BALLOT MEASURES
Voters will consider more than 150 state initiatives and referenda in 2018.

Ballot Measure Basics

Initiatives
- An initiative is a proposed new law or constitutional amendment that is placed on the ballot by petition—that is accomplished by collecting a predetermined number of qualified voter signatures.
- There are 2 types of initiatives—direct and indirect.
- For direct initiatives, once a sufficient number of signatures has been collected, the proposal is generally placed on the ballot for an up or down vote by the people.
- In the indirect initiative process, a proposed initiative is referred to the legislature after proponents have gathered the required number of signatures. The legislature has the option to enact, defeat, or amend the measure. Depending on the legislature's action, the proponents may continue to pursue placement on the ballot for a popular vote.

Referenda
- There are 3 types of referenda seen on ballots.
- The popular referendum is a measure that appears on the ballot as a result of a voter petition drive. It is used by voters to approve or repeal an act of the legislature.
- With a legislative referendum, a state legislature refers a measure to the voters for their approval or disapproval.
- Advisory referenda allow legislatures, and in some states the governor, to place a question on the ballot to gauge voter opinion. The results of these ballot questions are not binding.

Ballot Measures as an Advocacy Strategy
Ballot measures have been successfully used by advocates for child health to secure funding for comprehensive early learning and child development, most notably by California’s Proposition 10 in 1998, which levied a tax on tobacco, and directed those funds to be used exclusively to enhance the early growth experiences of children. The First 5 Association was established to implement the initiative—celebrating its 20th anniversary this year, the program remains active and vibrant.

Public support for, or opposition to, ballot measures is considered lobbying, not electioneering, and is allowable activity for both 501(c)(3) and 501(c)(6) organizations, including AAP chapters, within IRS lobbying guidelines.

Additional Ballot Measure Resources
- Learn more about your state’s initiative and referendum process.
- Follow other proposed state ballot measures to know what else you’ll see on your ballot on November 6, 2018.
- For more information on current and past year ballot measures, consult the State Ballot Measures Database from the National Conference of State Legislatures.
## 2018 BALLOT MEASURE TOPICS OF PEDIATRIC INTEREST

### Health Care Funding

<table>
<thead>
<tr>
<th>State</th>
<th>Ballot Measure</th>
<th>Summary</th>
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<tbody>
<tr>
<td>CA</td>
<td>Initiative 17-0045 Children’s Hospital Bond Initiative</td>
<td>• Authorizes $1.5 billion in funds for construction, expansion, renovation, and equipping of qualifying children’s hospitals.</td>
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<tr>
<td>ID</td>
<td>Proposition 2 Medicaid Expansion Initiative</td>
<td>• Expands Medicaid eligibility to include all individuals under age 65 whose modified adjusted gross income is less than or equal to 133% of the Federal Poverty Level (FPL) who are not otherwise eligible for Medicaid coverage.</td>
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| MT    | Initiative 185 Extend Medicaid Expansion and Increase Tobacco Taxes Initiative | • Eliminates the sunset date on Medicaid expansion, which otherwise ends June 30, 2019  
• Increases the current tobacco tax by $2.00, from $1.70 per pack to $3.70 per pack.  
• A majority of revenues generated are required to be directed to the state Medicaid program, as well as veterans’ services, long-term care services for seniors and people with disabilities, and tobacco prevention and cessation. |
| NE    | Nebraska Medicaid Expansion Initiative | • Expands Medicaid eligibility to include all individuals under age 65 whose modified adjusted gross income is less than or equal to 138% of FPL who are not otherwise eligible for Medicaid coverage. |
| OR    | Measure 101 Healthcare Insurance Premiums Tax for Medicaid Referendum | • Permits a 0.7% tax on some hospitals and a 1.5% tax on health insurance premiums collected by insurers and on managed care organizations as enacted by the legislature in 2017.  
• Revenues generated will offset reductions in Federal Medicaid funding.  
• **Approved by voters January 2018** |
| UT    | Utah Decides Healthcare Act of 2018 | • Fully expands Medicaid eligibility to 138% of FPL, as permitted under the Affordable Care Act (ACA), prohibiting caps on enrollment and restrictions on care.  
• Would supersede the 100% FPL partial Medicaid expansion approved by the legislature in 2018. |

### Marijuana

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| MI    | Marijuana Legalization Initiative | • Legalizes possession of up to 2.5 ounces of marijuana for recreational use and permits cultivation of up to 12 marijuana plants at home by individuals.  
• Permits municipalities to set their own policies on retail sales. |
| MO    | Amendment 2 Medical Marijuana and Veteran Healthcare Services Initiative | • Legalizes “medical” marijuana use.  
• Taxes marijuana sales at 4%.  
• Directs marijuana sales tax revenues to veteran healthcare services. |
| MO    | Amendment 3 Medical Marijuana and Biomedical Research and Drug Development Institute Initiative | • Legalizes “medical” marijuana use.  
• Taxes marijuana sales at 15%.  
• Directs marijuana sales tax revenues to a medical research initiative authorized by the measure. |
| MO    | Proposition C Medical Marijuana and Veterans Healthcare Services, Education, | • Legalizes “medical” marijuana use.  
• Taxes marijuana sales at 2%.  
• Directs marijuana sales tax revenues to veteran healthcare services, drug treatment, early childhood education, and public |
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| ND    | North Dakota Marijuana Legalization and Automatic Expungement Initiative | • Legalizes “recreational” marijuana for people 21 years of age or older.  
• Creates an automatic expungement process for individuals with prior marijuana possession convictions. |
| OK    | State Question 788 | • Legalizes “medical” marijuana use for individuals possessing a license provided by a physician, or in the case of a minor under 18, signed by two physicians and the minor’s parent.  
• **Approved by voters June 2018** |
| UT    | Utah Medical Cannabis Act | • Legalizes “medical” marijuana use for patients with a qualifying illness.  
• Permits parents to supply minor children with marijuana for therapeutic use with the permission of a physician. |

**Medical Liability Reform**

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| AR    | Issue 1        | • Limits attorney’s fees and caps noneconomic and punitive damages awarded in lawsuits.  
• Amends the Arkansas State Constitution by permitting the legislature to amend or repeal prior Arkansas Supreme Court rulings on the issue with a 3/5 vote in both chambers.  
• **Struck from ballot by Arkansas Supreme Court in 10/18/18 ruling** |

**Nondiscrimination**

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| MA    | Gender Identity Antidiscrimination | • Repeals existing law (Chapter 134 of the Acts of 2016) prohibiting discrimination based on gender identity.  
• A veto initiative, the ballot question asks voters if they approve of existing law; if voters mark “yes”, the existing law is upheld; if voters mark “no”, the law is repealed. |

**Tax Policy and Health**

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<tr>
<td>NV</td>
<td>Question 2</td>
<td>• Exempts feminine hygiene products from sales tax.</td>
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<td>NV</td>
<td>Question 4</td>
<td>• Provides a sales tax exemption for medical equipment.</td>
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<td>OR</td>
<td>Measure 103</td>
<td>• Would preempt local governments from placing taxes on grocery items, including sugar sweetened beverages.</td>
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<tr>
<td>SD</td>
<td>Initiated Measure 25</td>
<td>• Increases the excise tax on cigarettes from approximately $1.53 per pack to $2.53 per pack.</td>
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<tr>
<td>WA</td>
<td>Initiative 1634</td>
<td>• Would preempt local governments from placing taxes on grocery items, including sugar sweetened beverages.</td>
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| WA    | Initiative 1631 | • Would enact a carbon emissions fee beginning on January 1, 2020, of $15 per metric ton of carbon  
• Fee increases by $2 per metric ton each year until 2035 carbon reduction goals are met.  
• Revenues are directed to air quality and energy programs and water quality and forest health funds. |