

Resource

Initiative and Referendum Processes

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Related Topic: Elections

Initiative and Referendum States

Citizen initiatives, popular referenda and legislative referrals—three forms of ballot measures—allow citizens to vote directly on statutes and constitutional amendments, as opposed to passing them through a representative body like a legislature. Legislative referrals can be used in all states; citizen initiatives and popular referenda are used in about half the states. This page is an overview of how each type of ballot measure works and which states use them. For more information on each step of the initiative and referendum process, please see the pages below.

Citizen Initiative Overview

In political terminology, the initiative process enables citizens to bypass their state legislature by placing proposed statutes and, in some states, constitutional amendments on the ballot. The first state to adopt the initiative was South Dakota in 1898. Since then, 23 other states have incorporated the initiative process in their constitutions. A total of 24 states, the District of Columbia and the U.S. Virgin Islands have an initiative process.

(Mississippi established an initiative process in 1914, but it was found unconstitutional in 1922. In 1992 the state reestablished initiatives, making it the most recent state to implement this process. However, the state's law was found void once again in 2021 because it requires proponents of an initiative to gather signatures from five congressional districts to qualify for the ballot. After the 2000 census, the state only has four congressional districts, making it impossible for a measure to qualify. Mississippi's initiative process could come back into play some day if the state returns to having five congressional districts or amends the signature collecting language.

There are two types of initiatives: direct and indirect. In the direct process, proposed measures that qualify go directly on the ballot. In the indirect process, the proposal is submitted to the legislature. The legislature can approve the proposed measure, or a substantially similar one. In that case, the measure does not need to appear on the ballot for voter approval. Procedures vary from state to state, but if the legislature does not adopt the proposal, the question goes on the ballot. In some states with the indirect process, the legislature may submit a competing measure that appears on the ballot along with the original proposal.

No two states have the same requirements for qualifying initiatives for the ballot. Generally, however, the process includes these steps:

1. A group of citizens files a preliminary petition with a designated state official.
2. The designated official reviews the petition for conformity with statutory requirements and, in several states, a review of the proposal's language.
3. A designated official prepares a ballot title and summary.
4. The group of citizens circulates the petition to gather the required number of signatures, usually a percentage of the votes cast for a statewide office in the preceding general election.
5. The citizens group submits the petition to the designated official, who must verify the number of signatures.

If the petitions are found to have enough valid signatures, the question goes on the ballot or, in states with an indirect process, is sent to the legislature. Once an initiative is on the ballot, the general requirement for passage is a majority vote, though a few states have higher thresholds.

Application and Contents of Initiatives

Creating a citizen initiative involves several steps before it can be circulated for signatures. First, the language of the measure must be drafted. States often impose restrictions on what topics may be included, such as single subject rules and limiting measures to certain issues.

Circulators of Initiatives

Petition circulators collect voter signatures to qualify citizen initiatives for the ballot. States set rules on eligibility, registration, and compensation for paid circulators.

Signatures for Initiatives

Collecting voter signatures is key for citizen initiatives to qualify for the ballot. States set different signature requirements, sometimes based on voter percentages or regional distribution.

Initiatives Getting on the Ballot

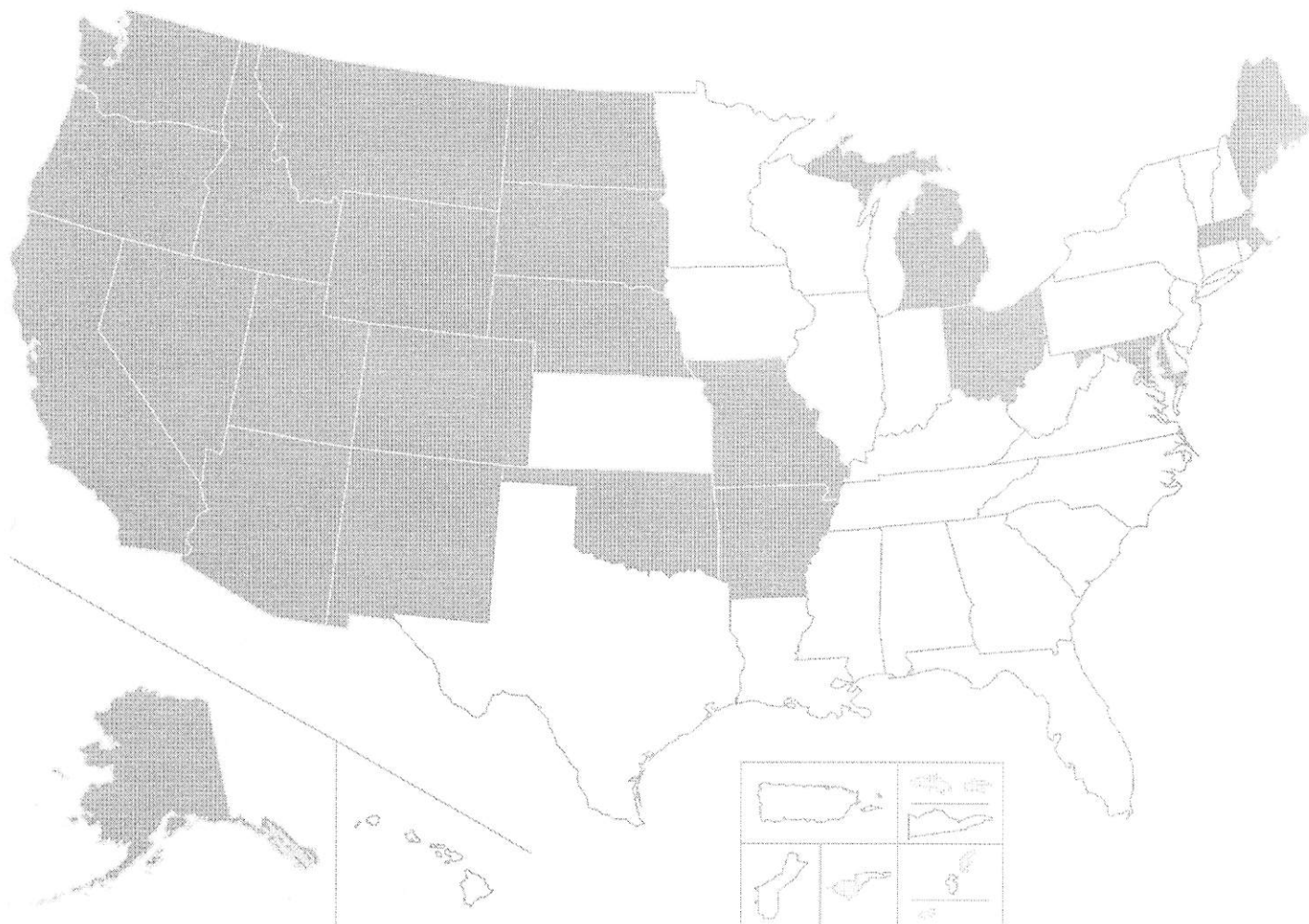
After collecting enough signatures, initiatives may need a fiscal analysis and an official ballot title and summary before being added to the ballot.

The Election and Adoption of Initiatives

After approval for the ballot, a citizen initiative must go through the election process before becoming law. Election timing depends on state law and when signatures are submitted.

U.S. Virgin Islands have the popular referendum. Most of them—apart from Maryland and New Mexico—also allow citizen initiatives.

States with Popular Referenda



No Popular Referenda Has Popular Referenda

Legislative Referral (or Referendum) Overview

Legislatures are often required to refer certain measures to the ballot for voter approval. For instance, changes to the state constitution must be approved by voters before they can take effect in every state except Delaware. Some state legislatures are also required by their state constitutions to refer bond measures and tax

changes to the voters. These measures are called legislative referrals or legislative referenda. Legislative referenda may appear on the ballot in all 50 states.

Another form of referendum or referral, the advisory referendum, is rarely used. In this process, the legislature, and in some states the governor, may place a question on the ballot to gauge voter opinion. Common past examples include asking voters if a constitutional convention should be held and if a new tax should be introduced. The results of an advisory question election are non-binding.

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States with Initiative and Referendum Processes

State/Year Established	Statutory Initiative	Constitutional Initiative	Popular Referendum
Alaska Initiative: 1956 Referendum: 1959	Indirect Initiative *Initiative may only be proposed after the conclusion of a legislative session	None	Yes
Arizona Initiative: 1911 Referendum: 1912	Direct Initiative	Direct Initiative	Yes
Arkansas Initiative: 1910 Referendum: 1920	Direct Initiative	Direct Initiative	Yes
California Initiative/Referendum: 1911	Direct Initiative	Direct Initiative	Yes
Colorado Initiative: 1912 Referendum: 1910	Direct Initiative	Direct Initiative	Yes
District of Columbia Initiative/Referendum: 1955	Direct Initiative * An initiative may be rejected by congress if passed by voters	N/A	Yes
Florida Initiative: 1972 Referendum: N/A	None	Direct Initiative	No

State/Year Established	Statutory Initiative	Constitutional Initiative	Popular Referendum
Idaho Initiative/Referendum: 1912	Direct Initiative	None	Yes
Illinois Initiative: 1970 Referendum: N/A	None	Direct Initiative	No
Maine Initiative/Referendum: 1908	Indirect Initiative	None	Yes
Maryland Initiative: N/A Referendum: 1915	None	None	Yes
Massachusetts Initiative: 1918 Referendum: 1917	Indirect Initiative	Indirect Initiative	Yes
Michigan Initiative: 1908 (Constitutional), 1913 (Statutory) Referendum: 1913	Indirect Initiative	Direct Initiative	Yes
Mississippi Initiative: 1914, 1992 Referendum: N/A	None	Indirect Initiative *As of 2021, Mississippi's citizen initiative process is not valid. See explanation above	No
Missouri Initiative/Referendum: 1908	Direct Initiative	Direct Initiative	Yes
Montana Initiative: 1904 Referendum: 1906	Direct Initiative	Direct Initiative	Yes
Nebraska Initiative/Referendum: 1912	Direct Initiative	Direct Initiative	Yes

State/Year Established	Statutory Initiative	Constitutional Initiative	Popular Referendum
Nevada Initiative: 1905 Referendum: 1904	Indirect Initiative	Direct Initiative	Yes
New Mexico Initiative: N/A Referendum: 1911	None	None	Yes
North Dakota Initiative/Referendum: 1914	Direct Initiative	Direct Initiative	Yes
Ohio Initiative/Referendum: 1912	Indirect Initiative	Direct Initiative	Yes
Oklahoma Initiative/Referendum: 1907	Direct Initiative	Direct Initiative	Yes
Oregon Initiative/Referendum: 1902	Direct Initiative	Direct Initiative	Yes
South Dakota Initiative/Referendum: 1898	Direct Initiative	Direct Initiative	Yes
U.S. Virgin Islands Initiative/Referendum: 1954	Indirect Initiative	Indirect Initiative	Yes
Utah Initiative/Referendum: 1900	Direct & Indirect Initiative	None	Yes
Washington Initiative/Referendum: 1912	Direct & Indirect Initiative	None	Yes

State/Year Established	Statutory Initiative	Constitutional Initiative	Popular Referendum
Wyoming Initiative/Referendum: 1968	Direct & Indirect Initiative *Initiative may only be proposed after the conclusion of a legislative session	None	Yes

Note: This page should be used for general informational purposes only.

Our organization does not run elections and cannot provide legal advice. If you are a voter looking for assistance, please contact your local election official. You can find your local election official's website and contact information by using this database from the US Vote Foundation.

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Elections

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