



# FAIRNESS PROJECT

## **Ballot Measure Attacks in 2024**

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## Introduction

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Today, 23 states and Washington, D.C. allow citizen-initiated ballot measures, and even fewer (17) allow citizens to initiate their own constitutional amendments. The right to use direct democracy and put a check on elected representatives is a privilege for only some American voters. With gridlock, polarization, and bureaucratic hurdles preventing meaningful change on countless policy issues affecting working people, we cannot allow the map of ballot measure states to get any smaller.

Unfortunately, in response to various progressive victories at the ballot box in recent years, right-wing politicians have been executing a coordinated and persistent attack on the ballot measure process. They've proposed everything from stricter signature thresholds, banning certain topics, and implementing minority rule. And while these attacks predated the U.S. Supreme Court's decision to overturn *Roe v. Wade*, the success of recent abortion-rights ballot measures has thrown fuel on anti-democracy extremists' fire.

[The Fairness Project](#) – a nonpartisan nonprofit – is actively working to defend the ballot measure process from these right-wing attacks, alongside our work to pass nonpartisan ballot measures to increase the minimum wage, expand paid leave, secure abortion access, and more. In 2021, we launched the [Ballot Measure Rescue Campaign](#) and have since organized more than \$30 million to protect direct democracy so that voters can continue to use this tool for generations. In this report, you will find a recap of attacks on ballot measures from the right and an overview of key battlegrounds for direct democracy in 2024.

If you'd like to get in touch with our team at the Fairness Project, please reach out to [press@thefairnessproject.org](mailto:press@thefairnessproject.org) for additional information.



## Direct Democracy Under Attack

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Attacks on the ballot measure process are not a new phenomenon, though the number of progressive victories at the ballot box in the past decade appear to have created additional backlash. A [2023 report](#) from Elias Law Group documented at least 377 bills proposed by state legislatures since 2000 that have aimed to restrict the ballot measure process further. Many of the attacks since 2010 have been concentrated in red or purple states like Arizona, Florida, and Missouri, according to the report. These attacks often take the form of one or more of the following:

- **Destroying majority rule.** Several states – including [Ohio](#), [North Dakota](#), [Missouri](#), [Arkansas](#), [Arizona](#), and [Florida](#) – have either passed, attempted to pass, or are currently working to pass new ballot measure laws that would allow a small minority of voters to decide the outcome of an election and override the will of the majority.
- **Onerous signature requirements.** Legislators in states including North Dakota, Ohio, Arkansas, Idaho, and Arizona have aimed to make signature collection vastly more challenging for ballot measures campaigns. For example, they have sought to increase the number of counties or congressional districts from which a campaign must collect signatures and raise the percent of the population within a county/congressional district from which a campaign must collect signatures.
- **Attacks from elected officials.** Powerful politicians have used their influence to hinder the ballot measure process and delay crucial campaign timelines. Missouri Attorney General Andrew Bailey, for example, [initially refused](#) to release a summary of a proposed abortion-related ballot measure in order to block signature collection from starting, and politicians in Montana have attempted [similar tactics](#) to delay a proposed reproductive rights measure this year. Politicians in Missouri, Montana, Ohio, and more have abused their positions of power by rewriting proposed ballot language in order to mislead voters.



In the past two years, there have been several notable examples of these attacks.

***Ohio, Issue 1 (2023)***

Knowing that an abortion rights amendment was likely to go before voters in November of 2023, Ohio politicians tried to preemptively block it by [calling a last-minute special election](#). Their goal: end majority rule by allowing just 40% of voters to veto decisions the majority want. The Fairness Project led a coalition of over 200 groups to defeat their proposal on August 8, 2023. The Ohioans for Reproductive Rights campaign also went on to win by 57% to 43% in November, but would have lost had Issue 1 passed in August.

***Arkansas, Issue 2 (2022)***

The Fairness Project worked with stakeholders in Arkansas to execute a successful opposition campaign against [Arkansas Issue 2](#), which also would have enshrined minority rule for ballot measures in Arkansas' constitution. The proposed ballot measure restriction failed 41% to 59%.

***South Dakota, Amendment C (2022)***

The Fairness Project led the campaign to defeat proposed Amendment C, which [aimed to end majority rule](#) ahead of a statewide vote to expand Medicaid by allowing 40% of voters to decide the outcome of initiated constitutional amendments. The South Dakotans for Fair Elections campaign was the Fairness Project's first win as a part of its Ballot Measure Rescue Campaign efforts. Amendment C was voted down by 67% of voters in South Dakota on June 7, 2022. Medicaid expansion went on to win 56% to 44%, but would have lost if Amendment C had taken effect.

***Arizona, Prop 132 (2022)***

Legislators in Arizona were able to enact [new restrictions](#) on the ballot measure process in 2022, allowing a minority of voters to reject ballot measures with taxation implications. Voters, however, rejected Prop 128, which would have allowed the Arizona State Legislature greater post-passage oversight on voter-approved ballot measures.



## Threats in 2024

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Though voters have repeatedly shown that they will reject political games and stand up for direct democracy, there is little indication that attacks on the ballot measure process will stop soon. In 2024 so far, more than 50 bills have already been introduced across the country to erode the ballot measure process in states with active efforts to pass progressive measures, according to an analysis by the Fairness Project. Below, see examples of major pending attacks that the Fairness Project is tracking closely.

*\* = state with an active effort to pass an abortion rights ballot measure*

### **Arizona\***

Legislators have [referred an initiative](#) to the November 2024 ballot that would further restrict the ballot measure process in Arizona. It would increase the amount of signatures needed to qualify a measure, requiring signatures from 10% of qualified voters in each legislative district to qualify citizen-initiated statutes for the ballot, and would require signatures from 15% of qualified voters in each legislative district to qualify citizen-initiated constitutional amendments. Legislators have also proposed giving the attorney general greater oversight over the ballot measure qualification process.

### **Missouri\***

This year, legislators in Missouri have [proposed attacks](#) on the ballot measure process that is even more extreme than those seen in other states. More than 28 bills have already been introduced in the Missouri legislature this year. Their primary effort would make numerous changes to the process including: allowing a minority of the population – potentially as few as 1 in 5 – to defeat ballot measures supported by a majority of the state’s voters. These attacks come as the [Missourians for Constitutional Freedom](#) campaign is actively collecting signatures to qualify its reproductive freedom amendment for the November 2024 ballot.

### **Mississippi**

In 2021, the Mississippi Supreme Court invalidated the state’s entire ballot measure process on a technicality after voters used it to pass Initiative 65, a medical cannabis legalization measure. A new process cannot be reinstated without action from the state legislature. For the past two sessions in a row, legislators have failed to pass a new process, leaving Mississippians in limbo



without the right to pass their own legislation at the ballot box. In the 2024 legislative session, legislators have so far [failed to advance bills](#) that would meaningfully reinstate the ballot measure process.

### ***Nebraska\****

Nebraska's legislature this year has proposed bills to further restrict the ballot measure process, including prohibiting paying petition circulators based on the number of signatures and prohibiting certain contributions to ballot question committees. These proposals come as there is an active ballot measure campaign to secure abortion rights in Nebraska, which is currently under a 12-week abortion ban.

### ***North Dakota***

State legislators in North Dakota have referred a measure to the ballot in 2024 that would make ballot measures substantially more difficult to pass. The proposal would: establish a single-subject rule for ballot measures; increase the signature requirement for constitutional amendments from 4% of the population to 5%; and require proposed constitutional amendments to pass twice, both on a primary and general election ballot.

### ***Oklahoma***

Legislators in Oklahoma have [sent a bill](#) to the governor that would impose a stricter verification process on ballot measure signatures – requiring 4 out of 5 personal information data points match registration records instead of 3 – and instate a fee of at least \$750 for citizens to file petitions. It would lengthen the period during which ballot measure petitions can be challenged.

### ***Utah***

Legislators in Utah tried this year to [destroy majority rule](#) for ballot measures in the state, similar to those proposed in Ohio, South Dakota, and Arkansas. While the bill was defeated in this session, it is expected to reappear.