



Ballot Measures

State Policymaking

Education Commission of the States

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Education-Related Ballot Measures: 2012

By Emily Workman

November 2012

On November 6, 2012, 188 measures were on the ballot in 38 states. Thirty-five initiatives either immediately impact education policy or could have an effect down the road (e.g.: banning new taxes on personal income can reduce future local revenues that could be spent on education).

The initiatives listed include enacted legislation being presented to the public for approval and initiatives placed on the ballot through the petition process.

Summary of this report:

- Civil rights/Equity: 2 initiatives
- School choice: 3 initiatives
- Postsecondary: 6 initiatives
- Teacher issues: 8 initiatives
- Finance – Taxes/Revenues: 16 initiatives

Selected Highlights

- Nine initiatives in seven states that limit, ban, or provide exemptions from specified taxes were approved by voters.
- **California** is the only state whose voters approved a tax increase for education.
- **Maryland** approved legislation that guarantees in-state tuition to certain undocumented immigrants
- Conversely, **Montana** voters approved a measure that will require proof of citizenship in order to receive aid for university students.
- Unions saw big wins in **Idaho**, **South Dakota**, and **California**.
 - Idaho – voters rejected initiatives that would eliminate renewable contracts, limit negotiable items, and provide merit pay based on student test scores.
 - South Dakota – voters repealed a law that would have, among other things, provided bonuses to select teachers, mandated evaluations, and banned tenure.
 - California – voters rejected an initiative that would ban certain union contributions to be used for politics.
- Conversely, **Michigan** voters rejected a measure that would have made collective bargaining a constitutional right.

Civil Rights/Equity

STATE	INITIATIVE	PURPOSE	RESULT
Alabama	Amendment 4	Removes segregationist language from the state Constitution about separating schools by race ** Does not remove the following language: "nothing in this Constitution shall be construed as creating or recognizing any right to education or training at public expense"	✗
Oklahoma	State Question 759	Bans affirmative action programs in the state through an amendment to the state Constitution	✓

School Choice

STATE	INITIATIVE	PURPOSE	RESULT
Florida	Amendment 8	Repeals ban of public dollars for public funding of religious institutions in state constitution (Blaine Amendment)	✗
Georgia	Amendment 1	Gives the state legislature the authority to create charter schools	✓
Washington	Initiative 1240	Allows for the creation of 40 public charter schools over five years	Too close to call

Postsecondary

STATE	INITIATIVE	PURPOSE	RESULT
Florida	Amendment 12	Revises selection process for student member of Board of Governors of State University System	✗
Maine	Question 2	Authorizes the state to issue bonds in an amount not to exceed \$11.3 million to expand the state's community college system	Too close to call
Maryland	Question 4	Approves legislation that guarantees in-state tuition to certain illegal immigrants	✓
Montana	LR-121	Requires proof of citizenship in order to receive state aid for university students	✓
Rhode Island	Question 3	Authorizes the state government to issue general bonds of no more than \$50 million for renovations and modernization of academic buildings at Rhode Island College	✓
Washington	SJR 8223	Provides authority to state research universities to invest funds through an amendment of the state Constitution	✗

Teacher Issues

STATE	INITIATIVE	PURPOSE	RESULT
Alabama	Amendment 7	Allows for the use of secret ballots in union votes through an amendment of the state Constitution	✓
California	Proposition 32	Bans union contributions to state and local candidates and bans automatic deductions by unions of employees' wages to be used for politics	✗

STATE	INITIATIVE	PURPOSE	RESULT
Idaho	Proposition 1	Limits negotiated agreements between teachers and local school boards and ends the practice of issuing renewable contracts	X
Idaho	Proposition 2	Provides for teacher performance pay based on state-mandated test scores, student performance, hard-to-fill positions, and leadership	X
Idaho	Proposition 3	Amends school district funding and requires distribution of funds for provision of computing devices and online courses for high school graduation	X
Illinois	HJRCA 49	Requires a 3/5 vote from any governing body to change pension benefits for its public employees through an amendment of the state Constitution	X
Michigan	Proposal 2	Makes collective bargaining a right for public and private workers through an amendment of the state Constitution	X
South Dakota	Referred Law 16	Establishes a scholarship for prospective teachers, provides bonuses to select teachers, mandates educator evaluations, and bans tenure	X

Finance – Taxes/Revenues

STATE	INITIATIVE	PURPOSE	RESULT
Arizona	Proposition 117	Sets a limit on the annual percentage increase in property values through an amendment to the state Constitution	✓
Arizona	Proposition 204	Renews the sales tax increase approved in 2010	X
California	Proposition 30	Increases tax for education	✓
California	Proposition 38	Increases state income tax for education	X
Florida	Amendment 10	Provides an exemption from <i>ad valorem</i> taxes levied by local governments on tangible personal property valued between \$25,000 and \$50,000 through an amendment to the state Constitution	X
Missouri	Proposition B	Imposes an additional \$1 tax on each package of cigarettes to create and fund the Health and Education Trust Fund	X
Michigan	Proposal 5	Requires increase in state taxes to be approved by 2/3 majority in Legislature or statewide vote through an amendment to the state Constitution	X
New Hampshire	CACR 13	Bans new taxes on personal income through an amendment to the state Constitution	✓
New Jersey	Public Question 1	Allows state to borrow \$750 million for upgrades at state colleges	✓
New Mexico	Bond Question B	Authorizes sale of bonds to make capital expenditures for public library resource acquisitions	✓

STATE	INITIATIVE	PURPOSE	RESULT
New Mexico	Bond Question C	Authorizes the sale of bonds to make capital expenditures for certain higher education improvements	✓
Oklahoma	State Question 766	Exempts intangible personal property from <i>ad valorem</i> property taxation	✓
Oklahoma	State Question 758	Prevents annual increases in property taxes through an amendment to the state Constitution	✓
Oregon	Measure 85	Allocates unanticipated corporate income tax revenue to education	✓
South Dakota	Initiated Measure 15	Implements a 1% sales tax increase for education and Medicaid funding	✗
Washington	Initiative 1185	Requires two-thirds vote of legislature to raise taxes	✓

Ballot Language

Alabama

[Amendment 4](#): Proposes an amendment to the Constitution of Alabama of 1901, to repeal portions of Section 256 and Amendment 111, now appearing as Section 256 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to separation of schools by race and to repeal Section 259, Amendment 90, and Amendment 109, relating to the poll tax.

Rejected by voters (unofficial) ✗

[Amendment 7](#): Proposes an amendment to the Constitution of Alabama of 1901, to amend Amendment 579 to the Constitution of Alabama of 1901, now appearing as Section 177 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, to provide that the right of individuals to vote for public office, public votes on referenda, or voters on employee representation by secret ballot is fundamental.

Approved by voters (unofficial) ✓

Arizona

[Proposition 117](#): Proposes to amend the Arizona Constitution to cap the annual increase in the value of real property used to calculate property taxes to 5% over the value of the property for the previous year, beginning with the 2015 tax year. Currently, there is no limit on full cash value. This limitation would apply to property values used in determining all property taxes on the real property.

Approved by voters (unofficial) ✓

[Proposition 204](#): Renews the one-cent sales tax, which will provide dedicated funding linked to performance and accountability for students of all ages and prevent legislators from cutting K-12 funding. Scholarships will ensure that universities and community colleges remain affordable. Investment in vocational education will allow students to graduate ready to work.

Rejected by voters (unofficial) ✗

California

[Proposition 30](#): Increases taxes on earnings over \$250,000 for seven years and sales taxes by one-fourth cent for four years, to fund schools.

Approved by voters (unofficial) ✓

[Proposition 32](#): Prohibits unions from using payroll-deducted funds for political purposes. Prohibits union and corporate contributions to candidates and their committees.

Rejected by voters (unofficial) ✗

[Proposition 38](#): Increases taxes on earnings using sliding scale, for 12 years. Revenues go to K–12 schools and early childhood programs and for four years to repaying state debt. Increased state tax revenues for 12 years expected to be roughly \$10 billion annually in initial years, tending to grow over time.

Rejected by voters (unofficial) ✗

Florida

[Amendment 8](#): Proposes an amendment to the State Constitution providing that no individual or entity may be denied, on the basis of religious identity or belief, governmental benefits, funding, or other support, except as required by the First Amendment of the United States Constitution, and deleting the prohibition against using revenues from the public treasury directly or indirectly in aid of any church, sect, or religious denomination, or in aid of any sectarian institution.

Rejected by voters (unofficial) ✗

[Amendment 10](#): Proposes an amendment to the State Constitution to provide an exemption from ad valorem taxes levied by counties, municipalities, school districts, and other local governments on tangible personal property if the assessed value of an owner's tangible personal property is greater than \$25,000 but less than \$50,000.

Rejected by voters (unofficial) ✗

[Amendment 12](#): Proposing an amendment to the State Constitution to replace the president of the Florida Student Association with the chair of the council of state university student body presidents as the student member of the Board of Governors of the State University System and to require that the Board of Governors organize such council of state university student body presidents.

Rejected by voters (unofficial) ✗

Georgia

[Amendment 1](#): Authorizes the General Assembly to provide by law for the creation of public state charter schools, which would operate under the terms of charters between the State Board of Education and charter petitioners, while preserving the authority of local boards of education to establish local charter schools.

Approved by voters (unofficial) ✓

Idaho

[Proposition 1](#): Repeals a newly passed law that revises the annual written evaluation process for professional staff; phases out renewable individual contracts; provides that professional staff employed after January 31, 2011 will not be entitled to a formal review of decisions for not being reemployed;

allows school boards to change the length of terms stated in current contracts and reduce the salaries of certificated staff with renewable contracts without due process proceedings; requires school districts to disclose to employees a list of professional liability insurance providers; eliminates education support program for school districts experiencing enrollment decreases greater than 1%; eliminates teacher early retirement incentives; restricts the scope of negotiated agreements between school boards and professional staff to compensation and the duration of negotiated agreements to one year; and eliminates provisions for fact finding in professional negotiations.

Rejected by voters (unofficial) ✘

[Proposition 2](#): Provides and distributes in fiscal year 2013 state share-based pay for performance bonuses to certificated instructional staff based on a school's median student growth percentiles on state achievement tests and a school's median standardized score on state achievement tests and local share-based pay for performance based on student test scores, graduation rates, dropout rates, percent of graduates attending postsecondary education or entering military service, meeting federal "adequate yearly progress," number of students successfully completing dual credit or advanced placement classes; percent of students in extracurricular activities, class projects, portfolios, successful completion of special student assignments, parental involvement, teacher-assigned grades, and/or student attendance rates, and, in fiscal year 2014 and thereafter, in addition to the aforementioned bonuses, provide incentives for certificated instructional staff in hard-to-fill positions and leadership awards for certificated instructional staff who assume one or more of the following additional duties: instructional staff mentoring, content leadership, lead teacher, peer coaching, content specialist, remedial instructor, curriculum development, assessment development, data analysis, grant writing, special program coordinator, research project, professional development instructor, service on education committees, educational leadership and earning national board certification.

Rejected by voters (unofficial) ✘

[Proposition 3](#): Repeals, amends, and adds to existing law relating to education to provide provisions relating to public school technology and online courses; to revise provisions relating to the Educational Support Program; to revise provisions relating to staff allowances; to revise provisions relating to the experience and education multiplier; and to revise provisions relating to obligations to PERSI and Social Security.

Rejected by voters (unofficial) ✘

Illinois

[HJRCA 49](#): Adds a new section to the General Provisions Article of the Illinois Constitution. The new section would require a three-fifths majority vote of each chamber of the General Assembly or the governing body of a unit of local government, school district, or pension or retirement system, in order to increase a benefit under any public pension or retirement system.

Rejected by voters (unofficial) ✘

Maine

[Question 2](#): Proposes an \$11,300,000 bond issue to provide funds for capital to build a diagnostic facility for the University of Maine System; for capital improvements and equipment, including machine tool technology, for the Maine Community College System; and for capital improvements and equipment at the Maine Maritime Academy.

Maryland

[Question 4](#): Establishes that individuals, including undocumented immigrants, are eligible to pay in-state tuition rates at community colleges in Maryland, provided the student meets certain conditions relating to attendance and graduation from a Maryland high school, filing of income taxes, intent to apply for permanent residency, and registration with the selective service system (if required); makes such students eligible to pay in-state tuition rates at a four-year public college or university if the student has first completed 60 credit hours or graduated from a community college in Maryland; provides that students qualifying for in-state tuition rates by this method will not be counted as in-state students for purposes of counting undergraduate enrollment; and extends the time in which honorably discharged veterans may qualify for in-state tuition rates.

Approved by voters (unofficial) ✓

Michigan

[Proposal 2](#): Proposes an amendment to the State Constitution that grants public and private employees the constitutional right to organize and bargain collectively through labor unions; invalidates existing or future state or local laws that limit the ability to join unions and bargain collectively, and to negotiate and enforce collective bargaining agreements, including employees' financial support of their labor unions; permits laws to be enacted to prohibit public employees from striking; and overrides state laws that regulate hours and conditions of employment to the extent that those laws conflict with collective bargaining agreements.

Rejected by voters (unofficial) ✗

[Proposal 5](#): Requires a 2/3 majority vote of the State House and the State Senate, or a statewide vote of the people at a November election, in order for the State of Michigan to impose new or additional taxes on taxpayers or expand the base of taxation or increasing the rate of taxation.

Rejected by voters (unofficial) ✗

Missouri

[Proposition B](#): Imposes a tax of \$0.0365 per cigarette and 25% of the manufacturer's invoice price for roll-your-own tobacco and 15% for other tobacco products to create the Health and Education Trust Fund; uses Fund proceeds to reduce and prevent tobacco use and for elementary, secondary, college, and university public school funding; and increases the amount that certain tobacco product manufacturers must maintain in their escrow accounts, to pay judgments or settlements, before any funds in escrow can be refunded to the tobacco product manufacturer and create bonding requirements for these manufacturers.

Rejected by voters (unofficial) ✗

Montana

[LR-121](#): Prohibits providing state services to people who are not U.S. citizens and who have unlawfully entered or unlawfully remained in the United States. Under LR-121, every individual seeking a state service, such as applying for any state licenses, state employment, unemployment or disability benefits, or aid for university students, must provide evidence of U.S. citizenship or lawful alien status, and/or have their status verified through federal databases.

Approved by voters (unofficial) ✓

New Hampshire

[CACR 13](#): Removes the power and authority of the general court to impose and levy any assessment, rate, or tax upon income earned by any natural person.

Approved by voters (unofficial) ✓

New Jersey

[Public Question 1](#): Authorizes the state to issue bonds in the aggregate principal of \$750 million to provide matching grants to New Jersey's colleges and universities. Money from the grants will be used to build, equip, and expand higher education facilities for the purpose of increasing academic capacity.

Approved by voters (unofficial) ✓

New Mexico

[Bond Question B](#): Authorizes the issuance and sale of library acquisition and construction bonds in an amount not to exceed \$9,830,000 to make capital expenditures for academic, public school, tribal, and public library resource acquisitions and construction and provide for a general property tax imposition and levy for the payment of principal of, interest on, and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law.

Approved by voters (unofficial) ✓

[Bond Question C](#): Authorizes the issuance and sale of higher education and special schools capital improvement and acquisition bonds in an amount not to exceed \$120 million to make capital expenditures for certain higher education and special school capital improvements and acquisitions and provide for a general property tax imposition and levy for the payment of principal of, interest on, and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law.

Approved by voters (unofficial) ✓

Oklahoma

[State Question 758](#): Deals with ad valorem taxes. Changes the limits on increases in fair cash value from increases limited to 5% of fair cash value in any taxable year to increases to 3% for some property. The 3% cap would apply to homestead exempted property. The cap would also apply to agricultural land.

Approved by voters (unofficial) ✓

[State Question 759](#): Proposes a Constitutional amendment that prohibits affirmative action programs in employment, education, and contracting. The measure permits affirmative action in three instances:

- When gender is a bonafide qualification
- Existing court orders and consent decrees that require preferred treatment will continue and can be followed
- When needed to keep or obtain federal funds. The measure applies to the State and its agencies. It applies to counties, cities, and towns. It applies to school districts. It applies to other State subdivisions.

Approved by voters (unofficial) ✓

[State Question 766](#): Exempts all intangible personal property from ad valorem property taxation.

Intangible Personal Property which is still currently taxed but would not be taxed if the measure is adopted, includes items such as: patents, inventions, formulas, designs, and trade secrets; licenses, franchise, and contracts; land leases, mineral interests, and insurance policies; custom computer software; and trademarks, trade names, and brand names.

Approved by voters (unofficial) ✓

Oregon

[Measure 85](#): Allocates the corporate income and excise tax "kicker" refund to the General Fund to provide additional funding for K–12 public education.

Approved by voters (unofficial) ✓

Rhode Island

[Question 3](#): Allows the State of Rhode Island to issue general obligation bonds, refunding bonds, and temporary notes in an amount not to exceed \$50 million for renovations and modernization of academic buildings at Rhode Island College including renovation, upgrade, and expansion of health and nursing facilities on the campus of Rhode Island College.

Approved by voters (unofficial) ✓

South Dakota

[Referred Law 16](#): Establishes a teacher scholarship program; creates a program for math and science teacher bonuses; creates a program for teacher merit bonuses; mandates a uniform teacher and principal evaluation system; and eliminates state requirements for teacher tenure.

Rejected by voters (unofficial) ✗

[Initiated Measure 15](#): Initiates a measure to increase the state general sales and use tax rate from 4% to 5%. The additional tax revenue will be split evenly between K–12 public education and Medicaid. The education funds will be provided to school districts based on enrollment, to be spent on improving education as school boards determine.

Rejected by voters (unofficial) ✗

Washington

[Initiative 1185](#): Provides that any action or combination of actions by the legislature that raises taxes may be taken only if approved by a two-thirds vote in both the House of Representatives and the Senate or be referred to the voters for their approval or rejection at an election.

Approved by voters (unofficial) ✓

[Initiative 1240](#): Authorizes up to 40 publicly-funded charter schools open to all students, operated through approved, nonreligious, nonprofit organizations, with government oversight; and modify certain laws applicable to them as public schools.

[SJR 8223](#): Creates an exception to constitutional restrictions on investing public funds by allowing these universities to invest specified public funds as authorized by the legislature, including in private companies or stock.

Rejected by voters (unofficial) ✗

Sources

- Project Vote Smart: <http://www.vote-smart.org/index.htm>
- Ballotpedia: http://ballotpedia.org/wiki/index.php/Education_initiatives
- Initiative and Referendum Institute: <http://www.iandrinstitute.org/BW%202012-3%20Election%20results%20v1.pdf>
- State Secretary of State websites

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