

2013 Ballot Propositions

By John G. Matsusaka

Voters decided 31 state-level propositions in 2013, a slow year for citizen lawmaking. The most controversial measures were a tax increase in Colorado and GMO food labeling in Washington. Voters also decided a large number of local ballot propositions, addressing a number of high-profile issues, including minimum wage, marijuana legalization and pension reform.

Like most odd-numbered years, 2013 was light on state-level ballot propositions. Some important issues did come before state voters, but much of action was at the local level, where voters decided a number of important issues, ranging from marijuana legalization to the minimum wage to funding for the Houston Astrodome.

Statewide Propositions

Only 31 statewide propositions in six states went before the voters in 2013. Texas led with nine propositions, followed by Washington with seven and New York with six. Three propositions were placed on the ballot by citizen petition, otherwise known as initiatives; the rest were placed on the ballot by state legislatures. Voters approved 81 percent of the proposals.

While proposition activity is always muted in odd-numbered years, 31 propositions is the lowest annual total for the 21st century. A total of 1,696 state-level propositions and 481 initiatives have gone before the voters in this century. Only six times in the past 50 years has the number of initia-

tives been three or less: 1965, 1969, 1971, 1985, 1987 and 2007.

Three state-level propositions attracted a fair amount of public interest:

Colorado's Amendment 66. This initiative, sponsored by Democratic state Sen. Mike Johnston, proposed to increase the state income tax from 4.63 percent to 5.0 percent, and add a 5.9 percent bracket for incomes of more than \$75,000. It was expected to generate almost \$1 billion per year in revenue, which would be dedicated to preschool and K–12 schooling. The initiative also required the state to allocate at least 43 percent of its total revenue to education and excluded the new revenue from the state's spending limit.

Supporters of Amendment 66 raised more than \$10 million, with much of the money coming from donors outside the state, including New York Mayor Michael Bloomberg, Bill and Melinda Gates and the National Education Association. Supporters argued that education was underfunded and that education spending would be a good investment for the state economy.

Table A: State-by-State Totals for 2013

State	Initiatives	Legislative measures	Advisory	Total	Notable issues
Colorado.....	1 (0)	1 (1)	...	2 (1)	Income tax increase, tax on marijuana
Maine.....	...	5 (5)	...	5 (5)	Five bond issues
New Jersey.....	...	2 (2)	...	2 (2)	Increase in minimum wage
New York.....	...	6 (5)	...	6 (5)	Casino authorization, higher retirement age for judges
Texas.....	...	9 (9)	...	9 (9)	\$2 billion water project fund, tax exemptions
Washington.....	2 (0)	...	5 (3)	7 (3)	GMO food labeling, initiative petitions
Total.....	3 (0)	23 (22)	5 (3)	31 (25)	

Source: Initiative & Referendum Institute (www.iandrinstitute.org).

Note: The table reports the total number of propositions during 2013. All propositions appeared on the ballot on November 5. The main entry is the number of propositions appearing; the number approved is in parentheses. For advisory measures in Washington, the proposition is classified as "approved" if the recommendation was to maintain the existing law.

Table B: Number of Ballot Propositions by Year Since 2000

Year	All	Initiatives	Referendums	Legislative	Other
2000	239	76	6	151	6
2001	39	4	0	35	0
2002	224	51	5	164	4
2003	68	7	0	61	0
2004	176	64	3	108	1
2005	45	18	1	26	0
2006	226	79	4	142	1
2007	43	2	2	39	0
2008	168	68	6	90	4
2009	32	5	3	24	0
2010	184	46	4	130	4
2011	34	10	2	22	0
2012	187	48	14	122	3
2013	31	3	0	23	5
2000–2013	1,696	481	50	1,137	28

Source: Initiative & Referendum Institute (www.iandrinstitute.org).
 Note: "Other" includes propositions placed on the ballot by commissions, constitutions, or statutes.

The opposition was disorganized and poorly funded, with arguments against Amendment 66 focused on the economic drag of a large tax increase, particularly given the fragile state of the economy. Despite the extensive campaign in support, including backing by the state’s Democratic Gov. John Hickenlooper, other Democratic officials in the state, teachers unions, and numerous school boards, voters soundly rejected the proposal, with 36 percent in favor and 64 percent opposed.

Washington’s I-522. This initiative required manufacturers to label any food that was genetically engineered or contained ingredients that were genetically engineered. Supporters—including organic and natural food activists and businesses—argued that consumers have a right to know how their food is made, and that such labeling is available in many countries outside the United States. Opponents argued that labeling would be costly for consumers and provide no clear benefit, and that genetic engineering shouldn’t be stigmatized because it has significantly improved the world’s food production. All major newspapers in the state

opposed I-522. Campaign spending was at or near record levels for the state, with \$7 million spent in favor and more than \$20 million spent against; most of the money for and against was contributed by groups outside the state. The largest contribution to the yes campaign was \$2 million from Dr. Bronner’s Magic Soaps, a manufacturer and retailer of organic soaps. The no campaign received more than \$11 million from the Grocery Manufacturers Association, \$5 million from Monsanto and \$4 million from Dupont. Despite leading in most pre-election polls, I-522 was narrowly rejected on Election Day, with 49 percent in favor and 51 percent opposed.

Texas’ Proposition 6. This constitutional amendment was placed on the ballot by the state legislature. It proposed to create two funds to finance water infrastructure and conservation projects included in the state’s ambitious state water plan. A controversial aspect of the proposal was the funding source: the measure proposed to transfer \$2 billion from the state’s rainy day

fund to seed the water funds. Supporters included Republican Speaker of the House Joe Straus, the Koch brothers and many environmental groups. Proponents noted that the state’s reservoirs were only 60 percent full after a recent drought, and that it was important to alleviate the risk of a water shortage in the future due to the state’s growing population and dwindling groundwater supplies. Opponents, including fiscal conservatives and libertarians, expressed concern about depleting the rainy day fund that was designed for emergencies, and the possibility of cronyism in the awarding of funds because of the role of three political appointees in the award process. Voters approved Proposition 6 with 73 percent in favor.

Local Propositions

While 24 of 50 states permit citizens to propose new laws by initiative, more than 82 percent of cities allow initiatives. Initiative rights are most common in the western United States, available in 97 percent of Western cities, but also are common in every region of the country.

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Table C: Complete List of Statewide Ballot Propositions in 2013

<i>State</i>	<i>Type</i>	<i>Result</i>	<i>Short description</i>
Colorado			
Amendment 66	I/CA	Failed 36-64	Increases income tax rates, guarantees minimum education spending.
Prop AA	L/ST	Approved 65-35	Imposes 10–15% tax on marijuana sales.
Maine			
Question 1	L/ST	Approved 58-42	\$14 M bond issue for Maine National Guard.
Question 2	L/ST	Approved 61-39	\$15.5 M bond issue for University of Maine buildings.
Question 3	L/ST	Approved 72-28	\$100 M bond issue for transportation projects.
Question 4	L/ST	Approved 53-47	\$4.5 M bond issue for Maine Maritime Academy science facility.
Question 5	L/ST	Approved 66-34	\$15.5 M bond issue for state community college buildings.
New Jersey			
Public Question 1	L/CA	Approved 81-19	Permits veterans' organization to raise money from gambling.
Public Question 2	L/CA	Approved 61-39	Sets minimum wage at \$8.25 per hour, indexes to inflation.
New York			
Proposal 1	L/CA	Approved 57-43	Allows legislature to authorize seven casinos.
Proposal 2	L/CA	Approved 84-16	Grants civil service credit to disabled veterans.
Proposal 3	L/CA	Approved 62-38	Exempts sewage project debt from local government debt limits.
Proposal 4	L/CA	Approved 73-27	Resolves competing claims to forest preserve near Long Lake.
Proposal 5	L/CA	Approved 53-47	Allows NYCO Minerals to continue operations in state forest preserve.
Proposal 6	L/CA	Failed 42-58	Increases mandatory retirement age for judges from 70 to 80 years.
Texas			
Prop 1	L/CA	Approved 87-13	Property tax exemption for spouse of military member killed in action.
Prop 2	L/CA	Approved 85-15	Eliminates obsolete text regarding medical board.
Prop 3	L/CA	Approved 58-42	Authorizes property tax exemption for aircraft parts to be resold.
Prop 4	L/CA	Approved 85-15	Property tax exemption for homes donated to veterans.
Prop 5	L/CA	Approved 63-37	Permits reverse mortgages, amends disclosure rules.
Prop 6	L/CA	Approved 73-27	Diverts \$2 B from rainy day fund for water projects.
Prop 7	L/CA	Approved 74-26	Allows cities to set procedures for filling vacancies in offices.
Prop 8	L/CA	Approved 72-28	Repeals text concerning hospital district in Hidalgo County.
Prop 9	L/CA	Approved 85-15	Expands possible sanctions for judicial misconduct.
Washington			
I-517	I/ST	Failed 37-63	Sets penalties for interfering with petitions or retaliating against signers.
I-522	I/ST	Failed 49-51	Requires labeling of genetically modified food.
Advisory Vote 3	L/Adv	Approved 52-48	Maintain or repeal law repealing tax credit for public property.
Advisory Vote 4	L/Adv	Approved 54-46	Maintain or repeal law imposed excise tax on commuter air carriers.
Advisory Vote 5	L/Adv	Failed 40-60	Maintain or repeal insurance premium tax for pediatric oral services.
Advisory Vote 6	L/Adv	Failed 48-52	Maintain or repeal law repealing tax exemption for telecomm services.
Advisory Vote 7	L/Adv	Approved 51-49	Maintain or repeal extension of estate tax on property over \$4 M.

Source: Initiative & Referendum Institute.

Note: An advisory vote is classified as “approved” if votes to maintain the existing law exceeded votes to repeal the law.

Key:

I — Initiative
 L — Legislative measure
 CA — Constitutional amendment
 ST — Statute
 Adv — Advisory

No organization tracks all local propositions across the country, but scattered information suggests that voters decide thousands of issues each year. For example, the Ohio Secretary of State reported 1,679 municipal ballot measures in 2013 in that state alone. Most local initiatives concern approval of property taxes to fund schools and

bond issues. Local propositions also are used to resolve a wide variety of other issues. Some of the most interesting local propositions for 2013 include: **Minimum Wage.** One of the most watched elections in the country took place in the tiny Washington city of SeaTac, with a population of 27,000. The city is home to Seattle-Tacoma Interna-

tional Airport. Voters there approved Proposition 1, an initiative to raise the minimum wage from \$10.88 to \$15 per hour. The initiative was backed by the Service Employees International Union and the Teamsters. It was opposed by Alaska Airlines and trade groups representing car rental agencies, hotels and restaurants. Combined spending for and against Proposition 1 was \$2.2 million, a remarkable amount for a local election in such a small city. The margin of victory was 77 votes out of the 6,003 cast, a tally that held after a recount. Opponents immediately took the issue to court, and in late December 2013, a King County superior court judge ruled the new law does not apply to 4,700 airport employees because the airport is under the jurisdiction of the Port of Seattle. The case is still being litigated, but at the time of writing, it only applied to 1,600 people who work outside the airport.

Astrodome. In Harris County, Texas, voters decided Proposition 2, placed on the ballot by the county’s commissioners. The proposition asked voters to approve a \$217 million bond issue to renovate the iconic Houston Astrodome. The Astrodome was the world’s first domed stadium, and at one time home to the Houston Astros and Houston Oilers. It opened for business in 1965, but has been shuttered since 2009 and lacking an obvious purpose since Reliant Stadium opened next door in 2002. The bonds would have been financed from higher property taxes and would have been spent to convert the building into a convention center. Voters rejected the proposition with 53 percent opposed.

51st State. Voters in 11 Colorado counties considered whether to secede from Colorado and form a new state. The counties holding these votes were largely rural and Republican, and the propositions were a reaction to a perception that the Democratic-controlled state legislature was unsympathetic to the concerns of rural counties. The vote was largely symbolic because creation of a new state would require approval by the state legislature and the U.S. Congress, which is unlikely. Five counties voted in favor of the “51st State Initiative”—Cheyenne, Kit Carson, Philips, Washington and Yuma—and six voted against secession—Carson, Elbert, Lincoln, Logan, Sedgewick and Weld.

Casinos. Massachusetts’ 2011 casino gambling law allows the state to award three casino licenses, one for a casino in the east, one for the west and one for the southeast, subject to voter approval. Gaining voter approval has proved to be a serious

challenge, as one community after another rejected casino plans in 2013. One proposal was to add a \$1 billion casino to the existing Suffolk Downs racetrack, New England’s last remaining thoroughbred racetrack, which straddles the communities of East Boston and Revere. In November, East Boston voters rejected the casino, with 56 percent opposed, while Revere voted in favor of the casino, with 61 percent approving. The proposal was supported by Boston Mayor Thomas Menino and \$2 million in campaign spending by Suffolk Downs. Opponents expressed concern about potential traffic, crime and gambling addiction. After the defeat in East Boston, Suffolk Downs has scrambled to develop a new proposal that would be entirely in Revere.

In another vote in the town of Palmer, Mass., voters narrowly rejected a \$1 billion proposal from Mohegan Sun by a margin of less than 100 votes out more than 5,200 cast. Opponents were concerned that the casino would spoil the town’s rural character by increasing traffic and crime. In late November, voters in Milford rejected a \$1 billion casino proposal by Foxwood, with 63 percent

Table D: Availability of Initiative Process in Cities

<i>All cities in sample</i>	<i>Percent of cities with initiative</i>	<i>N</i>
All cities in sample	82.2	1,088
West	96.7	399
South	82.2	315
Midwest	59.4	254
Northeast	81.5	119
Population 25,000 to 50,000	78.9	427
Population 50,000 to 100,000	82.4	410
Population 100,000 to 250,000	85.8	183
Population > 250,000	91.1	68

Note: The sample includes (with a few exceptions) the largest 1,000 cities in the United States and the 10 largest cities in each state, as of 2005. Cities with population below 25,000 are excluded. Regions follow Census definitions: West includes AK, AZ, CA, CO, HI, ID, MT, NM, NV, OR, UT, WA, WY; South includes AL, AR, DE, FL, GA, KY, LA, MD, MS, NC, OK, SC, TN, TX, VA, WV; Midwest includes IA, IL, IN, KS, MI, MN, MO, NE, ND, OH, SD, WI; Northeast includes CT, MA, ME, NH, NJ, NY, PA, RI, VT. Cities are classified as having the initiative if they allow citizens to propose charter amendments or ordinances by petition, and the proposals are put to a vote of the citizens at large. Initiative and population data are from the *Legal Landscape Database*.

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opposed. In September, voters in West Springfield rejected an \$800 million proposal by Hard Rock International, with 55 percent opposed. Gaming interests had better luck in the cities of Everett and Springfield. In June, Everett voters approved, with 86 in favor, a proposal from Las Vegas casino operator Steve Wynn to build a casino along the Mystic River. In July, Springfield voters approved a \$1 billion proposal from MGM Resorts International with 58 percent in favor.

Pension reform. Several cities voted on changes to their public pension systems. The most far-reaching proposal was Cincinnati's Issue 4, an initiative placed on the ballot through a petition campaign by the Cincinnati Pension Reform Committee. The initiative proposed to change public pensions from a defined benefit to a defined contribution system. Issue 4 was opposed by the city council and AFL-CIO. The voters rejected it decisively, with 78 percent opposed. San Francisco voted on Proposition A, sponsored by supervisor Mark Farrell and supported by the mayor, board of supervisors, public employee unions and the city's major newspapers. The effect of the proposal was in dispute, but it was intended to restrict diversion of money from the Retiree Health Care Trust Fund, except when it is fully funded. Voters approved Proposition A with 68 percent in favor. The city of Hialeah, Fla., approved a charter amendment that required voter approval for future changes to the pension plan for elected officials, with 80 percent in favor.

Marijuana. Advocates of marijuana legalization continued to ride a wave of favorable public opinion following votes in 2012 for legalization in Colorado and Washington, which came on the heels of two decades of spreading legalization of medical marijuana. Four cities voted on initiatives that proposed to decriminalize adult possession of small quantities of marijuana, approving legalization by large margins in each case. In Portland, Maine, voters approved Question 1, an initiative, with 67 percent in favor. In Lansing, Mich., a legalization charter amendment was approved with 62 percent in favor. Voters also approved legalization laws in Ferndale, Mich., with 69 percent in favor, and in Jackson, Mich., with 61 percent in favor. Marijuana remains illegal under state law in Maine and Michigan; and of course it still remains illegal under federal law. The effects of the election result are unclear; local law enforcement officials have stated that they will continue to enforce state law, implying that they viewed the vote as symbolic.

About the Author

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