery and commission, prohibits casinos; 2) profits to be used to create jobs, and for economic development; 3) requires 50% proceeds for prizes, limits expenses to 16%; 4) requires legislature to lend \$1.8 million to fund initial costs, to be repaid from proceeds.

**Ballot Measure 5 (ST): State Lottery:** 1) becomes effective if Ballot Measure 4 passes; 2) calls for 50% proceeds to be returned as prizes, exempt from state taxes; 3) distribution same as in #4 above; 4) establishes qualifications for lottery commission, director, retailers, vendors, and contractors; 5) provides for security audits and studies; 6) contains many details not mentioned here.

**Ballot Measure 6 (CA): Death Penalty:** 1) exempts aggravated murder statutes requiring death penalty on unanimous jury finds from constitutional guarantees against cruel and disproportionate punishments; 2) where death was not imposed, the penalty would remain life imprisonment with a mandatory minimum provided by statute.

**Ballot Measure 7 (ST): Death Penalty:** 1) requires that penalty for aggravated murder be death by lethal injection when unanimous jury finds beyond a reasonable doubt that defendant a) acted deliberately with reasonable expectation that death would result b) is probably a continuing threat to society and c) responded unreasonably to any provocation by deceased; 2) requires Supreme Court review; 3) requires life imprisonment with 30-year minimum sentence subject to Parole Board review after 20 years in all other cases.

**Ballot Measure 8 (ST): Victims' Rights Initiative:** 1) Gives state right to jury trial and additional jury challenges in criminal cases; 2) repeals statutes on exclusion of unlawfully obtained evidence; 3) expands disclosure at trial of witness' prior convictions; 4) limits separate trials for jointly charged defendants; 5) clarifies sentencing for multiple offenses, concurrent and consecutive sentences; 6) expands police authority to conduct "stops"; 7) broadens scope of victims' compensation from fines; 8) gives victim role in sentencing and parole process; 9) provides stiffer parole standards; other changes.

**Ballot Measure 9 (ST): Nuclear Waste Disposal Sites:** 1) Adds to existing requirements for the Energy Facility Siting Council to find, before approving a site for the disposal of radioactive wastes, a) that the site is not subject to water erosion, earthquakes, volcanoes, or landslides; b) that there is no safer choice for such disposal and c) that there will be no radioactive release from the waste site.

# INITIATIVE UPDATE

## SOUTH DAKOTA

**Initiative Measure 1 (ST): Nuclear Waste Disposal:** 1) people of South Dakota reserve the exclusive right to approve or reject these activities proposed to take place within the state: a) disposal of low-level or high-level nuclear waste, b) joining of the state to any compact with another state(s) with respect to these materials; 2) these activities shall not take place without the approval of the voters of the state in an election; 3) such a vote will not take place until an application is submitted to the Secretary of State and a summary of the application is published in generally circulated newspapers and until at least seven hearings have been held on the application, with applicant present to answer questions, throughout the state by a neutral party (costs borne by applicant); 3) exempted are those entities who, with Nuclear Regulatory Commission approval, both generate and store their nuclear waste on-site and whose primary purpose is not to dispose of nuclear waste; 4) law is retroactive to 1/1/83.

**Initiative Measure 2 (ST): Opening of Elementary and Secondary Schools:** 1) School board shall operate the schools for at least a nine-month regular term in any one school year; 2) such term shall consist of school actually in session for a minimum of 175 days, however the days in session plus days of legal school recess need not exceed 190 days; 3) the first day of school shall not be set prior to the first Tuesday following the first Monday in September; 4) a school board may operate a special term during summer months.

**Initiative Measure 3 (ST): Verifiable Nuclear Arms Freeze:** 1) Prior to 1/5/85, the governor shall inform the President and members of the South Dakota Congressional Delegation of the following mandate: a) that the U.S. enter into agreement with the Soviet Union that neither country will build, test, or put into place any more nuclear warheads, missiles, planes, submarines, or any other launchers designed to fire nuclear warheads; b) that the U.S. faithfully observe this agreement after it is signed and that the U.S. closely monitor the Soviet Union to insure it also is faithfully observing the agreement; c) that the U.S. and Soviet Union should then begin to reduce the number of nuclear weapons in an orderly and balanced way and to involve other nuclear nations in such reductions.

## UTAH

**Initiative Proposal A (ST): Cable TV Decency Act:** 1) makes it unlawful to knowingly distribute within the state any obscene or indecent material by means of cable TV or enhanced cable television services or any broadcast or transmitting capacity which is not subject to regulation by the FCC insofar as the decency content of the broadcast material is concerned; 2) intent of the statute to regulate the decency content of material broadcast and/or transmitted for reception in the state of Utah where there is no valid federal statute or regulation governing the decency content of such material or where the FCC has specifically declined to exercise jurisdiction; 3) enumerates and describes "indecent" material; 4) establishes penalties for violation as Class A misdemeanor...two convictions are deemed a moral public nuisance and may lead to suspension of right to do business in state for one year.

## WASHINGTON

**I-456 (ST): Decommmercialization of Steelhead Fishing; Indian Rights:** 1) seeks to end Indian fishing privileges as interpreted by U. S. District Court Judge George Boldt 10 years ago, which gave the Indians 50% of the allowable salmon and steelhead catch on rivers covered by treaties; 2) would create statute saying that all citizens, including treating Indians, have equal rights to fish.

**I-464 (ST): Sales Tax Exemptions:** Exempts from sales tax calculation the value of used automobiles traded toward the price of a new automobile.

**I-471 (ST): Public Funding of Abortions Prohibited:** Prohibits the use of public funds for abortion except where the mother's life is in danger.

# INITIATIVE UPDATE

The following status report covers petition drives for elections after November 1984.

Subject	Status	CA/ST	Sign.Req.	Due	Ballot	Remarks
<b>ALASKA</b>						
Nuclear Weapons Freeze	Certified	ST			1986	Init. #8303. Will be on ballot unless passed by State Legislature.
Compensation for State Legislators	Certified	ST			1986	Init. #8304. Will be on ballot unless passed by State Legislature.
Liability of Providers of Alcoholic Beverages	In Prog	ST	19,936	10-10-85	1986	Init. #8401. Sponsor: Katherine Bigler of MADD organization (Mothers Against Drunk Drivers).
<b>CALIFORNIA</b>						
Locally Governed Community College; Stable Funding	Failed	CA	630,136	9-11-84		No. 0352. Insufficient signatures submitted.
Federal Voter Initiative Process	Failed	ST	393,835	9-17-84		No. 0354. Insufficient signatures submitted.
Governmental Organization	Withdrawn	CA				Unnumbered. Sponsor D. Excell et al
Fair Motor Vehicle Insurance	Pending	CA	630,136	TBD	TBD	Filed 11-29-83. AG awaiting further action by proponent.
Legislative Reform; Limit Terms; Part-time Legislature	Pending	CA	630,136	TBD	TBD	Titling expected to be complete by end of October.
<b>DISTRICT OF COLUMBIA</b>						
DC Statehood Constitutional Convention	In Prog	Ord	22,427	12-4-84	TBD	No. 20.
DC Human Rights Initiative	In Prog	Ord	22,427	12-3-84	TBD	No. 21.
<b>FLORIDA</b>						
The Secretary of State shows 15 committees which could be circulating petitions for 1986 ballot placement. IQ will provide a complete list in our next edition.						
<b>MICHIGAN</b>						
Unsubmitted petition signatures are valid until base signature requirements change. This means that some drives for the 1984 ballot may have withheld petitions to aim for the 1986 ballot which will still require 304,001 for amendments.						
<b>NEVADA</b>						
Elected State Board of Wildlife Commission	In Prog	ST	24,258	10-19	TBD	Proponents: "Coalition for Fair Compensation." Must be submitted to Legislature in 1985.
<b>OKLAHOMA</b>						
Recall of Elected Officials	Failed	CA	132,470	10-8-84		SQ-584.
Amendment of Initiated Laws in Legislature Restricted	Failed	CA	132,470	10-8-84		SQ-583.
Ninety Day Legislative Sessions-Odd Years; 30 Days in Even Years; Subject Limits	In Prog	CA	132,470	10-24-84	TBD	SQ-585.
<b>OREGON</b>						
Prohibit Educators From Serving in State Legislature	In Prog	CA	83,361	7-4-86	1986	Places same restrictions on teachers as on state and federal employees.
Limit State Employees' Pay to Comparable Pay in Private Sector	In Prog	CA	83,361	7-4-86	1986	Similar to 1984 drive that failed.
Forbid Laws that Reduce Value, Use of Private Property	In Prog	CA	83,361	7-4-85	1986	Similar to 1984 drive that failed.

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## Initiatives and Voter Turnout in 1984

The prevailing theory among populists is that, given the opportunity to cast a vote influencing public policy on subjects of vital interest to society, voters will throw off the cloak of apathy and alienation and go to the polls in large numbers to express their viewpoints.

Little empirical data exists to prove or disprove this theory. However, NCIR has studied voting results on initiative measures over the last two general election cycles to look for evidence that the presence of initiated measures on the ballot increases turnout.

If the opportunity to take an active role in the establishment of public policy is a strong motivating factor for voters, then there should be strong correlations between the overall voter turnout in a state and the votes cast on ballot issues. In fact, one would expect that the votes cast on some issues would equal, or perhaps surpass, the votes cast for various top-line offices voted on in the same election.

In 1982, *IQ's* analysis of election results indicated that even though initiative measures were frequently the top vote-getter among ballot measures, none surpassed the vote totals for candidate offices in the same election.

### Current Initiative Petition Drives by Status—for 1985-86 Ballots

Certified .....	3
In Progress (Active) .....	27
Withdrawn .....	3
Failed since last report .....	5
Failed/Withdrawn/Abandoned previously (dropped from report) .....	2

**Total Drives Attempted To Date ..... 40**

This edition of *IQ* examines voting results from the November 1984 election to see if the same would hold true in a year when voters in several states faced initiatives on such highly emotional issues as gambling, abortion, radioactive waste control, a nuclear weapons freeze, and tax limitations. The "Quarterly Spotlight" beginning on page 6 focuses on those results and includes a breakdown of vote results on all the November 1984 ballot measures, both citizen initiated and legislatively referred measures.

*Continued on Page 6*

## Voter Turnout Changes Signature Threshold

The number of petition signatures that initiative proponents must collect is usually specified as a percentage of the number of ballots cast in the last general election, or as a percentage of the ballots cast in a particular race.

The percentage, usually dictated by that part of the state constitution providing for the initiative process, remains constant, but voter turnout fluctuates, so interest in past elections ultimately determines the signature requirements for future elections. Based on voter turnout results in the November 1984 election, ten states will increase their minimum signature requirements for 1986 petition drives.

*Continued on Page 2*

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# Initiative Quarterly

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Six states that set their requirements as a percentage of either the total vote turnout or highest vote-getting race (usually the Presidential race) saw signature requirements rise dramatically for 1986. Oklahoma had the largest increase—43%—but also in the double-digits were Arkansas, 12%; Florida, 15%; and Nevada, 17%. Wyoming will see a 9% gain, and Alaska's re-

quirements, based on the total number of ballots cast, will increase by 6%.

In four states, November's gubernatorial election results will be used to set the new thresholds, and the increases will be much smaller: Missouri, 3%; Montana, 5%; Utah, 5%; and Washington, 9%.

The following chart lists signature requirements in effect for all initiative states for 1985-86.

## SIGNATURE REQUIREMENTS BY STATE FOR 1986 BALLOT QUALIFICATION

State	Statutes	Amendments
Alaska*	<i>21,101 (19,918)</i>	---
Arizona	72,637	108,955
Arkansas*	<i>70,924 (63,149)</i>	<i>88,655 (78,936)</i>
California	393,835	630,136
Colorado	46,737	46,737
District of Columbia*	Variable <sup>1</sup>	Variable
Florida	---	<i>342,939 (298,743)</i>
Idaho	32,665	---
Illinois	---	293,894
Maine	46,030	---
Michigan	243,201	304,001
Missouri*	<i>69,571 (67,581)</i>	<i>111,312 (108,130)</i>
Massachusetts*	61,508	61,508
Montana*	<i>18,949 (18,024)</i>	<i>37,897 (36,047)</i>
Nebraska*	38,353	54,764
Nevada*	<i>28,394 (24,258)</i>	<i>28,394 (24,258)</i>
North Dakota	13,055	26,110
Ohio*	201,404	335,673
Oklahoma	<i>103,244 (72,119)</i>	<i>193,583 (135,223)</i>
Oregon	62,521	83,361
South Dakota	13,783	27,565
Utah*	<i>62,962 (60,002)</i>	---
Washington	<i>151,133 (138,472)</i>	---
Wyoming*	<i>29,423 (25,810)</i>	---

Numbers in italics show where changes occurred; numbers in parentheses are the 1984 requirements.

\*Geographic distribution of signatures is required.

<sup>1</sup> DC requirement equals 5% of the registered voters at the time the petitions are approved for circulation.

This is the second in IQ's series of articles on the history of the initiative process. The 1983 Fourth Quarter edition traced the history of the initiative in Michigan.

# The Progressive Initiative in South Dakota, 1898-1984

by James W. Van Wormer, Ph.D.

It was almost a century ago that the initiative first appeared in American politics as an amendment to the South Dakota constitution. The story of the initiative's origins are a curious sidebar in a turbulent time in that young state's politics, and South Dakota's initiative is a unique hybrid of the direct and indirect mechanisms employed in other states.

...the "reform" was ushered in with great promise, was then ignored and forgotten for many years, and has emerged from obscurity in recent decades as a powerful political force that some observers say is itself in need of reform.

THE PROGRESSIVE INITIATIVE IN SOUTH DAKOTA  
TABLE 1

TABLE 1. SOUTH DAKOTA'S INITIATIVE PETITION PROVISIONS

Provisions	Statutory Initiatives	Constitutional Initiatives
Signature Requirements	5% LVG	10% LVG
Distribution Requirements	No	No
Direct or Indirect?	Indirect	Direct
Prefiling?	Sec. of State	Sec. of State
Form specified?	Yes	Yes
Titling & Summary?	By proponents	By proponents
Proposal Reviewed?	Not specified	Not specified
Subject Restrictions?	No	No
Amendment or Repeal by Legislature	Yes	No
Filing prior to election?	1 year	1 year
Circulation period?	1 year	1 year
Voter Education?	Newspaper	Newspaper
Majority to Pass	Maj. voting on issue	Maj. voting on issue
Effective date	Immediate	Immediate
Cooling-off period	No	No
Signature Certification	Presumed Validity	Presumed Validity
Paid circulators allowed	Yes	Yes
Financial reports required	Yes	Yes
Petitions furnished	No	No
Executive Veto	No	No

Sources: State Legislative Research Council, *The Initiative and Referendum Process in South Dakota* (State Capital: Pierre, South Dakota, 1978). *Initiative Provisions by State*, National Center for Initiative Review, Englewood, Colorado, 1983).

But South Dakota's experience with the initiative has been very much like that of most initiative states—the "reform" was ushered in with great promise, was then ignored and forgotten for many years, and has emerged from obscurity in recent decades as a powerful political force that some observers say is itself in need of reform.

The birth of the initiative idea in South Dakota can be linked to the birth pains of the state itself in the 1880s, and ultimately proved to be the singular legacy of a shortlived coalition that was flying apart even as it was forming.

After a long period of territorial government, South Dakota's campaign for statehood began in earnest in 1879 when school reformers, fighting dissipation of common school lands, began lobbying Congress.

Congress rejected an 1883 bid for statehood after intense opposition by the Territorial government, but the statehood advocates gained a crucial victory by capturing the Territorial Legislature and calling for an 1885 constitutional convention. Once a state constitution

Continued on Page 4

had been drafted, Congress could be expected to eventually grant statehood, but the impatient reformers had been emboldened by the idea that citizens could initiate their own government—could, by consensus, call a government into being and create laws.

By the time of the constitutional convention of 1885, the idea of a "statehood initiative" had become widely popularized throughout the territory. Advocates of the idea pointed to the Declaration of Independence as evidence that citizens possess an inherent right to initiate laws, and in fact, to initiate and activate a state government.

Voters seemed to agree, as they overwhelmingly adopted the 1885 constitution and elected a full slate of "state" officials, despite the fact that the Territorial government was still in force. The two governments coexisted until Congress legitimized South Dakota's status by granting full statehood in 1889. South Dakota's voters now had good reason to believe in the power of the initiative.

The Panic of 1893 brought the new state widespread business failures, crushing deflation, and rising unemployment. An already ailing farm sector was hit with deeper depression and the further collapse of commodity prices.

TABLE 2		
TABLE 2: STATEWIDE INITIATIVES BETWEEN 1900 AND 1968		
Initiative	Date	Action
Local liquor option	1908	Rejected
Richards primary election law	1912	Adopted
Local liquor option	1914	Rejected
Coffery primary election law	1914	Rejected
Repeal Richards primary election law	1916	Rejected
Create Dept. of Banking & Finance	1916	Rejected
Create State Banking Board	1916	Rejected
Richards primary election law	1918	Adopted
Primary election law	1920	Rejected
Build and operate state hydro-electric power plants and transmission systems	1922	Rejected
Abolish state constabulary	1922	Rejected
Against Sunday performances	1922	Rejected
Establish state-owned banks	1922	Rejected
Move the state university from Vermillion	1922	Rejected
Prohibit sale of liquor where food is sold	1948	Rejected
Prohibit sale of liquor where food is sold	1948	Rejected

Source: *South Dakota Legislative Manual*, Editions 1900 through 1969

In the midst of all this misery, railroads, grain warehouses and moneylenders were seen as economic exploiters. Distrust for existing political

powers and economic institutions grew. Dissatisfied factions joined forces first to form the Farmers' Alliance, later the Populist Party, and finally, the Fusion Party.

The Fusion Party was dedicated to the free coinage of silver, railroad regulation and items of the Populist agenda such as the direct election of U.S. Senators, the secret ballot, and, of course, the initiative and referendum.

The Fusion Party did not prevail, but the statutory initiative did, approved as an 1898 constitutional amendment by a margin of 7,300 votes. The right of citizens to initiate laws was expanded by a 1972 constitutional amendment to include constitutional amendments as well as statutes, a change recommended by a state constitutional revision committee and approved 2-to-1 by voters. Table 1 describes the provisions for both statutory and constitutional initiatives.

TABLE 3		
TABLE 3: STATEWIDE INITIATIVES SINCE 1970		
Initiative	Date	Action
Measure to repeal mandatory fluoridation	1970	Adopted
State income tax	1970	Rejected
"Lifeline" utility rates	1978	Rejected
Dairy marketing	1978	Adopted
Obscenity	1978	Rejected
Regulation of nuclear industries	1980	Rejected
Constitutional tax limit	1980	Rejected
Constitutional prohibition against legislature changing statutes passed by initiative	1980	Rejected
Constitutional amendment relating to apportionment and single-member districts	1982	Adopted

Source: *South Dakota Legislative Manual*, Editions 1970 through 1983.

Continued on Page 5

**TABLE 4**

TABLE 4: STATUTORY AND CONSTITUTIONAL INITIATIVES UNDER THE SOUTH DAKOTA CONSTITUTION OF 1889 AS AMENDED IN 1898 AND 1972

Date	Number of Ballot Issues	No. Adopted	% Adopted
1889-1898	No initiative provision existed in the state constitution		
1900-1912	2	1	50%
1914-1926	12	1	8%
1928-1940	0	0	0
1942-1954	2	0	0
1956-1968	0	0	0
1970-1982	8	3	38%
<b>TOTALS</b>	<b>24</b>	<b>5</b>	<b>21%</b>

Sources: *South Dakota Legislative Manual*, Editions 1889 through 1983. *South Dakota Political Almanac*, 2nd. Ed. Dakota Press, 1969.

NOTE: The statutory initiative was provided by Constitutional amendment in 1898. The constitutional initiative was provided by Constitutional amendment in 1972.

demographics of present-day South Dakota present no real obstacle to collecting all the signatures needed from a single large population center like Sioux Falls. The ease of signature collection and absence of a "gatekeeper effect" is magnified by the fact that South Dakota presumes, rather than certifies, the validity of signatures submitted.

Another proposed reform would allow the Attorney General to review the constitutionality and language of initiatives prior to petition circulation. The problem is one encountered in many other states—initiatives are often drafted by citizens without legal assistance or legislative experience and so are plagued by technical errors and unconstitutional language. The fact that the legislature cannot rewrite initiatives compounds the problem.

For several decades, the initiative was used infrequently and almost always without success. In fact, after the repeal of the Richards primary election law of 1912, there were no initiative statutes in force in South Dakota from 1918 to 1970 (see Table 2).

Table 3 shows a marked increase in the level of initiative activity in the 1970s and -80s. There were no initiatives from 1930 to 1970. But since 1970 there have been nine, and since 1978 an average of two initiatives per election. As seen in Table 4, the South Dakota electorate adopted only two initiatives up until 1968, yet approved three initiatives in just the last 12 years.

Table 5 categorizes the broad range of subjects comprising the agenda of direct legislation in South Dakota in the last 86 years.

With the increase in initiative activity have come proposals for reforming the process. In a 1978 report to the legislature, the State Legislative Research Council proposed several reforms of the initiative, including increasing the number of signatures required to put a proposal on the ballot, requiring constitutional review of initiative proposals by the Attorney General, and dropping the empty formality of legislative approval of initiatives bound for the ballot.

**TABLE 5**

TABLE 5: INITIATIVES OF ALL TYPES BY CATEGORY 1900 TO 1982

Category	No. Qualifying	No. Adopted	% Adopted
Governmental/Political Reform	17	4	23.0%
Public Morality	6	0	0
Revenue/Taxes/Bonds	2	0	0
Regulation of Business/Labor	8	1	12.5%
Health, Welfare, & Housing	1	1	100%
Civil Liberties/Civil Rights	5	0	0
Environmental/Land Use/ Natural Resources	1	1	100%
Education	1	0	0

Sources: Alan L. Clem, *South Dakota Political Almanac*, 2nd Ed. Dakota Press, 1969. Legislative Research Council, *The Initiative and Referendum Process in South Dakota* (November, 1978). *South Dakota Legislative Manual* (1981-1983). *Governmental Research Bureau*, University of South Dakota, Bulletin 74 (February, 1979).

NOTE: Since some ballot measures appear in more than one category, totals are greater than the actual number of measures voted on, which was 24.

Urging a higher signature threshold for statutory initiatives, the report suggested that gathering the signatures of 5% of the voters who voted in the last gubernatorial election had perhaps become too easy. In the sparsely-populated and rural turn-of-the-century South Dakota, the task was monumental and served to discourage spurious initiatives, but the

The report also suggested abolishing the state's legislative review of initiatives headed for the ballot. In states where initiatives proceed directly to the ballot without legislative appraisal, the process is referred to as "direct." States where the legislature first reviews and possibly revises initiatives are said to have an "indirect" process.



# Initiatives and Voter Turnout in 1984

## Measuring Voter "Drop-off" on Ballot Measures

The commonly accepted method of judging voter interest in ballot measures is to look at the number of votes cast in the election versus the number of votes cast for an initiative measure. The difference between these figures is the "drop-off" rate.

Election results from the 15 states voting on initiatives in 1984 are shown in the chart *1984 Ballot Measure Voting Results*, on pages 8 - 10. All ballot measures are ranked in the chart from the lowest drop-off to the highest. Once again, it is the rule, rather than the exception, that initiatives were the most popular kinds of measures on the ballot. But, in every instance, ballot measures (whether legislatively referred or citizen initiated) tallied fewer votes than the race for the top-line office.

**Figure 1** gives a graphic expression of drop-off by showing both total ballots cast (election turnout) and total ballots cast on initiatives as percentages of registered voters.

Drop-off rates are slightly higher for legislatively referred measures than for initiatives. **Table 1** compares drop-off for legislative measures and initiatives and gives the combined rate. Despite the higher drop-off rate for legislative measures, voters followed historical trends by approving a higher percentage of these than of initiated measures.

In 14 of the 15 states, initiatives were the top vote-getters. As in 1982, however, most succumbed to negative votes, with 10 of the top 14 being defeated. And even some of the most popular ballot measures were snubbed by a significant part of the electorate. **Table 2** lists the most popular initiatives, showing drop-off rates and margins of victory or defeat.

Election Turnout Compared to Initiative Votes

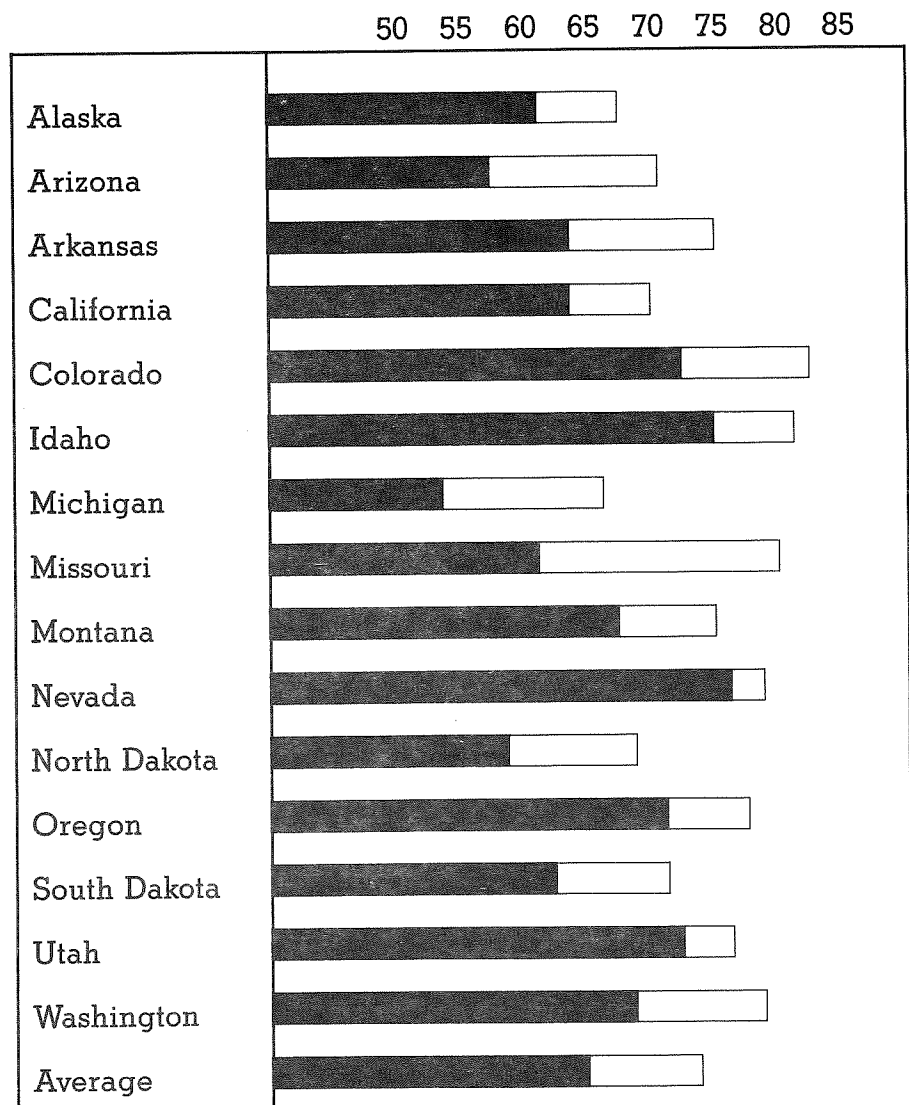


Figure 1.   
 % Registered Voted Voting on Initiatives (Average)   
 % Registered Voters Voting in Election

# QUARTERLY SPOTLIGHT

Cont. from Page 6

**TABLE 1**

**Comparison of Drop-Off Rates Between Legislative Measures and Initiatives, November 6, 1984**

State	Voter Turnout % RV Voting	Average Voter Drop-Off Rate*					
		Legislative		Initiatives		Combined	
		No.(P/F)	ADO	No.(P/F)	ADO	No.	ADO
Alaska	69.1%	3(2/1)	7.5	1(1/0)	7.4	4	7.4%
Arizona	71.9%	13(1/12)	20.0	2(0/2)	13.1	15	18.9%
Arkansas	76.3%	2(1/1)	15.2	3(1/2)	11.8	5	12.7%
California	70.6%	10(9/1)	8.9	6(2/4)	5.8	16	7.7%
Colorado	83.2%	2(2/0)	17.6	3(2/1)	9.7	5	12.8%
Idaho	83.0%	2(1/1)	14.1	1(0/1)	6.1	3	11.3%
Michigan	66.0%	2(1/1)	19.0	1(0/1)	12.2	3	16.7%
Missouri	80.4%	3(3/0)	21.0	2(1/1)	18.4	5	19.9%
Montana	75.0%	2(2/0)	13.9	2(1/1)	7.3	4	10.5%
Nevada	79.7%	11(3/8)	8.7	1(0/1)	2.6	12	8.1%
North Dakota	68.9%	2(1/1)	15.3	2(1/1)	9.8	4	12.4%
Oregon	78.7%	1(1/0)	10.4	8(6/2)	6.3	9	6.7%
South Dakota	71.8%	—	—	3(2/1)	8.8	3	8.8%
Utah	77.0%	5(5/10)	9.1	1(0/1)	4.6	6	8.3%
Washington	78.6%	—	—	3(2/1)	10.0	3	10.0%
<b>Total Average</b>	<b>75.3%</b>	<b>58(32/26)</b>	<b>12.0</b>	<b>39(19/20)*</b>	<b>9.8</b>	<b>6.5</b>	<b>11.6%</b>

\*The initiative in the District of Columbia is not included in this table.

Citizens in North Dakota left no doubt that they want the right to own firearms when they passed their initiative with a 60.3% margin of victory (80.2% YES, 19.8% NO). And Arkansas residents delivered the most crushing defeat to a 1984 initiative by saying "no, no a thousand times no" to a casino gambling measure, defeated by a 40.7% margin (29.6% YES, 70.4% NO).

**Drop-off by Category**

Aside from individual winners or losers, certain types of issues were more popular than others, both in terms of drop-off and passage. **Table 3** ranks, by NCIR subject categories, the number of issues on the ballot, the average drop-off for the category, and the number and percentage of the measures that passed.

By far, the most popular initiative was the California lottery measure, recording only a 1.9% drop-off from the total number of ballots cast in the election. Nevada's tax limitation measure was close behind with only a 2.6% drop-off. At the other end of the scale, Missouri had the highest drop-off rate on both of its initiatives—the parimutuel betting initiative suffered a 19.2% drop-off and a utility rate measure saw a 17.6% drop-off. The average drop-off for initiative measures was 9.8% for the states under study, just under the 1982 average rate of 10.0%.

Most measures passed or failed by fairly decisive margins, which, more times than not, exceeded the drop-off rate. A notable exception was South Dakota's initiative on school opening dates, which squeaked to victory by a margin of only 0.1% of the votes cast while 8.7% of the voters abstained. Another was Colorado's abortion funding measure, passed by less than 1% of the vote (0.9% or 16,000) with a 7% drop-off.

**TABLE 2**

**Initiative Measures Receiving Highest Number of Votes November 1984 - By State**

State	Measure	P=Passed F=Failed	Drop-Off	Margin
California	Lottery	P	1.9%	15.9%
Nevada	Tax Limitation	F	2.6%	4.1%
Oregon	Tax Limitation	F	4.0%	2.2%
Utah	Cable TV Decency	F	4.6%	21.9%
Idaho	Tax-Free Food	F	6.1%	5.9%
Colorado	Abortion Funding	P	7.0%	0.9%
Montana	Milk Price Decontrol	F	7.0%	20.9%
South Dakota	Radioactive Waste	P	7.2%	23.9%
Washington	Abortion Funding	F	7.5%	6.2%
North Dakota	Right to Bear Arms	P	9.0%	60.3%
Arkansas	Casino Gambling	F	9.8%	40.7%
Arizona	Health Cost Control	F	12.5%	18.9%
Michigan	Voters Choice-Taxes	F	12.2%	19.3%
Missouri	Utility Rates	F	17.6%	34.0%

Continued on Page 11

# Initiatives and Voter Turnout in 1984

Ballot Number	Yes	No	Total	% Yes	% No	Total Votes Cast in Election	% of Total Not Voting On Issue	Total Registered Voters	% Reg. Voters Deciding Issue
*****									
<b>ALASKA (VOTER TURNOUT: 69.1%)</b>									
<b>(AVERAGE VOTER DROPOFF: 7.4%)</b>									
Mortgage Bonds Prop A	145,263	53,519	198,782	73.1%	26.9%	211,009	5.8%	305,262	47.6%
Legislative Sessions BM 2	151,001	46,102	197,103	76.7%	23.4%		6.6%		49.5%
*Transportation Issue BM 3	116,893	78,665	195,558	59.8%	40.2%		7.3%		38.3%
Legislative Authority BM 1	91,174	98,856	190,030	48.0%	52.0%		9.9%		32.4%
=====									
<b>ARIZONA (VOTER TURNOUT: 71.9%)</b>									
<b>(AVERAGE VOTER DROPOFF: 18.9%)</b>									
*Health Care Costs No.200	375,982	553,676	929,658	40.4%	59.6%	1,051,339	11.6%	1,462,818	37.8%
*Health Care Regulation No.110	372,879	547,279	920,158	40.5%	59.5%		12.5%		37.4%
Public Employees No.102	397,439	501,745	899,184	44.2%	55.8%		14.5%		34.3%
Hospital Rates No.109	385,724	511,013	896,737	43.0%	57.0%		14.7%		34.9%
Legislative Spending No.101	350,744	532,309	883,053	39.7%	60.2%		16.0%		36.4%
Jury Composition No.103	337,187	545,197	882,384	38.2%	61.8%		16.1%		37.3%
Initiative Process No.100	353,835	528,151	881,986	40.1%	59.9%		16.1%		36.1%
Hospital Rate Limit No.302	432,913	444,651	877,564	49.3%	50.7%		16.5%		30.4%
Corporation Commission No.104	291,622	575,301	866,923	33.6%	66.4%		17.5%		39.3%
Securities; Corp. Comm. No.105	326,630	526,439	853,069	38.2%	61.7%		18.9%		36.0%
Hospital Funding No.301	397,463	420,162	817,625	48.6%	51.4%		22.2%		28.7%
State Spending Limits No.108	356,570	430,363	786,933	45.3%	54.7%		25.1%		29.4%
Union Wages-Public Works No.300	398,051	386,479	784,530	50.7%	49.3%		25.4%		27.2%
Corporation Commission No.107	365,967	390,350	756,317	48.4%	51.6%		28.1%		26.7%
Corporate Commission No.106	375,809	378,857	754,666	49.8%	50.2%		28.2%		25.9%
=====									
<b>ARKANSAS (VOTER TURNOUT: 76.3%)</b>									
<b>(AVERAGE VOTER DROPOFF: 12.7%)</b>									
*Casino Gambling Am.66	236,625	561,825	798,450	29.6%	70.4%	884,406	9.7%	1,159,588	48.5%
*Game/Fish Sales Tax Am.67	350,276	434,114	784,390	44.7%	55.3%		11.3%		37.4%
*4-Year Terms Am.64	499,083	277,735	776,818	64.2%	35.8%		12.2%		43.0%
Tax Structure Am.63	309,811	452,612	762,423	40.6%	59.4%		13.8%		39.0%
Bonding Am.62	395,336	342,404	737,740	53.6%	46.4%		16.6%		34.1%
=====									
<b>CALIFORNIA (VOTER TURNOUT: 70.6%)</b>									
<b>(AVERAGE VOTER DROPOFF: 7.7%)</b>									
*Lottery Prop 37	5,248,052	3,812,402	9,060,454	57.9%	42.1%	9,232,746	1.9%	13,073,630	40.1%
*English Ballots Prop 38	6,207,657	2,573,476	8,781,133	70.7%	29.3%		4.9%		47.5%
*Save Prop 13 Prop 36	3,941,286	4,764,792	8,706,078	45.3%	54.7%		5.7%		36.4%
Water Cleanup Prop 25	6,325,520	2,352,634	8,678,154	72.9%	27.1%		6.0%		48.4%
*Reapportionment Prop 39	3,875,866	4,790,147	8,666,013	44.7%	55.3%		6.1%		36.6%
Drinking Water Prop 28	6,328,391	2,281,141	8,609,532	73.5%	26.5%		6.8%		48.4%
Senior Citizen Centers Prop 30	5,744,539	2,855,845	8,600,384	66.8%	33.2%		6.8%		43.9%
Veteran Home Loans Prop 29	5,686,321	2,884,906	8,571,227	66.3%	33.7%		7.2%		43.5%
School Leasing Prop 26	5,190,887	3,354,902	8,545,789	60.7%	39.3%		7.4%		39.7%
*Welfare Reform Prop 41	3,155,385	5,363,984	8,519,369	37.0%	63.0%		7.7%		41.0%
Hazardous Waste Removal Prop 27	6,127,169	2,383,435	8,510,604	72.0%	28.0%		7.8%		46.9%

	Ballot Number	Yes	No	Total	% Yes	% No	Total Votes Cast in Election	% of Total Not Voting On Issue	Total Registered Voters	% Reg. Voters Deciding Issue
*****										
<b>CALIFORNIA, continued</b>										
*Campaign Contributions	Prop 40	3,025,179	5,480,743	8,505,922	35.6%	64.4%	9,232,746	7.9%	13,073,630	41.9%
Elderly Property Tax	Prop 33	6,929,082	1,505,503	8,434,585	82.2%	17.8%		8.6%		53.0%
Amend Prop 13	Prop 31	4,170,563	4,044,893	8,215,456	50.8%	49.2%		11.0%		31.9%
Amend Prop 13	Prop 34	3,880,878	4,305,288	8,186,166	47.4%	52.6%		11.3%		32.9%
State Supreme Court	Prop 32	4,643,351	3,195,841	7,839,192	59.2%	40.8%		15.1%		35.5%
=====										
<b>COLORADO</b>										<b>COLORADO</b>
	(VOTER TURNOUT:		83.2%)							
	(AVERAGE VOTER DROPOFF:		12.8%)							
*Abortion Funding	No. 3	628,684	616,296	1,244,980	50.5%	49.5%	1,337,897	6.9%	1,607,936	39.1%
*Casino Gambling	No. 5	406,989	819,533	1,226,522	33.2%	66.8%		8.3%		51.0%
*Voter Registration	No. 4	705,725	447,803	1,153,528	61.2%	38.8%		13.8%		43.9%
"Elector" Term	No. 2	811,130	304,208	1,115,338	72.7%	27.3%		16.6%		50.4%
Insurance Commissioner	No. 1	641,587	449,362	1,090,949	58.8%	41.2%		18.5%		39.9%
=====										
<b>WASHINGTON, DC</b>										<b>WASHINGTON, DC</b>
	(VOTER TURNOUT:		N/A)							
	(AVERAGE VOTER DROPOFF:		N/A)							
*Overnight Shelter	#17	109,080	42,159	151,239	72.1%	27.9%	N/A		N/A	
=====										
<b>IDAHO</b>										<b>IDAHO</b>
	(VOTER TURNOUT:		83.0%)							
	(AVERAGE VOTER DROPOFF:		11.3%)							
*Tax-Free Food	IP No.1	186,505	210,054	396,559	47.0%	53.0%	421,992	6.0%	508,296	41.3%
Legislative Districts	HJR 5	148,383	216,201	364,584	40.7%	59.3%		13.6%		42.5%
State Water Plan	SJR 117	192,229	169,087	361,316	53.2%	46.8%		14.4%		37.8%
=====										
<b>MICHIGAN</b>										<b>MICHIGAN</b>
	(VOTER TURNOUT:		66.0%)							
	(AVERAGE VOTER DROPOFF:		16.7%)							
*Voters Choice	Prop C	1,376,141	2,035,867	3,412,008	40.3%	59.7%	3,884,854	12.2%	5,888,808	34.6%
Natural Resources	Prop B	2,066,554	1,120,794	3,187,348	64.8%	35.1%		18.0%		35.1%
Administrative Rules	Prop A	1,280,948	1,827,677	3,108,625	41.2%	58.8%		20.0%		31.0%
=====										
<b>MISSOURI</b>										<b>MISSOURI</b>
	(VOTER TURNOUT:		80.4%)							
	(AVERAGE VOTER DROPOFF:		19.9%)							
*Utility Rates	Prop B	650,895	1,317,444	1,968,339	33.1%	66.9%	2,386,130	17.5%	2,969,300	44.4%
Lottery	Am. 5	1,369,910	590,648	1,960,558	69.9%	30.1%		17.8%		46.1%
*Pari-Mutuel Betting	Am. 7	1,157,664	771,437	1,929,101	60.0%	40.0%		19.2%		39.0%
Cost of Living Increase	Am. 1	1,144,445	715,076	1,859,521	61.5%	38.5%		22.1%		38.5%
Medical Benefits	Am. 3	918,596	917,812	1,836,408	50.0%	50.0%		23.0%		30.9%
=====										
<b>MONTANA</b>										<b>MONTANA</b>
	(VOTER TURNOUT:		75.0%)							
	(AVERAGE VOTER DROPOFF:		10.5%)							
*Milk Price Decontrol	I-96	145,342	222,200	367,542	39.5%	60.5%	395,006	7.0%	526,841	42.2%
*Dentistry	I-97	194,285	171,448	365,733	53.1%	46.9%		7.4%		36.9%
Judicial Discipline	C-13	287,926	68,251	356,177	80.8%	19.2%		9.8%		54.7%
Congressional Districts	C-14	214,956	109,813	324,769	66.2%	33.8%		17.8%		40.8%
=====										
<b>NEVADA</b>										<b>NEVADA</b>
	(VOTER TURNOUT:		79.7%)							
	(AVERAGE VOTER DROPOFF:		8.1%)							
*Tax Limitation	Quest.12	132,683	143,877	276,560	48.0%	52.0%	283,941	2.6%	356,384	40.4%
Food Tax Exemption	Quest. 1	225,619	45,281	270,900	83.3%	16.7%		4.6%		63.3%
Public Library Bond	Quest. 9	152,253	114,572	266,825	57.1%	42.9%		6.0%		42.7%

Ballot Number	Yes	No	Total	% Yes	% No	Total Votes Cast in Election	% of Total Not Voting On Issue	Total Registered Voters	% Reg. Voters Deciding Issue
<b>NEVADA, continued</b>									
Tahoe Basin Land	119,295	143,499	262,794	45.4%	54.6%	283,941	7.4%	356,384	40.3%
Public Money	113,867	148,151	262,018	43.5%	56.5%		7.7%		41.6%
Trade-In Tax	99,257	162,541	261,798	37.9%	62.1%		7.8%		45.6%
Mine Taxing	126,899	133,648	260,547	48.7%	51.3%		8.2%		37.5%
Sales & Use Tax	103,389	156,676	260,065	39.8%	60.2%		8.4%		44.0%
Statute Changes	78,169	175,673	253,842	30.8%	69.2%		10.6%		49.3%
Debt Exemption	73,757	179,787	253,544	29.1%	70.9%		10.7%		50.4%
Legislative Procedure	121,018	131,271	252,289	48.0%	52.0%		11.1%		36.8%
District Judges	128,007	121,058	249,065	51.4%	48.6%		12.3%		35.9%
=====									
<b>NORTH DAKOTA (VOTER TURNOUT: 68.9%)</b>					<b>NORTH DAKOTA</b>				
<b>(AVERAGE VOTER DROPOFF: 12.4%)</b>									
*Right to Bear Arms	236,596	58,582	295,178	80.2%	19.8%	324,179	8.9%	470,500	50.3%
*Control of Jr. Colleges	107,357	182,989	290,346	37.0%	63.0%		10.4%		38.9%
State Treasurer	123,265	162,309	285,574	43.2%	56.8%		11.9%		34.5%
Legislative Procedure	177,733	86,792	264,525	67.2%	32.8%		18.4%		37.8%
=====									
<b>OREGON (VOTER TURNOUT: 78.7%)</b>					<b>OREGON</b>				
<b>(AVERAGE VOTER DROPOFF: 6.7%)</b>									
*Tax Limits	599,424	616,252	1,215,676	49.3%	50.7%	1,265,824	4.0%	1,608,693	38.3%
*Lottery	794,441	412,341	1,206,782	65.8%	34.2%		4.7%		49.4%
*Citizens Utility Board	637,968	556,826	1,194,794	53.4%	46.6%		5.6%		39.7%
*Death Penalty	893,818	295,988	1,189,806	75.1%	24.9%		6.0%		55.6%
*Lottery	786,933	399,231	1,186,164	66.3%	33.7%		6.3%		48.9%
*Waste Disposal	655,973	524,214	1,180,187	55.6%	44.4%		6.8%		40.8%
*Death Penalty	653,009	521,687	1,174,696	55.6%	44.4%		7.2%		40.6%
*Victims Rights	552,410	597,964	1,150,374	48.0%	52.0%		9.1%		37.1%
Public Official Recall	664,464	470,139	1,134,603	58.6%	41.4%		10.4%		41.3%
=====									
<b>SOUTH DAKOTA (VOTER TURNOUT: 71.8%)</b>					<b>SOUTH DAKOTA</b>				
<b>(AVERAGE VOTER DROPOFF: 8.8%)</b>									
*Waste Disposal	182,952	112,161	295,113	62.0%	38.0%	317,867	7.2%	442,790	41.3%
*School Opening Date	145,472	144,908	290,380	50.1%	49.9%		8.6%		32.9%
*Nuclear Weapons Freeze	135,307	148,705	284,012	47.6%	52.4%		10.7%		33.6%
=====									
<b>UTAH (VOTER TURNOUT: 77.0%)</b>					<b>UTAH</b>				
<b>(AVERAGE VOTER DROPOFF: 8.3%)</b>									
*Cable TV Decency Act	238,734	373,361	612,095	39.0%	61.0%	641,028	4.5%	832,899	44.8%
Right to Bear Arms	370,566	231,413	601,979	61.6%	38.4%		6.1%		44.5%
Licensing Tax	313,196	283,450	596,646	52.5%	47.5%		6.9%		37.6%
Legislative Session	381,874	197,085	578,959	66.0%	34.0%		9.7%		45.8%
School Funding	366,702	205,077	571,779	64.1%	35.9%		10.8%		44.0%
Judicial Reform	316,272	249,942	566,214	55.9%	44.1%		11.7%		38.0%
=====									
<b>WASHINGTON (VOTER TURNOUT: 78.6%)</b>					<b>WASHINGTON</b>				
<b>(AVERAGE VOTER DROPOFF: 10.0%)</b>									
*Abortion Funding	838,083	949,921	1,788,004	46.9%	53.1%	1,931,546	7.4%	2,457,667	38.7%
*Fishing Rights	916,855	807,825	1,724,680	53.2%	46.8%		10.7%		37.3%
*Sales Tax-Trade Ins	1,175,781	529,560	1,705,341	68.9%	31.1%		11.7%		47.8%
=====									
*Initiative measures									

Cont. from Page 7

## Measuring Voter "Drop-off" on Ballot Measures

Disposal of hazardous (or radioactive) waste materials was the most popular issue in the two states where such a measure was submitted to voters. Both measures passed and had the lowest drop-off.

Civil liberty questions were also generally successful. Only the Oregon "Victim's Rights" bill was defeated. Measures to reinstate the death penalty in Oregon and to reaffirm the right to bear arms in North Dakota passed, as did a resolution in California calling for voting materials to be printed solely in English.

Issues of public morality, presumably emotionally-charged, actually turned in a ho-hum performance, on the average, with close to 8% of the voters abstaining. Gambling measures within this category turned up the highest vote-getter (California's lottery) and the lowest (Missouri's pari-mutuel betting). Abortion funding, which was the topic of highly controversial ad campaigns in Colorado, was ignored by about 7% of the voters. So was casino gambling.

The "tax revolt" suffered from voter lethargy. While Oregon and Nevada tax measures had only small drop-offs, the remaining issues in this category did not catch fire with the voters. Only one of the seven measures passed—a Washington bill allowing the trade-in value of vehicles to be deducted from the sales price prior to sales tax calculations. The surprise of the election was the failure of the "Voters Choice" initiative in Michigan, where only last year, anger over tax increases prompted the recall of several state legislators, and the governor only narrowly averted the same fate. Yet more than 12% of the voters yawned at this measure, which not only would have rolled taxes back to 1981 levels, but would have required that any "revenue enhancement measure" be approved in a public referendum.

Measures to regulate various business activities also failed to generate much interest this year, and drop-off rates for this category were high. Results on utility measures were mixed—

Subject	Number	Average Drop-off	Number Passed	Percent Passed
<b>Environmental/Land Use/</b>				
<b>Natural Resources</b>	2	7.0%	2	100%
<b>Civil Liberties/Civil</b>				
<b>Rights</b>	5	7.3%	4	80%
<b>Public Morality Issues</b>	9	7.7%	5	56%
<b>Health, Welfare, and</b>				
<b>Housing</b>	2	7.8%	1	50%
<b>Revenue/Taxes/Bonds</b>	7	8.0%	1	14%
<b>Education</b>	2	9.6%	1	50%
<b>Governmental/Political</b>				
<b>Reform</b>	4	10.0%	2	50%
<b>Regulation of Business/</b>				
<b>Labor</b>	8	10.3%	4	50%
<b>National Policy Issues</b>	1	10.7%	0	0

Missouri's measure to regulate utility rates and other areas of that industry failed with almost 18% of the voters abstaining; Oregon voters authorized formation of a citizens utility board. The health care industry successfully defused (or confused) the issues at stake in several explosive ballot questions in Arizona, where voters not only defeated the initiative measures, but also defeated alternate measures placed on the ballot by the legislature. Both initiatives had large drop-offs: 12.5% for a bill regulating costs and 13.6% for the amendment giving the state the authority to regulate the industry.

Passage of the Alaskan transportation deregulation measure only asks Congress to change a federal law. Montana rejected the lifting of milk price controls, but allowed denturists to be licensed for the fitting and dispensing of dental plates. And voters in Washington addressed a volatile subject in that state by calling for equal fishing rights for Indians and other state citizens.

Finally, the lone initiative calling for a nuclear weapons freeze was defeated in North Dakota, and more than 10% of the voters did not bother to cast a vote on the issue.

### Conclusions

The data does not support the contention that voters run to the polls to vote on initiatives. The fact that virtually every voter registered a choice on California's lottery measure tells us that some issues stimulate great interest; the fact that one in five voters ignored Missouri's pari-mutuel betting measure tells us that some issues don't.

An interesting question is, how might the results have differed this year had state courts been less energetic about booting measures off the ballot. Would there have been a crush at the polls had California and Montana presented federal balanced budget

*Continued on Page 12*

# QUARTERLY SPOTLIGHT

## *Initiative and Voter Turnout* Cont. from Page 11

amendments? Do Floridians feel so strongly about malpractice awards that they would have turned out in historic numbers to judge a measure limiting such awards? Would a nuclear freeze vote in Nebraska have encouraged unprecedented voter participation? Does the average Massachusetts citizen worry so over the state of the General Court that he would beat the path to the polls to vote for drastic reforms? Are Californians so frustrated over reapportionment as to have voted in record numbers for the Sebastiani amendment?

The answer, in all cases, would seem to be, "No." As reported in our Second

Quarter 1984 issue, Californians did not turn out to vote on Proposition 24—drop-off was 20% and overall turnout was below 50%. The nuclear weapons freeze measure suffered from the same indifference in 1984 that plagued similar measures in 1982, when 9.4% of the voters in eight states abstained from voting.

Perhaps a federal balanced budget measure would elicit some interest. Perhaps not. If issues of such tangible impact to the average citizen as tax relief don't seem to increase voter turnout, why would a straw vote on deficit spending do so?

And regarding the Florida question, we need only examine the vote tallies on the Arizona health care issues to see that even important pocketbook issues don't guarantee voter participation. While drop-off may decrease because of massive advertising campaigns, the opportunity to vote on the question simply is not enough incentive to increase voter turnout.

Therefore, the conclusion must be that the presence of policy questions on the ballot, whether generated in the legislature or by the public, does not necessarily lead to greater voter participation and a larger voter turnout. ■

## *South Dakota History* Cont. from Page 5

South Dakota's constitution requires that the legislature approve initiatives before they are placed on the ballot, hence, the mechanism is indirect. But unlike other states with an indirect initiative, the South Dakota legislature is not allowed to rewrite or amend the initiative, and must pass the measure through to the voters. In fact, it is a violation of a legislator's oath of office to vote against an initiative, however opposed to the intent of the measure he or she might be. Since the lawmakers are constitutionally compelled to approve all initiatives for the ballot, the legislative review, while mandatory, is transparent, and the process functions as a direct mechanism. Its sole purpose would seem to be frustrating the lawmakers.

But if the state constitution ties the legislature's hands in dealing with initiatives headed for the ballot, that same document allows South Dakota lawmakers extraordinary powers once the initiative has been passed into law by the voters. Unlike most initiative states, where legislatures are severely

restricted or prohibited from revising or repealing statutes passed by initiative, South Dakota lawmakers are under no such restriction and may change initiative laws like any other. A 1980 constitutional initiative to strip the lawmakers of this right failed.

In practice, the legislature's power to change enacted initiatives has been more legal than actual. As in other states, the South Dakota lawmakers are extremely reluctant to tamper with initiatives on the books even when the need for revision or repeal is quite evident.

To date, none of the reforms suggested by the Council have been adopted, and so South Dakota's turn-of-the-century Progressive initiative remains virtually intact. ■

*James Van Wormer is a high school and college government and political science teacher from Grand Blanc, Michigan, and prepared this article for I.Q.*

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# LEGISLATIVE UPDATE

State	Session Dates		Carry-over	I&R Outlook for Session
	Begin	End		
*ALABAMA	2/5	30 LD	N	No activity to date. Filing deadline is 24 Legislative days.
ALASKA	1/15	120 LD	Y	No activity to date. None expected. Filing deadline to be determined.
ARIZONA	1/14	4/24	N	No activity to date. Filing deadline 29 Legislative days.
ARKANSAS	1/14	3/14	N	No activity to date. Filing deadline is 55 Legislative days.
CALIFORNIA	12/84	11/85	Y	Several bills are expected to deal with indirect initiative, signature requirements, disclosure and many other aspects of process.
COLORADO	1/2	6/85	N	No activity expected.
*CONNECTICUT	1/9	6/15	N	Interim hearings held in 1984. No serious activity expected this session.
*DELAWARE	1/8	6/30	Y	Bills to establish are introduced almost every session and may be introduced this year. No action is expected.
FLORIDA	4/2	5/31	N	Too early to predict activity.
*GEORGIA	1/14	3/8	Y	Two senate resolutions in Gov't. Operations Comm. (1/18). Sponsor feels there is a good chance to pass in Senate, but outlook in House is bleak.
*HAWAII	1/16	4/85	Y	Bills to establish are introduced almost every session and may be introduced this year.
IDAHO	1/14	3/85	N	No activity to date, none expected.
ILLINOIS	1/9	6/30	Y	No activity to date, none expected.
*INDIANA	1/22	4/30	N	No activity to date. Filing deadline is 1/25.
*IOWA	1/14	5/3	Y	No activity to date. Filing deadline is 3/1.
*KANSAS	1/14	4/85	Y	Some activity expected later in session.
*KENTUCKY	No 1985 Legislative Session			
*LOUISIANA	4/15	8/8	N	Too early to predict activity.
MAINE	12/84	7/85	Y	No activity to date.
*MARYLAND	1/9	4/18	N	Some activity in area of referendums, but none dealing with initiative.
MASSACHUSETTS	1/2	1/86	N	Battle over speakership has caused delay in indexing bills and closing out last session. No I&R expected.
MICHIGAN	1/2	12/85	Y	No activity to date, none expected.
*MINNESOTA	1/8	5/85	Y	Bill to establish introduced 1/21. In committee.
*MISSISSIPPI	1/8	4/7	N	No activity to date, none expected.
MISSOURI	1/9	6/30	N	No activity to date, none expected.
MONTANA	1/7	4/85	N	Some activity on local I&R. None on statewide.

LD=Legislative Days; CD=Calendar Days; \* States not currently having initiative process



# LEGISLATIVE UPDATE

State	Session Dates		Carry-over	I&R Outlook for Session
	Begin	End		
NEBRASKA	1/9	5/10	Y	Filing deadline 1/22; no information available now.
NEVADA	1/21	6/30	N	Housekeeping bills on random sampling of signatures expected.
*NEW HAMPSHIRE	1/2	90 LD	N	I&R defeated in constitutional convention in 1984. No legislative attempt to adopt is expected.
*NEW JERSEY	1/8	1986	N	No decrease is expected in level of interest experienced in past several sessions.
*NEW MEXICO	1/15	3/15	N	Some indication that a bill to establish may be introduced, but chances for passage are seen as slim.
*NEW YORK	1/9	12/85	Y	Past interest in establishing I&R will be evident this session. Several bills are expected.
*NORTH CAROLINA	2/5	6/85	Y	No known legislation at this time.
NORTH DAKOTA	1/8	4/85	N	Three housekeeping bills are in House Judicial Committee; more substantive legislation may develop.
OHIO	1/2	12/85	Y	No activity to date.
OKLAHOMA	1/8	7/85	Y	Some changes to titling procedure will be considered.
OREGON	1/14	6/85	N	Some changes in titling procedure are proposed and may consider prohibiting paid circulators. Too early to tell.
*PENNSYLVANIA	1/1	10/85	Y	Session in recess until 1-22; information on legislation not available at this time.
*RHODE ISLAND	1/1	5/85	Y	Two bills to establish have been introduced; governor endorses. Much activity expected this session.
*SOUTH CAROLINA	1/8	6/6	Y	SB68 introduced and sent to Senate Judiciary Committee 1-9-85.
SOUTH DAKOTA	1/8	3/85	N	May attempt to change from indirect to direct initiative
*TENNESSEE	1/8	4/85	Y	In recess until first part of February.
*TEXAS	1/8	140 CD	Y	Bills to establish have been introduced. Probability of passage cannot be predicted at this time.
UTAH	1/14	3/85	N	
*VERMONT	1/9	4/85	Y	No activity to date.
*VIRGINIA	1/9	2/85	Y	Bill carried over from 1984 was defeated in committee 1/16 (13-7). Further activity is expected by filing deadline of 1-22-85.
WASHINGTON	1/14	5/85	Y	No activity to date.
*WEST VIRGINIA	2/13	4/85	N	Met 1/9 for organization; no activity prior to mid-February.
*WISCONSIN	1/15	1/87	Y	No activity to date.
WYOMING	1/8	3/5	N	Bills to limit circulation time to one year are in committee; others regarding signature requirements are expected.

LD=Legislative Days; CD=Calendar Days; \* States not currently having initiative process

# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign.Reg.	Due	Ballot	Remarks
<b>ALASKA</b>						
Nuclear Weapons Freeze	Certified	ST			1986	Init. #8303. Will be on ballot unless passed by State Legislature.
Compensation for State Legislators	Certified	ST			1986	Init. #8304. Will be on ballot unless passed by State Legislature.
Liability of Providers of Alcoholic Beverages	In Prog	ST	19,936	10-10-85	1986	Init. #8401. Sponsor: Katherine Bigler of MADD (Mothers Against Drunk Drivers).
<b>CALIFORNIA</b>						
Fair Motor Vehicle Insurance	Withdrawn	CA				Filed 11-29-83. Withdrawn and not refiled.
Legislative Reform; Limit Terms; Part-time Legislature	Withdrawn	CA				Sponsor: Paul Gann. May be refiled.
<b>DISTRICT OF COLUMBIA</b>						
DC Statehood Constitutional Convention	Failed	Ord	22,427	12-4-84		No. 20.
DC Human Rights Initiative	Failed	Ord	22,427	12-3-84		No. 21.
<b>FLORIDA</b>						
Legalized Casinos	In Prog	CA	342,939	8-86	1986	Sponsor: Jay Kashuk
State Lottery	In Prog	CA	342,939	8-86	1986	Sponsor: Jay Kashuk
Save Our Emergency Services	In Prog	CA	342,939	8-86	1986	Sponsor: J. Eugene Hunt
English - Official Language	In Prog	CA	342,939	8-86	1986	Sponsors: Byron Combee, Bob Melby
Restore Florida's Fish & Wildlife Resources	In Prog	CA	342,939	8-86	1986	Sponsor: John C. Jones
Unicameral Legislature	In Prog	CA	342,939	8-86	1986	Sponsor: Hon. Marilyn Evans-Jones
Coalition for 21 (Drinking Age)	In Prog	CA	342,939	8-86	1986	Sponsor: Hon. Richard H. Langley
Environmental Rights	In Prog	CA	342,939	8-86	1986	Sponsor: George Sheldon
FL Property Owner's League	In Prog	CA	342,939	8-86	1986	Sponsor: Michael Parrish
Repeal Single-Subject Requirement for Initiatives	In Prog	CA	342,939	8-86	1986	Sponsor: Michael Block
Limit of Ad Valorem Taxes	In Prog	CA	342,939	8-86	1986	Sponsor: Herbert R. Kraft
Citizens for Less Taxes	In Prog	CA	342,939	8-86	1986	Sponsor: Charles Rosen

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# INITIATIVE UPDATE

Subject	Status	CA/ST	Sign. Req.	Due	Ballot	Remarks
<b>FLORIDA, continued</b>						
Recall of State Officials	In Prog	CA	342,939	8-86	1986	Sponsor: Herbert R. Kraft
Guarantee Religious Freedom	In Prog	CA	342,939	8-86	1986	Sponsor: Barbara Helvenston
English: Official Language	In Prog	CA	342,939	8-86	1986	Sponsor: USA English
Legal Casino Gambling	In Prog	CA	342,939	8-86	1986	Sponsor: Andrew S. Rubin
<b>MAINE</b>						
Voter Approval-Low Level Radioactive Waste Disposal	In Prog	ST	46,030	1-13-85	11-85	Indirect--must go to legislature before ballot appearance.
<b>NEVADA</b>						
Elected State Board of Wildlife Commission	Failed	ST	24,258	10-19-84		No signatures submitted by deadline.
<b>OREGON</b>						
20-Day Cutoff for Voter Registration	In Prog	CA	83,361	7-5-86	1986	Similar to '84 measure that did not qualify for ballot.
Prohibit Laws Against Private Property	In Prog	CA	83,361	7-5-86	1986	Similar to '84 measure that did not qualify for ballot.
Limit Public Employee Pay to Private Average	In Prog	CA	83,361	7-5-86	1986	Similar to '84 measure that did not qualify for ballot.
Prohibit Certain State Employees from Serving in State Legislature	In Prog	CA	83,361	7-5-86	1986	Would bar educators from serving as legislators.
Retail Sales and Use Taxes	In Prog	CA	83,361	7-5-86	1986	Details unavailable at press time.
Marijuana Legalization	In Prog	ST	62,521	7-5-86	1986	Lost in certification battle in '84. Will try again.
Tax Exemption - Social Security & Railroad Retirement Benefits	In Prog	CA	83,361	7-5-86	1986	For calculation of state income taxes.
30-Day Voter Registration Cut-off	In Prog	CA	83,361	7-5-86	1986	Seeking to end state's walk-in voter registration.
Prohibit State Funding of Abortions	In Prog	CA	83,361	7-5-86	1986	
<b>WASHINGTON</b>						
Require Referendum on Tax Increases & Full Funded Retirement Systems	Failed	ST	138,472	1-4-85		Indirect initiative. Did not file sufficient signatures.
Juvenile Detention Facilities for Runaways	Failed	ST	138,472	1-4-85		Indirect initiative. Did not file sufficient signatures.
<b>WYOMING</b>						
Beneficial Use of In-Stream Flows	Certified	ST			1986	Additional signatures filed for this 1984 drive. AG says must go to ballot.