

TABLE 6.12

State Initiatives: Preparing the Initiative to be Placed on the Ballot

State or other jurisdiction	Signatures verified by: (a)	Within how many days after filing	Number of days to amend/appeal a petition that is:		Penalty for falsifying petition (denotes fine, jail term)	Petition certified by: (d)
			Incomplete (b)	Not Accepted (c)		
Alabama	...	...	...	...	...	...
Alaska	Division of Elections	60 days	...	...	Class B misdemeanor	LG
Arizona	County recorder	(e)	...	...	Class 1 misdemeanor	SS
Arkansas	SS	30 days	30 days	30 days	Class A misdemeanor	SS
California	County clerk	30 days	...	...	Felony or misdemeanor (depending on severity)	SS
Colorado	SS	30 days	10 days	...	(f)	SS
Connecticut	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Florida	Supervisor of elections	N.A.	N.A.	N.A.	First degree misdemeanor	SS
Georgia	...	...	...	...	...	...
Hawaii	...	...	...	...	...	...
Idaho	County clerk	60 days	...	10 days	\$5,000, 2 yrs.	SS
Illinois	SBE (g)	...	(h)	(h)	Class 3 felony	SBE
Indiana	...	...	...	...	...	...
Iowa	...	...	...	...	...	...
Kansas	...	...	...	...	...	...
Kentucky	...	...	...	...	...	...
Louisiana	...	...	...	...	...	...
Maine	Registrar of voters	...	...	...	...	SS
Maryland	...	...	...	...	...	...
Massachusetts	Local board of registrar	2 weeks	...	...	\$1,000, 1 yr.	SS
Michigan	SS	Approx. 60 days	...	...	\$500, 90 days	BSC
Minnesota	...	...	...	...	...	...
Mississippi	Circuit clerk	...	10 days	10 days	\$1,000, 1 yr.	CC
Missouri	County clerk	63 days	...	10 days	Class A misdemeanor	SS
Montana	County election administrators	4 weeks	10 days	10 days	\$500, 6 mos.	SS
Nebraska	County clerk	40 days	...	...	...	SS
Nevada	County clerk	(i)	5 days (j)	...	...	SS
New Hampshire	...	...	...	...	...	...
New Jersey	...	...	...	...	...	...
New Mexico	...	...	...	...	...	...
New York	...	...	...	...	...	...
North Carolina	...	...	...	...	...	...
North Dakota	SS	35 days	...	...	(k)	SS
Ohio	County board of elections	10 days	10 days	...	5th degree felony	SS
Oklahoma	SS	...	10 days	...	\$1,000, 1 yr.	SS
Oregon	County clerk	30 days	(l)	...	(m)	SS
Pennsylvania	...	...	...	...	...	...
Rhode Island	...	...	...	...	...	...
South Carolina	...	...	...	...	...	...
South Dakota	SS	...	...	...	Class 1 misdemeanor	SBE
Tennessee	...	...	...	...	...	...
Texas	...	...	...	...	...	...
Utah	County clerk	30 days	...	14 days	Class A misdemeanor	LG
Vermont	...	...	...	...	...	...
Virginia	...	...	...	...	...	...
Washington	SS	...	5 days	5	Fine or imprisonment	SS
West Virginia	...	...	...	...	...	...
Wisconsin	...	...	...	...	...	...
Wyoming	SS	60 days	30 days	30 days	\$1,000, 1 yr.	SS
American Samoa	...	...	...	...	...	...
CNMI*	Election Commission	(n)	30 days (o)	119 days	(p)	AG
Puerto Rico	Office of the Supervisor of Elections	15 days	3 days	...	...	SBE
U.S. Virgin Islands	Office of the Supervisor of Elections	15 days	7 days	...	...	Office of the Supervisor of Elections

See footnotes at end of table

INITIATIVES

TABLE 6.12

State Initiatives: Preparing the Initiative to be Placed on the Ballot (continued)

Sources: The Council of State Governments' survey of state election website, Initiative & Referendum Institute website and Ballotpedia website, February 2016.

*Commonwealth of the Northern Mariana Islands

Key:

...–Not applicable.

CC–Circuit Clerk.

SS–Secretary of State.

LG–Lieutenant Governor.

BSC–Board of State Canvassers.

SBE–State Board of Elections.

- (a) The validity of the signatures, as well as the correct number of required signatures must be verified before the initiative is allowed on the ballot.
- (b) If an insufficient number of signatures is submitted, sponsors may amend the original petition by filing additional signatures within a given number of days after filing. If the necessary number of signatures has not been submitted by this date, the petition is declared void.
- (c) In some cases, the state officer will not accept a valid petition. In such a case, sponsors may appeal this decision to the Supreme Court, where the sufficiency of the petition will be determined. If the petition is determined to be sufficient, the initiative is required to be placed on the ballot.
- (d) A petition is certified for the ballot when the required number of signatures has been submitted by the filing deadline, and are determined to be valid.
- (e) Removal of petition and ineligible signatures by Secretary of State's office 20 days, certification by County Recorder 15 days after receipt from secretary of State's office.

- (f) Secretary conducts hearing, then turns over to the attorney general for investigation/possible criminal prosecution.
- (g) State Board of Elections and County Clerks or Municipal Boards of Election Commissioners. Individual petition sheets must be from a single jurisdiction. The SBE verifies that all signatures are from a single jurisdiction and the County Clerks or Municipal Boards verify the signatures against their registration files.
- (h) Amendments are not permitted. Judicial review must be sought within ten days after determination by State Board of Elections.
- (i) 1. Within four days county clerk totals the number of signatures and forwards to the secretary of state. 2. The secretary of state immediately notifies county clerks if they are to proceed or not proceed with the signature verification. 3. If ordered by the secretary of state, the county clerks verify signatures within nine days (excluding weekends and holidays).
- (j) In Nevada, appeal must be within 5 working days after SS determines the petition is not sufficient.
- (k) Any violations discovered will be reported to the attorney general for investigation and prosecution.
- (l) Additional signatures may be submitted if signatures were turned in prior to deadline for submitting signatures.
- (m) Whether a penalty is assessed would be based upon what information on the petition was falsified.
- (n) Within 90 days before the date of election.
- (o) 30 days if submitted 150 days before the date of the election. No amendment/appeal if submitted 120 days before the date of election.
- (p) Subject to statute governing fraud and perjury.