



Directing Democracy: Understanding Ballot Initiatives, Referenda, and Constitutional Amendments

Workshop Presenters:



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Learning Objectives:

- During this workshop, you will gain a comprehensive understanding of these important democratic processes and how ballot initiatives can be used to empower citizens to directly participate in decision-making.
- We will explore the differences between ballot initiatives, referenda, and constitutional amendments, and discuss their significance in shaping public policy.
- This workshop is specifically designed for sorors from the 26 states where ballot initiatives are permitted. (AK, AR, AZ, CA, CO, FL, ID, IL, MA, ME, MI, MO, MS, MT, ND, NE, NV, OH, OK, OR, SD, UT, WA, and WY)



Direct Democracy

- a form of government in which policies and laws are decided by a majority of all those eligible rather than by a body of elected representatives



Ballot Initiatives, Referendum and Constitutional Amendments

- Tools of DIRECT DEMOCRACY that allow people, as opposed to elected representatives to decide policies and laws.



The Ballot Initiative Process

- Allows citizens to propose statutes or constitutional amendments, depending on the state, and collect signatures to place their proposals on the ballot for voters to decide. Some states have an indirect process in which legislatures have the option to approve the proposals outright.



Citizen Initiated Statute

When citizens collect signatures of registered voters to place an issue on a ballot so that voters can decide or change a law that would otherwise be determined by a state legislature or local government.





Citizen Initiated Statute States

Alaska
Arizona
California
Colorado
Idaho
Montana
Nebraska
North Dakota
Ohio
Oregon
South Dakota
Utah
Washington



Citizen Initiated Constitutional Amendment

Allows citizens to collect signatures from registered voters to place an issue on the statewide ballot to change the state constitution.

For example: Michigan voters passed a citizen initiated constitutional amendments in 2022 that created early voting, pre-paid absentee ballot return, an absentee ballot tracking system, and expanded other elections reforms.



Citizen-Initiated Constitutional Amendment States



Arizona
Arkansas
California
Colorado
Florida
Illinois
Michigan
Missouri

Montana
Nebraska
North Dakota
Nevada
Ohio
Oregon
South Dakota
Wyoming



Indirect Process

Some states, have a process where the legislature places an issue before voters to decide a constitutional change. This eliminates the need to collect signatures to place an issue on a statewide ballot.

Ohio's August Special Election in 2023 to amend the constitution to raise the threshold to pass constitutional ballot issues was placed on the ballot through legislative action, but the measure was **REJECTED** by voters.



States that have an Indirect Initiative Process

Alaska

Massachusetts

Maine

Michigan

Nevada

Wyoming

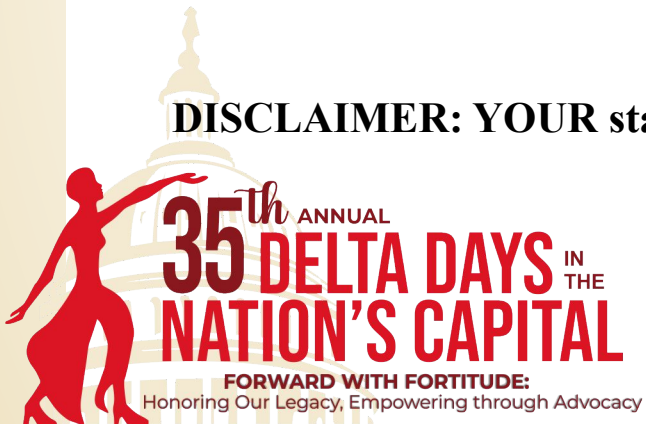
Referendum

A referendum is when citizens vote directly on a law rather than going through their elected representatives.

A referendum can allow voters to approve or repeal an act of a legislative body.

In November 2020, California voters approved a referendum that repealed a statute that defined app-based drivers (e.g. Uber and Lyft drivers) as employees and not independent contractors.

DISCLAIMER: YOUR state may have some tweaks on how this process works.



States that have a Referendum Process

Alaska

Arizona

Arkansas

California

Florida

Idaho

Massachusetts

Maine

Maryland

Michigan

Missouri

Montana

Nebraska

North Dakota

New Mexico

Nevada

Ohio

South Dakota

Utah

Washington

Wyoming



What are some reasons why voters might want to directly decide?

- Legislature is not addressing an issue!
- Legislative laws are off target or opposite of voters' will!
- Voters want policy in constitution versus as a law/statute!
- To demonstrate voter power and pressure legislature to act!



**Regardless of which tactic,
make sure you are well equipped for success**



Delta women have the right tools for success

- Grassroots Connection because we are serving in our communities
- Knowledge and information on issues
- The Right Recipe to Register Voters
- The ability to Get voters to the polls
- In half of our states, we can use ballot initiatives as a lever of power



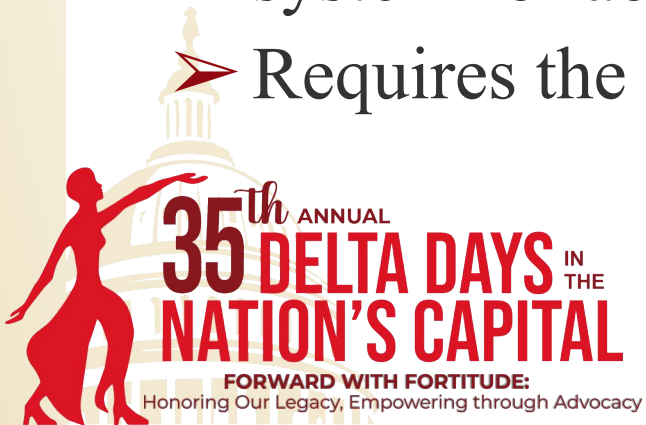
Michigan won the BIG Game Both States Won Ballot Issues



Michigan- GO BLUE! WON 2022

Proposition 2

- Created a nine-day early voting period;
- Enshrined into the Constitution the right for voters to present photo identification or sign an affidavit when voting in person or applying for an absentee ballot;
- Requires the state to fund prepaid return envelopes and a tracking system for absentee ballots;
- Requires the state to fund absentee ballot drop boxes;



Michigan Proposition 2 (continued)

- added constitutional language saying that "harassing, threatening, or intimidating conduct," as well as laws, regulations, and practices, that have "the intent or effect of denying, abridging, interfering with, or unreasonably burdening the fundamental right to vote" are prohibited.



Ohio- Go Bucks- Defeated Issue 1 August 2023 which would have:

- increased the voter approval threshold for new constitutional amendments to 60%;
- required citizen-initiated constitutional amendment campaigns to collect signatures from each of the state's 88 counties, an increase from half (44) of the counties.
- eliminated the cure period of 10 days for campaigns to gather additional signatures for citizen-initiated constitutional amendments when the original submission did not have enough valid signatures.



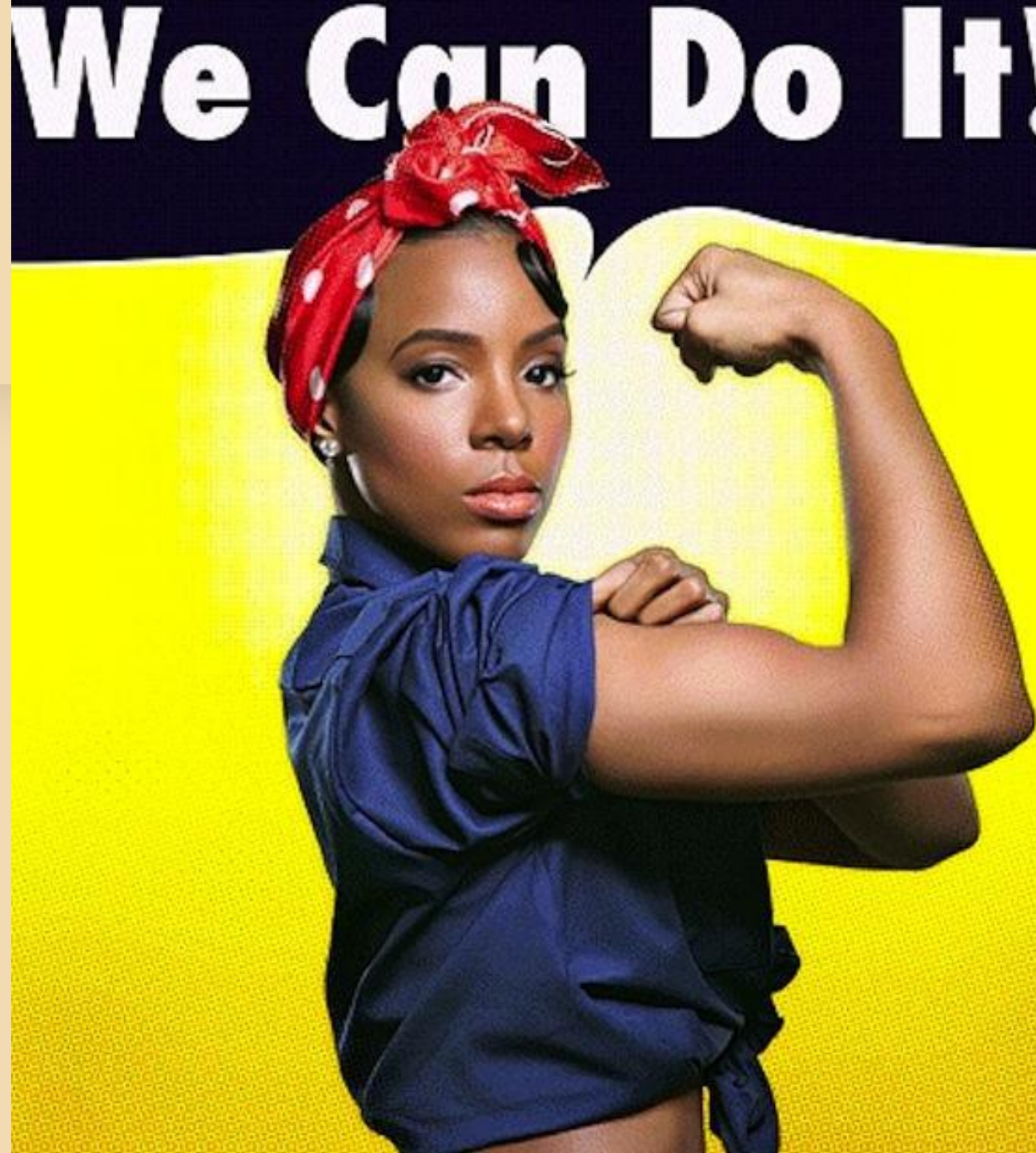
Ohio- August Special Election Issue 1

- The Ohio Legislature Placed the August Issue One on the ballot using the Indirect Process with the intent of requiring a higher threshold to pass a reproductive freedom ballot initiative in November 2023, which had already qualified for the ballot through the citizen initiated process.



Social Action Sorors

**We have the Strength
to take on the big fights
and create the systems
and policies our
communities need.**



Some advantages of having a citizen-initiated statute on the ballot

- **Voter Turnout usually increases:** People who support that issue have a reason to come out and vote- you have some natural allies so you may not have to work as hard to persuade others to support your position.
- Non-partisan organizations, like Delta Sigma Theta can **engage in voter education.** If we have an official position on an issue, promote that position on the issue.
- Creates opportunities for **partnerships and coalitions** around an issue campaign.



What steps should you take for a ballot initiative:

Check your state's rules for ballot initiatives such as:

- Timing to file
- Number of signatures needed
- Other requirements

Conduct a Power Analysis to determine:

- Potential allies
- Foes
- Average cost to run ballot measures
- Are there national groups you can tap for resources (language development and \$)



Strategy

- Determine what type of ballot initiative you will pursue?
 - statutory or constitutional amendment.
- Is there a legislative appetite to move it?
 - If so, is there bi-partisan support? Are legislative leaders on board?
 - If not, is the legislative opposition strong, can negotiate and move legislators without compromising what you want to accomplish?
- Are there any allies with resources you could tap to help fund the research and drafting policy language?
- Are there strong community leaders who would help push your position and build a coalition?

Timing considerations of a ballot initiative

- ✓ What year?
federal election (even numbered) or not (odd numbered)
- ✓ What cycle?
A primary, special election, general election
- ✓ What other Issues are on the ballot?



Other Considerations

- How will the proposed law/constitutional amendment impact other laws on the books?
- If you need signatures:
 - What is the best time of the year to collect them?
 - How many more than required to do need to buffer?
 - Is there an expiration date for the signatures?
 -
- Who determines if the issue gets on the ballot?
 - Secretary of State?
 - Legislature
 - State Board of Canvassers?
 - combination?



Learn more about Ballot Initiatives

Scan the QR Code or go to
Ballotpedia.org for
information historical ballot
measures in every state.



Questions

