

TABLE 6.16

State Referendums: Preparing the Citizen Petition Referendum to be Placed on Ballot

State or other jurisdiction	Signatures verified by: (a)	Within how many days after filing	No. of days to amend/appeal 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	10	10	Class B misdemeanor	LG
Arizona	County recorder	(e)	...	...	Class 1 misdemeanor	SS
Arkansas	SS	30	...	30	Class D felony	SS
California	County clerk	8 (f)	...	...	Felony or misdemeanor (depending on severity)	SS
Colorado	SS	(g)	15	3 months and 3 weeks before election	Fines up to \$1,000 and forgery is a Class 5 felony	SS
Connecticut	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Florida	Supervisor of Elections	30	...	...	1st degree misdemeanor	SS
Georgia	...	...	...	...	...	...
Hawaii	...	...	...	...	...	...
Idaho	County clerk	...	...	...	\$5,000, 2 yrs.	SS
Illinois	State Board of Elections	varies	...	...	Class 3 felony	SBE
Indiana	County clerk	...	...	...	...	...
Iowa	...	...	...	...	...	...
Kansas	...	...	...	...	...	...
Kentucky	...	...	...	...	...	...
Louisiana	...	...	...	...	...	...
Maine	Registrars of voters	30	...	...	Class E crime	SS
Maryland	Local Board of Elections	20	...	...	Misdemeanor (h)	SS, SBE
Massachusetts	Local boards of registrars	14	...	...	\$1,000, 1 year	SS
Michigan	SS	Approx. 60	...	...	\$500, 90 days	BSC
Minnesota	...	...	...	...	...	...
Mississippi	...	...	...	...	...	...
Missouri	County clerk	(i)	...	10	Class A misdemeanor	SS
Montana	County election administrators	28	10	10	\$500, 6 mos.	SS
Nebraska	County clerk	40	...	...	Penalty up to \$1,000 and 1 year in prison	SS
Nevada	County clerk	(j)	5	...	...	SS
New Hampshire	...	...	...	...	...	...
New Jersey	...	...	...	...	...	...
New Mexico	...	...	...	...	...	...
New York	...	...	...	...	...	...
North Carolina	...	...	...	...	...	...
North Dakota	SS	35	...	20	(k)	SS
Ohio	SS	no later than 105 days before election	10	...	5th degree felony	SS
Oklahoma	SS	...	10	...	\$1,000, 1 year	SS, State Supreme Court
Oregon	SS, county clerk	30	...	...	(l)	SS
Pennsylvania	...	...	...	...	...	...
Rhode Island	...	...	...	...	...	...
South Carolina	...	...	...	...	...	...
South Dakota	SS	...	...	...	Class 2 misdemeanor	SS
Tennessee	...	...	...	...	...	...
Texas	...	...	...	...	...	...
Utah	County clerks	55 (m)	...	10	Class A misdemeanor	LG
Vermont	...	...	...	...	...	...
Virginia	...	...	...	...	...	...
Washington	SS	(n)	...	10	Class C felony (possible)	SS
West Virginia	...	...	...	...	...	...
Wisconsin	...	...	...	...	...	...
Wyoming	SS	60	60	60	\$1,000, 1 yr.	SS
American Samoa	...	...	...	...	...	...
CNMI*	AG	...	(o)	(o)	(p)	AG
Puerto Rico	...	...	...	...	...	...
U.S. Virgin Islands	Supervisor of Elections	15	...	...	...	Supervisor of Elections

See footnotes at end of table

REFERENDUMS

TABLE 6.16

State Referendums: Preparing the Citizen Petition Referendum to be Placed on Ballot (continued)

Sources: The Council of State Governments' survey of state election website, Initiative & Referendum Institute website and Ballotpedia website, April 2019.

*Commonwealth of Northern Mariana Islands

Key:

...—Not applicable.

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 referendum is allowed on the ballot.
- (b) If an insufficient number of signatures are 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 have 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 cases, 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 referendum is required to be placed on the ballot.
- (d) A petition is certified for the ballot when the required number of signatures have been submitted by the filing deadline, and are determined to be valid.
- (e) In Arizona, the secretary of state has 20 days to count signatures and to complete random sample; the county recorder then has 15 days to verify signatures.

- (f) Clerk has 8 days to report raw totals of signatures and 30 days for random sampling to verify signatures.
- (g) At least 30 days for internal review process to conduct random sampling; must verify at least 90% are valid.
- (h) Misdemeanor, punishable by a \$10-\$250 fine or 30 days—six months in jail, or both.
- (i) In Missouri, must be certified as sufficient or insufficient by the 13th Tuesday prior to the general election.
- (j) 1. Within four days county clerks count total number of signatures and forward 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).
- (k) Any violations discovered will be reported to the attorney general for investigation and prosecution.
- (l) Whether a penalty is assessed would be based upon what information on the petition was falsified.
- (m) After the end of the legislative session.
- (n) Not later than the third Tuesday following the primary election.
- (o) Incomplete: 30 or more days if submitted 150 days before date of the election; none if submitted 120 days before date of election. Not accepted: If submitted 119 days or less before the election.
- (p) Subject to statute governing fraud or perjury.