

REFERENDUMS

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 | ... | ... | Felony or misdemeanor (depending on severity) | SS |
| Colorado | ... | ... | ... | ... | ... | ... |
| Connecticut | ... | ... | ... | ... | ... | ... |
| Delaware | ... | ... | ... | ... | ... | ... |
| Florida | ... | ... | ... | ... | ... | ... |
| 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 | ... | ... | ... | SS |
| Maryland | Local Board of Elections | 20 | ... | ... | Misdemeanor (f) | 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 | (g) | ... | 10 | Class A misdemeanor | SS |
| Montana | County election administrators | 28 | 10 | 10 | \$500, 6 mos. | SS |
| Nebraska | County clerk | 40 | ... | ... | ... | SS |
| Nevada | County clerk | (h) | 5 | ... | ... | SS |
| New Hampshire | ... | ... | ... | ... | ... | ... |
| New Jersey | ... | ... | ... | ... | ... | ... |
| New Mexico | ... | ... | ... | ... | ... | ... |
| New York | ... | ... | ... | ... | ... | ... |
| North Carolina | ... | ... | ... | ... | ... | ... |
| North Dakota | SS | 35 | ... | 20 | (i) | SS |
| Ohio | County board of elections | 10 | 10 | ... | 5th degree felony | SS |
| Oklahoma | SS | ... | 10 | ... | \$1,000, 1 year | SS |
| Oregon | SS, county clerk | ... | ... | ... | (j) | SS |
| Pennsylvania | ... | ... | ... | ... | ... | ... |
| Rhode Island | ... | ... | ... | ... | ... | ... |
| South Carolina | ... | ... | ... | ... | ... | ... |
| South Dakota | SS | ... | ... | ... | Class 1 misdemeanor | SS |
| Tennessee | ... | ... | ... | ... | ... | ... |
| Texas | ... | ... | ... | ... | ... | ... |
| Utah | County clerks | 55 (k) | ... | 10 | Class A misdemeanor | LG |
| Vermont | ... | ... | ... | ... | ... | ... |
| Virginia | ... | ... | ... | ... | ... | ... |
| Washington | SS | (l) | ... | 10 | Class C felony (possible) | SS |
| West Virginia | ... | ... | ... | ... | ... | ... |
| Wisconsin | ... | ... | ... | ... | ... | ... |
| Wyoming | SS | 60 | 60 | 60 | \$1,000, 1 yr. | SS |
| American Samoa | ... | ... | ... | ... | ... | ... |
| No. Mariana Islands . | AG | ... | (m) | (m) | (n) | AG |
| Puerto Rico | ... | ... | ... | ... | ... | ... |
| U.S. Virgin Islands | Supervisor of Elections | 15 | ... | ... | ... | Supervisor of Elections. |

See footnotes at end of table.

**STATE REFERENDUMS: PREPARING THE CITIZEN PETITION REFERENDUM
TO BE PLACED ON BALLOT — Continued**

Sources: The Council of State Governments' survey of state election administration offices, January 2007 and state web sites, March 2010.

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 15 days to count signatures and

to complete random sample; the county recorder then has 10 days to verify signatures.

(f) Misdemeanor, punishable by a \$10–\$250 fine or 30 days—six months in jail, or both.

(g) In Missouri, must be certified as sufficient or insufficient by the 13th Tuesday prior to the general election.

(h) 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).

(i) Any violations discovered will be reported to the attorney general for investigation and prosecution.

(j) Whether a penalty is assessed would be based upon what information on the petition was falsified.

(k) After the end of the legislative session.

(l) Not later than the third Tuesday following the primary election.

(m) 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.

(n) Subject to statute governing fraud or perjury.