Trends in State Initiatives and Referenda
By M. Dane Waters

When comparing the use of initiatives and referenda, one can argue that the initiative process has the greater impact on the day-to-day operations of state governments. Little debate surrounds the use of the referendum process because most of the issues that are placed on the ballot by state legislatures are there because the law requires a public vote. For this reason and because of the fact that great controversy surrounds the initiative process itself, this article will focus on the use of the statewide initiative process.

History of the Statewide Initiative Process

There is a long and rich history of citizens utilizing the initiative process in the United States. Since the first statewide initiative was placed on Oregon’s ballot in 1904, citizens in the 24 states with the initiative process have placed approximately 1,987 statewide measures on the ballot. However, they have only adopted 821 measures, or 41 percent. Even though 24 states have the statewide initiative process, almost 60 percent of all initiative activity has taken place in just five states: Arizona, California, Colorado, North Dakota and Oregon.

Additionally, it is important to point out that very few initiatives actually make it to the ballot. In California, according to political scientist Dave McCuan, only 26 percent of all initiatives filed have made it to the ballot, and only eight percent of those filed actually were adopted by the voters. During the 2000 election cycle, over 350 initiatives were filed in the 24 initiative states, and 76, roughly 22 percent, made the ballot.

The initiative process has been through periods of tremendous use, as well as periods in which it was rarely utilized. From 1904 to 1970, the use of the initiative steadily declined from its peak of 291 between 1911 and 1920 to its low of 78 between 1961 and 1970. Many factors contributed to this decline, but the distraction caused by two World Wars, the Great Depression and the Korean War is largely responsible. However, in 1978, with the passage of California’s Proposition 13, an initiative that cut state property taxes by nearly 60 percent, people began to realize the power of the initiative process once again and its use began to climb. Since 1978, the two most prolific decades of initiative use occurred in 1981 to 1990 (289 initiatives) and 1991 to 2000 (396 initiatives).

In 1996, the year considered by scholars to be the high water mark for the initiative process, citizens placed 102 initiatives on statewide ballots and adopted 45, or 44 percent. In contrast, that year, state legislatures in those same 24 states adopted over 14,000 laws and resolutions.

Since 1996, the number of initiatives actually making the ballot seems to be decreasing. In 1998, only 66 statewide initiatives actually made the ballot - the lowest number in a decade. In 2000, there were four initiatives on primary ballots and 72 on general election ballots, for a total of 76. Though this is more than were on the ballot in 1998, this number is still off pace with previous election cycles in the preceding decade.

In 2001, there were four initiatives on statewide ballots. The reason for the low number is that the constitutions of only five states allow initiatives in the odd years. These states are Colorado, Maine, Mississippi, Ohio and Washington.

The 2000 and 2001 Election Trends

Since only four initiatives appeared on the 2001 ballot, very little can be gathered as to the impact those measures will have on state governments and what trends they will set. Therefore, we will focus on the 2000 general election and how the initiatives voted on will impact the moral and fiscal fabric of our society in years to come.

On November 7, 2000, the voters in 17 states spoke out on 72 statewide initiatives dealing with some of the most emotional and controversial issues, including abortion, drug policy, gay rights, taxes, animal welfare, education and the environment. The voters adopted 35 of them, or 48 percent. The overriding theme of the 2000 election when discussing initiative results is that the voters were cautious. There were definitely big winners and losers, and the voters did pass a few measures that will have long-lasting impacts on state governments. But overall, the people chose to take a very cautious and moderate approach to reform.

Let’s take a closer look at the election results, how some of the top issues fared, and what that means for state governments and future ballots.

Animal Protection

The animal-protection movement has had an impressive win record with initiatives, primarily due to the support of the Humane Society of the United States.
and their growing knowledge and expertise in using the initiative process to accomplish reform. The 2000 election cycle saw a continuation of that winning streak, though the win record wasn’t as perfect as it was in previous elections.

Initiatives dealing with animal protection included a vote in Massachusetts on banning dog racing, one in Montana on banning game farms, and votes in Oregon and Washington on banning traps and poisons. Animal-welfare advocates won in Montana and Washington, but they lost in Massachusetts and Oregon.

The animal-protection movement has prided itself on using the initiative process at an increasing pace from election year to election year. However, in 2002, animal-protection activists will most likely opt to lessen the number of initiatives they place on the ballot and spend more resources on candidate campaigns. But they will likely show a strong return in 2004, with numerous ballot measures across the country.

Drug Policy Reform

The medical-marijuana movement supported by George Soros, John Sperling and Peter Lewis that dominated the 1998 ballot was back in 2000. With the exception of the medical-marijuana initiatives that were voted on in Colorado and Nevada on November 7th, drug-policy reformers focused their efforts on reforming asset-forfeiture laws and on how nonviolent drug offenders are sentenced. Initiatives dealing with these issues were voted on in California, Massachusetts, Oregon and Utah. Reformers passed measures on drug treatment in California, on medical marijuana in Colorado and Nevada, and on asset forfeiture in Oregon and Utah. Their only defeat came in a Massachusetts measure on drug treatment.

There is no doubt that this movement will be around in 2002 and will most likely be focused on some of the larger states, like Florida, Michigan and Ohio. The ultimate goal of this movement is to create a groundswell of popular support for drug reform that can be used to push Congress to reform the country’s drug laws.

Education Reform

There has never been a successful school-choice initiative on a statewide ballot. This is due primarily to the tremendous amount of time, energy and money the teachers unions have spent fighting these measures. 2000 was no different. The anticipated “Goliath-versus-Goliath” fight pitted the unions, with their millions of dollars, against the backers of school-choice initiatives, including billionaire Tim Draper in California, Microsoft billionaire Paul Allen in Washington and Amway founders Betsy and Dick DeVos in Michigan. The campaigns of these three initiatives accounted for almost 50 percent of all the money spent for or against initiatives in the 2000 election cycle, which was around $100 million dollars.

The defeat of school-choice measures in those three states - coupled with the outcomes of a California measure that lowered the threshold for passing local school bonds, measures in Colorado and Oregon that increased funding for public education, and a Washington initiative that increased teachers’ pay and reduced class sizes - equaled a good year for the advocates of additional funding for public education.

Many people have speculated that the school-choice movement was dead at the ballot box. However, there have been some indications that a new group is considering forming for the sole purpose of pushing school-choice initiatives again. These efforts will be met with serious opposition from the National Educational Association. The NEA changed its bylaws...
in 2000 to create a special dues increase of $5 for a
five-year period, with sixty percent of the fund to be
used to fight "anti-public-education" initiatives. The
other 40 percent will be used to advance public-educa-
tion issues, including possible "pro-public-education"
initiatives. There is little doubt that there will be sever-
al education-related initiatives floating around in 2002.

Guns
The National Rifle Association was largely silent in
the 2000 election cycle when it came to regulations on
guns. Gun-control advocates had big victories in
Colorado and Oregon, with measures that will require
that persons purchasing guns at gun shows be subject to
background checks. These victories have emboldened
the advocates of gun control and will no doubt lead to
other gun-control measures in the very near future.
However, there is little doubt that the NRA and other
gun-owner groups will fight these initiatives in 2002.

Health Care Reform
Many people have placed the defeat of universal
health care in Massachusetts as a big defeat for the
health care reform movement, but in reality it was a
victory for them. The presence of the initiative on the
ballot served as the 800-pound gorilla that prompted
the state legislature to pass a watered-down version of
the measure. The fact that the legislature was prompt-
ed to act in Massachusetts because of the initiative has
spurred activists in other states to consider pushing for
this reform, in hopes that it would prompt legislators in
other states to act.

Physician-Assisted Suicide
This issue has had its ups and downs at the ballot
box, with big victories in Oregon and a devastating loss
in Michigan in 1998. However, in 2000, voters in
Maine chose not to adopt their proposed death-with-
dignity law. Nevertheless, I wouldn't count the move-
ment down for the count.

Same-Sex Marriage and Gay Rights
The ban on same-sex marriages was the new trend to
watch at the ballot box. The issue was first tested in
Hawaii and in Alaska in 1998 and in California in
March 2000. After these victories the supporters of this
issue shifted their attention inland, placing the issue on
the ballots in Nebraska and Nevada. The measures
passed handily in both states, giving rise to the possibil-
ity that this reform is here to stay. With these two
victories and the failure of a legislative referendum in
Maine prohibiting discrimination based on sexual ori-
tentation, it was not a good year for gay-rights advocates.

Taxes
This has become the issue with the greatest impact
on state governments. Initiatives that impact state rev-
ues and state spending have always appeared on bal-
lots, but their dominance has grown since California's
Proposition 13 in 1978. In 2000, tax-cutters suffered
some big defeats. In Alaska, voters defeated a
property-tax-relief measure. In Colorado, they declined
to lower taxes on certain items. And in Oregon, they
rejected a measure that would have allowed for the full
deduction of federal income taxes from state taxes.

However, these losses were offset by big victories in
Massachusetts, where an initiative to reduce income
taxes passed; South Dakota, where voters abolished the
inheritance tax; and Washington, where voters passed a
measure declaring null and void certain tax or fee
increases adopted by state and local governments with-
out voter approval.

Regardless of these outcomes, the tax revolt is here
to stay and will almost certainly be a permanent fixture
on state ballots - but the question is what measures will
be adopted and where. A lot depends on the future of the
economy. Tax activists might wait to see what hap-
pens with the economy, as well as what happens in the
2002 midterm elections, before acting in any substanc-
tial way.

Additionally, this last election saw numerous initia-
tives, as well as measures referred by legislatures, that
allocated tobacco-settlement money in various ways.
With most of these payoffs taking place over 20 years,
many people who want to either cut taxes or increase
spending in certain areas will be looking at the tobacco
money as a clear target to accomplish their goals of
either reducing or increasing the size of government.

Ending Bilingual Education
Arizonans voted overwhelmingly to eliminate bilin-
gual education in 2000. This strong showing, coupled
with all the positive reports associated with the passage
of a similar measure in California, has given rise to the
likely prospect that this reform will be voted on in
future elections. The chief architect of this movement,
Ron Unz, is seriously eyeing states like Massachusetts
and Colorado for 2002.

Environmental Reform
Environmental initiatives took a beating in 2000,
with the defeats of measures imposing growth limita-
tions in Colorado and Arizona, the defeat of a measure
limiting clear-cutting in Maine, and the defeat of one
regulating billboards in Missouri. Environmentalists' 
only major initiative victory was in Florida, with the
passage of an initiative creating a statewide high-speed
rail system. However, legislative referenda dealing with increased funding for environmental and conservation efforts seem to have done well, as they do in most election cycles.

Even though these initiative defeats may give a little pause to environmental reformers, there is no doubt that these types of measures will again appear on the ballot. However, it is likely that this movement may move toward using the local initiative process in greater numbers than statewide initiatives. This is due primarily to the fact that most zoning laws are created by local governments and should be changed by local initiatives. Also, the use of local initiatives would allow the movement to focus its efforts on specific voting blocks that might be receptive to the efforts, versus trying to convince an entire state to adopt a reform that only affects certain large cities or counties.

**Campaign Finance Reform**

In a surprise development, both campaign finance reform measures that appeared on the 2000 general election ballot were defeated overwhelmingly – one in Missouri and one in Oregon. It is hard to say exactly what this means for the movement, but after big victories in 1998, it will almost certainly slow some of the movement's momentum. However, a lot depends on how successful U.S. Senator John McCain is in pushing this issue through Congress. If he is successful, it will likely reinvigorate efforts at the state level, which would prompt more initiatives in this area.

**Term Limits**

Nebraska became the 19th state to impose term limits on their state lawmakers, thereby reducing to two the number of states where term limits could theoretically be imposed using the initiative process. These states are North Dakota and Mississippi. However, due to judicial action in January 2002 in Oregon, where term limits were struck down on technical grounds, and a possible similar judicial decision expected from the Montana Supreme Court in mid-2002, there is a strong possibility that 2002 will once again see term limits being placed before the voters.

The 2002 Election Cycle

Based on the number of initiatives being filed as of the writing of this article, it is likely that 50 to 60 initiatives will appear on the 2002 ballot. This drop in the number of initiatives can be attributed to increased judicial action in stopping initiatives on technical grounds, as well the growing cost of utilizing the initiative process. The number of legislative referenda will most likely be consistent with previous election cycles, since the number of issues placed on the ballot by state legislatures has remained fairly constant over the last decade.

However, most of the initiatives that do make their way to state ballots will be those that have the backing of national groups that are providing the primary funding for these issues. As with previous elections over the last decade, fewer and fewer initiatives that are the product of the vision of one individual within the state are making it to the ballot. Instead, more and more often the initiatives appearing on state ballots are the vision of national groups wishing to place their reforms on state ballots all over the country as a way to increase the national debate on these issues, and in hopes of pushing Congress to adopt reforms. Term limits, drug policy reform, campaign finance reform, animal protection and tax reform are all examples of this trend.

**Conclusion**

There is no doubt that in the upcoming election cycles, there will be numerous initiatives that will have a tremendous impact on our daily lives. These initiatives will be derived from the brains of activists of all political persuasions, including those who wish to diminish the size of government and those who wish to increase it. Regardless of which political party or philosophy is behind them, one thing that we will see is an increase in the amount of money being spent on initiatives, as well as a decrease in the number of successful initiatives launched by individuals within a state with no support from individuals or groups outside the state. The impact on state governments will be substantial. Whether the impact is positive or negative will be entirely up to the individual observer. However, if history is any indicator, there is no doubt that the fiscal and social implications will be far-reaching.

**Notes**

1 All the statistical data and information contained in this article, unless otherwise noted, was independently gathered by the Initiative & Referendum Institute and can be verified by visiting the Institute’s website at http://www.iandrinstitute.org.

2 Numbers are approximate due to the fact that a comprehensive list of laws passed by state legislatures is unavailable. The numbers utilized in this article were arrived at utilizing information provided by the National Conference of State Legislatures.

3 See the table in this chapter on “Initiatives and Referenda, 2000 and 2001” for more details.

**About the Author**

M. Dane Waters is the founder, president and co-chairman of the Initiative & Referendum Institute, a nonprofit educational and research organization dedicated to educating people on the initiative and referendum processes. He has lectured widely in the United States and abroad and has written and edited numerous articles and books.
referendum and the popular initiative. Canada held North America’s first nationwide referendum in 1898 (a poll on prohibition), and western Canadian provinces also adopted the popular initiative and referendum between 1910 and 1919. None of these early provisions for Canadian direct legislation survived. Sources: Initiative and Referendum Institute database, National Conference of State Legislatures database. Research has found that significantly fewer measures qualify per state as the number of Twenty-six states have initiative and/or veto referendum processes at the statewide level. Washington, D.C., also has initiative and referendum processes. The availability of the powers at the local level varies by jurisdiction depending on state and local laws. The following states have initiative and/or veto referendum processes at the statewide level: Click on the links below to read about signature requirements and deadlines for ballot initiatives in each state. The initiative, promoted by a coalition of over 130 civil society organizations, had faced strong opposition from the business sector and the government, which feared that the rules would hurt Swiss companies amid an economic slowdown linked to the coronavirus pandemic. With the initiative rejected, milder legislation put forward by the government is expected to come into effect. That legislation also includes due diligence and reporting requirements, but stops short of holding Swiss parent companies liable for rights violations and environmental damage that occur abroad. The law, which is exp To educate people about the initiative and referendum process in the... In fact, the citizens in 32 states cast their vote and made their voice heard on 117 statewide ballot propositions. Of these, 41 were placed on the ballot by the people co The fate of Donald Trump’s Presidency and the future of America weren’t the only choices confronting voters on November 3rd. In fact, the citizens in 32 states cast their vote and made their voice heard on 117 statewide ballot propositions. Of these, 41 were placed on the ballot by the people co... Learn more about the initiatives and referendums on the November ballot - trends, issues, the possible impact. Issues that will impact every aspect of our daily lives! iandrinstitute.org. Ballotwatch â© Initiative & Referendum Institute.