Section I

CONSTITUTIONS AND ELECTIONS

1. Constitutions
2. Elections
Constitutions

STATE CONSTITUTIONS AND CONSTITUTIONAL REVISION, 1972–1973
By Albert L. Sturm*

Amendment and revision of state constitutions continued at a high level during 1972–73. Compared with the previous two biennia, the States placed less emphasis on general revision by constitutional conventions and constitutional commissions and more on proposals by their Legislatures. During the 1972–73 biennium, electorates of 46 States voted on proposed changes in their state constitutions, ranging from minor alterations to an entirely new document. In Delaware, where the basic law is amended by legislative action without submission to the voters, the General Assembly for the second time gave the first of two required approvals to a proposed new constitution. The only three States that took no action to alter their constitutions during the period were: Arkansas, which in 1970 had rejected a new constitution drafted by a constitutional convention; Illinois, where a new constitution written by a constitutional convention became effective in 1971; and Vermont where a 10-year time-lock precludes constitutional change at more frequent intervals.

Official action to modernize state constitutions included the operation of four constitutional conventions and 11 constitutional commissions. The voters acted on a total of 17 proposals submitted by four constitutional conventions in four States: Montana—a new constitution and three separate propositions; North Dakota—a new constitution and four alternate propositions; Tennessee—one amendment; and Rhode Island—seven amendments. Montana was the only State to adopt and make effective a new constitution proposed by a constitutional convention during the biennium.

Official action was taken on a total of 530 proposed changes, including 389 of statewide applicability in 47 States and 141 local amendments in five States. The electorates of five States voted on the question of calling a constitutional convention and approved three. In Louisiana, the Legislature called a constitutional convention without submitting the issue to the electorate.

To facilitate comparison, this analysis of major constitutional developments during 1972–73 follows the same general format in the last two volumes of The Book of the States. The five principal parts of the analysis are: first, modernizing procedure; second, use of the amending process; third, constitutional commissions; fourth, constitutional conventions; and, finally, constitutional studies. Elections divisions in offices of the Secretaries of State and state legislative service agencies provided most of the data for this analysis. Salient features of constitutional change are presented in tabular form.

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1In an advisory opinion, the Delaware Supreme Court ruled in 1971 that failure to comply with the constitutional mandate on publication invalidated action by the General Assembly for the second approval. Opinion of the Justices, 275 A. 2d 558 (1971).
MODERNIZING PROCEDURE: USE OF AUTHORIZED METHODS

The four authorized methods of initiating state constitutional change are: proposal by the Legislature, authorized in all the States; the constitutional initiative, available in approximately one third of the States; the constitutional convention, which may be called in all the States but is specifically authorized in four fifths of state constitutions; and the constitutional commission, which is expressly authorized as an independent organ for proposing formal changes only in the Florida constitution, but is widely used as an auxiliary body to assist Legislatures. During the biennium, the first three methods were used formally to propose alterations in the basic laws of the States, but constitutional commissions continued to be widely employed by Legislatures to study the constitution and to submit recommendations for legislative action.

Table A summarizes state constitutional changes by the three methods of formal initiation used during 1972–73 and the two preceding biennia.

Included are totals of proposals, adoptions, percentages of adoptions, and the aggregates for all methods. Significantly, more changes were proposed during 1972–73 than the two preceding biennia. The increased number of proposals indicates a continuing high level of interest and concern for modernizing state constitutions. The percentage of adoptions improved substantially over the last biennium but failed to achieve the high point of 1968–69. As always, legislative proposal was the method used to initiate the vast majority of proposed alterations. Use of the constitutional initiative more than tripled over the preceding biennium, and almost tripled over 1968–69. Although proposals by constitutional conventions were almost three times the number for 1970–71, they numbered only half those in 1968–69.

The percentage of proposals by both the constitutional initiative and constitutional conventions during 1972–73 was more than twice as great as during 1970–71; nevertheless, well over nine of every 10 proposals were initiated by legislative assemblies during both periods. Legislative proposals also achieved the highest level of acceptability to the electorate, with a percentage of 71.6. During each of the three biennia shown in Table A, constitutional initiatives won less voter approval than proposals initiated by other methods.

USE OF THE AMENDING PROCESS

All formal methods of change may be used to propose piecemeal amendments to state constitutions but, as noted above, proposal by state lawmaking bodies is by far the most used technique. Submission to the voters of all legislative proposals for constitutional change is required in every State except Delaware, where only legislative action is necessary. Before consider-

Table A


<table>
<thead>
<tr>
<th>Method of initiation</th>
<th>States involved 1968–69</th>
<th>Total proposals</th>
<th>Total adopted</th>
<th>Percentage adopted</th>
</tr>
</thead>
<tbody>
<tr>
<td>All methods</td>
<td>44</td>
<td>48</td>
<td>47</td>
<td>490</td>
</tr>
<tr>
<td>Legislative proposal</td>
<td>41</td>
<td>47</td>
<td>46</td>
<td>450</td>
</tr>
<tr>
<td>Constitutional initiative</td>
<td>5</td>
<td>4</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>Constitutional convention</td>
<td>5</td>
<td>2</td>
<td>4</td>
<td>34</td>
</tr>
</tbody>
</table>
CONSTITUTIONS AND ELECTIONS

ing in detail the number and content of proposals initiated by this method, the use of the constitutional initiative is summarized; consideration of the role of commissions and conventions in the amending process is deferred to later sections.

Constitutional Initiative Proposals. The constitutional initiative is intended to be used to propose amendments when lawmaking bodies fail to act on matters for which there is considerable popular support. It is not an appropriate method for proposing extensive constitutional change. During 1972–73, 16 constitutional initiatives were submitted to the voters in seven States. The numbers proposed and adopted in each State were: California (5—1), Colorado (4—1), Michigan (2—0), North Dakota (1—0), Ohio (1—0), Oklahoma (1—0), and Oregon (2—1). Thus, only three were adopted in three States, with rejections of all initiative proposals in four States. This technique obviously is of relatively minor importance in the total spectrum of constitutional reform and the rate of adoptions is substantially lower than that for other methods. The most noteworthy use of the constitutional initiative during 1972–73 was the Tax and Expenditure Limitations proposal advocated by Governor Ronald Reagan of California and rejected by the voters at the November 6, 1973, referendum.

Legislative Proposals. Table A shows approximately 14 percent increase in the number of legislative proposals during 1972–73 over those of 1970–71, and 10 percent increase over 1968–69. Not only do these figures indicate sustained attention to constitutional modernization, but also the concern of state lawmaking bodies for this subject. Legislative proposals varied from minor matters of local concern to entire new articles and major sections of the constitutional system.

Of the 47 States that took some official action to amend or revise their constitutions during 1972–73, Tennessee was the only one not to use the legislative approach for some or all proposals. Of the 46 States that used this method, one or more proposals initiated by the Legislature were approved by the electorate in 42 States; all such proposals were rejected by the voters in Kentucky (2), Montana (1), New Hampshire (2), and Rhode Island (2). The number of proposed changes ranged from one each in three States to 94 (24 general and 70 local) proposals in Georgia. The tabulation below lists, with the number of proposals and adoptions, the States that used this method to the greatest extent during 1972–73.

Substantive Changes. Table B classifies constitutional changes during 1972–73 and the two preceding biennia by subject matter. All proposals are grouped under two major categories: first, those of general statewide applicability, which include all proposed changes in all except five States; and, second, proposed local amendments in Alabama (27), Georgia (70), Louisiana (16), Maryland (6), and South Carolina (22), which affect a single political subdivision or a restricted number of such units. Proposals of general statewide applicability are further classified under subject matter headings that conform broadly to the principal subject matter areas of state constitutions. The last group includes proposals for general constitutional revision. The percentage of adoptions of proposals of statewide applicability improved very substantially in 1972–73 compared with 1970–71, increasing from 58.2 to 70.7 percent.

Table B indicates that by far the largest number of proposed changes during each of the three biennia was in the area of state and local finance, including taxation, debt, and financial administration.

<table>
<thead>
<tr>
<th>State</th>
<th>Proposals</th>
<th>Adoptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>24 general, 70 local</td>
<td>22 general, 54 local</td>
</tr>
<tr>
<td>Louisiana</td>
<td>26 general, 16 local</td>
<td>6 general, 0 local</td>
</tr>
<tr>
<td>Alabama</td>
<td>12 general, 27 local</td>
<td>2 general, 7 local</td>
</tr>
<tr>
<td>Nebraska</td>
<td>54 general</td>
<td>30 general</td>
</tr>
<tr>
<td>South Carolina</td>
<td>10 general, 22 local</td>
<td>10 general, 17 local</td>
</tr>
<tr>
<td>Texas</td>
<td>23 general</td>
<td>17 general</td>
</tr>
</tbody>
</table>
The figures for 1972-73 show a major increase in financial proposals. As in the two preceding biennia, the percentage of adoptions remained among the lowest of all categories, although it improved during 1972-73. Generally, the voters tended to show greatest resistance to local debt proposals; in contrast, they usually approved measures for tax exemptions (especially those applicable to low-income elderly and veterans) and veterans' bonuses.

The same rank order of proposals for constitutional change in the three branches of government occurred during 1972-73 as in the two preceding biennia. The legislative branch led in the number of proposals, followed by the executive and the judiciary. In percentage of adoptions, the judicial branch led the others during 1972-73, replacing the executive branch which had exceeded both the others in rate of adoptions the two preceding biennia. The legislative branch maintained the lowest percentage of adoptions during all three periods. Proposals for change in legislative articles rejected by the voters related mainly to compensation of legislators and annual sessions. Most changes in legislative apportionment, powers, and procedure were approved. Provisions for four-year terms, joint election of the Governor and Lieutenant Governor, succession, procedure for determining disability, and alterations in administrative organization were major changes in the executive branch adopted by the voters. Most approved alterations in judicial articles related to establishment of judicial qualifications commissions, selection of judges, judicial organization, procedure, and jurisdiction.

Proposed additions and modifications in state bills of rights maintained their high ranking in percentage of adoptions although they doubled in number; during 1972-73, they were surpassed only by amendments relating to state functions.
Addition of sex to antidiscrimination guarantees was approved in seven of eight States in which it was proposed. Modifications in the jury system were the principal changes made in procedural guarantees. As in 1970-71, the voters adopted almost three fourths of all proposed changes in suffrage and elections articles, which included voting rights and liberalization of residency and voting requirements. Voters in at least five States rejected proposals for reduction of the voting age to 18, although nationwide extension of the elective franchise to 18-year-olds was mandated by the Twenty-sixth Amendment to the Constitution adopted in June 1971.

The 76.7 percent of adoption of local government proposals again was high in comparison with other categories. Home rule, structural changes, and intergovernmental cooperation were the principal subjects of local government proposals during 1972-73. State functions registered the highest percentage of adoptions of all areas with 90 percent. This can be attributed largely to the voters’ approval of all proposals for education (excluding educational finance) and conservation and environmental protection. Also with a high rate of approval were proposals for lotteries (9 of 10) and changes in health and welfare articles (4 of 5). Generally, proposed changes in amendment and revision articles liberalized the procedure for altering the States’ organic laws. Although there are major exceptions, particularly in those States that authorize local amendments, the general trend in constitutional amendment and revision continues to provide increased flexibility in government, liberalize substantive and procedural rights, broaden popular control, reduce restrictions on governmental action, and generally strengthen the structural foundations of state government.

**Constitutional Commissions**

The popularity of constitutional commissions continued during 1972-73, although the number of such bodies operating in this period diminished. A slackening in the pace of state constitutional modernization was to be expected after the relatively extensive action of the last decade. Legislators generally prefer constitutional commissions to constitutional conventions as organs for initiating major alterations in the organic law because they have more control over commissions. Except for Florida, where the new constitution provides for periodic establishment of a constitutional commission with independent power to initiate and propose unlimited changes, these bodies serve mainly as auxiliary staff arms of legislative assemblies. Lawmakers may usually accept, modify, or reject in whole or in part the recommendations of constitutional commissions.

**Usage.** Table 1 on page 16 summarizes salient features of the 11 constitutional commissions operative in 11 States during the biennium ending December 31, 1973. Nine of the 11 commissions were created before 1972. Only the New Hampshire and Texas bodies were established during the period of this analysis, both in 1973. Thus, most of the constitutional commissions during the last two years were active also in previous biennia and have been reported in previous volumes of The Book of the States. Six of the 11 commissions completed their work and submitted final reports before the end of 1973: the Indiana, Louisiana, and Montana bodies in 1972; and the Alabama, California, and Minnesota commissions in 1973. The New Hampshire and Texas commissions, both of which were given study responsibilities in preparation for constitutional conventions, were to remain operative during the conventions in these States which convene in 1974. Under their basic acts, the final reports of the South Dakota and Utah commissions are due in 1975, and of the Ohio Constitutional Revision Commission in 1979.

**General Features.** Nine of the 11 constitutional commissions were created by statutory law; the California and Indiana bodies were established by legislative resolution. With reference to the primary purpose of their creation, constitutional commissions generally are classified in two major categories—study and preparatory bodies, the former comprising the larger group. The primary duty of preparatory commissions is to make preparations for a constitutional convention. Among the 11 commissions operative
during 1972–73, only the Montana Constitutional Convention Commission had specifically assigned duties to make actual preparations for holding a convention. The Ohio Constitutional Revision Commission had duties potentially preparatory in its mandate to submit recommendations to a convention if called; however, the voters defeated a convention call in November 1972. Both the New Hampshire and Texas commissions were required to study the constitution and to prepare and submit recommendations for use by constitutional conventions in 1974.

Study commissions typically are mandated to study the constitution, determine what changes are needed, and submit recommendations—usually to the Legislature and often to the Governor and to a constitutional convention if called. Most constitutional commissions active during 1972–73 reported to the Legislature. Practically all mandates included study of the constitution and submission of recommendations, but some extended further. The Alabama Constitutional Commission, for example, was required also to recommend appropriate procedure for submission and adoption of proposals. The Minnesota Constitutional Study Commission, in addition to proposing substantive changes, was required to recommend “a revised format for a new Minnesota constitution as may appear necessary, in preparation for a constitutional convention if called or as a basis for making further amendments to the present constitution.” Thus, commission mandates as well as the purposes of creation vary.

The members of constitutional commissions are designated in two ways: ex officio and by appointment. Appointive members far outnumber ex officio designees on practically all commissions. Five of the commissions operative during 1972–73 had ex officio members. The size of these bodies ranged from a maximum of 80 on the California commission down to 10 on the New Hampshire body. The median size of the 11 commissions was 25, which is somewhat larger than most earlier commissions. Typically, the appointing authorities include presiding officers of the two legislative houses, the Governor, and the Chief Justice of the Supreme Court. The Louisiana Constitutional Revision Commission, which was not typical, included 30 legislators and 18 members appointed by designated organizations. Some commissions, exemplified by the Montana Commission, were required to be bipartisan.

All constitutional commissions operative during the last biennium were financed by public funds, most by direct appropriations. The California Constitution Revision Commission received its financial support from allocations made to the Joint Committee on Legislative Organization, and the Indiana commission from Legislative Council funds. As previously noted, both of these bodies were created by legislative resolution rather than statute. Total appropriations through the current fiscal year to the other nine commissions operative during 1972–73 ranged from $900,000 appropriated to the Texas body down to $10,000 for the New Hampshire commission. Although no total figures are available for the California commission, its expenditures over the 10 years of its existence certainly exceeded those of any other such body operative during the period. Average total funding through the current fiscal year of the nine commissions that received direct legislative appropriations was $269,159; the median was $162,084, expended by the Montana commission. These figures are more than twice as high as those for the preceding biennium, which were: average, $96,587; median, between $75,000 and $80,000.

The period of active operation of the 11 commissions, as of December 31, 1973, varied from the protracted 10-year duration of the California commission to the four months of active existence of the New Hampshire commission. The average effective life of the 11 commissions through 1973 was approximately 40 months including California, or 32 months excluding California; the median was 42 months. The commissions in Ohio, South Dakota, and Utah were operative during all of 1972–73; the active existence

8Minnesota Sess. Laws 1971, Regular Session, c. 806, sec. 3, subd. 2.
of six constitutional commissions, including these and the Alabama, New Hampshire and Texas bodies, continued beyond this biennium.

**Reports and Recommendations.** At least seven of the 11 commissions had made their final reports and completed or discontinued their work by the end of the biennium. The California body had submitted its final report in 1971; other comprehensive final reports were made during 1972–73 by the Alabama, Minnesota, and Texas commissions. The Alabama and Texas reports included proposed new or revised constitutions with extensive commentary, as had the earlier California report. The proposed new Texas constitution was prepared as a set of recommendations to the Legislature which would assemble as a constitutional convention in January 1974. The Minnesota report recommended updating the constitution by amendments, a revised constitutional format, and creation of another study commission. Proposed revisions in the form of amendments were submitted to legislative assemblies by other commissions except those established primarily as preparatory bodies.

**Phased Revision.** Some commissions during 1972–73 played major roles in programs of phased revision, which involves constitutional modernization by a series of steps, each covering a substantial part of the constitution. Although the responsibility for formal initiation and submission to the voters rests with the Legislature, constitutional commissions prepared draft proposals in all States that are revising their constitutions by stages. Among the States that elected to follow this procedure during 1972–73 were Indiana, Minnesota, Ohio, and South Dakota. California was a leading example of phased revision during the late 1960s and early 1970s. The third and final phase proposals for revision recommended by the California commission were submitted to the electorate in November 1972. South Dakota made major progress toward a modernized constitution when the voters adopted four new articles in November 1972. In its final report, the Minnesota commission recommended that the constitution be "revised by a series of comprehensive amendments to be submitted in a phased and orderly manner over the next few elections" and, further, that the Legislature create another commission "to continue an in-depth study of Minnesota's Constitution and recommend further revisions to future legislatures." Progress toward constitutional revision in other States with commissions operative during 1972–73 was made more by piecemeal amendments than by phased revision procedure.

**Constitutional Conventions**

Constitutional conventions have been used traditionally for extensive revision of an old constitution or writing a new one in American States. Indigenous to the United States, at least 226 such bodies have been convened in the 50 States through 1973. In recent decades conventions have been assembled increasingly to propose more limited alternatives in the form of one or more amendments when other methods were unauthorized or inexpedient. Judicial interpretation and practice have sanctioned the use of constitutional conventions in all States, but their use is expressly authorized in only 39 state constitutions.

**Usage.** Table 2 on page 19 provides general information on the four constitutional conventions that were in session during the biennium ending December 31, 1973. The Montana and North Dakota conventions were unlimited with constitutional revision by stages during the late 1960s, adopted seven major proposals at the November 1972 general election and extended the authorized period for completing general revision through 1974.

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no restriction on their power to propose revisions; the mandate to the Louisiana and Rhode Island bodies imposed stated limitations on their action. The conventions in Montana and North Dakota met initially and did part of their work before January 1972; both adjourned and their proposals were submitted to the voters in 1972. Both the Montana and North Dakota conventions submitted new constitutions to the voters, who approved the Montana document but rejected the North Dakota instrument. The limited Rhode Island convention was approved by the voters, its delegates elected, its work completed, and its proposals submitted to the electorate within four months during the latter part of 1973. Five of seven amendments proposed by the Rhode Island convention were approved. The Louisiana body, which was called by the Legislature and assembled initially early in January 1973, was mandated to complete its work by January 19, 1974. The single amendment proposed by the Tennessee limited convention in 1971 was adopted by the electorate on August 3, 1972. Salient features of the four conventions operative during 1972-73 are summarized in the following paragraphs; more information on the early phases and developments of the Montana and North Dakota bodies is provided in the last volume (XIX) of *The Book of the States*.

**Montana.** Montana's fourth constitutional convention, which met for three days to organize, November 29–December 1, 1971, reconvened on January 17, 1972, and adjourned sine die the following March 24. The 100 delegates, who were elected from 23 House of Representatives districts in the same manner as legislators on a partisan basis, approved a proposed new constitution and three additional alternative propositions on controversial issues to be voted on separately. Approved by 90 delegates without a dissenting vote and signed by all 100 delegates, the new 11,200-word constitution was about one half the length of the existing law.

Salient features of the proposed new constitution included: added protection for individuals against discrimination and unreasonable invasion of privacy; right to sue the State for injury to person and property; provision for a healthful environment; reduction of the age of majority to 18; retention of four-year terms for senators and two-year terms for House members to be elected from single-member districts; reapportionment by a special five-member commission to which the Legislature may submit recommendations; requirement that sessions of the Legislature and its committees be public; convocation of special sessions either by the Governor or a majority of legislators; constitutional elective status for six executive officers; joint election of the Governor and Lieutenant Governor with reduction of age qualification of these officers from 30 to 25; limitation of the number of principal executive departments to 20; removal of the duty of the Lieutenant Governor to preside over the Senate; amendatory veto power for the Governor and elimination of the pocket veto; procedure for determining gubernatorial disability; retention of the three-tiered court system; election of judges on a nonpartisan basis; a two-year increase in the terms of all judges; and creation of a Judicial Standards Commission.

Other major features of the new Montana document were: abandonment of percentage limits on state and local debt; determination of state and local debt limits by the Legislature; provision for equalized state valuation of property for tax purposes; modification of the anti-diversion provision for highway-derived revenues; a new article on environment and natural resources; broadened protection against discrimination in education; creation of separate boards for public education and higher education; extended local home rule powers; broadened authority for local intergovernmental cooperation; transfer of responsibility for welfare assistance from the counties to the State; mandates to the Legislature to create a salary commission and an office of consumer counsel, and draw up a code of ethics; provision for the constitutional initiative and removal of

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*For more detailed information on the authorization, membership, organization, staffing, and other early developments of the convention, see *The Book of the States, 1972-1973*, XIX, pp. 13-14.*
the limit on the number of proposed constitutional amendments on any one ballot; and mandatory submission of the question of calling a constitutional convention to the voters at least every 20 years. The three alternative propositions to be voted on separately were: first, a unicameral or bicameral Legislature; second, for or against allowing the people or the Legislature to authorize gambling; and, third, for or against the death penalty.

The Montana convention, which had an appropriation of $499,281, set aside funds for an educational campaign by a 19-member committee to be conducted during the interim between adjournment and the referendum. The propriety of this action was challenged. The Montana Supreme Court enjoined it, holding that the convention could not delegate its authority to a committee of its own members that would function after sine die adjournment. The delegates used private funds to finance the adoption campaign.

The proposed constitution and three alternative propositions were submitted to the electorate at a special election June 6, 1972. The constitution was approved by a margin of 116,415 to 113,883; the voters also approved a bicameral Legislature, endorsed legalization of gambling, and retention of the death penalty. The validity of the Governor's proclamation that the constitution had been adopted was challenged shortly thereafter. On August 18, 1972, the Montana Supreme Court by a 3-to-2 majority ruled that the 1972 constitution had been approved by the required majority and that the Governor's proclamation was correct. The new constitution became effective July 1, 1973, except as otherwise provided in the transition schedule.

North Dakota. Plenary sessions of the unlimited North Dakota constitutional convention, which had held a three-day organization meeting April 6–8, 1971, began on January 3, 1972. Under a mandate to remain in session no more than 30 natural days with authority to recess for a maximum of 10 natural days, the convention adjourned sine die on February 17, 1972. The delegates, who had been elected November 3, 1970, on a nonpartisan basis from the same districts as members of the House of Representatives, approved a new constitution by a vote of 91 to 4 with 3 absent and not voting. Also approved for submission to the voters were four alternate propositions: a bicameral or unicameral Legislature; increase in the number of signatures required for use of the referendum and initiative (both statutory and constitutional); reduction of the age of majority to 18; and repeal of the prohibition against legislative authorization of lotteries.

Among the salient features of the proposed new constitution, which contained approximately 9,000 words, were the following: a new antidiscrimination guarantee applicable to public accommodations; right to sue the government and to keep and bear arms; right of candidates for public office to a fair election; prohibition against imposition of the death penalty; reduction of residency requirements for voting; reduction of the age qualifications for all elective state offices to 21; and removal of congressmen and judges from eligibility for recall and reduction of the signature requirement for recall.

Major provisions relating to the three branches of government were: creation of a five-member, nonlegislative Reapportionment Commission if the bicameral Legislature were opted; increased terms of House members from two to four years; authorization for the Legislative Assembly to meet any 80 days during a biennium; prohibition against closed legislative and committee sessions; appointment of an Auditor General by the Legislative Assembly; reduction of the number


2 The court held that the words in Article XIX, Section 8 of the existing Montana constitution "approval by a majority of electors voting at the election" meant approval by a majority of the total number of electors casting valid ballots on the question of approval or rejection of the proposed constitution, and that the provision did not refer to or include those electors who failed to express an opinion on the issue. Montana ex rel. Cashmore and Burger v. Anderson, Governor, 500 P. 2d 921 (1972).

of elective officers from 14 to seven and joint election of the Governor and Lieutenant Governor; removal of the Lieutenant Governor as presiding officer of the Senate; mandatory consolidation of state executive agencies into a maximum of 15 departments; gubernatorial power to propose reorganizations subject to legislative disallowance; the reduction veto; creation of a state planning council; deletion of reference to lower courts by provision only for the Supreme Court and district courts; a unified system of courts; gubernatorial appointment of judges to fill judicial vacancies from nominees by a Judicial Nominating Commission, but retention of nonpartisan election of judges; and promulgation of procedural rules by the Supreme Court.

Other significant provisions included: authorization for the Legislature to incur state debt by a three-fifths vote; extended home rule power for counties and cities; provision for nine-member state boards of public education and higher education, the former to designate the chief state education officer; right to a healthful environment with access to the courts to enforce it; mandatory legislative creation of the office of ombudsman; and mandatory submission of the question of calling a constitutional convention to the electorate at least once every 30 years.

The referendum on the proposed new constitution and the four alternate propositions was held April 28, 1972. The voters rejected the proposed document by a vote of 64,312 to 107,249, which nullified the effectiveness of the vote on the four propositions.

Rhode Island. In striking contrast with the sixth Rhode Island constitutional convention, which was in existence officially from December 1964 to February 1969, the seventh convention convened September 4, 1973, and adjourned sine die a month later. At the referendum on the question of calling a convention August 7, 1973, the voters gave their approval grudgingly—the vote was 21,302 to 21,210. At the same election, 100 delegates to the convention were elected on a partisan basis, two from each of the 50 state senatorial districts. The partisan breakdown of the membership was 54 Democrats, 43 Republicans, and three Independents. The delegates elected a retired Supreme Court Justice as chairman, three vice chairmen, and a secretary. They approved appointments to substantive committees for each of the four subject areas authorized in the enabling legislation and to operational or procedural committees on rules and credentials, resolutions, administration, public information, and style and drafting. Limited by an appropriation of only $20,000, the staff was necessarily small. The administrative staff consisted of an executive director and four part-time secretaries, and the research staff included a research director, an assistant director, and six research assistants. Delegates received no compensation.

The enabling act limited the authority of the convention to proposing amendments on four specific subjects: election reform, repeal of the prohibition against lotteries, compensation of members of the General Assembly, and functions of the grand jury in the judicial system. The convention approved seven proposed amendments for submission to the electorate on November 6, 1973. The voters approved five and rejected two.

The five amendments approved contained the following provisions: authorization for state lotteries; modification of suffrage and election provisions, including requirement of disclosure of election campaign expenditures by candidates for top state offices; restriction on the holding of any civil office to qualified electors; authorization for use of the information in bringing all felony cases to trial except those involving capital offenses; and requirement of popular referendum on the convention question at least once every 10 years. The voters rejected proposals to increase the terms of chief state officers, including the Governor, from two to four years, and to repeal the constitutional limit on legislative pay of $5 a day for 60 days and substitute a salary of $2,000 a year, subject to change by the General Assembly with the voters’ approval.

Louisiana. Second of the limited conventions operative during 1972-73 was the eleventh constitutional convention of Louisiana, which was called by the Legis-
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lature without referring the question of a call to the people. Governor Edwin Edwards, who had provided key leadership in gaining legislative support for the convention, signed the enabling act on May 26, 1972. The act provided for two groups of delegates for a total of 132: 105 were elected August 19, 1972, from districts of the House of Representatives on a nonpartisan basis; the remaining 27 included 12 appointed to represent specified interest groups by the Governor, who also appointed the remaining 15 from the public at large.

The convention met initially on January 5, 1973, and was in session nine days during January to organize and adopt rules. Officers elected by the delegates included the chairman, who was Speaker of the House of Representatives, a first vice chairman, three vice chairmen, a secretary, and a treasurer. Three types of committees were established: eight substantive, four procedural, and four steering committees. The enabling act (Act 2 of 1972) designated 34 staff members for the convention, including four research supervisors from the State's four law schools, six members of the House of Representatives, five state Senators, four members of the Louisiana State Law Institute, 14 research assistants, and a director of research. Appropriations for the convention totaled $2,940,000, and compensation of delegates was set at $50 per diem.

During the five months between the organization meetings in January and the reconvening of the convention, the substantive committees and staff assembled information, held hearings, and prepared proposals for consideration by the whole convention. The delegates reconvened in plenary session on July 5, and the enabling act required the convention to complete its work by January 19, 1974. Within 30 days after submission of the proposed draft of a new constitution, the Governor was mandated to call an election to submit it to the electorate.

Other Convention Calls. In addition to Rhode Island, four other States voted on the question of calling a constitutional convention during the 1972–73 biennium, all at the general election in 1972. The voters of Alaska, by a vote of 29,192 to 55,339, rejected a call at the second referendum on this issue after the Alaska Supreme Court ruled that the electorate's approval for a convention in 1970 was invalid. At a referendum on the question, which is required at least once every 20 years, Ohio voters also rejected an unlimited convention call by 1,291,277 to 2,142,534. New Hampshire and Texas approved calls: the vote in New Hampshire was 96,793 to 75,365; in Texas, 1,549,982 to 985,282.

The New Hampshire enabling act set May 8, 1974, as the date for convening the unlimited convention and appropriated $180,000 to fund it. To study the constitution in preparation for the 1974 convention, the New Hampshire Legislature created a 10-member commission and appropriated $10,000 for its expenses. In Texas, where the constitution has no provision for a constitutional convention, the electorate approved a constitutional amendment providing that the members of the Legislature convene as a constitutional convention on January 8, 1974. Authority of the convention was limited only by the requirement that the bill of rights of the present constitution be retained in full. The amendment further provides that: members of the convention shall receive compensation as determined by a five-member committee of designated state officers headed by the Governor; the convention may by a vote of at least two thirds of its members submit to the voters a new constitution which may contain alternate articles or sections, or revisions of the existing constitution which also may contain alternative provisions; and that the convention be automatically dissolved on May 31, 1974, un-

For more detailed information on the organization and membership of the convention, see the Citizen's Guide to the 1973 Constitutional Convention (Baton Rouge, La.: Public Affairs Research Council of Louisiana, April 1973).

The Court sustained the contention of challengers that many voters had been misled by the wording of the question on the ballot into believing that a convention was required by the constitution and that they had no alternative to approval. Boucher v. Bomhoff, 495 P. 2d 77 (1972).

Article XVII, Section 2, Constitution of Texas.
less extended for a maximum period of 60 days by a two-thirds vote. The amendment also required the Texas Legislature to create a Constitutional Revision Commission to study the need for constitutional change and report recommendations to the Legislature not later than November 1, 1973. Supported by a $900,000 appropriation, the 37-member commission fulfilled this mandate, presenting to the Legislature a proposed new constitution with extensive commentary.

Constitutional Studies

Constitutional conventions and commissions established during 1972–73 brought new useful additions to the growing volume of literature on constitution-making in American States. As in preceding biennia, reports and analyses prepared for constitutional conventions by constitutional commissions, other ad hoc bodies, and existing organizations contained much data not only of use to persons directly involved in constitution making, but also of general public interest. Besides studies prepared for conventions and other organs actually engaged in modernizing constitutions, other publications during the biennium included special studies of the work and proceedings of past conventions, additions to existing constitutional series, and a documentary collection of state constitutional materials.

The records of proceedings and debates of at least two constitutional conventions were published during the biennium—Illinois, in seven volumes, and North Dakota, in two volumes.

Scheduled for publication in 1974 by the University Press of Virginia is a two-volume work, Commentaries on the Constitution of Virginia, by A. E. Dick Howard, Professor of Law at the School of Law, University of Virginia.

The National Municipal League continued publication of its state-by-state series of studies dealing with state constitutional conventions held since World War II. Scheduled for publication in 1974 are volumes on the Alaska and Illinois conventions.

Especially noteworthy is the projected 10-volume collection, Sources and Documents of United States Constitutions, edited and annotated by William F. Swindler, Professor of Law, College of William and Mary, and published by Oceana Publications. The new collection contains annotations of significant sections of each document, historical background notes on colonial or territorial development, analytical tables tracing the emergence of specific provisions in successive constitutions, a selected bibliography, and a separate index for each State. The first volume of the collection, covering Alabama, Alaska, Arizona, Arkansas and California, was published in 1973.

Selected References


CONSTITUTIONS AND ELECTIONS


<table>
<thead>
<tr>
<th>State</th>
<th>Name of commission</th>
<th>Method and date of creation and period of operation</th>
<th>Membership: Number and type</th>
<th>Funding</th>
<th>Purpose of commission</th>
<th>Proposals and action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Alabama Constitutional Commission</td>
<td>Statutory; Act No. 753, Reg. Sess., 1969, extended in 1971 and 1973; Sept. 1969-1973.</td>
<td>Originally 21: 2 ex officio; 19 appointed (at least 2 from each congressional district). Increased in 1971 to 25: 2 ex officio; 23 appointed</td>
<td>$100,000 appropriation initially; $66,828 appropriation, fiscal year 1971-72; $47,860 appropriation, fiscal year 1972-73; $100,000 appropriation, fiscal years 1973-75. Total: $314,688</td>
<td>Submit recommendations for constitutional revision and appropriate procedure for submission and adoption of proposed changes</td>
<td>Final report, May 1, 1973, proposed a revised constitution with commentary; judicial article was approved by Legislature, and was adopted by the voters Dec. 18, 1973. Proposed series of changes in entire constitution. Phase I proposals concerning basic structure were adopted in 1966; Phase II proposals, presented as a single proposition in 1968, were rejected and were later submitted in series of amendments—some adopted; 10 Phase III amendments were adopted Nov. 1972. Final report in April 1971 included an entire proposed revised constitution.</td>
</tr>
<tr>
<td>California</td>
<td>California Constitution Revision Commission</td>
<td>Legislative; ACR7, 1st Extra Sess., 1963, extended by resolutions; July 1963-June 1973</td>
<td>Membership varied up to 80: 30 ex officio, 60 appointed</td>
<td>From allocations to Joint Committee on Legislative Organization (at least $2,883,315 appropriation)</td>
<td>Provide factual information and submit recommendations for constitutional revision to Joint Committee on Legislative Organization and to the Legislature</td>
<td>Proposed series of changes in entire constitution. Phase I proposals concerning basic structure were adopted in 1966; Phase II proposals, presented as a single proposition in 1968, were rejected and were later submitted in series of amendments—some adopted; 10 Phase III amendments were adopted Nov. 1972. Final report in April 1971 included an entire proposed revised constitution.</td>
</tr>
<tr>
<td>Indiana</td>
<td>Indiana Constitutional Revision Commission</td>
<td>Legislative Council Resolution, Sept. 6, 1967, continued by resolutions; July 1969-Dec. 1972</td>
<td>Initially, 34 members, all appointed; as reconstituted, 29 members, all appointed</td>
<td>No separate appropriation; financed from funds of the Legislative Council</td>
<td>Study constitution, determine if changes are necessary, consider need for convention or for continuous revision, recommend changes</td>
<td>Proposed series of amendments and recommended establishment of permanent constitutional revision commission in reports to 1969 and 1971 General Assemblies. The voters have approved 30 of 58 commission proposals. Required to report to Legislature its recommendations for revision at least 30 days before each annual session until total revision is completed; submitted reports in 1971 and 1972.</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Louisiana Constitutional Revision Commission</td>
<td>Statutory; Act 295, approved July 10, 1970; July 1970-May 1972</td>
<td>48 members: 2 ex officio plus Lieutenant Governor and 23 legislators, 14 of whom were elected by legislative delegates; 18 appointed by specified organizations</td>
<td>$100,000 appropriation</td>
<td>Prepare a revision of the Louisiana Constitution &quot;in total or in part for submission to the Legislature&quot;</td>
<td>Required to report to Legislature its recommendations for revision at least 30 days before each annual session until total revision is completed; submitted reports in 1971 and 1972.</td>
</tr>
<tr>
<td>State</td>
<td>Constitution Study Commission</td>
<td>Statutory</td>
<td>Members</td>
<td>Appropriations</td>
<td>Report</td>
<td>Notes</td>
</tr>
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</tr>
<tr>
<td>Minnesota</td>
<td>Minnesota Constitutional Study Commission</td>
<td>ch. 806, Minn. Sess. Laws, 1971; June 1971–March 1973</td>
<td>21 members: appointed by the Speaker of the House (6), Senate Committee on Committees (6), the Chief Justice (1), and the Governor (8)</td>
<td>$25,000 appropriation; additional allocation fiscal years 1972 and 1973, $6,157. Total: $31,157</td>
<td>Propose “such constitutional revisions and a revised format for a new Minnesota constitution as may appear necessary, in preparation for a constitutional convention if called or as a basis for making further amendments to the present constitution”</td>
<td>Final report, Feb. 1973, recommended updating constitution by a comprehensive series of amendments, adoption of a Gateway Amendment, a revised constitutional format, and creation of another study commission.</td>
</tr>
<tr>
<td>Montana</td>
<td>Montana Constitutional Convention Commission</td>
<td>c. 296, Laws of Montana, 1971, as amended by c. 1, Laws, Extra Sess., 1971; March 1971—sine die adjournment of the constitutional convention (March 1972)</td>
<td>16 members: 4 each appointed by the Speaker of the House, Senate Committee on Committees, Governor, and Supreme Court. (no more than 2 of each group could be affiliated with the same political party)</td>
<td>$149,540 appropriation (spent $162,624—$13,084 paid from convention appropriation)</td>
<td>Prepare for the constitutional convention by undertaking studies and research and providing information to the delegates (without any recommendation)</td>
<td>Made preparations for a constitutional convention, including 3 series of reports, and conducted an extensive public relations program.</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>Commission to Study the State Constitution</td>
<td>HB 376, c. 351, N. H. Laws, 1973; Sept., 1973—through the 1974 constitutional convention</td>
<td>10 members: appointed by the Speaker of the House (2), President of the Senate (2), Governor (3), and Supreme Court (3)</td>
<td>$10,000 appropriation</td>
<td>Study the constitution and, if amendments are found to be needed, recommend such amendments to the next constitutional convention</td>
<td>Required to report recommendations along with factual and explanatory material not later than Jan. 1, 1974.</td>
</tr>
<tr>
<td>Ohio</td>
<td>Ohio Constitutional Revision Commission</td>
<td>S. L., 1969, c. 225, approved March 13, 1969, amended by S. B. 217, S. L., 1970, c. 19, and H. B. 750, S. L., 1973, c. 21; Nov. 1969—July 1, 1973</td>
<td>32 members: 12 appointed from the General Assembly who appointed 20 members not from the General Assembly</td>
<td>$100,000 appropriation for first biennium; $300,000 for biennium beginning July 1, 1971; $300,000 for biennium beginning July 1, 1973. Total: $700,000</td>
<td>Study constitution and submit recommendations to the General Assembly; if convention is called, submit recommendations to it (convention call was defeated Nov. 1972)</td>
<td>Required to submit recommendations to the General Assembly at least every two years; first report, Jan. 1972 dealt with the Legislature—part was adopted; second report, Jan. 1973 dealt with state debt.</td>
</tr>
<tr>
<td>State</td>
<td>Name of commission</td>
<td>Method and date of creation and period of operation</td>
<td>Membership: Number and type</td>
<td>Funding</td>
<td>Purpose of commission</td>
<td>Proposals and action</td>
</tr>
<tr>
<td>----------</td>
<td>------------------------------------------</td>
<td>---------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------</td>
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<td>----------------------------------------------------------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Texas</td>
<td>Texas Constitutional Revision Commission</td>
<td>Statutory; S. C. R. No. 1, approved Feb. 12, 1973; March 1973–March 1974 (60 days after the constitutional convention convenes)</td>
<td>37 members: appointed by an appointment committee composed of the Governor, Lieutenant Governor, Attorney General, Speaker of the House, Chief Justice of the Supreme Court, and Presiding Judge of the Court of Criminal Appeals (subject to rejection by the Legislature)</td>
<td>$900,000 appropriation</td>
<td>Study the need for constitutional change and report recommendations to the Legislature and the constitutional convention</td>
<td>Submitted report to the Legislature Nov. 1, 1973; required to submit to the constitutional convention legal drafts of all proposed changes and alternative changes in the constitution.</td>
</tr>
<tr>
<td>Utah</td>
<td>Utah Constitutional Revision Study Commis-</td>
<td>Statutory: c. 89, Laws of Utah, 1969; May 1969–June 30, 1973</td>
<td>16 members: 1 ex officio; 9 members appointed —by the Speaker of the House (3), President of the Senate (3), and Governor (3) (no more than 2 of each group to be from same political party)</td>
<td>$20,000 appropriation fiscal year 1969; $30,000 annually during fiscal years 1970, 1971, and 1972. Total: $110,000</td>
<td>Study constitution and recommend changes, including drafts of proposed changes</td>
<td>Mandated to report recommendations at least 60 days before Legislature convenes. Interim report Jan. 1971 recommended revision of legislative article, which was approved by the electorate Nov. 1972; interim report Jan. 1973 recommended revision of executive article.</td>
</tr>
</tbody>
</table>
## Table 2
### CONSTITUTIONAL CONVENTIONS
#### 1972–1973

<table>
<thead>
<tr>
<th>State</th>
<th>Convention dates</th>
<th>Type of convention</th>
<th>Referendum on convention question</th>
<th>Preparatory body</th>
<th>Appropriations</th>
<th>Convention delegates</th>
<th>Convention proposals</th>
<th>Referendum on convention proposals</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Dakota</td>
<td>April 6–8, 1971; Jan. 3–Feb. 17, 1972</td>
<td>Unlimited</td>
<td>Sept. 1, 1970 (in form of a constitutional amendment)</td>
<td>None (Subcommittee of Legislative Research Committee, Legislative Council, made preliminary study of the constitution)</td>
<td>$600,000</td>
<td>98 (Elected Nov. 3, 1970, from representative districts; non-partisan)</td>
<td>New constitution plus 4 alternative propositions submitted separately</td>
<td>April 28, 1972: constitution rejected; Vote: 64,312 &amp; 107,249 nullifying effectiveness of vote on the 4 propositions</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Sept. 4–Oct. 4, 1973</td>
<td>Limited</td>
<td>Aug. 7, 1973, Vote: 21,302 &amp; 21,210</td>
<td>None</td>
<td>$20,000</td>
<td>100 (2 delegates elected Aug. 7, 1973 from each state senatorial district; partisan basis)</td>
<td>7 amendments</td>
<td>Nov. 6, 1973: 7 amendments submitted; 5 adopted</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Jan. 5–30, 1973 (9 days in session); July 5, 1973–Jan. 19, 1974</td>
<td>Limited</td>
<td>No popular referendum; legislative Act 2 providing for the convention was approved by the Governor May 26, 1972</td>
<td>Louisiana Constitutional Revision Commission prepared some preliminary studies used by the convention</td>
<td>$350,000 appropriation and $90,000 from the Board of Liquidation for fiscal year 1972–73; $2.3 million appropriation in 1973. Total: $2,940,000</td>
<td>132 (105 elected Aug. 19, 1972, from House districts on non-partisan basis; 27 appointed by Governor, 12 representing specified interest groups, 15 at large)</td>
<td>The enabling act requires the convention to complete its work by Jan. 19, 1974</td>
<td>Within 30 days after submission of the proposed draft of a new constitution, the Governor is required to call an election to submit the proposed constitution to the voters</td>
</tr>
</tbody>
</table>

- **Referendum on convention proposals**
  - Within 30 days after submission of the proposed draft of a new constitution, the Governor is required to call an election to submit the proposed constitution to the voters.
  - New constitution adopted.
  - New constitution plus 4 alternative propositions submitted separately.
  - New constitution rejected; Vote: 64,312 & 107,249 nullifying effectiveness of vote on the 4 propositions.
### Table 3

**Table of Procedures for Calling Constitutional Conventions**

<table>
<thead>
<tr>
<th>State or other jurisdiction</th>
<th>Procedure for calling constitutional convention</th>
<th>Vote required in Legislature(a)</th>
<th>Approval by two sessions</th>
<th>Referendum vote</th>
<th>Popular ratification of convention proposals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Maj.</td>
<td>No</td>
<td>ME</td>
<td>ME</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Alaska</td>
<td>Maj. (b)</td>
<td>No</td>
<td>ME</td>
<td>ME</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Arizona</td>
<td>Maj.</td>
<td>No</td>
<td>MP</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>California</td>
<td>2/3</td>
<td>No</td>
<td>MP</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Colorado</td>
<td>2/3(b)</td>
<td>No</td>
<td>ME</td>
<td>ME</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Connecticut</td>
<td>2/3</td>
<td>No</td>
<td>ME</td>
<td>ME</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Delaware</td>
<td>2/3(b)</td>
<td>No</td>
<td>MP</td>
<td>X</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Florida</td>
<td>(d)</td>
<td>No</td>
<td>MP</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Georgia</td>
<td>2/3</td>
<td>No</td>
<td>None</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Maj. (b)</td>
<td>No</td>
<td>MP</td>
<td>MP (e)</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Idaho</td>
<td>2/3</td>
<td>No</td>
<td>MP</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Illinois</td>
<td>3/5</td>
<td>No</td>
<td>(f)</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Indiana</td>
<td>Maj. (c)</td>
<td>No</td>
<td>MP</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Iowa</td>
<td>Maj. (b)</td>
<td>No</td>
<td>ME</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Kansas</td>
<td>2/3</td>
<td>No</td>
<td>MP</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Maj.</td>
<td>Yes</td>
<td>MP (g)</td>
<td>X</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Maj. (c)</td>
<td>No</td>
<td>MP (b)</td>
<td>X (b)</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Maine</td>
<td>2/3(b)</td>
<td>No</td>
<td>None</td>
<td>ME</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Maryland</td>
<td>Maj. (b)</td>
<td>No</td>
<td>ME</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Maj. (c)</td>
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<td>MP</td>
<td>X</td>
<td>Majority voting</td>
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<tr>
<td>Michigan</td>
<td>Maj. (b)</td>
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<td>MP</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Minnesota</td>
<td>2/3</td>
<td>No</td>
<td>ME</td>
<td>(j)</td>
<td>Majority voting</td>
</tr>
<tr>
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<td>Maj.</td>
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<td>None</td>
<td>X</td>
<td>Majority voting</td>
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<tr>
<td>Missouri</td>
<td>Maj. (b)</td>
<td>No</td>
<td>MP</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Montana</td>
<td>2/3(b)</td>
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<td>MP</td>
<td>ME</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Nebraska</td>
<td>3/5</td>
<td>No</td>
<td>ME</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Nevada</td>
<td>2/3</td>
<td>No</td>
<td>ME</td>
<td>X</td>
<td>Majority voting</td>
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<tr>
<td>New Hampshire</td>
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<td>MP</td>
<td>(l)</td>
<td>Majority voting</td>
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<tr>
<td>New Jersey</td>
<td>Maj. (m)</td>
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<td>MP</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
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<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>New York</td>
<td>Maj. (b)</td>
<td>No</td>
<td>MP</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>North Carolina</td>
<td>2/3</td>
<td>No</td>
<td>ME</td>
<td>ME</td>
<td>Majority voting</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Maj.</td>
<td>No</td>
<td>ME</td>
<td>ME</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Ohio</td>
<td>2/3(b)</td>
<td>No</td>
<td>ME</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>(b)</td>
<td>No</td>
<td>MP</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Oregon</td>
<td>Maj.</td>
<td>No</td>
<td>MP</td>
<td>X</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Maj. (c)</td>
<td>No</td>
<td>MP</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Rhode Island</td>
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<td>No</td>
<td>MP</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>South Carolina</td>
<td>2/3</td>
<td>No</td>
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<td>South Dakota</td>
<td>3/4</td>
<td>No</td>
<td>ME</td>
<td>(q)</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Maj. (g)</td>
<td>No</td>
<td>MP</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Texas</td>
<td>Maj. (c)</td>
<td>No</td>
<td>MP</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Utah</td>
<td>Maj. (c)</td>
<td>No</td>
<td>ME</td>
<td>X</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Vermont</td>
<td>Maj. (c)</td>
<td>No</td>
<td>MP</td>
<td>Y</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Virginia</td>
<td>2/3</td>
<td>No</td>
<td>MP</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Washington</td>
<td>2/3</td>
<td>No</td>
<td>ME</td>
<td>ME</td>
<td>Majority voting</td>
</tr>
<tr>
<td>West Virginia</td>
<td>2/3</td>
<td>No</td>
<td>ME</td>
<td>ME</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Maj.</td>
<td>No</td>
<td>MP</td>
<td>X</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Wyoming</td>
<td>2/3</td>
<td>No</td>
<td>ME</td>
<td>Y</td>
<td>Majority voting</td>
</tr>
<tr>
<td>American Samoa</td>
<td>(p)</td>
<td>...</td>
<td>...</td>
<td>ME (q)</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Guam</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>2/3</td>
<td>No</td>
<td>MP</td>
<td>MP</td>
<td>Majority voting</td>
</tr>
<tr>
<td>Virgin Islands</td>
<td>Maj. (r)</td>
<td>No</td>
<td>MP</td>
<td>ME</td>
<td>Majority voting</td>
</tr>
</tbody>
</table>

**Notes:**

- **ME**—Majority voting in election.
- **MP**—Majority voting on the proposition.
- **X**—The appears to be no constitutional or general statutory provision for the submission of convention proposals to the electorate in these States, but in practice the Legislature may provide by statute for popular ratification of convention proposals in specific instances.
- **V**—Popular ratification required but no provision for size of vote.
- (a) The entries in this column refer to the percentage of elected members in each house required to initiate the procedure for calling a constitutional convention.
- (b) The question of calling a convention must be submitted to the electorate every 10 years in Alaska, Hawaii, Iowa, New Hampshire; every 16 years in Michigan; every 20 years in Illinois, Indiana, Mississippi, and New York; and every 20 years in Oklahoma. Connecticut may submit a question to the electorate after 10 years and must submit it after 20 years.
- (c) In the following States, the constitution does not provide for the calling of a constitutional convention. Legislative authority to call such a convention has been established in practice in Arkansas, Indiana, Louisiana and Texas by court decision; in Pennsylvania by statute; in Rhode Island by advisory opinion of the court; and in Vermont by the opinion of the Attorney General. In Massachusetts the Legislature exercised an unchallenged assumption of this power.
- (d) The power to call a convention is reserved to petition by the people.
- (e) Majority voting over 1/3 of qualified voters at last election.
- (f) Must equal 1/4 of qualified voters at last election.
- (g) Must equal 1/4 of qualified voters at last election.
- (h) The question of calling a convention must be submitted to the people in referendum.
- (i) Must equal 1/4 of qualified voters at last election.
- (j) Must equal 1/4 of qualified voters at last election.
- (k) Must equal 1/4 of qualified voters at last election.
- (l) Must equal 1/4 of qualified voters at last election.
- (m) Majority voting on the proposition.
- (n) Majority voting on the proposition.
- (o) Majority voting on the proposition.
- (p) Convention called by Governor at 5-year intervals. Delegations elected by county councils.
- (q) Approval of Secretary of the Interior required.
- (r) The convention may not be held more than once in six years.


<table>
<thead>
<tr>
<th>State or other jurisdiction</th>
<th>Legislative vote required for proposal(a)</th>
<th>Approval by two sessions</th>
<th>Ratification by electorate</th>
<th>Limitations on the number of amendments submitted at one election</th>
</tr>
</thead>
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<tr>
<td>Alabama</td>
<td>3/5</td>
<td>No</td>
<td>MA</td>
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<tr>
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<td>MA</td>
<td>None</td>
</tr>
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<td>Arizona</td>
<td>Maj.</td>
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<td>MA (b)</td>
<td>None</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Maj.</td>
<td>No</td>
<td>MA</td>
<td>None</td>
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<td>No</td>
<td>MA</td>
<td>None</td>
</tr>
<tr>
<td>Colorado</td>
<td>2/3</td>
<td>No</td>
<td>MA</td>
<td>None(c)</td>
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<tr>
<td>Connecticut</td>
<td>(d)</td>
<td>Yes</td>
<td>None</td>
<td>None</td>
</tr>
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<td>Delaware</td>
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<td>Yes</td>
<td>None</td>
<td>None</td>
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<td>Florida</td>
<td>3/5</td>
<td>No</td>
<td>MA</td>
<td>None</td>
</tr>
<tr>
<td>Georgia</td>
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<td>No</td>
<td>MA</td>
<td>None</td>
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<td>Hawaii</td>
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<td>(e)</td>
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<td>None</td>
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<td>MA</td>
<td>None</td>
</tr>
<tr>
<td>Illinois</td>
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<td>MA (f)</td>
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<td>MA</td>
<td>None</td>
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<td>Kansas</td>
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<td>MA</td>
<td>None</td>
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<td>Kentucky</td>
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<td>No</td>
<td>MA</td>
<td>None</td>
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<td>Louisiana</td>
<td>2/3(b)</td>
<td>No</td>
<td>MA (g)</td>
<td>None</td>
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<td>MA</td>
<td>None</td>
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<td>MA</td>
<td>None</td>
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<tr>
<td>Massachusetts</td>
<td>(j)</td>
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<td>MA</td>
<td>None</td>
</tr>
<tr>
<td>Michigan</td>
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<td>No</td>
<td>MA</td>
<td>None</td>
</tr>
<tr>
<td>Minnesota</td>
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<td>ME</td>
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</tr>
<tr>
<td>Mississippi</td>
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<td>MA</td>
<td>None</td>
</tr>
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<td>Missouri</td>
<td>Maj.</td>
<td>No</td>
<td>MA</td>
<td>None</td>
</tr>
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<td>Montana</td>
<td>(j)</td>
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<td>MA</td>
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</tr>
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<td>Nebraska</td>
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<td>MA (k)</td>
<td>None</td>
</tr>
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<td>Maj.</td>
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<td>MA</td>
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</tr>
<tr>
<td>New Hampshire</td>
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<td>None</td>
</tr>
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<td>MA</td>
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<td>New Mexico</td>
<td>Maj. (n)</td>
<td>No</td>
<td>MA (m)</td>
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</tr>
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<td>MA</td>
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<tr>
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<td>MA</td>
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</tr>
<tr>
<td>North Dakota</td>
<td>Maj.</td>
<td>No</td>
<td>MA</td>
<td>None</td>
</tr>
<tr>
<td>Ohio</td>
<td>3/5</td>
<td>No</td>
<td>MA</td>
<td>None</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Maj.</td>
<td>No</td>
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</tr>
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<td>MA</td>
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</tr>
<tr>
<td>Pennsylvania</td>
<td>Maj.</td>
<td>Yes(p)</td>
<td>MA</td>
<td>None</td>
</tr>
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<td>Rhode Island</td>
<td>Maj.</td>
<td>Yes</td>
<td>MA (q)</td>
<td>None</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Maj.</td>
<td>No</td>
<td>MA</td>
<td>None</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Maj.</td>
<td>No</td>
<td>MA</td>
<td>None</td>
</tr>
<tr>
<td>Tennessee</td>
<td>(a)</td>
<td>Yes</td>
<td>ME (t)</td>
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</tr>
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<td>Texas</td>
<td>2/3</td>
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<td>MA</td>
<td>None</td>
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<td>Utah</td>
<td>2/3</td>
<td>No</td>
<td>MA</td>
<td>None</td>
</tr>
<tr>
<td>Vermont</td>
<td>Maj.</td>
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<td>MA</td>
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<td>Virginia</td>
<td>Maj.</td>
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<td>MA</td>
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<td>Washington</td>
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<td>West Virginia</td>
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<td>MA</td>
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</tr>
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<td>Wisconsin</td>
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<td>MA</td>
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<td>Wyoming</td>
<td>Maj.</td>
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<td>ME</td>
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<tr>
<td>American Samoa</td>
<td>3/5</td>
<td>No</td>
<td>MA (v)</td>
<td>None</td>
</tr>
<tr>
<td>Guam (c)</td>
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<td>Yes</td>
<td>MA (w)</td>
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<tr>
<td>Puerto Rico</td>
<td>2/3(x)</td>
<td>No</td>
<td>MA</td>
<td>None</td>
</tr>
<tr>
<td>Virgin Islands</td>
<td>2/3</td>
<td>No</td>
<td>MA</td>
<td>None</td>
</tr>
</tbody>
</table>

(a) Majority vote on amendment.  
(b) In all States not otherwise noted, the figure shown in this column refers to percentage of elected members in each house required for approval of proposed constitutional amendments.  
(c) General Assembly limited to three; no limit on number of initiatives in two successive sessions.  
(d) Ratification by majority members elected, second passage; majority both houses, second passage. Since 1910, amendments may be submitted only at ten-year intervals.  
(e) Amendments dealing with certain sections on elective franchise and education must be proposed by 3/4 vote of the Legislature and ratified by 3/4 vote of the electorate and 3/4 vote in each county.  
(f) The Legislature, by 3/4 vote, may require a special election on amendments. If the amendment is voted upon at a special election, ratification is by a majority vote on the amendment.  
(g) The Legislature may ratify certain sections of the constitution relating to the Corporation Commission by simple majority vote, without popular ratification.  
(h) Consecutively elected.  
(i) Majority voting in election or 3/5 voting on amendment.  
(j) Two-thirds of total combined membership of both houses, majority both houses, second passage.  
(k) If five or fewer political subdivisions of the State affected, majority in the State as a whole and in affected political subdivision(s) required.  
(l) Majority members elected sitting in joint session.  
(m) Two-thirds of voting in election or 3/5 voting on amendment.  
(n) If five or fewer political subdivisions of the State affected, majority in the State as a whole and in affected political subdivisions(s) required.  
(o) Majority members elected, first passage; 3/4 members elected, second passage.  
(p) Majority of all citizens voting for Governor.  
(q) Majority vote in election.  
(r) Two-thirds vote Senate, majority vote House, first passage; majority both houses, second passage.  
(s) Majority of members of each house for two successive sessions.  
(t) Three-fifths of all members of each house; or majority of all members of each house for two successive sessions.  
(u) Majority vote in election.  
(v) Ratification by majority vote in each of the eleven States of the Union.  
(w) Majority of the Secretary's Interior vote.  
(x) Majority members elected, second passage; majority both houses, second passage.  
(y) Amendments dealing with certain sections on elective franchise and education must be proposed by 3/4 vote of the Legislature and ratified by 3/4 vote of the electorate and 3/4 vote in each county.  
(z) The Legislature, by 3/4 vote, may require a special election on amendments. If the amendment is voted upon at a special election, ratification is by a majority vote on the amendment.  
(A) The Legislature may ratify certain sections of the constitution relating to the Corporation Commission by simple majority vote, without popular ratification.  
(B) Consecutively elected.  
(C) Majority voting in election or 3/5 voting on amendment.  
(D) The Legislature may ratify certain sections of the constitution relating to the Corporation Commission by simple majority vote, without popular ratification.  
(E) Ratification by majority members elected, second passage; majority both houses, second passage.  
(F) Amendments dealing with certain sections on elective franchise and education must be proposed by 3/4 vote of the Legislature and ratified by 3/4 vote of the electorate and 3/4 vote in each county.  
(G) The Legislature, by 3/4 vote, may require a special election on amendments. If the amendment is voted upon at a special election, ratification is by a majority vote on the amendment.  
(H) The Legislature may ratify certain sections of the constitution relating to the Corporation Commission by simple majority vote, without popular ratification.  
(I) Majority members elected, first passage; 3/4 members elected, second passage.  
(J) Majority of all citizens voting for Governor.  
(K) Two-thirds vote Senate, majority vote House, first passage; majority both houses, second passage. Since 1910, amendments may be submitted only at ten-year intervals.  
(L) Approval by Secretary of the Interior required.  
(M) The Guam Legislature has no authority to amend the Organic Act. Action to amend can be accomplished only by the U.S. Congress.  
(N) If proposed amendment is approved by a 3/4 vote in the Legislature, it is submitted to voters at a special referendum; if approved by a 3/4 vote in the Legislature, the referendum is held at next general election.  
(O) The Congress of Micronesia has no authority to amend or change an order of the Secretary of the Interior, but it may petition and request the Secretary to do so.
## Table 5: Constitutional Amendment Procedure: By Initiative

<table>
<thead>
<tr>
<th>State or Other Jurisdiction</th>
<th>Size of Petition</th>
<th>Referendum Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>15% of total voters for Governor at last election</td>
<td>Majority vote on amendment</td>
</tr>
<tr>
<td>Arkansas</td>
<td>10% of voters for Governor at last election including 5% in each of 13 counties</td>
<td>Majority vote on amendment</td>
</tr>
<tr>
<td>California</td>
<td>8% of total voters for Governor at last election</td>
<td>Majority vote on amendment</td>
</tr>
<tr>
<td>Colorado</td>
<td>8% of legal voters for Secretary of State at last election</td>
<td>Majority vote on amendment</td>
</tr>
<tr>
<td>Florida</td>
<td>8% of total votes cast in 1/4 of the congressional districts and 8% of the total votes cast in the State in the last election for presidential electors</td>
<td>Majority vote on amendment</td>
</tr>
<tr>
<td>Illinois(a)</td>
<td>8% of the total votes cast for candidates for Governor at last election</td>
<td>Majority voting in election or 3/5 voting on the issue</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>3% of total votes for Governor at preceding biennial state election, no more than 1/4 from any one county</td>
<td>30% of total voters at election and majority vote on amendment</td>
</tr>
<tr>
<td>Michigan</td>
<td>10% of total voters for Governor at last election</td>
<td>Majority vote on amendment</td>
</tr>
<tr>
<td>Missouri</td>
<td>8% of legal voters for Governor at last election in each of 2/3 of the congressional districts in the State (b)</td>
<td>Majority vote on amendment</td>
</tr>
<tr>
<td>Montana</td>
<td>10% of the qualified electors of the State; to include at least 10% of the qualified electors in each of 2/5 of the legislative districts</td>
<td>Majority vote on amendment</td>
</tr>
<tr>
<td>Nebraska</td>
<td>10% of total votes for Governor at last election including 5% in each of 2/5 of the counties</td>
<td>Majority vote on amendment (c)</td>
</tr>
<tr>
<td>Nevada</td>
<td>10% of total voters who voted in 75% of the counties and 10% of the voters who voted in the entire State at the last general election</td>
<td>Majority vote on amendment in two consecutive general elections</td>
</tr>
<tr>
<td>North Dakota</td>
<td>20,000 electors</td>
<td>Majority vote on amendment</td>
</tr>
<tr>
<td>Ohio</td>
<td>10% of electors which must include 5% of voters for Governor at last election in each of 1/4 of the counties</td>
<td>Majority voting in election (d)</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>15% of legal voters for office receiving highest number of votes in last general state election</td>
<td>Majority vote on amendment</td>
</tr>
<tr>
<td>Oregon</td>
<td>8% of the total votes for Governor at last election</td>
<td>Majority vote on amendment</td>
</tr>
<tr>
<td>South Dakota</td>
<td>10% of total votes for Governor in last election</td>
<td>Majority vote on amendment</td>
</tr>
<tr>
<td>Wyoming</td>
<td>15% of those who voted in last general election and residents in at least 2/3 of the counties of the State</td>
<td>Majority of those voting in the preceding general election</td>
</tr>
<tr>
<td>Virgin Islands</td>
<td>Not less than 10% of qualified voters of the Territory</td>
<td>Majority vote on amendment at next general election</td>
</tr>
</tbody>
</table>

(a) People may petition to amend only the Legislative Article—Article IV.
(b) Legislature is empowered to fix a smaller percentage.
(c) Votes cast in favor of amendment must be at least 35% of total vote at election.
(d) If amendment is voted on at general election, ratification is by majority voting in election. If it is voted on at a special election, ratification is by majority vote on the amendment.
## Table 6
### GENERAL INFORMATION ON STATE CONSTITUTIONS

<table>
<thead>
<tr>
<th>State or other jurisdiction</th>
<th>Number of constitutions</th>
<th>Dates of adoption</th>
<th>Effective date of present constitution</th>
<th>Estimated length (number of words)</th>
<th>Number of amendments Proposed</th>
<th>Adopted</th>
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</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>6</td>
<td>1819; 1865; 1866; 1868; 1875; 1901</td>
<td>1901</td>
<td>106,000</td>
<td>497</td>
<td>326</td>
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<tr>
<td>Alaska</td>
<td>1</td>
<td>1916</td>
<td>1929</td>
<td>12,000</td>
<td>12</td>
<td>11</td>
</tr>
<tr>
<td>Arizona</td>
<td>1</td>
<td>1917</td>
<td>1912</td>
<td>18,500</td>
<td>141</td>
<td>77</td>
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<tr>
<td>Arkansas</td>
<td>1</td>
<td>1874</td>
<td>1874</td>
<td>40,170</td>
<td>(a)</td>
<td>53</td>
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<td>California</td>
<td>2</td>
<td>1849; 1879</td>
<td>1879</td>
<td>68,000</td>
<td>667</td>
<td>392</td>
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<tr>
<td>Colorado</td>
<td>1</td>
<td>1876</td>
<td>1876</td>
<td>40,190</td>
<td>147(b)</td>
<td>53(b)</td>
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<td>Connecticut</td>
<td>4</td>
<td>1818(c); 1865</td>
<td>1953</td>
<td>7,359</td>
<td>5</td>
<td>4</td>
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<td>Delaware</td>
<td>4</td>
<td>1776; 1792; 1831; 1897</td>
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<td>22,000</td>
<td>(a)</td>
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<td>1839; 1861; 1865; 1868; 1885; 1968</td>
<td>1969</td>
<td>21,286</td>
<td>15</td>
<td>10</td>
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<td>8</td>
<td>1777; 1789; 1798; 1861; 1865; 1868; 1877; 1945</td>
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<td>500,000</td>
<td>1,016</td>
<td>767</td>
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<td>1968</td>
<td>11,904</td>
<td>41</td>
<td>38</td>
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<td>Illinois</td>
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<td>1818; 1848; 1870; 1970</td>
<td>1971</td>
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<td>0</td>
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<td>11,120</td>
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<td>29</td>
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<td>1845; 1857</td>
<td>1857</td>
<td>11,200</td>
<td>41</td>
<td>36(d)</td>
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<td>1861</td>
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<td>93</td>
<td>65(d)</td>
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<td>1891</td>
<td>21,500</td>
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<td>20</td>
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<td>Louisiana</td>
<td>10</td>
<td>1812; 1845; 1852; 1861; 1864; 1868; 1870; 1898; 1913; 1921</td>
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<td>256,000</td>
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<td>498</td>
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<td>Maine</td>
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<td>1820</td>
<td>1820</td>
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<td>Maryland</td>
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<td>1776; 1851; 1864; 1867</td>
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<td>4</td>
<td>1835; 1850; 1908; 1963</td>
<td>1964</td>
<td>19,867</td>
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<td>Minnesota</td>
<td>1</td>
<td>1838</td>
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<td>9,338</td>
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(a) Data not available.
(b) Information only available from 1912 to present.
(c) Colonial charters with some alterations, in Connecticut (1636, 1652) and Rhode Island (1663), served as the first constitutions for these States.
(d) Amendments nullified by Supreme Court. Iowa: three on procedural grounds; Kansas: one; Wisconsin: two.
(e) One adopted amendment will not become effective until the Legislature enacts further legislation.
(f) The constitution of 1788 was extensively amended, reorganized and clarified in 1793; figures show proposals and adoptions since 1793.
(g) Certain sections were revised by limited convention.
OVER THE PAST two years state election systems have been subject to rapid and significant change, with the United States Supreme Court again at the forefront of the developments. Recent changes made the legally eligible electorate in the 1972 presidential election the most inclusive in American history. The Twenty-sixth Amendment gave 18, 19 and 20 year olds the right to vote and the Supreme Court in a major decision invalidated state durational residency requirements, thereby enfranchising an estimated 5 to 8 million mobile Americans. Through the Voting Rights Act Amendments of 1970, Congress provided expanded absentee voting and registration opportunities in voting for President. The States, too, have been active in less dramatic ways in attempts to upgrade the administration of elections, while looking for new ways to serve the expanded electorate.

**Durational Residency**

The 50 States have traditionally required their residents to have lived in the State for a specified length of time before qualifying to vote, usually a year or six months. In 1972, 25 States required a minimum of one year's residence with the rest requiring six months or less. In recent years these durational residency requirements have come under an increasing number of court challenges. On March 21, 1972, in the case of *Dunn v. Blumstein*, 405 U.S. 330, the U.S. Supreme Court abolished all such requirements when it struck down Tennessee's one-year state and three-month county residency requirements as unconstitutional under the equal protection clause of the Fourteenth Amendment. The decision was reached by a 6-1 majority.

In overturning the Tennessee law, the Court relied on a strict standard of equal protection review that has come to be known as the "compelling state interest" test. Under this standard, a State must demonstrate that laws which deny or restrict fundamental personal rights must be "necessary" to further a "compelling state interest" and in a way that is the least burdensome to the personal right involved. In *Dunn*, the Court concluded that the "compelling state interest" test was applicable because durational residency requirements affected two constitutionally protected rights: the right to vote and the right to travel. The decision to invoke this test was crucial, since no state law reviewed under it has been upheld by the Court.

The practical effect of a durational residency requirement is to separate residents into two broad categories: old residents who may vote, and new residents who may not. The Court reaffirmed an earlier position that States were free to require voters to be bona fide residents in order "to preserve the basic conception of a political community." But, the Court
noted, "Tennessee insists that in addition to being a resident, a would-be voter must have been a resident for a year in the State and three months in the county."

The State of Tennessee argued that its waiting period was "necessary" to insure purity of the ballot box and also to guarantee that voters would be able to exercise their voting rights "more intelligently." The Court agreed that the prevention of fraud—keeping nonresidents from voting—was a compelling governmental goal, but that "durational residency laws bar newly arrived residents from the franchise along with nonresidents." More importantly, the Court concluded that fraud is more effectively prevented in Tennessee by a system of voter registration and a variety of criminal laws. It noted that the 30-day period before an election, when Tennessee closes registration, was "an ample period of time for the State to complete whatever administrative tasks are necessary to prevent fraud—and a year or three months, too much." The Court also reasoned that a durational residency law was not necessary to ensure knowledgeable voters, given modern communications and "the clear indication that campaign spending and voter education occur largely during the month before an election."

For the most part, the Court's decision in the Dunn case was implemented by all States in time for the November 1972 election. A majority of States came into compliance through administrative action following opinions by their Attorneys General or court actions. Several Legislatures were able to act in time to make the necessary changes in state law. The Alaska and Florida Legislatures imposed durational residency periods of up to 75 days, but these were subsequently declared unconstitutional by federal district courts. Some confusion was created by the failure of a few States to distinguish between durational residency requirements and a registration closing period. For example, the Court's reference to a 30-day period before an election when registration is closed as being "ample" time to check the accuracy of registration lists was wrongly interpreted by some States as authorization to impose 30-day durational residency requirements.

**Registration Closing**

The question of the permissible length of registration closing dates was subsequently considered by the Court in Marston v. Lewis, 41 U.S.L.W. 3498 (1973) and Burns v. Fortson, 41 U.S.L.W. 3499 (1973), where the issue was the constitutionality of 50-day closing dates in Arizona and Georgia. The Court upheld the 50-day closing periods in both States in per curiam opinions. In Marston, the Court accepted the judgment of the Arizona Legislature that the 50-day period was "necessary" to promote the State's "important interest" in accurate voter lists, a slight variation of the "compelling" state interest test. In Arizona, volunteer deputy registrars do much of the voter registration in the State. In Maricopa County (Phoenix) these volunteers produce "an average of 1.13 mistakes per voter registration" which the county recorder must correct before he can certify the voters list for an election. The problem was compounded by the fact that the elections personnel had to interrupt the processing of registration affidavits to administer a fall primary. A majority of the Court agreed that in Arizona administrative considerations justified a registration close in excess of 30 days, the standard alluded to in Dunn. The Court applied the same logic to the Georgia statute, but it also noted that a "50-day period approaches the outer constitutional limits in this area."

Justice Thurgood Marshall, who wrote the majority opinion in Dunn, dissented in both Marston and Burns and was joined by Justices William O. Douglas and William J. Brennan. Justice Marshall noted that the majority did not impose the full measure of the "compelling interest" test when it failed to examine alternatives the States might have chosen that were less burdensome to voters than a 50-day registration close. In his dissent to Marston, he argued that the justifications presented were "directed almost exclusively to what can be considered readily solvable problems caused by untrained personnel in a relatively small
office.” In his dissent to *Burns*, Justice Marshall again argued that appellees “did not show that it was impossible to increase the size of the registrars’ staffs or the efficiency of their operations” instead of closing registration 50 days before an election.

In *Rosario v. Rockefeller*, 41 U.S.L.W. 4401 (1973), the Court considered a different kind of registration deadline. It upheld a New York law that requires a voter to enroll in a party at least 30 days before the November general election in order to vote in a presidential primary the following June or a nonpresidential primary the following September. Persons eligible to vote for the first time are exempt from this restriction. The plaintiffs had been eligible to register before the October 2, 1971, cutoff but failed to do so. Consequently, they were unable to vote in the June primary eight months later. They claimed the statute deprived them of their right to vote and abridged their freedom to associate with the party of their choice. New York State argued that its law was “necessary” to prevent raiding, or the cross-over of the members of one party into another’s primary to “defeat a candidate who is adverse to the interests they care to advance.” Without specifying the standard of review, the five-man majority concluded that “New York did not prohibit the petitioners from voting in the 1972 primary election or from associating with the political party of their choice. It merely imposed a legitimate time limitation on their enrollment, which they chose to disregard.”

In dissent, Justice Lewis F. Powell, joined by Justices Douglas, Brennan and Marshall, argued that all residents of the districts were directly affected by policies in such important areas as flood control and should have a voice in the election of the districts’ governing boards. Justice Douglas also argued that the water districts in both States exercised “important governmental functions” such as the levying and collecting of special assessments and exercising the power of eminent domain and therefore should be judged by the same “one man, one vote” standard the Court has applied in the past to units of government with more general authority.

At the time of the *Dunn* decision, it seemed clear that, in most instances, the Court would apply the rigorous “compelling state interest” test to state laws that limited or burdened the right to vote. Since *Dunn*, however, the Court has not applied the test to any of the voter qualifications cases that it has considered. The Court’s decisions since then indicate a new sentiment among a majority of the justices that reflects recent changes in the Court’s membership. The most recent actions of the Court suggest that in the immediate future it will be more indulgent toward state regulation of the franchise.
than it has been since the compelling interest doctrine was first applied in the late 1960s.

VOTER REGISTRATION

Maryland and Minnesota have adopted mail registration systems that should significantly expand registration opportunities in both States when they become effective in 1974. Under the Minnesota law, a voter may register to vote by filling out a standard form and mailing it to his local registrar of voters. The forms may also be distributed to voters by groups which engage in registration drives. Minnesota voters who do not register in person or by mail may also register in their polling places on election day under the new system.

The Maryland law authorizes the State Administrator of Elections to establish rules for a statewide system of mail registration. The plan is quite similar to that instituted in Minnesota. However, Maryland voters must register in a political party in order to vote in a primary election. They will be able to do so by mail under the new law. Minnesota does not require registration prior to its primary elections. In Maryland, local jurisdictions may exempt themselves from statewide legislation and 19 counties have chosen not to institute mail registration. As a result, the law will apply only to Harford, Howard, Montgomery, and Prince Georges Counties, and Baltimore City.

Every State with registration allows voters to register by mail. In most instances absentee registration is limited to certain classes of voters, e.g., those who are ill or physically disabled. Under the federal Voting Rights Act Amendments of 1970, each State must allow voters who are absent from their election districts to register by mail in presidential elections. Some States allow any otherwise qualified voter to register absentee, and most allow military personnel and their families to register at the same time they request an absentee ballot under the provisions of the federal Voting Assistance Act of 1955. In each of these instances, however, registration forms are available only upon the written request of the voter. The Maryland and Minnesota statutes are distinctive in making registration forms widely available in public buildings and allowing any qualified voter to register by mail. The only State with a similar procedure is Texas, where registration forms are periodically printed in newspapers.

Laws requiring statewide voter registration were passed in Iowa, Minnesota, and Missouri. Previously, registration in each of these States was limited to the larger cities and counties. These actions leave Ohio and Wisconsin as the only States where there is no registration in selected portions of the State. In North Dakota, there is no prior registration in any part of the State.

COMPUTERIZED REGISTRATION

In 1973, Kentucky became the fifth State to establish a central computerized file of all registered voters in the State. Under the new system, county clerks are required to send copies of registration forms to the State Board of Elections where they are placed on a master computer file. The board is responsible for purging the names of voters who fail to vote in four consecutive years or who otherwise become ineligible to vote. The board is also responsible for furnishing each county clerk lists of all registered voters in their county by precinct. The precinct lists are then used to identify voters at the polls on election day. The Kentucky law requires every voter in the State to reregister sometime between the November general elections in 1972 and 1973. Those voting in November 1972 were able to reregister by mail.

Wyoming, Rhode Island and Louisiana may soon follow suit. Each of these States has authorized the development of a statewide system of registration record keeping. The Louisiana program is expected to be funded in 1974. In Massachusetts, the Legislative Research Council has recommended the use of voter identification cards in conjunction with a computerized state voter identification center.

South Carolina was the first State to establish a statewide computerized list of registered voters in 1967, followed by Delaware in 1969 and Virginia and Alaska in 1970. Oregon offers a similar
service to its counties on an optional basis. The use of computerized lists at the state level is designed to provide local officials with accurate and up-to-date lists of registered voters. Computerization is also intended to facilitate transfers of registration between jurisdictions, the cancellation of duplicate registrations, and the purging of ineligible voters. Centralization of record keeping may also help States provide a general management overview of registration activities at the local level.

STATE ADMINISTRATION

A handful of States have acted to strengthen their role in the administration of elections. In Tennessee, a coordinator of elections, appointed by the Secretary of State, will serve as chief electoral officer with power to make regulations and to ensure uniform application of the election code. His duties include supervision of all elections, issuing instructions to all local election officials for the conduct of registration and voting, preparation of training programs for local officials, and distribution of forms and supplies at state expense. The coordinator may investigate local administration of elections and violations of the election code. In addition, the Tennessee State Board of Elections has been replaced by a three-member, bipartisan state election commission elected by the General Assembly. The commission has the power to appoint and remove the five-member election commission in each county.

In Illinois, the Legislature has implemented a constitutional provision calling for a State Board of Elections that has “general supervision over the administration of the registration and election laws throughout the State.” The constitution provides that “no political party shall have a majority of members on the Board.” The new board will consist of four members appointed by the Governor from nominees submitted by the leaders of both houses of the General Assembly. Tie votes are to be settled by lot, with the losing member withdrawing his vote.

Indiana now requires its county election boards to report each January to the State Election Board on their conduct of voting and to file registration statistics. The Wyoming Secretary of State has been designated as the chief electoral officer of that State with responsibility for bringing uniformity to election procedures. In Kansas, all rules and regulations promulgated by county officials must now be submitted to the Secretary of State for approval. Georgia has provided for a chief administrative officer to be appointed by the State Board of Elections. Some reorganization may also be in the offing for such States as Rhode Island, where a legislative commission will report to the Legislature in 1974 with recommendations for revising the election law.

CAMPAIGN FINANCING

Sparked by national scandals over campaign contributions and expenditures in connection with the 1972 presidential election, a number of Legislatures tightened state regulation of campaign financing practices. State concern focused on the same issues raised in the congressional debate over federal legislation: limits on contributions and expenditures, disclosure of both sources and amounts, measures to prevent “laundering” of funds by channeling them through campaign committees, restrictions on advertising, and methods of public financing for political campaigns.

The 1973 session of the Texas Legislature adopted the year’s first “post-Watergate” state law on campaign financing, which includes a novel system of civil penalties that could make violations too expensive to risk. A key provision makes any candidate, political committee, or contributor civilly liable to all other opposing candidates for attorneys’ fees and for double the amount of any unlawful contribution or expenditure, and civilly liable to the State for triple the amount. The law requires disclosure of any amount in excess of $100, the reporting of all contributors to a political committee, and it defines strictly the uses that may be made of campaign funds.

Florida also adopted a comprehensive new code, setting top expenditure limits of $350,000 for general elections and $250,000 for both the first and second
(runoff) primary; for other state offices limits are $250,000 and $150,000 respectively for general and primary elections; $100,000 for all Supreme Court judgeship contests, and $25,000 for congressional and local races. The law also sets strict disclosure standards for reporting the sources of contributions that exceed $100. Any donor contributing more than $500 will now have to register with the Secretary of State. The measure increases the accountability for campaign reporting by holding candidates responsible for the accuracy of all campaign financial reports.

Hawaii established a Campaign Spending Commission to oversee the State's campaign finance law. It also set reporting requirements for contributions in excess of $250, tightened political committee procedures for keeping records and authorizing expenditures, and set limits on total campaign costs ranging from 25 cents per voter for most offices to 50 cents per voter for gubernatorial contests.

Another issue now on its way up through the federal courts is the question of accountability for media advertising for or against a candidate or ballot issue. Elsewhere, Nevada limited expenditures in state legislative campaigns to $15,000 while such contests in Wyoming were limited to $2,000. Utah and New Jersey tightened record-keeping provisions and Arizona added labor organizations to groups which may not contribute to political campaigns. Maine and Iowa moved cautiously into the area of public financing by authorizing $1 of state income tax payments to be earmarked for contributions to a political party.

**Primary Elections**

Primaries continue to be a major showcase for the political individuality of the States. Three more States adopted provisions for presidential preference primaries. Nevada will allow the Secretary of State to place on the ballot the name of any presidential candidate who in his judgment has attracted sufficient attention from the national news media, or who has submitted petitions representing 1 percent of the vote cast for his party's presidential candidate at the preceding election. The date for Nevada's presidential primary will be the fourth Tuesday in May. Kentucky and Georgia will move to a presidential primary in 1976. In Georgia, each party that polled 20 percent of the votes cast for President at the preceding election will participate in the primary scheduled for the third Tuesday in March. Rhode Island moved the presidential primary date from the second Tuesday in April to the fourth Tuesday in May. Some shifting of state primary dates also took place. Texas moved its primary from spring to late summer; Ohio from spring to fall.

In a major development, the Supreme Court in *Bullock v. Carter*, 405 U.S. 134 (1972), held that the Texas system of financing primaries largely through candidate's filing fees was unconstitutionally restrictive. The Court ruled that the Texas system prevented potential candidates from seeking nomination because of inability to pay their apportioned share. At the same time, the Court said the system denied voters who wished to support certain candidates an opportunity to express a preference. The Court recognized a State's legitimate objective in avoiding overcrowded ballots and was careful to stop short of a blanket censure of filing fees, but it found the Texas fee schedule, which amounted to $6,000 for the office of county judge, so onerous as to be restrictive of the franchise. Stating that "it is difficult to single out any [governmental function] of a higher order than the conduct of elections," the Court said that it seems appropriate that a primary system designed to give voters some influence at the nominating stage should spread the cost among all voters.

In other developments, New York became one of the few Northern States to establish runoff primaries. Its new law applies only to the city of New York and only if a candidate for a citywide nomination fails to win 40 percent of his party's vote. A statutory change in Utah will permit a primary only when more than two candidates have filed for a position.

**Office of Federal Elections**

In the last few years Congress has exhibited a growing interest in the conduct
of elections among the States, most recently with passage of the Federal Election Campaign Act of 1971, which created the Office of Federal Elections within the U.S. General Accounting Office. In addition to monitoring reports of campaign contributions and expenditures in federal elections, the new office was given the additional responsibility to "serve as a national clearinghouse for information in respect to the administration of elections." Under this provision a clearinghouse was established within the Office of Federal Elections to conduct independent studies of election administration. Since its formation, the clearinghouse has completed a study of election difficulties in seven cities and counties across the country, initiated a monthly compilation of proposed and enacted state and federal legislation as well as state and federal judicial decisions, and commissioned the creation of an automated mailing list of more than 7,000 state and local election officials and a comprehensive survey of current administrative practices. As a national center for information on election administration and a source of basic research on a variety of electoral problems, the Office of Federal Elections is in a position to provide election officials, legislators, and interested citizens with sorely needed information on the complexities of our 50 election systems.

ADDITIONAL CHANGES

Wyoming completely revised its election code to provide that all state, county, municipal, and school elections will be held at the same time as national elections. With the exception of school elections, all candidates will be nominated at the primary in August and elected in November of even-numbered years. School board members will be nominated by petition and elected at the August primary.

Tennessee and Maryland now allow 17 year olds to vote in primary elections if they will be 18 by the time of the general election. Texas has provided for state financing of primary elections after the U.S. Supreme Court invalidated its system of filing fees. Before the decision, primaries were financed by the political parties through the assessment of filing fees. In a statewide referendum, the voters of Maine chose to eliminate the party-column ballot in favor of the office-block ballot. Colorado and New Jersey have authorized the use of electronic vote totaling systems. Massachusetts has adopted absentee voting in primary elections, reducing to six the number of States which do not. A new Minnesota law provides that campaign workers may not be denied access to apartment houses, dormitories, mobile home parks, or other multiple dwelling units. The State also provided for the joint nomination and election of Governor and Lieutenant Governor.

SELECTED REFERENCES


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*Abbreviations: C—Convention; P—Direct primary; C.P—Some candidates in convention, some in direct primary; X—Some candidates in convention, some combination of direct primary and convention; CP—State Central Committees or direct primary; N.A.—Not Available.

(a) Primaries for statewide offices in 1975 include 1975 before the date.

(b) The party officials may choose whether they wish to nominate candidates in convention or by primary elections. Usually the Democratic party nominates in primary and the Republican party in convention. Georgia rarely uses conventions. In South Carolina no convention shall make nominations for candidates for office unless the decision to use a convention method is reached by a 2/3 vote of the total membership, except the office of State Senator.

(c) May vote in the primary of more than one party.

(d) Primaries for statewide offices are designated by State Central Committees. Anyone receiving 25 percent of the votes of a committee may require that a primary be held. Primaries may also be required by candidates who secure 20,000 signatures on petitions.

(e) First runoff held two weeks after primary; second runoff held two weeks after that if necessary.

(f) Trustees of the University of Illinois are the only state officers nominated in convention.

(g) Candidates elected by statewide vote are nominated in convention, e.g., Governors and U.S. Senators.

(h) If for any office no candidate receives 35 percent of votes cast at the primary, a convention is held to select a candidate.

(i) Party column ballot; voter is restricted to marking one ballot only.

(j) The Governor is the only state officer nominated by primary election.
## General Elections in 1974 and 1975

Including All Elections for State Officers with Statewide Jurisdiction* 

<table>
<thead>
<tr>
<th>State or other jurisdiction</th>
<th>Date of general elections in 1974 (a)</th>
<th>State officers with statewide jurisdiction to be elected</th>
<th>U.S. Congress: Members to be elected</th>
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<tr>
<td></td>
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<td>Senate House</td>
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<td>Alabama</td>
<td>Nov. 5</td>
<td>Governor, Lt. Governor, Secretary of State, Attorney General, Treasurer, Auditor, 4 members State Board of Education, Commissioner of Agriculture and Industries, 2 Public Service Commissioners, 3 Associate Supreme Court Justices, 1 Court of Civil Appeals Judge, all Circuit Judges</td>
<td>All All 1 7</td>
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<tr>
<td>Alaska</td>
<td>Nov. 5</td>
<td>Governor, Lt. Governor</td>
<td>¾ All 1 1</td>
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<tr>
<td>Arizona</td>
<td>Nov. 5</td>
<td>Governor, Secretary of State, Attorney General, Treasurer, Supt. of Public Instruction, State Mine Inspector, 1 Corporation Commissioner, 1 Tax Commissioner, 1 Supreme Court Justice</td>
<td>All All 1 4</td>
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<td>Arkansas</td>
<td>Nov. 5</td>
<td>Governor, Lt. Governor, Secretary of State, Attorney General, Treasurer, Auditor, Commissioner of State Lands, 1 Supreme Court Justice</td>
<td>¾ All 1 4</td>
</tr>
<tr>
<td>California</td>
<td>Nov. 5</td>
<td>Governor, Lt. Governor, Secretary of State, Attorney General, Treasurer, Controller, Supt. of Public Instruction, Board of Equalization, Chief Justice, 3 Associate Justices of Supreme Court</td>
<td>¾(c) All 1 43</td>
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<td>Colorado</td>
<td>Nov. 5</td>
<td>Governor, Lt. Governor, Secretary of State, Attorney General, Treasurer, 3 Univ. of Colorado Regents, 1 State Board of Education Member</td>
<td>¾ All 1 5</td>
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<tr>
<td>Connecticut</td>
<td>Nov. 5</td>
<td>Governor, Lt. Governor, Secretary of State, Attorney General, Treasurer, Comptroller</td>
<td>All All 1 6</td>
</tr>
<tr>
<td>Delaware</td>
<td>Nov. 5</td>
<td>Attorney General, Treasurer, Auditor of Accounts, Insurance Commissioner</td>
<td>¾(d) All 0 1</td>
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<td>Florida</td>
<td>Nov. 5</td>
<td>Governor, Lt. Governor, Attorney General, Secretary of State, Treasurer, Comptroller, Commissioner of Education, Commissioner of Agriculture, 2 Public Service Commissioners, 3 or more Supreme Court Justices</td>
<td>¾ All 1 15</td>
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<tr>
<td>Georgia</td>
<td>Nov. 5</td>
<td>Governor, Lt. Governor, Secretary of State, Attorney General, Comptroller General, State School Superintendent, Commissioner of Agriculture, Commissioner of Labor, 1 Public Service Commissioner, 3 Supreme Court Justices, 4 Court of Appeals Judges, 28 Superior Court Judges, 6 District Attorneys</td>
<td>All All 1 10</td>
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<td>Hawaii</td>
<td>Nov. 5</td>
<td>Governor, Lt. Governor, 11 State Board of Education Members</td>
<td>All All 1 2</td>
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<td>Idaho</td>
<td>Nov. 5</td>
<td>Governor, Lt. Governor, Secretary of State, Attorney General, Treasurer, Auditor, Supt. of Public Instruction, 1 Supreme Court Justice(e)</td>
<td>All All 1 2</td>
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<td>Illinois</td>
<td>Nov. 5</td>
<td>Treasurer, 1 Supreme Court Judge</td>
<td>¾ All 1 24</td>
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<tr>
<td>Indiana</td>
<td>Nov. 5</td>
<td>Secretary of State, Treasurer, Auditor</td>
<td>¾ All 1 11</td>
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<tr>
<td>Iowa</td>
<td>Nov. 5</td>
<td>Governor, Lt. Governor, Secretary of State, Attorney General, Treasurer, Auditor, Secretary of Agriculture, Supreme Court Judge</td>
<td>¾ All 1 6</td>
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<td>Kansas</td>
<td>Nov. 5</td>
<td>Governor, Lt. Governor, Secretary of State, Attorney General, Treasurer, Insurance Commissioner, State Printer, 1 Supreme Court Justice</td>
<td>None All 1 5</td>
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<td>Kentucky</td>
<td>Nov. 5</td>
<td>1 Court of Appeals Judge</td>
<td>None None 1 7</td>
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<td>(1975)</td>
<td>Nov. 4</td>
<td>Governor, Lt. Governor, Secretary of State, Attorney General, Treasurer, Auditor, Supt. of Public Instruction, Commissioner of Agriculture, 3 Railroad Commissioners, Clerk of Court of Appeals</td>
<td>¾ All 0 0</td>
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<tr>
<td>State or other jurisdiction</td>
<td>Date of general elections in 1974 (a)</td>
<td>State officers with statewide jurisdiction to be elected</td>
<td>State Legislatures: Members to be elected</td>
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<td>Senate</td>
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<td>Nov. 5</td>
<td>3 State Board of Education Members, 1 Public Service Commissioner, 1 Supreme Court Justice</td>
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<td>Maine</td>
<td>Nov. 5</td>
<td>Governor, Lt. Governor, Attorney General, Comptroller, 2 Court of Appeals Judges, 3 Court of Special Appeals Judges</td>
<td>All</td>
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<tr>
<td>Maryland</td>
<td>Nov. 5</td>
<td>Governor, Lt. Governor, Secretary of State, Attorney General, Treasurer, Auditor</td>
<td>All</td>
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<tr>
<td>Massachusetts</td>
<td>Nov. 5</td>
<td>Governor, Lt. Governor, Secretary of State, Attorney General, Treasurer, State Auditor, Chief Justice of Supreme Court, 5 Supreme Court Justices</td>
<td>All</td>
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<td>Nov. 5</td>
<td>Governor, Lt. Governor, Secretary of State, Attorney General, Treasurer, State Auditor, Chief Justice of Supreme Court, 5 Supreme Court Justices</td>
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<td>Nov. 5</td>
<td>Governor, Lt. Governor, Secretary of State, Attorney General, Treasurer, State Auditor, Chief Justice of Supreme Court, 5 Supreme Court Justices</td>
<td>None</td>
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<tr>
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<td>State Auditor</td>
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<td>Nov. 5</td>
<td>2 Public Service Commissioners, Chief Justice of Supreme Court, 2 Associate Supreme, Court Justices</td>
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<td>Governor, Lt. Governor, Secretary of State, Attorney General, Treasurer, Auditor, 4 State Board of Education Members, 4 Board of Regents Members, 2 Public Service Commissioners, 4 Supreme Court Justices</td>
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<td>Chief Justice of Supreme Court, 2 Supreme Court Justices, Superior Court Judge, Chief Judge, 3 Court of Appeals Judges</td>
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<td>Commissioner of Labor, 1 Public Service Commissioner, 2 Supreme Court Justices</td>
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<td>Nov. 5</td>
<td>Governor, Lt. Governor, Secretary of State, Attorney General, Treasurer, Auditor, 2 Supreme Court Justices</td>
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<td>Governor, Lt. Governor, Secretary of State, Attorney General, Treasurer, Auditor, Supt. of Public Instruction, Commissioner of Labor, Commissioner of Insurance, Chief Mine Inspector, 1 Corporation Commissioner, Charities and Corrections Commissioner, State Examiner and Inspector, 3 Supreme Court Justices, 1 Court of Criminal Appeals Judge, 6 Court of Appeals Judges</td>
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<td>State Legislatures: (b) Members to be elected</td>
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<td>Governor, Supt. of Public Instruction, Labor Commissioner, 2 Supreme Court Judges</td>
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<td>Nov. 5</td>
<td>Governor, Lt. Governor</td>
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<td>Governor, Lt. Governor, Secretary of State, Attorney General, General Treasurer</td>
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<td>Governor, Lt. Governor, Secretary of State, Attorney General, Treasurer, Auditor, Commissioner of Schools and Public Lands, 1 Public Utilities Commissioner</td>
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<td>Tennessee</td>
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<td>Governor, 1 Public Service Commissioner, 5 Supreme Court Judges, 9 Court of Appeals Judges, 7 Court of Criminal Appeals Judges</td>
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<td>Governor, Lt. Governor, Attorney General, Treasurer, Comptroller of Public Accounts, Commissioner of Agriculture, Commissioner of General Land Office, 1 Railroad Commissioner, 3 Supreme Court Justices, 2 Court of Criminal Appeals Judges</td>
<td>¾(d) All</td>
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<td>5 Board of Education Members, 1 Supreme Court Justice</td>
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<td>Washington</td>
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<td>4 Supreme Court Justices, 4 Court of Appeals Judges</td>
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<td>Nov. 5</td>
<td>Governor, Lt. Governor</td>
<td>All (g)</td>
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</table>

*In several States either none or all elected officials with statewide jurisdiction do not appear in the table as their terms are such that no elections for them occur in 1974 or 1975.*

(a) Elections in 1975 are indicated by “1975” before the date.
(b) For numbers, terms and party affiliations of state legislators see table on page 68.
(c) Reapportionment by Supreme Court and by the Legislature may require all Senators to be elected in 1974. North Dakota by referendum.
(d) Approximately.
(e) The vote for Supreme Court Justice is usually decided at the primary elections. If one or two candidates run in the primary, the candidate who receives a majority of votes cast is declared the winner and does not run in the general election. If there are more than two candidates and none receives a majority, the two candidates receiving the most votes in the general election.
(f) New apportionment law applicable in 1974 will require all Senators to be elected, &frac34; for 2-year terms and &frac34; for 4-year terms.
(g) Unicameral Legislature.
(h) Non-voting delegate to U.S. House of Representatives.
(i) Election day will be the first Tuesday of November every four years, but the Legislature has the right to change the date by amending the electoral law.
## USE OF VOTING DEVICES

<table>
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<th>State or Other Jurisdiction</th>
<th>Statewide Use Required</th>
<th>Use in Majority of Voting Areas</th>
<th>Use in Some Voting Areas</th>
<th>Type of Equipment Used</th>
<th>Straight Party Vote†</th>
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</table>

*Mechanical, punch card, or optical scanning vote-counting devices are not used in American Samoa, Guam, Puerto Rico, the Virgin Islands, and the Virgin Islands. The use of voting machines was authorized by the 1971 Utah Legislature but are not yet in use.
†The ballot allows the citizen to vote for all candidates of the same party by marking one box or lever.
(a) Used in absentee voting only.
(b) Other systems have been authorized but are not now in use. (c) Except in presidential elections where candidates for the office of presidential electors are on a separate straight party ticket. (d) All precincts having 500 or more registered voters by October 1, 1976, must have voting machines. (e) Mandatory for municipalities of 10,000 or more population; optional for smaller communities.
<table>
<thead>
<tr>
<th>State or other jurisdiction</th>
<th>Polls open</th>
<th>Polls close</th>
<th>Notes on hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama..................</td>
<td>8 a.m.</td>
<td>5 p.m.</td>
<td>If voting machines are not used and if counties are less than 400,000 in population.</td>
</tr>
<tr>
<td></td>
<td>8 a.m.</td>
<td>6 p.m.</td>
<td>If voting machines are used and in counties of 400,000 or more.</td>
</tr>
<tr>
<td></td>
<td>8 a.m.</td>
<td>7 p.m.</td>
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<tr>
<td>Alaska....................</td>
<td>8 a.m.</td>
<td>8 p.m.</td>
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<tr>
<td>Arizona...................</td>
<td>8 a.m.</td>
<td>7 p.m.</td>
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<tr>
<td>Arkansas..................</td>
<td>8 a.m.</td>
<td>7:30 p.m.</td>
<td></td>
</tr>
<tr>
<td>California.................</td>
<td>7 a.m.</td>
<td>8 p.m.</td>
<td>Charter cities may set different hours for municipal elections.</td>
</tr>
<tr>
<td>Colorado..................</td>
<td>7 a.m.</td>
<td>7 p.m.</td>
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<td>Connecticut..............</td>
<td>6 a.m.</td>
<td>8 p.m.</td>
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<tr>
<td>Delaware..................</td>
<td>7 a.m.</td>
<td>8 p.m.</td>
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<td>Florida...................</td>
<td>7 a.m.</td>
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<td>Georgia...................</td>
<td>7 a.m.</td>
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<tr>
<td>Hawaii....................</td>
<td>7 a.m.</td>
<td>6 p.m.</td>
<td>Polls close 8 p.m. or earlier when all registered electors of the precinct have appeared and voted. County clerk has option of opening polls at 7 a.m.</td>
</tr>
<tr>
<td>Idaho.....................</td>
<td>8 a.m.</td>
<td>8 p.m.</td>
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<tr>
<td>Illinois..................</td>
<td>6 a.m.</td>
<td>6 p.m.</td>
<td>Hours may be changed by election authorities, but polls must be kept open at least 12 consecutive hours between 6 a.m. and 8 p.m.</td>
</tr>
<tr>
<td>Indiana...................</td>
<td>6 a.m.</td>
<td>6 p.m.</td>
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<tr>
<td>Iowa......................</td>
<td>7 a.m.</td>
<td>8 p.m.</td>
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<tr>
<td>Kansas....................</td>
<td>7 a.m.</td>
<td>7 p.m.</td>
<td></td>
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<tr>
<td>Kentucky..................</td>
<td>6 a.m.</td>
<td>6 p.m.</td>
<td>Persons within barriers or enclosures of buildings are entitled to vote, but no vote shall be cast after 12:00 midnight. The municipal officers of each municipality shall determine the time of opening the polls between the times given. In precincts using voting machines.</td>
</tr>
<tr>
<td>Louisiana................</td>
<td>6 a.m.</td>
<td>8 p.m.</td>
<td></td>
</tr>
<tr>
<td>Maine.....................</td>
<td>Between 6 a.m. &amp; 10 a.m.</td>
<td>8 p.m.</td>
<td>In cities, the polls shall be kept open at least 10 hours.</td>
</tr>
<tr>
<td>Maryland..................</td>
<td>7 a.m.</td>
<td>8 p.m.</td>
<td></td>
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<tr>
<td>Massachusetts............</td>
<td>May open as early as 5:45 a.m.; must be opened by 10 a.m.</td>
<td>8 p.m.</td>
<td>In cities, the polls shall be kept open at least 10 hours. Municipalities of less than 1,000 may establish hours of 9 a.m. to 8 p.m.</td>
</tr>
<tr>
<td>Michigan..................</td>
<td>7 a.m.</td>
<td>8 p.m.</td>
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<tr>
<td>Minnesota................</td>
<td>7 a.m.</td>
<td>8 p.m.</td>
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<tr>
<td>Mississippi...............</td>
<td>7 a.m.</td>
<td>6 p.m.</td>
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<tr>
<td>Missouri..................</td>
<td>6 a.m.</td>
<td>7 p.m.</td>
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<tr>
<td>Montana...................</td>
<td>8 a.m.</td>
<td>8 p.m.</td>
<td>In precincts of less than 100 registered voters.</td>
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<td></td>
<td>1 p.m.</td>
<td>8 p.m. or earlier when all registered in precinct have voted.</td>
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<tr>
<td>Nebraska..................</td>
<td>8 a.m.</td>
<td>8 p.m.</td>
<td>Clark, Washoe and Carson City Counties. Other counties.</td>
</tr>
<tr>
<td>Nevada....................</td>
<td>7 a.m.</td>
<td>7 p.m.</td>
<td>Cities: Polls open not less than 4 hours and may be opened not earlier than 6 a.m. nor later than 8 p.m. Small towns: In towns of less than 200 population the polls shall be opened not earlier than 8 a.m. and may be kept open until 6 p.m. On written request of 5 registered voters the polls shall be kept open until 7 p.m. Other towns: Polls shall open not later than 10 a.m. and close not earlier than 6 p.m. On written request of 10 registered voters the polls shall be kept open until 7 p.m.</td>
</tr>
<tr>
<td>Nevada....................</td>
<td>8 a.m.</td>
<td>6 p.m.</td>
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<tr>
<td>New Hampshire.............</td>
<td>Varies</td>
<td>Varies</td>
<td>Other towns: Polls shall open not later than 10 a.m. and close not earlier than 6 p.m. On written request of 10 registered voters the polls shall be kept open until 7 p.m.</td>
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<tr>
<td>New Jersey.................</td>
<td>7 a.m.</td>
<td>8 p.m.</td>
<td>Other counties.</td>
</tr>
<tr>
<td>New Mexico................</td>
<td>8 a.m.</td>
<td>7 p.m.</td>
<td>In voting precincts where voting machines are used, county board of elections may permit closing at 8:30 p.m.</td>
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<tr>
<td>New York..................</td>
<td>6 a.m.</td>
<td>9 p.m.</td>
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<td>North Carolina............</td>
<td>6:30 a.m.</td>
<td>7:30 p.m.</td>
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<tr>
<td>North Dakota..............</td>
<td>Between 7 a.m. &amp; 9 a.m.</td>
<td>Between 7 p.m. &amp; 8 p.m.</td>
<td>Other counties.</td>
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<tr>
<td>Ohio......................</td>
<td>6:30 a.m.</td>
<td>6:30 p.m.</td>
<td>In voting precincts where voting machines are used, county board of elections may permit closing at 8:30 p.m.</td>
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## Polling Hours: General Elections—Concluded

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<tbody>
<tr>
<td>Oklahoma</td>
<td>7 a.m.</td>
<td>7 p.m.</td>
<td>Upon written request of 3 or more electors, in a precinct, the county election board is authorized to order polls opened at 6 a.m.</td>
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<tr>
<td>Oregon</td>
<td>8 a.m.</td>
<td>8 p.m.</td>
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<td>7 a.m.</td>
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<tr>
<td>Rhode Island</td>
<td>Between 7:00 a.m. and 12:00 noon</td>
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<td>7 p.m.</td>
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<td>7 p.m.</td>
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<td>7 a.m.</td>
<td>7 p.m.</td>
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<td>Utah</td>
<td>7 a.m.</td>
<td>8 p.m.</td>
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<tr>
<td>Vermont</td>
<td>Not earlier than 6 a.m.</td>
<td>Not later than 7 p.m.</td>
<td>Polls must be opened at least 9 hours during the day.</td>
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<td>7 p.m.</td>
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<td>Washington</td>
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<td>8 p.m.</td>
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<td>West Virginia</td>
<td>6:30 a.m.</td>
<td>7:30 p.m.</td>
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<tr>
<td>Wisconsin</td>
<td>7 a.m.</td>
<td>8 p.m.</td>
<td>1st, 2nd and 3rd class cities. 4th class cities, villages and towns. Opening hours extendible by governing body to not earlier than 7 a.m.</td>
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<tr>
<td>Wyoming</td>
<td>8 a.m.</td>
<td>7 p.m.</td>
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<tr>
<td>Dist. of Columbia</td>
<td>7 a.m.</td>
<td>8 p.m.</td>
<td>Hours set by election commissioner.</td>
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<td>American Samoa</td>
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<tr>
<td>Guam</td>
<td>8 a.m.</td>
<td>8 p.m.</td>
<td>The polls are open between 9 a.m. and 2 p.m. for identification purposes only. Voters must be inside voting place by 2 p.m., when the voting begins.</td>
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<td>Puerto Rico</td>
<td>9 a.m.</td>
<td>2 p.m.</td>
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## Qualifications for Voting

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<th>State or other jurisdiction</th>
<th>Minimum residence requirements (days)</th>
<th>Permanent (all areas)</th>
<th>Closing date (days)</th>
<th>Cancellation for failure to vote (years)</th>
<th>Covers all elections</th>
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**Note:** All States require United States citizenship and a minimum voting age of 18. No State has property qualifications for voting, although literacy tests were suspended until 1975 by the Federal Voting Rights Act of 1970. Symbols: F—Federal; S—State; D—District; T—Township; P—Precinct; L—Local; PE—Primary Election; GE—General Election; N.A.—Not available.

(a) Voter may also register on election day.
(b) All except school elections; New York, all except special district.
(c) Fourth Wednesday before election.
(d) Second Friday before election.
(e) Fifth Saturday before election.
(f) Voting twice consecutively by absentee ballot.
(g) In cities of 16,000 or more; county board of elections has the option to require registration in all or part of county.
(h) Special election held on a day other than a primary or general election day.
(i) Oklahoma County only.
(j) All except school elections.
(k) All except school elections.
(l) Voter may also register on election day.
(m) Voter may also register on election day.
(n) Voter may also register on election day.
(o) Voter may also register on election day.
(p) Voter may also register on election day.
(q) Voter may also register on election day.
(r) Voter may also register on election day.
(s) Voter may also register on election day.
(t) Voter may also register on election day.
(u) Voter may also register on election day.
(v) Voter may also register on election day.
(w) Voter may also register on election day.
## CONSTITUTIONS AND ELECTIONS

### VOTING STATISTICS ON PERSONS REGISTERED AND VOTING, BY STATE, IN GUBERNATORIAL ELECTIONS, 1972*

<table>
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<tr>
<th>State or other jurisdiction</th>
<th>Registered prior to general election</th>
<th>Numbers voting for Governor—primary</th>
<th>Numbers voting for Governor—general election</th>
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<td>1,019,680</td>
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<td>35,844</td>
<td>35,323</td>
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<td>618,411</td>
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<td>121,749</td>
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<td>N.A.</td>
<td>N.A.</td>
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</tbody>
</table>


(a) No primary held. Alabama, Arkansas, Connecticut, Delaware, Indiana, Mississippi, South Carolina, Virginia, Puerto Rico: candidates nominated in party convention; New York, Oklahoma: candidates nominated without opposition; Rhode Island, South Dakota, Utah: no primary unless contest for office.

(b) No candidate.


(d) Figures shown are for first primary. Second primary—Florida: Republicans, 358,971; Democrats, 739,183; total, 1,118,180. Louisiana: Democrats only 1,154,036; Mississippi: Democrats only 179,148.

(e) Figures from survey, January 1971.

(f) Registration required, Ohio, Wisconsin: in cities and counties over a specified size; Mississippi: no central records maintained; Minnesota: in cities and counties over a specified size, no central records maintained.

(g) Registration not required.

(h) New Progressive Party.

(i) Popular Democratic Party.

(j) Puerto Rican Independence Party.
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<table>
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<th>Governor and Lieutenant Governor</th>
<th>Age</th>
<th>State citizen</th>
<th>State resident</th>
<th>Other</th>
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<table>
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<th>Legislature</th>
<th>Age</th>
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<th>Other</th>
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<table>
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<tr>
<th>District resident, House &amp; Senate</th>
<th>Age</th>
<th>State resident</th>
<th>Other</th>
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<td>State</td>
<td>Age</td>
<td>Terms</td>
<td>Citizenship</td>
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<td>Utah</td>
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<td>(a)</td>
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<td>Wyoming</td>
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</table>

This table was developed by the Council of State Governments from materials carried in previous publications and state constitutions.

1. The State does not provide for Office of Lieutenant Governor.
2. Must be a qualified voter.
4. No person convicted of a felony for breach of public trust within preceding 20 years or convicted for subversion shall be eligible.
5. No bribery convictions.
6. Office of Lieutenant Governor was created by statute. He is chosen by members of Senate of which he is a member and the office bears the title of Speaker. The Speaker must reside one year immediately preceding his election in the county or district he represents.

(a) Must be qualified voter.
(b) U.S. citizen. Maine: 5 years.
(c) Number of years not specified.
(d) Reside in district, no term limit. Massachusetts: House, 1 year; Vermont: House, 1 year.
(e) Kansas and Ohio have no constitutional qualifications for the office of Governor; however, they provide that no member of Congress or other person holding a state or federal office shall be Governor.
(f) Citizen of State. Louisiana: 5 years.
(g) Governor must be resident of the State during the term for which he is elected.
(h) Must be qualified voter: Maryland, 5 years; Michigan, 4 years; Oklahoma, 10 years; Virginia, 5 years.
(i) No bribery convictions.
(j) Office of Lieutenant Governor was created by statute. He is chosen by members of Senate of which he is a member and the office bears the title of Speaker. The Speaker must reside one year immediately preceding his election in the county or district he represents.
# LIMITATIONS ON CAMPAIGN CONTRIBUTIONS AND EXPENDITURES

<table>
<thead>
<tr>
<th>State or other jurisdiction (a)</th>
<th>Election(s)</th>
<th>Applies to</th>
<th>Filing of campaign statements required</th>
<th>Contributions prohibited</th>
<th>Restrictions on expenditures</th>
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</thead>
<tbody>
<tr>
<td></td>
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<td>Receipts by parties</td>
<td>Receipts by candidates</td>
<td>Disbursements by parties</td>
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<td>1,2,3,4,5</td>
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<td>Arizona</td>
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<td>Arkansas</td>
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<td>State</td>
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<td>Georgia</td>
<td>P, G</td>
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<td>Yes(h)</td>
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<td>Massachusetts</td>
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### LIMITATIONS ON CAMPAIGN CONTRIBUTIONS AND EXPENDITURES—Continued

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<tr>
<th>State or other jurisdiction</th>
<th>Applies to elections*</th>
<th>Filing of campaign statements required</th>
<th>Contributions prohibited</th>
<th>Restrictions on expenditures</th>
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<td>Receipts by parties</td>
<td>Receipts by candidates</td>
<td>By corporations</td>
<td>By unions</td>
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<td>Mississippi</td>
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<td>Nebraska</td>
<td>P, G</td>
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<td>Nevada</td>
<td>P, G</td>
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<tr>
<td>New Hampshire</td>
<td>P, G(p)</td>
<td>1,2,3,4,5</td>
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<td>Yes</td>
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</table>

- Contributions may not be received from an anonymous source and solicitation from candidates prohibited.
- Solicitation from candidates prohibited.
- Solicitation from candidates illegal.
- Solicitation from state employees and candidates and contributions under fictitious name prohibited.
- Individual contributions are limited to $1,000 to a treasurer of a committee for any one campaign.
- Any partnership as such or any partner acting in behalf of such partnership; any person employed in the classified service of the State; a personal contribution in excess of $3,000 except by candidate himself; or a contribution if made anonymously, or in guile of a loan, or concealed, or without knowledge of candidate or his agents or political committee prohibited.
| State               | P, G | 1,2,3,4,5 | Yes(s) | Yes(s) | Yes(s) | By campaign treasurers of candidates, organizations, and individuals (1): 25th day and 7th day before election, 15th day after election, and every 60 days thereafter until final accounting. By depositaries: 15th day after election. Candidates: within 10 days after election; parties: within 30 days after election. 1st report 10 days before election; final, 20 days after election; final, 20 days after election; final, 20 days after election; final, 20 days after election; final, 20 days after election; final, 20 days after election; final, 20 days after election. Party campaign committees: within 15 days after any general election. Individual contributions are limited to $1,000 and those, by persons under a fictitious name prohibited. Contributions may not be solicited from civil service employees and those employed by the Game Commission, State Board of Vocational Rehabilitation, and Board of Parole or be given by persons under a fictitious name. 
| New Jersey        | P, G 5(f) | Yes(s) | Yes(s) | Yes(s) | Yes(s) | Contribution by or solicitation of any non-elected public officer or employee excepting those whose terms are fixed by law is forbidden. Anonymous, pseudonymous, or otherwise disguised contributions forbidden. 
| New Mexico        | P, G 1,2,3,4,5 | Yes | Yes | Yes | Yes | No | No | No (u) | Yes (u) | Yes (u) | Contribution made or received under other than the donor's own name and solicitation from candidates prohibited. Solicitation from state employees and candidates prohibited. Individual contributions are limited to $1,000 and those, by persons under a fictitious name prohibited. Contributions may not be solicited from civil service employees and those employed by the Game Commission, State Board of Vocational Rehabilitation, and Board of Parole or be given by persons under a fictitious name. 
| New York          | P, G 1,2,3,4,5 | Yes | Yes | Yes | Yes | Yes | No | No | No | Yes | Contributions by owners of polling places barred; solicitation from candidates and state employees and contributions from persons under fictitious names prohibited. 
| North Carolina    | P, G 1,2,3,4,5 | Yes(v) | Yes | Yes(v) | Yes | 1st report 10 days before election; final, 20 days after election; final, 20 days after election. Party campaign committees: within 15 days after any general election. Individual contributions are limited to $1,000 and those, by persons under a fictitious name prohibited. Contributions may not be solicited from civil service employees and those employed by the Game Commission, State Board of Vocational Rehabilitation, and Board of Parole or be given by persons under a fictitious name. 
| North Dakota      | P, G 1,2,3,4,5 | No | No | No | No | None | Yes | No | No | Yes | Contributions made or received under other than the donor's own name and solicitation from candidates prohibited. Solicitation from state employees and candidates prohibited. Individual contributions are limited to $1,000 and those, by persons under a fictitious name prohibited. Contributions may not be solicited from civil service employees and those employed by the Game Commission, State Board of Vocational Rehabilitation, and Board of Parole or be given by persons under a fictitious name. 
| Ohio              | P, G 1,2,3,4,5 | Yes | Yes | Yes | Yes | By 4:00 p.m. 45th day after election. 
| Oklahoma          | P, G 1,2,3,4,5 | Yes | Yes | Yes | Yes | Candidates: within 15 days after any general election; party campaign committees: within 15 days after any general election. Not more than 10 and not less than 7 days before election. 
| Oregon            | P, G 1,2,3,4,5 | Yes | Yes | Yes | Yes | 30 days after primary and general elections. 
| Pennsylvania      | P, G 1,2,3,4,5 | Yes | Yes | Yes | Yes | 30 days after primary and general elections. 

Yes, No, Yes (s), No (u), Yes (u)
### Limitations on Campaign Contributions and Expenditures—Concluded

<table>
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<tr>
<th>State or other jurisdiction</th>
<th>Applies to</th>
<th>Filings of campaign statements required</th>
<th>Contributions prohibited</th>
<th>Restrictions on expenditures</th>
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<td>Elections*</td>
<td>Candidates†</td>
<td>Receipts by parties</td>
<td>Receipts by candidates</td>
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<td>P, G</td>
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<td>Wyoming</td>
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<td>Dist. of Columbia</td>
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<td>Guam</td>
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<td>Puerto Rico</td>
<td>G</td>
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</table>

*P—primary election; G—general election.*

The following numbers are used as codes for the following offices: 1, statewide; 2, State Senator; 3, State Representative; 4, United States Senator; 5, United States Representative.

1. This column does not include procedural limitations such as prohibitions on making gifts directly to candidates shortly before elections.

2. The following numbers are used as codes for the following offices: 1, statewide; 2, State Senator; 3, State Representative; 4, United States Senator; 5, United States Representative.

3. This column does not include procedural limitations such as prohibitions on making gifts directly to candidates shortly before elections.

(a) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(b) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(c) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(d) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(e) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(f) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(g) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(h) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(i) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(j) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(k) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(l) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(m) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(n) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(o) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(p) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(q) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(r) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(s) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(t) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(u) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(v) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(w) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(x) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(y) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(z) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

(aa) No limitation on campaign contributions and expenditures in Alaska, Delaware, Idaho, Rhode Island, American Samoa, TFP, and Virgin Islands.

The act enumerates the character of the expenditures which can be paid from the fund.
THE BOOK OF THE STATES

PROVISIONS FOR REFERENDUM ON STATE LEGISLATION

<table>
<thead>
<tr>
<th>State or other jurisdiction</th>
<th>Established by constitutional provision</th>
<th>Basis of referendum (a)</th>
<th>Petition requirement (b)</th>
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<td>Alaska</td>
<td>Petition of people</td>
<td>10% of votes cast in last general election for Governor and resident in at least 3/4 of election districts</td>
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<tr>
<td>Arizona</td>
<td>Petition of people Submitted by Legislature</td>
<td>5% of qualified voters</td>
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<td>Arkansas</td>
<td>Petition of people</td>
<td>6% of votes cast in last general election for Governor</td>
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<td>California</td>
<td>Petition of people (d)</td>
<td>5% of votes cast in last general election for Governor</td>
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<td>Petition of people Submitted by Legislature</td>
<td>5% of votes cast in last general election for Secretary of State</td>
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<td>Constitutional requirement</td>
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<td>Idaho</td>
<td>Petition of people</td>
<td>10% of votes cast in last general election for Governor</td>
<td></td>
</tr>
<tr>
<td>Illinois</td>
<td>Submitted by Legislature</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iowa</td>
<td>Constitutional requirement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kansas</td>
<td>Constitutional requirement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kentucky</td>
<td>Petition of people (f)</td>
<td>5% of votes cast in last general election for Governor</td>
<td></td>
</tr>
<tr>
<td>Maine</td>
<td>Petition of people Submitted by Legislature</td>
<td>10% of votes cast in last general election for Governor</td>
<td></td>
</tr>
<tr>
<td>Maryland</td>
<td>Petition of people Submitted by Legislature</td>
<td>3% of votes cast in last general election for Governor</td>
<td></td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Petition of people Submitted by Legislature</td>
<td>2% of votes cast in last general election for Governor</td>
<td></td>
</tr>
<tr>
<td>Michigan</td>
<td>Petition of people Submitted by Legislature</td>
<td>5% of votes cast in last general election for Governor</td>
<td></td>
</tr>
<tr>
<td>Missouri</td>
<td>Petition of people Submitted by Legislature</td>
<td>5% of legal voters in each of 3/4 of congressional districts</td>
<td></td>
</tr>
<tr>
<td>Montana</td>
<td>Petition of people Submitted by Legislature</td>
<td>5% of total qualified electors and 5% in at least 3/4 of legislative districts</td>
<td></td>
</tr>
<tr>
<td>Nebraska</td>
<td>Petition of people</td>
<td>5% of votes cast in last general election for Governor</td>
<td></td>
</tr>
<tr>
<td>Nevada</td>
<td>Petition of people</td>
<td>10% of votes in last general election</td>
<td></td>
</tr>
<tr>
<td>New Hampshire</td>
<td>Submitted by Legislature</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Jersey</td>
<td>Submitted by Legislature</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Mexico</td>
<td>Petition of people Constitutional requirement</td>
<td>10% of votes cast in last general election for Governor</td>
<td></td>
</tr>
<tr>
<td>New York</td>
<td>Constitutional requirement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Carolina</td>
<td>Submitted by Legislature</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Dakota</td>
<td>Petition of people</td>
<td>7,000 signatures</td>
<td></td>
</tr>
<tr>
<td>Ohio</td>
<td>Petition of people Constitutional requirement</td>
<td>6% of electors</td>
<td></td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Petition of people Submitted by Legislature</td>
<td>5% of votes cast for state office receiving largest number of votes in last general election</td>
<td></td>
</tr>
<tr>
<td>Oregon</td>
<td>Petition of people Submitted by Legislature</td>
<td>5% of votes cast in last election for Supreme Court justice</td>
<td></td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Constitutional requirement</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(a) Three forms of referendum exist: (1) Petition of people—the people may petition for a referendum, usually with the intention of repealing existing legislation; (2) Submitted by Legislature—the Legislature may voluntarily submit laws to the electorate for their approval; and (3) Constitutional requirement—the state constitution may require certain questions to be submitted to the people, often for debt authorization.

(b) In each State where referendum may occur, a majority of the popular vote is required to enact a measure. In Massachusetts the measure must also be approved by at least 30 percent of the ballot vote.

(c) In addition to those listed in this column, the following

States have a referendum process that is available only to local units of government: Kansas, home rule cities; Minnesota, North Carolina, Pennsylvania, South Carolina, Texas, Virginia, West Virginia, and Wyoming.

(d) Amendments or repeals of initiative statutes by another statute must be submitted to the electorate for approval unless the initiative statute provides to the contrary.

(e) The type of referendum held at the request of the Legislature is not established by a constitutional provision.

(f) Applies only to referendum on legislation classifying property and providing for differential taxation on same.
<table>
<thead>
<tr>
<th>State or other jurisdiction</th>
<th>Established by constitutional provision</th>
<th>Basis of referendum (a)</th>
<th>Petition requirement (b)</th>
<th>Referendum provisions are also available to all or some local government units (c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Carolina</td>
<td>Submitted by Legislature</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Dakota</td>
<td>Petition of people</td>
<td>5% of votes cast in last general election for Governor</td>
<td></td>
<td>★</td>
</tr>
<tr>
<td>Utah</td>
<td>Petition of people</td>
<td>10% of votes cast in last general election for Governor</td>
<td></td>
<td>★</td>
</tr>
<tr>
<td>Vermont</td>
<td>Submitted by Legislature</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Virginia</td>
<td>Submitted by Legislature</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Washington</td>
<td>Petition of people</td>
<td>4% of votes cast in last general election for Governor</td>
<td></td>
<td>★</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Submitted by Legislature</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(e)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wyoming</td>
<td>Petition of people</td>
<td>15% of those voting in last general election and resident in at least 3/4 of counties of State</td>
<td></td>
<td>★</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Submitted by Legislature</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Virgin Islands</td>
<td>Submitted by Legislature</td>
<td></td>
<td></td>
<td>★</td>
</tr>
<tr>
<td>State</td>
<td>Type (a)</td>
<td>Established by constitutional provision</td>
<td>Petition requirement (b)</td>
<td>Initiative provisions are also available to all or some local government units (c)</td>
</tr>
<tr>
<td>--------------</td>
<td>----------</td>
<td>------------------------------------------</td>
<td>--------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Alaska</td>
<td>D</td>
<td>X 10% of those voting in the last general election and resident in at least ¾ of election districts</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Arizona</td>
<td>D</td>
<td>X 10% of qualified electors</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Arkansas</td>
<td>D</td>
<td>X 8% of those voting in the last general election for Governor</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>California</td>
<td>D</td>
<td>X 5% of votes cast in the last general election for Governor</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Colorado</td>
<td>B</td>
<td>X 8% of votes cast in the last general election for Secretary of State</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Idaho</td>
<td>D</td>
<td>X 10% of votes cast in the last general election for Governor</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Maine</td>
<td>I</td>
<td>X 10% of votes cast in last general election for Governor</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>I</td>
<td>X 3% of votes cast in last general election for Governor</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Michigan</td>
<td>I</td>
<td>X 8% of votes cast in last general election for Governor</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Missouri</td>
<td>D</td>
<td>X 5% of voters in each of ⅕ of congressional districts</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Montana</td>
<td>D</td>
<td>X 5% of qualified electors in each of at least ⅕ of legislative representative districts; total must equal 5% of total qualified electors</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Nebraska</td>
<td>D</td>
<td>X 7% of votes cast in last general election for Governor</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Nevada</td>
<td>I</td>
<td>X 10% of voters in last general election</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>North Dakota</td>
<td>D</td>
<td>X 10,000 electors</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Ohio</td>
<td>B</td>
<td>X 3% of electors</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>D</td>
<td>X 8% of total vote for state office receiving largest number of votes in last general election</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Oregon</td>
<td>D</td>
<td>X 8% of votes cast in last election for Supreme Court Justice</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>South Dakota</td>
<td>I</td>
<td>X 5% of votes cast in last general election for Governor</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Utah</td>
<td>B</td>
<td>X 10% of electors (direct); 5% from majority of counties (indirect) (d)</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Washington</td>
<td>B</td>
<td>X 8% of votes cast in last general election for Governor</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Wyoming</td>
<td>D</td>
<td>X 15% of voters in last general election and resident in at least ¾ of counties in State</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

(a) The initiative may be direct or indirect. The direct type, designated D in this table, places a proposed measure on the ballot for submission to the electorate, without legislative action. The indirect type, designated I, requires the Legislature to act upon an initiated measure within a reasonable period before it is voted upon by the electorate. In some States both types, designated B, are used.

(b) In each State where the initiative may occur, a majority of the popular vote is required to enact a measure. In Massachusetts the measure must also be approved by at least 30 percent of the ballots cast.

(c) In addition to those listed in this column, the following States have an initiative process that is available only to local units of government: Georgia, Kentucky, Louisiana, Minnesota, New Jersey, Pennsylvania, South Carolina, Texas, Vermont, Virginia and West Virginia.

(d) These requirements are established by law.