Across Midwest, this fall’s ballots full of big issues for voters to decide — from whether to impose the death penalty to how to set legislator pay

Come November, voters in the Midwest won’t just be deciding on who their state legislators, governors and other elected officials will be. They also will directly decide the future of a wide range of public policies — for example, whether to impose the death penalty in Nebraska and how to set legislative salaries in Minnesota.

As of early September, 20 proposals in seven Midwestern states had been certified for the November elections, according to Ballotpedia.org. They include a mix of legislatively referred constitutional amendments and citizen-initiated proposals, as well as attempts to overturn recent state legislative actions.

Here is an overview of some of the ballot proposals in the Midwest this fall.

**Illinois’ ‘lock box’ for road funding**

The General Assembly is seeking a change in the state Constitution to ensure that revenues from the road fund are used for transportation purposes only. The “lock box” amendment received near-unanimous legislative support this year, but it now requires voter approval. In 2014, Wisconsin voters overwhelmingly approved a similar change in their state Constitution.

**Hunting, fishing and state constitutions**

According to the Congressional Sportsmen’s Foundation, constitutions in 18 states (including Minnesota, Nebraska, North Dakota and Wisconsin in the Midwest) have been amended over the past 40 years to give residents the right to hunt and fish. Indiana and Kansas would be added to that list under this fall’s legislatively referred constitutional amendments.

**Who sets legislator pay in Minnesota?**

When it comes to setting and changing legislative salaries, the most common approach used by states is a full vote by the legislatures themselves. Minnesota lawmakers, though, want to hand over that authority to an independent, citizen-run board. Eight members would be appointed by the governor; another eight by the chief justice of the Minnesota Supreme Court.

Proponents of the change say it removes a clear conflict of interest (people voting on their own wages). They add that legislators are reluctant to approve salary increases for themselves, even if such increases could encourage or allow more people to serve.

Not all legislatures in the Midwest make the final decisions on the pay of state senators and representatives. In Nebraska, for example, voters themselves must make the change, because the legislative salary of $1,000 a month is part of the state Constitution. In Indiana, a statutory formula ties the pay of legislators to that of trial court judges.

**Future of death penalty in Nebraska**

One year ago, Nebraska legislators repealed the state’s death penalty, mustering enough votes not only to pass the bill but to withstand a gubernatorial veto. After that decision, proponents of capital punishment immediately began working on a veto referendum — the chance for voters override the actions of their state legislature. Nebraskans: vote this fall on the death penalty will be one of the nation’s most closely watched ballot measures. According to the Death Penalty Information Center, four states in the Midwest have laws authorizing capital punishment: Indiana, Kansas, Ohio and South Dakota.
Proposed tax increase in North Dakota

Among the ballot measures being voted on this fall in North Dakota are a proposal to legalize medical marijuana (see this month’s cover story and page 6) and a plan to raise the state’s tobacco tax. The latter measure would, in part, raise the state tax on cigarettes from 44 cents per pack to $2.20. The additional revenues would go to two trust funds: the first for veterans and their families; the second to improve state services related to behavioral health, community health and chronic disease management.

North Dakota’s tax on cigarettes is the lowest in the Midwest. The highest rate is in Minnesota, $3 per pack, according to the Campaign for Tobacco-Free Kids.

Big year on South Dakota ballot

South Dakotans will be voting on at least 10 ballot proposals, third most in the nation (behind only California, 17, and Alabama, 14). One of the state’s proposed constitutional amendments would create an independent, nine-member commission to draw state legislative districts. A second would create nonpartisan primaries to select candidates for elected office.

Voters also will be asked to determine South Dakota’s law on the minimum wage — this time for workers under the age of 18. Two years ago, a successful ballot measure raised the minimum wage for all workers; it currently is $8.55 per hour. But the Legislature then decided to establish a youth minimum wage of $7.50 per hour. That decision has now been referred to a statewide vote.

One of South Dakota’s citizen-initiated statutes is a union-backed proposal that would give “corporate organizations and nonprofit organizations the right to charge a fee for any service provided.” This would include the fees that unions charge workers for negotiating with employers over salaries and benefits.

In 2016, there has been a rise in the number of citizen-led initiatives

Seventy-four citizen-led initiatives will be voted on this fall in the United States, the highest number in 10 years, says Josh Altic, project director of ballot measures for Ballotpedia.org. That number includes 10 different proposals to either legalize the recreational use of marijuana or the medical use of cannabis. North Dakota is among the five states where voters will decide the medical marijuana question. Last year, by a wide margin, Ohio voters rejected a proposal to legalize marijuana.

Other notable topics this year, Altic says, include proposals related to gun control, health care and the minimum wage.

Altic cites a few factors that have led to this year’s uptick in citizen-led initiatives. One is that people “aren’t seeing the policies they wanted enacted by their legislatures.” The second factor is historically low voter-turnout numbers in 2014. In most states, the number of signatures needed to get an initiative on the ballot is based on a percentage of the number of votes cast in the last election.

As a result, fewer signatures were required this year in many states. (There is variation in the signature rules from state to state; see table below.)

Ballot measures can have a major impact on policymaking in the states, and even the legislative institutions themselves. Two notable examples in the 1990s, for example, were the enactment of legislative term limits (now in place in Michigan, Nebraska, Ohio and South Dakota, among other states) and constitutional bans on gay marriage. More recently, Altic says, “there has been a trend toward more-progressive initiatives.”
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<thead>
<tr>
<th>State</th>
<th>Signature requirement</th>
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<tbody>
<tr>
<td>Michigan</td>
<td>A percentage of total votes in most recent governor’s race (general election): 10 percent to amend the Constitution; 8 percent to propose a new law; and 5 percent to “veto” recent legislation signed into law</td>
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<tr>
<td>Nebraska</td>
<td>A percentage of the state’s registered voters: 10 percent to amend the Constitution; 7 percent to propose a new law; and 5 percent to “veto” recent legislation signed into law</td>
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<tr>
<td>North Dakota</td>
<td>A percentage of the state’s total population: 4 percent to amend the Constitution and 2 percent to propose a new law or “veto” recent legislation signed into law</td>
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<td>Ohio</td>
<td>A percentage of total votes cast in most recent governor’s race (general election): 10 percent to amend the Constitution; 6 percent to “veto” recent legislation signed into law; and 3 percent to propose a new law</td>
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<tr>
<td>South Dakota</td>
<td>A percentage of total votes cast in most recent governor’s race (general election): 10 percent to amend the Constitution and 5 percent to propose a new law or to “veto” recent legislation signed into law</td>
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