

Initiative and Referendum— Direct Democracy for State Residents



August 2009

NACO *National Association of Counties*

The Voice of America's Counties

Initiative and Referendum— Direct Democracy for State Residents



A Publication of
the Research Division
of NACo's County
Services Department

Written by
Christopher Markwood
Research Intern

August 2009

About the National Association of Counties

The National Association of Counties (NACo) is the only national organization that represents county governments in the United States. Founded in 1935, NACo provides essential services to the nation's 3,068 counties. NACo advances issues with a unified voice before the federal government, improves the public's understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money. For more information about NACo, visit www.naco.org.

For more information about this publication or the programs included, please contact:

National Association of Counties Research Division

☎ Phone: 202.393-6226

📍 Web site: www.naco.org

Introduction

Reflecting upon his visit to America, French historian and philosopher Alexis de Tocqueville observed, “To take a hand in the regulation of society and to discuss it is his biggest concern and, so to speak, the only pleasure an American knows.”¹

In comparing Americans to citizens of other countries, he noted that,

“In some countries, the inhabitants seem unwilling to avail themselves of the political privileges which the law gives them; it would seem that they set too high a value upon their time to spend it on the interests of the community; and they shut themselves up in a narrow selfishness....But if an American were condemned to confine his activities to his own affairs, he would be robbed of one half of his existence; he would feel an immense void in the life which he is accustomed to lead; and his wretchedness would be unbearable.”

More than 150 years later, Alexis de Tocqueville’s observations help explain the growing interest in the exercise of initiative and referendum powers. Almost half the states allow residents to initiate policy actions and to vote on the approval or disapproval of laws enacted by their state government—Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Maine, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming.² (Source: Initiative and Referendum Institute.)

1 De Tocqueville, Alexis, *Democracy*, volume 1 (New York, NY: Vintage Books, 1990): 250.


2 Initiative and Referendum Institute

Overview

Initiative and Referendum (I&R) powers give state residents the ability to have a direct voice in the governing rules of their state’s constitution. These processes can also be an influential tool for local officials of counties and municipalities. In many cases, local officials are faced with the difficult task of changing or creating new legislation at the state-level in order to execute county policies or create ordinances that are beneficial to their constituents.

Since the first statewide initiative was placed on Oregon’s ballot in 1904, citizens of the twenty-four states with the initiative process have placed 2,153 statewide measures on the ballot, with 41% of them passing. Numbers of initiatives are much less in odd years as the constitutions of only five states permit initiatives in odd years: Colorado, Maine, Mississippi, Ohio, and Washington. Since 1996, an average of 70 initiative measures have appeared on ballots per every two-year election cycle.

The first means of direct democracy, the initiative process, consists of an effort to propose a new constitutional amendment or statute that can be placed on the ballot for vote by the general public. Generally, petitioners or circulators first go to the state’s Secretary of State for approval to receive an official petition form for their desired initiative measure and for approval to circulate the form for signatures. It varies by state whether the circulators must be eligible residents and electors of the state in which they are petitioning. Once they accumulate a certain number of signatures (typically a set percentage of the eligible voters), the proposal either gets directly placed on the ballot for a vote by the people (“direct initiative”), or it first goes to the legislature for a vote and then



gets placed on a ballot if passed (“indirect initiative”). Of the twenty-four states that have the initiative process, 18 allow for the proposal of constitutional amendments and 21 allow for the proposal of state statutes.

The second measure of direct democracy consists of a proposal to repeal a law that was previously passed by the legislature, known as a veto referendum. In a process similar to the initiative, a set number of signatures must be collected on a petition form, then the law gets placed on the ballot for a chance to be vetoed by the general public. In total, 24 states allow the referendum process—although this process occurs less frequently than initiatives.

Despite many states having differing rules that regulate I&R processes, several commonalities in process exist amongst all the states. Typically, the state’s first step requires the circulators to present the state’s Secretary of State (occasionally it is the Lieutenant Governor or the Attorney General) with

an application to petition for an initiative measure. Usually, the circulators must have the sponsorship of several state residents for their application to be approved. If approved, the state officer provides the official initiative form to the circulator. Circulators are then required to obtain the signatures of a required percentage of the state’s residents by a set date in order to pass the petition on to the next step. After a petition is filed with the necessary number of signatures, the state then verifies the validity of the signatures, typically through random sampling. From state-to-state, discrepancies in I&R regulations come from the signature requirements, type of process that initiatives take (either direct or indirect), and the types of legislation that can be sent to the ballot (amendments or statutes).

The following section and tables provide descriptions of each state’s requirements and regulations on the initiative and referendum processes.

State-by-State Summary

Alaska

As the twentieth initiative state, Alaska has permitted the direct democracy process since it entered the United States in 1959. According to Article 11 of the State's Constitution, "The people may propose and enact laws by the initiative, and approve or reject acts of the legislature by the referendum." In Alaska, the constitution does not allow constitutional amendments by initiative and prohibits measures that dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation.

In order for a petition to be brought before the lieutenant governor, it must contain signatures of at least 10% of the electors who voted in the previous general election. Additionally, the petition must have signatures from at least 7% of voters from three-fourths of the house districts (applicable for both initiatives and referendums).

In Alaska, signatures must be submitted prior to the convening of the legislative session in the year in which the initiative is to appear on the ballot. The lieutenant governor shall place the initiative on the election ballot for the first statewide election that is held after (1) the petition and any supplementary petition signatures have been submitted, (2) a legislative session has convened and adjourned, and (3) a period of 120 days has expired since the adjournment of the legislative session.

Arkansas

Ratified in 1910, the State of Arkansas gives its citizens full direct democracy through its initiative and referendum powers. In Article 5 of

the State Constitution, the state lays out the framework for its legislative process as follows:

"The legislative power of the people of this State shall be vested in a General Assembly, which shall consist of the Senate and House of Representatives, but the people reserve to themselves the power to propose legislative measures, laws and amendments to the Constitution, and to enact or reject the same at the polls independent of the General Assembly; and also reserve the power, at their own option to approve or reject at the polls any entire act or any item of an appropriation bill."

According to the provisions set out in the constitution, a requirement of 8% of legal voters (based upon votes cast in the previous governor's election) must sign an initiative petition to propose any law, and 10% of legal voters must sign a petition to propose a



constitutional amendment. For referendums, 6% of legal voters in the state must sign the petition to force the measure to the ballot.

Additionally, the State restricts the geographic distribution of petitioners so that at least 5% of legal voters in 15 of the state's 75 counties must sign the petition. Upon filing the petition at least four months prior to the election with the Secretary of State, the State will directly place the measure on the ballot for state residents to vote upon.

Arizona

Founded as an initiative state upon its entry into the Union in 1911, Arizona allows initiatives and referendums, as well as legislative measures and measures placed on the ballot by special commission. The initiative signature requirement is 10% of voters (based on the prior gubernatorial election) for statutory measures and 15% for constitutional amendments. If this amount is satisfied, then the state appoints a "direct initiative" process where the measure goes straight to the polls. If the initiative measure is passed by a majority of voters, the state legislature and the governor have no power to veto or amend the measure.

The requirement for referendums calls for no less than 5% of eligible voters to bring forth a petition to force a piece of previously enacted legislation back to the polls provided that it is not "any law immediately necessary for the preservation of the public peace, health, or safety, or for the support and maintenance of the departments of the state government and state institutions."

Arizona has no requirements for the geographical distribution of signatures for petition, but it does mandate that such a petition be filed with the Secretary of State no less than four months before the election to which the measures are proposed to be voted upon.

California

In Article 2 of the California Constitution, the state provides the powers of initiative and referendum saying, "All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require."

In order to push an initiative measure to the ballot, 5% of voters (once again, based on the previous governor's election) must petition to pass a new state statute and 8% for a constitutional amendment. After the petition is filed to the Secretary of State, the measure can be voted on by the public in the next general election that is at least 131 days away or at any special statewide election held prior to that general election. Deadlines for signature submission of an initiative petition are determined by the Secretary of State each year.

If electors wish to reject previously enacted state statutes (excluding urgency statutes, statutes calling elections, and statutes providing for tax levies or appropriations for usual current expenses of the State) they can petition for a referendum with the accumulation of signatures that amount to at least 5% of eligible voters, provided that it is filed within 90 days of the statute's enactment.

Colorado

Colorado adopted initiative and referendum powers in 1912 when it amended Article 5, Section 1 of its constitution to read,

"The legislative power of the state shall be vested in the general assembly consisting of a senate and house of representatives, both to be elected by the people, but the people reserve to themselves the power to propose laws and amendments to the constitution and to enact or reject the same at the polls independent of the general assembly and also reserve power at their

own option to approve or reject at the polls any act or item, section, or part of any act of the general assembly.”

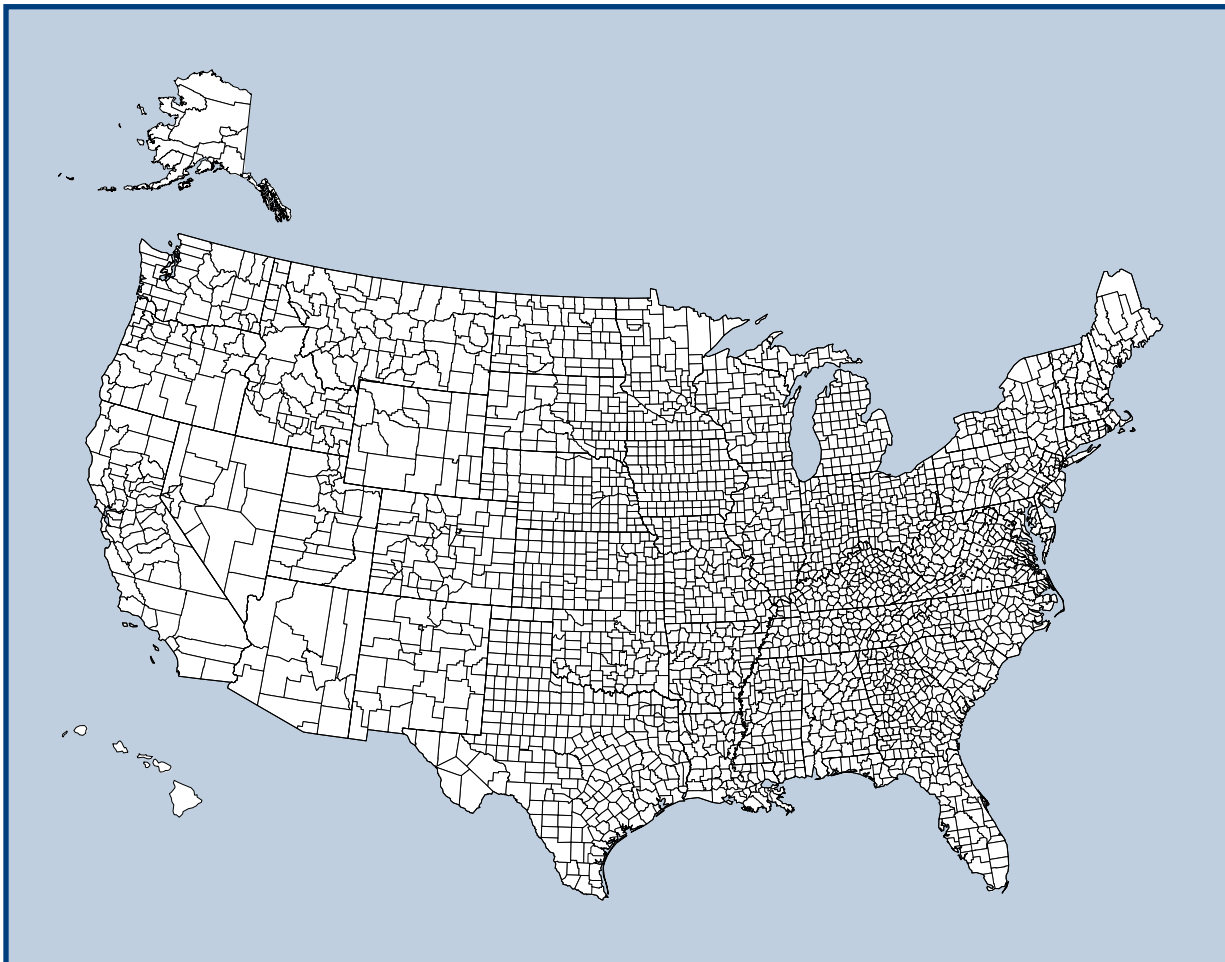
Citizens can use I&R processes to directly initiate new state law, new constitutional amendments, or reject previously enacted legislation through the referendum. In order for an initiative measure to be placed on the ballot for vote by the public, a petition that carries the signatures of at least 5% of eligible voters (those who voted for the previous Secretary of State) must be presented to the Secretary of State three months prior to the general election at which they are to be voted on. Similarly, petitions to execute a referendum (provided that the measure does not attempt to reject laws necessary for the immediate preservation of the public peace, health, or safety, and appropriations for the support and maintenance of the depart-

ments of state and state institutions, against any act or item, section, or part of any act of the general assembly) require a 5% signature amount given that the petition is filed within 90 days of the statute’s enactment.

Florida

The State of Florida, since the constitution of 1968, provides citizens with the power of initiative. Article 11, Section 3 states, “The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith.”

However, despite this provision for the direct initiative of constitutional amendments,





state legislators and courts have sought to limit the power of citizen law-making. In order for an initiative measure to be filed and placed on the ballot, it must contain the signatures of at least 8% of eligible voters who participated in the previous presidential election—and of those signatures, 12 out of 23 congressional districts must have at least 8% of their voters sign the petition. If this quota is met, the signatures must be filed by each county supervisor, verifying the number of valid signatures, to the Secretary of State at least 90 days prior to the general election. Once this is done, the State Supreme Court must approve the proposed initiative before it can be placed on the ballot. If it is approved by a supermajority (60%) at the general election, then it can be admitted into the constitution. Additionally, the state has struck down many initiatives that they believe do not conform to the “single-subject” provision.

Idaho

Idaho adopted an amendment for initiative and referendum in 1911. However, the amendment did not call for a required number of signatures on the initiative petition. Therefore, until the State Legislature passed

a bill that set forth the threshold for signatures, no initiative could qualify for the ballot.

Today, the state requires 6% of registered voters to sign the petition in order to place the proposed statute on the ballot (the constitution does not permit initiatives for constitutional amendments).

Illinois

Illinois is one of the few states that only permits the use of the initiative for constitutional amendments. Due to the difficult

and limited nature of their initiative process, many political scholars refuse to consider the state as one of the initiative states. However, the state does have rules and regulations governing the initiative process. In order to pass a measure to the ballot, the signatures of at least 8% of the state’s electors from the previous gubernatorial election must be collected on the petition. The petition must be filed no more than six months before the election to which it will be presented on the ballot.

Kentucky

While Kentucky does not have a statewide initiative process, it does have procedures that the state legislature can use to place constitutional amendments on the ballot for vote by the state’s eligible electors. Section 256 of its Constitution describes this procedure:

“Amendments to this Constitution may be proposed in either House of the General Assembly at a regular session, and if such amendment or amendments shall be agreed to by three-fifths of all the members elected to each House, such proposed amend-

ment or amendments, with the yeas and nays of the members of each House taken thereon, shall be entered in full in their respective journals. Then such proposed amendment or amendments shall be submitted to the voters of the State for their ratification or rejection at the next general election for members of the House of Representatives, the vote to be taken thereon in such manner as the General Assembly may provide, and to be certified by the officers of election to the Secretary of State in such manner as shall be provided by law, which vote shall be compared and certified by the same board authorized by law to compare the polls and give certificates of election to officers for the State at large. If it shall appear that a majority of the votes cast for and against an amendment at said election was for the amendment, then the same shall become a part of the Constitution of this Commonwealth, and shall be so proclaimed by the Governor, and published in such manner as the General Assembly may direct. Said amendments shall not be submitted at an election which occurs less than ninety days from the final passage of such proposed amendment or amendments. Not more than four amendments shall be voted upon at any one time. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately, but an amendment may relate to a single subject or to related subject matters and may amend or modify as many articles and as many sections of the Constitution as may be necessary and appropriate in order to accomplish the objectives of the amendment. The approval of the Governor shall not be necessary to any bill, order, resolution

or vote of the General Assembly, proposing an amendment or amendments to this Constitution.”

Maryland

In Maryland, the state reserves the power for referendum only to the citizens of the state. Originally a bill to include both initiative and referendum was placed before the state legislature in 1915, but it was eventually amended to only include the referendum. Article 16 of the State’s Constitution states, “The people reserve to themselves power known as The Referendum, by petition to have submitted to the registered voters of the State, to approve or reject at the polls, any Act, or part of any Act of the General Assembly, if approved by the Governor, or, if passed by the General Assembly over the veto of the Governor.”

In order for the referendum to get to the polls, at least 3% of voters from the previous gubernatorial election must sign the petition, with no more than half of those citizens residing from a single county or Baltimore City. The State Constitution excludes referendums for “laws making any appropriation for maintaining the State Government, or for maintaining or aiding any public institution, not exceeding the next previous appropriation for the same purpose, shall be subject to rejection or repeal under this Section.”

Maine

Maine adopted both initiative and referendum measures in 1907, but due to fears that they may be used to repeal the state’s Prohibition Amendment, the initiative measures could only be used for state statutes. In order to file the petition with the Secretary of State, a signature requirement of 10% of voters from the previous governor’s election must be gathered. The signatures must be submitted on or before the 15th day after the convening of the Legislature in the first regular session or before the 20th day after the

convening of the Legislature in the second regular session. After that, the petition gets presented before the legislature and is subject to rejection or change. If passed through, it may be voted upon by the public in a general election.

Massachusetts

The Commonwealth of Massachusetts reserves the powers of the initiative and referendum to its citizens in Article 48 of its Constitution saying,

“Legislative power shall continue to be vested in the general court; but the people reserve to themselves the popular initiative, which is the power of a specified number of voters to submit constitutional amendments and laws to the people for approval or rejection; and the popular referendum, which is the power of a specified number of voters to submit laws, enacted by the general court, to the people for their ratification or rejection.”

Although Massachusetts allows for citizens to initiate both constitutional amendments and laws, they must do so through the indirect initiative process. Citizens have 64 days to circulate a petition that contains the signatures of 3% of the electors who casted ballots at the previous gubernatorial election. Additionally, no more than one-fourth of the signatures can come from a single county. After signatures are collected for the petition, it gets placed before the General Court. If the General Court rejects a proposed statute, an additional one-half of one percent of eligible voters must sign the petition for it to be placed on the ballot. For a constitutional amendment, the initiative must gain at least 25% of the state’s legislators’ support for it to be placed on the ballot. For referendum vetoes, the petition must contain the signatures of at least 2% of the state’s electors to be voted upon by the general public.

Michigan

The State of Michigan gives both the power of initiative and referendum to its citizens. For those measures, they require the signatures of 8% of those who voted in the previous governor’s election for statutes, 10% of voters for constitutional amendments, and 5% for veto referendums within a 180 day circulation period.

While there are no requirements for the geographic distribution of the signatures, the state does require petitions for constitutional amendments to be submitted within 120 days of the general election (as it goes straight to the ballot). For statute petitions, they must be filed within 10 days of the next legislative session.

Missouri

In Missouri, the state provides citizens with the opportunity to petition for both initiatives and referendums. Through a “direct initiative” process, eligible electors of a state can vote on either a constitutional amendment or a state statute if a petition is presented to the Secretary of State containing signatures of 5% of those who voted in the previous gubernatorial election for state statutes and 10% for constitutional amendments. Additionally, the state requires signatures from 5% of the electors from six out of the nine congressional districts. If this quota is met within a 16 month circulation period and filed prior to eight months before the election, then it may be voted upon by eligible electors of the general public. For veto referendum measures, a signature requirement of 5% is needed to force a vote by the general public.

Montana

In the State of Montana, citizens are given the rights to propose initiative measures or call for referendums for both statutes and constitutional amendments. This state employs a “direct initiative” process in which

petitions that contain the signatures of at least 10% of the electors who participated in the previous general election for constitutional amendments and 5% of the electors for state statutes are needed to bring the measure to a general election. Additionally, the same percentages for statute and amendment measures are needed in 35 of the 50 legislative districts for statute initiatives and 40 out of the 50 districts for constitutional amendment initiatives. For veto referendums, circulators must simply acquire the signatures at least 5% of the electors.

Furthermore, the state's Attorney General is required to issue a fiscal impact statement if the proposed ballot measure could affect the revenues, expenditures, or fiscal liabilities of the state. This statement will accompany the proposal on the ballot. The circulation period for initiative petitions is one year, and they must be submitted by the second Friday of the fourth month prior to the election.

North Dakota

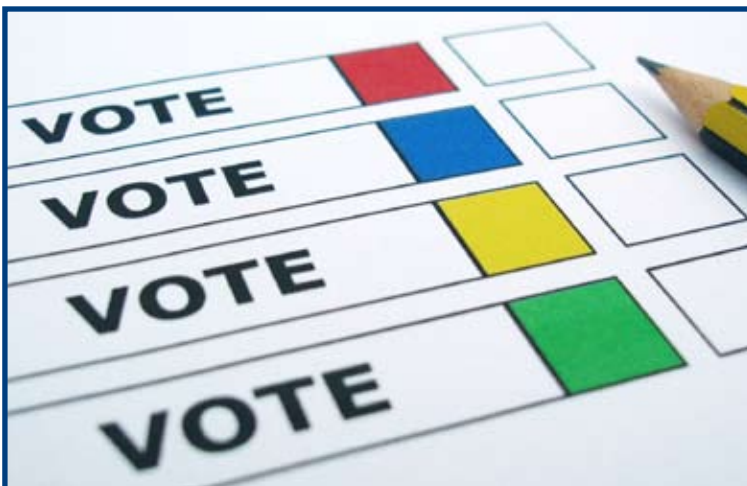
In North Dakota, the state permits the use of both the initiative and the referendum. After receiving the petition form from the Secretary of State, circulators are given one year to collect the signatures of 4% of the state population for proposed constitutional amendments and 2% of the population for state statutes (the same percentage needed for referendums). The state employs a "direct initiative" process in which an approved petition with the necessary signatures gets placed on the ballot for a decision by the general public. Because there is no additional geographic disbursement requirement for the signatures and the state requires a low percentage of signatures (in a state that already has a small population), initiatives are submitted frequently.

Nebraska

In 2008, the State of Nebraska passed a law that targeted the initiative process, making the process so difficult and burdensome (like Idaho, Illinois, Mississippi, Oklahoma, Utah, and Wyoming) that measures rarely will qualify for the ballot.

Nebraska's initiative and referendum process is characterized as a "direct initiative" in which circulators are given one year to gather the signatures of 10% of the state's registered voters for constitutional amendment initiatives and 7% for state statutes. Additionally, the signatures must contain 5% of the registered voters in 38 out of the 93 counties. If fulfilled and submitted within four months of the election, the proposal will be voted upon by the general public. The state requires circulators of initiative petitions to be state residents who are unpaid for their work.

For referendums, the state requires the signatures of 5% of the voters at the time of the voting deadline. However, if the referendum intends to suspend the law prior to the actual referendum vote, 10% of the registered voters must sign the legislation.



New Mexico

The State of New Mexico reserves only the power of the referendum and not the initiative for its citizens. In its constitution, it states:

“The people reserve the power to disapprove, suspend and annul any law enacted by the legislature, except general appropriation laws; laws providing for the preservation of the public peace, health or safety; for the payment of the public debt or interest thereon, or the creation or funding of the same, except as in this constitution otherwise provided; for the maintenance of the public schools or state institutions, and local or special laws. Petitions disapproving any law other than those above excepted, enacted at the last preceding session of the legislature, shall be filed with the secretary of state not less than four months prior to the next general election.”

In order to pass a referendum petition onto the ballot for a vote, circulators must acquire signatures of 10% of electors from the preceding general election. State law also requires the signatures to come from 10% of the electors of each of three-fourths of the counties.

Nevada

Nevada’s initiative and referendum process is unique amongst the rest of the I&R states. As it does permit both initiatives and referendums for both state statutes and constitutional amendments, it has a direct process for enacting amendments and an indirect process for proposing new state law. In order to pass a constitutional amendment, not only must the petitioner gain the signatures of 10% of the registered voters from the last general election, but they must have their petition passed *twice* in two consecutive elections before it can become enacted.

When proposing a state statute, the circulator must collect signatures of 10% (same percentage for veto referendums) of the state’s registered voters, and then submit the petition to the state legislatures. If approved by the legislature and signed by the Governor, it becomes law. However, if the legislature rejects the measure, then it is sent to the ballot to be decided upon by the general public. If the legislature wishes to amend the initiative, then both the amended and the original versions will be decided in a general election.

Ohio

In Ohio, like Nevada, initiative and referendum measures are permitted for both constitutional amendments and statutes. The process for initiating amendments is done directly while initiatives for state law are done in an indirect process. In order to carry a constitutional amendment to that ballot, the signatures of 10% of voters from the prior gubernatorial election, with 5% being from at least half of their counties, are needed.

For proposed statutes, signatures of 3% of voters (coming from the prior governor’s election) are needed with 1.5% coming from at least half of their counties. After the signatures of a proposed statute are filed with the Secretary of State, the measure is sent to the General Assembly for approval. If approved, the initiative gets adopted and no additional signatures are needed. However, if the General Assembly either takes no action or fails to enact it, then the signatures of an additional 3% of the electors is needed to bring the issue to the ballot. Referendums require the signatures of at least 6% of the electors in order for the issue to be brought before an election.

Oklahoma

In Oklahoma, the state reserves the powers of both the initiative and referendum for its citizens. In order to pass a proposed initiative

measure on to the ballot, petitioners must acquire the signatures of 15% of those who voted at the previous general election (whether that was for a presidential election or gubernatorial election) for constitutional amendments and 8% of those electors for proposed statutes. For both amendments and statutes, the initiative process is performed directly with no intervention from the state legislature. For veto referendums, the signatures of 5% of the state electors are required to push the legislative measure to the polls for a direct vote. Additionally, in Oklahoma there is no geographical distribution requirement for any I&R process, and the Secretary of State requires the petition to be submitted within eight months of the election and within 90 days of having received the petition form.

Oregon

Since changing its constitution to permit the use of both initiative and referendum in 1904, Oregon holds the record for the most statewide initiative measures in the country. Since gaining the provisions, the state has conducted 341 initiative measures. In order to place a petition on the ballot, a circulator is given an unlimited amount of time to gain a sufficient amount of signatures. Oregon requires the signatures of 8% of the votes cast in the previous governor's election for a constitutional amendment and 6% of the voters to place a proposed statute on the ballot. For referendum petitions, the state requires the signatures of 4% of those who voted in the prior election. Furthermore, the state has no geographical distribution requirement. The petition must simply be filed with the necessary signature requirements four months prior to the election.



South Dakota

In 1898, South Dakota became the first-ever state to adopt the initiative and referendum. In Article 3, Section 1 of its constitution, it states,

“The legislative power of the state shall be vested in a Legislature which shall consist of a senate and house of representatives. However, the people expressly reserve to themselves the right to propose measures, which shall be submitted to a vote of the electors of the state, and also the right to require that any laws which the Legislature may have enacted shall be submitted to a vote of the electors of the state before going into effect, except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions.”

Today, the state permits both I&R processes, requiring a 10% signature threshold for constitutional amendments and 5% for state statutes and referendums based off of votes from the previous gubernatorial election. Once the signatures are acquired and filed within one year of obtaining the petition with the Secretary of State, the measures can be directly placed on the ballot for vote at the next general election.

Utah

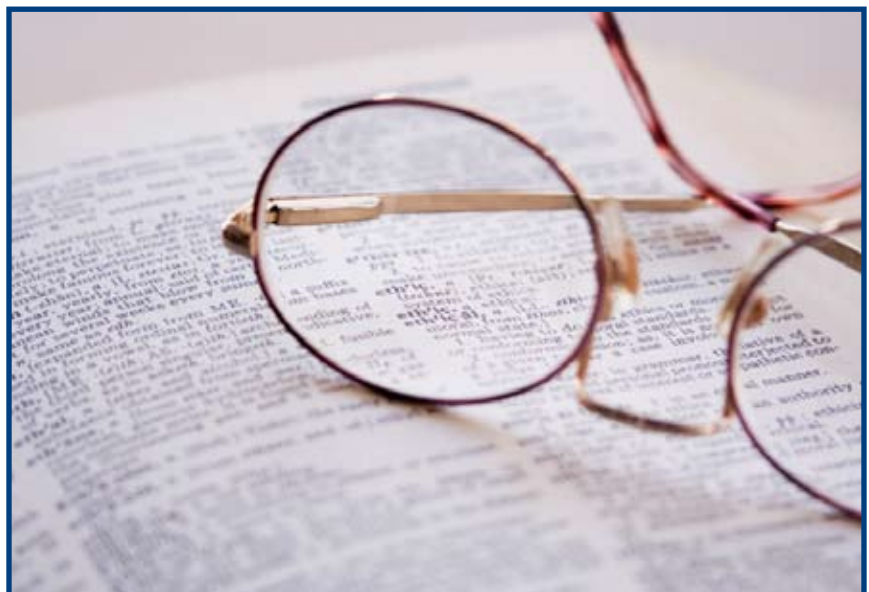
In Utah, the state’s constitution provides citizens with the right to pass new state laws through an initiative petition, and they may nullify the legislation approved by their state legislature through the referendum process. Citizens in Utah, how-

ever, have no constitutional provision to amend their constitution through the initiative process—although they still have the right to approve or reject amendments that are brought to the ballot by the state legislature.

In order to apply for an initiative petition, a proposal has to be submitted to the Attorney General with at least five eligible sponsors. Upon review by both the Attorney General and the Lieutenant Governor, the circulators may proceed to get the signatures of either 10% of the voters from the prior gubernatorial election for a direct initiative or 5% of the voters for an indirect initiative. If the indirect initiative gets voted down in the legislature, circulators can acquire the signatures of an additional 5% of the voters to send the measure to the ballot. Additionally, the state requires at least 10% or 5% (depending on whether the initiative is a direct or indirect measure) of the signatures to come from 20 out of the 29 counties.

Washington

Like Utah, Washington provides its citizens with the powers to directly or indirectly propose state laws through the initiative process and the ability to veto legislation passed in the state legislature through the referendum



process. Initiatives can either be processed directly or indirectly. Either way, circulators are required to obtain the signatures of 8% of the total number of voters in the previous governor's election. For referendum measures, 4% of the voters are required to sign the petition. Circulators are given six months to accumulate petitions for direct initiatives and ten months to gather signatures for indirect initiatives.

Wyoming

In Wyoming, the constitution provides citizens with the ability to indirectly initiate state law and call for referendums of state legislature. For both measures, a petition must contain the signatures of 15% of the electors from the prior general election.

The first step for initiative proponents is to submit their application for an initiative to the *Wyoming Secretary of State*, along with

\$500. After the application is filed, the Secretary of State will hold a conference with the sponsors to discuss problems with the format or content, fiscal impact to the state, and the initiative amendment process. The sponsor may then amend the initiative language. If the proposed bill will not be amended, the committee of sponsors shall submit the names, signatures, addresses and the date of signing of one hundred qualified electors to act as sponsors supporting the application in its final form to the Secretary of State. If the application meets all constitutional and statutory requirements, the Secretary of State will certify the application. If the application is denied, the Secretary of State will notify the committee in writing of the grounds for denial. Denial of certification is subject to judicial review if any aggrieved person files an application within 30 days of the notification.

Table of State I & R Processes

State	Date adopted	Type of process available		Type of initiative process available		Type of initiative process used to propose constitutional amendments		Type of initiative process used to propose statutes	
		Initiative	Referendum	Constitutional Amendment	Statute	Direct	Indirect	Direct	Indirect
AK	1956	Yes	Yes	No	Yes	No	No	No	Yes
AR	1910	Yes	Yes	Yes	Yes	Yes	No	Yes	No
AZ	1911	Yes	Yes	Yes	Yes	Yes	No	Yes	No
CA	1911	Yes	Yes	Yes	Yes	Yes	No	Yes	No
CO	1912	Yes	Yes	Yes	Yes	Yes	No	Yes	No
FL	1972	Yes	No	Yes	No	Yes	No	No	No
ID	1912	Yes	Yes	No	Yes	No	No	Yes	No
IL	1970	Yes	No	Yes	No	Yes	No	No	No
KY	1910	No	Yes	No	No	No	No	No	No
MA	1918	Yes	Yes	Yes	Yes	No	Yes	No	Yes
MD	1915	No	Yes	No	No	No	No	No	No
ME	1908	Yes	Yes	No	Yes	No	No	No	Yes
MI	1908	Yes	Yes	Yes	Yes	Yes	No	No	Yes
MO	1908	Yes	Yes	Yes	Yes	Yes	No	Yes	No
MT	1904/72	Yes	Yes	Yes	Yes	Yes	No	Yes	No
ND	1914	Yes	Yes	Yes	Yes	Yes	No	Yes	No
NE	1912	Yes	Yes	Yes	Yes	Yes	No	Yes	No
NM	1911	No	Yes	No	No	No	No	No	No
NV	1905	Yes	Yes	Yes	Yes	Yes	No	No	Yes
OH	1912	Yes	Yes	Yes	Yes	Yes	No	No	Yes
OK	1907	Yes	Yes	Yes	Yes	Yes	No	Yes	No
OR	1902	Yes	Yes	Yes	Yes	Yes	No	Yes	No
SD	1898/72/88	Yes	Yes	Yes	Yes	Yes	No	Yes	No
UT	1900/17	Yes	Yes	No	Yes	No	No	Yes	Yes
WA	1912	Yes	Yes	No	Yes	No	No	Yes	Yes
WY	1968	Yes	Yes	No	Yes	No	No	No	Yes
Totals (states)	27	24	24	18	21	16	2	14	9

Table of State Initiative Rules

State	Net Signature Requirement for Constitutional Amendments	Net Signature Requirement for Statutes	Geographic Distribution	Deadline for Signature Submission	Circulation Period	Do Circulators have to be Residents of the State?
AK	Not allowed by state constitution	10% of votes cast in last general election — 23,646	At least 1 signature in 2/3 of Election Districts	Prior to the convening of the legislature	1 year	Yes
AR	10% of votes cast for Governor — 73,484	8% of votes cast for Governor — 58,787	5% in 15 of 75 counties	Four months prior to election	Unlimited	No
AZ	15% of votes cast for Governor — 153,365	10% of votes cast for Governor — 230,047	No geographical distribution	Four months prior to election	20 months	No
CA	8% of votes cast for Governor — 694,354	5% of votes cast for Governor — 433,971	No geographical distribution	To be determined by state each year	150 days	Yes
CO	5% of votes cast for SOS — 76,047	5% of votes cast for SOS — 76,047	No geographical distribution	Three months prior to election	6 months	Yes
FL	8% of ballots cast in the last Presidential election — 672,825	Not allowed by state constitution	8% in 12 of 23 Congressional Districts	90 days prior to election	4 years	No
ID	Not allowed by state constitution	6% of registered voters — 51,712	No geographical distribution	Four months prior to election	18 months	Yes
MA	3% of votes cast for Governor — 66,593	3% of votes cast for Governor	No more than 25% from a single county	To be determined each year by state	64 days	No
ME	Not allowed by state constitution	10% of votes cast for Governor — 55,087	No geographical distribution	To be determined by state each year	1 year	Yes
MI	10% of votes cast for Governor — 380,126	8% of votes cast for Governor — 304,101	No geographical distribution	Constitutional amendment Statute	180 days	Yes

Table of State Initiative Rules (continued)

State	Net Signature Requirement for Constitutional Amendments	Net Signature Requirement for Statutes	Geographic Distribution	Deadline for Signature Submission	Circulation Period	Do Circulators have to be Residents of the State?
MO	8% of votes cast for Governor — 230,222	5% of votes cast for Governor — 143,888	5% in 6 of 9 Congressional Districts	Eight months prior to election	16 months	No
MT	10% of votes cast for Governor — 44,615	5% of votes cast for Governor — 22,308	Statute: 5% in 34 of 50 Legislative Districts Amendment: 10% in 40 of 50 Legislative Districts	Second Friday of the fourth month prior to election	1 year	Yes
ND	4% of population — 25,659	2% of population — 12,829	No geographical distribution	90 days prior to election	1 year	Yes
NE	10% of registered voters — about 117,000	7% of registered voters — about 82,000	5% in 38 of 93 counties	Four months prior to election	1 year	Yes
NV	10% of registered voters — 97,002	10% of votes cast in last general election — 97,002	10% in 13 of 17 counties	No Distribution Requirement	10 months	No
OH	10% of votes cast for Governor — 402,275	3% of votes cast for Governor — 120,683	Statute: 1% in 44 of 88 counties Amendment: 5% in 44 of 88 counties	Constitutional amendment Statute	Unlimited	Yes
OK	15% of votes cast in last election — 219,400	8% of votes cast in the last election — 117,013	No geographical distribution	Eight months prior to election	90 days	No
OR	8% of votes cast for Governor — 110,358	6% of votes cast for Governor — 82,769	No geographical distribution	Four months prior to election	Unlimited	No
SD	10% of votes cast for Governor — 16,776	5% of votes cast for Governor — 33,553	No geographical distribution	Constitutional amendment Statute	1 year	Yes

Table of State Initiative Rules (continued)

State	Net Signature Requirement for Constitutional Amendments	Net Signature Requirement for Statutes	Geographic Distribution	Deadline for Signature Submission	Circulation Period	Do Circulators have to be Residents of the State?
UT	Not allowed by state constitution	Direct statute: 10% of votes cast for Governor In-direct statute: 10% of votes cast for Governor — 94,552	10% in 20 of 29 counties	Anytime	Unlimited	Yes
WA	Not allowed by state constitution	8% of votes cast for Governor — 241,153	No geographical distribution	Direct: statute In-direct statute	Direct: 6 months In-direct: 10 months	No
WY	Not allowed by state constitution	15% of votes cast in the last general election — 38,406	15% of total votes cast in the last election from at least 2/3 of the counties	One day prior to the convening of the legislature	18 months	Yes

Sources for More Information

- ✦ Initiative and Referendum Institute—www.iandrinstute.org
- ✦ Alaska—www.elections.alaska.gov/petitions/irr.php
- ✦ Arkansas—www.sos.arkansas.gov/elections/elections_pdfs/08_initiative_referendum.pdf
- ✦ Arizona—www.azsos.gov/election/IRR
- ✦ California—www.sos.ca.gov/elections/initiative_guide.htm
- ✦ Colorado—www.state.co.us/gov_dir/leg_dir/lcsstaff/initiative.htm
- ✦ Florida—www.flsenate.gov/Statutes/index.cfm?submenu=-1&Tab=statutes&CFID=40973089&CFTOKEN=36814904
- ✦ Idaho—www.citizensincharge.org/states/idaho
- ✦ Illinois—www.citizensincharge.org/states/illinois
- ✦ Kentucky—*Kentucky State Constitution Section 256*
- ✦ Maryland—www.elections.state.md.us/petitions/petitions_faq_01.html
- ✦ Maine—www.maine.gov/sos/cec/elec/initpak.htm
- ✦ Massachusetts—www.sec.state.ma.us/ele/eleguide/guideidx.htm
- ✦ Michigan—www.michigan.gov/documents/Ini-Ref-Pet_Website_77989_7.pdf
- ✦ Missouri—www.sos.mo.gov/elections/pubs/makeyourvoiceheard/MakingYourVoiceHeard.pdf
- ✦ Montana—http://sos.mt.gov/Elections/Balot_Issues.asp
- ✦ North Dakota—www.nd.gov/sos/forms/pdf/initiating.pdf
- ✦ Nebraska—www.sos.ne.gov/elec/pdf/init_ref.pdf
- ✦ New Mexico—*New Mexico State Constitution: Article IV*
- ✦ Nevada—<http://sos.state.nv.us/elections/initiatives/pdf/2008InitiativeandReferendumGuide30.pdf>
- ✦ Ohio—www.sos.state.oh.us/SOS/Text.aspx?page=11391&AspxAutoDetectCookieSupport=1
- ✦ Oklahoma—www.sos.state.ok.us/exec_legis/Singature_requirements.htm
- ✦ Oregon—www.sos.state.or.us/elections/irr/referendum_faq.html
- ✦ South Dakota—www.sdsos.gov/electionsvoteregistration/electionprocess_initiativesRefs.shtm
- ✦ Utah—www.elections.utah.gov/Initiative-sandReferendums.htm
- ✦ Washington—www.secstate.wa.gov/elections/pdf/Filing_Initiative_and_Referenda_Manual_2005-2008.pdf
- ✦ Wyoming—<http://soswy.state.wy.us/Elections/InitandRef.aspx>

