



Appendices

League of Women Voters of Maine

Study Report on Citizens' Initiatives and People's Veto Referenda

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Appendix 2.1: Early History of the Initiative and Referendum Processes in Maine

Note: Text below is reproduced verbatim from Hepler (2007, pp. 98-99). Footnotes have been removed but are available in the original source.

The nineteenth century was marked by a general dissatisfaction with representative government. As a result, some states began to experiment with the initiative and referendum processes in hopes of remedying governmental abuses. Maine was no exception. The primary reason the citizens of Maine were dissatisfied with the government was the poor economic status of the state. Many felt that this was the result of low tax rates on timberlands and railroads. As a result, the citizens of Maine began to pay attention to what was happening in certain Western States that had adopted some form of direct democracy and were greatly influenced by the experiences of those in Oregon and Oklahoma.

An early champion of the initiative and referendum processes in Maine was Roland T. Patten, a Republican from Skowhegan. He first pushed for his party to adopt the initiative and referendum processes in 1902. Unable to persuade his own party, Patten left the Republicans, became the leader of Maine's Socialist Party, and lobbied all four parties-Republican, Democratic, Socialist and Prohibitionist-to support the initiative and referendum processes.

In 1903, Democratic State Representative Cyrus W. Davis of Waterville introduced the first statewide initiative and referendum bill to the state legislature. No action was taken on this measure, except for it to be referred to the next legislative session. In the meantime, Patten started the Initiative and Referendum League of Maine, and he allied his new organization with the state Grange and the Federation of Labor. These efforts resulted in growing support for the initiative and referendum processes through all political parties in Maine. In fact, in 1905 there was enough support for this movement that a resolve providing for initiatives and referenda made it to the final stages of the legislative processes before being defeated.

In 1906, Maine's four political parties endorsed the initiative and referendum processes, and Cyrus Davis made it a central issue in his Democratic gubernatorial campaign. Although Davis lost this election for governor, there was growing support for the initiative and referendum processes. Indeed, an increasing number of those elected to the State legislature supported the Initiative and Referendum League.

In 1907, popular pressure was so substantial that a resolve was enacted amending the Maine Constitution providing for direct democracy. This was done despite considerable resistance by the Speaker of the House, the President of the Senate, and the Judiciary Committee. The measure was approved by a popular vote of more than two to one, with every county in the state voting in the affirmative. This amendment passed despite opposition from many constituencies, including banks, timberland owners, and railroads. It was not the law the League wanted because it did not allow for amending the state Constitution, but it was a significant start. This amendment added seven new sections to the Maine Constitution, and became effective on January 6, 1909, making Maine the first Eastern State to adopt statewide initiative and referendum legislation.

Appendix 3.1. Chronological Summary of CI/PVR Reforms: 1931-2017

Years	Primary Content of CI/PVR Reforms
1931-51	Clarified rules re CI/PV petition preparation; changed signature requirements from a fixed number to 10% of most recent gubernatorial vote; changed petition filing dates.
1961	Clarified role of SOS in designing petition forms and role of petitioners in paying for forms; changed filing deadlines and clarified petition verification and certification rules.
1975	Established criminal penalties for petition fraud; provided for judicial review of petitions declared invalid by SOS; provided for separate ballot for petitions and candidates; gave SOS authority to place validated petition on ballot if governor does not do so; clarified that validation of a PVR by SOS immediately renders the targeted legislation suspended.
1977	Made further clarifications related to 1) request/application process for PV, 2) ballot format for referenda questions, 3) responsibility for petition printing, 4) crimes associated with process; established rules for referenda recounts.
1980s	Fine-tuned rules about ballot wording/design issues, including the SOS's responsibility and role of judicial review; clarified rules re valid signatures, including limiting validity to one year prior to filing petition with SOS; changed timeframe for PVRs appearing on ballot.
1990-4	Introduced use of Maine Administrative Procedure Act as drafting guidelines for ballot questions; required draft ballot question to be conspicuously printed on face of petitions; clarified rules for formatting/presentation of CI/PV on ballots; introduced multiple revisions in statutes to clarify process for CI and to simplify referenda questions.
1995-9	Established rules for collecting signatures at polling places; changed deadline for submitting petitions to local clerks for signature verification, leaving less time for signature collection; reinforced rules making it illegal to pay circulators per signature; fine-tuned rules for drafting petitions and ballot questions and rules for certification of signatures and verification of petitions; reduced time period for filing a CI from 3 to 1 year; removed option allowing Governor to call for a special election after PVR submission—must wait for next general or statewide election.
2005	Applied campaign finance rules to CI/PV; required fiscal statements on petitions; required signature collectors to provide voters signing their petitions more information about the initiative; expanded clarifications concerning deadlines and obligations of local clerks to verify signatures.
2007	Added new rules concerning SOS/petitioner interaction in order to get a good, clear statement on the petition and on the ballot of what the initiative proposes to do; established a 30-day public comment period for review of the ballot question draft.
2009	Established that the “fiscal impact statement” must be (1) developed by the Office of Fiscal and Program Review, (2) printed on petitions, and (3) displayed at polling places; increased rules for circulators to follow to ensure their petitions would be validated; increased rules about what must appear on the petition; required petition organizations to register with the SOS before organizing signature collection activities; clarified need for CI application to contain a summary explaining purpose and intent of initiative legislation.
2011	Increased rules aimed at improving voter understanding of ballot measures; requested a study on pros/cons of centralizing signature verification at SOS level.
2015	Required circulators to be ME residents and increased reporting requirements of petition organizations concerning hired petition circulators.
2017	Delineated and modified role/responsibilities of notary; listed actions that would disqualify notary from certifying petitions.

Source: Summarized by the Study Committee from Maine State Legislature website for [statutes](#) and [constitutional amendments](#) affecting Citizen Initiatives and People’s Vetoes.

Appendix 3.2. CI/PVR Bills Considered by the 129th Legislature

Bills Passed

LD 499 An act to prohibit payment per signature on petitions for direct initiatives and people's veto referendums. Amended version passed; it did not prohibit payment per signature but required reporting on how circulators were paid.
LD 534 An act to make ballot questions easier to read. Amended version passed eliminating specific reference to 6 th grade reading level and requiring that an explanation of the effect of a "yes" and "no" vote appear on the ballot.
LD 1209 An act to require legislative hearings on citizen-initiated legislation. Amended version allows an exception if 2/3 ^{rds} of members in each house of the Legislature vote against hearings.

Bills NOT Passed

LD 252 Resolution on a constitutional amendment to prohibit new or increased fees or taxes by means of Direct Initiatives.
LD 255 Resolution on a constitutional amendment to require signatures on direct initiatives come from each congressional district.
LD 294 An act to require the fiscal impact estimate of a direct initiative be included on the ballot
LD 374 Resolution on a constitutional amendment to require signatures on direct initiative come from each senatorial district.
LD1255 Resolution on a constitutional amendment to require referenda to receive 60% of the vote to become law.
LD1438 An act to clarify the intent of referendum questions for voters.
LD1565 Resolution proposing an amendment to the Constitution of Maine to protect voter-approved measures.
LD1669 Resolution proposing an amendment to the Constitution of Maine to help ensure that direct initiatives of legislation are compatible with the Constitution of Maine and statutory law.

Appendix 4.1. Types of Assistance Offered to Citizen Initiative Applicants During the Legislation Drafting Period

State	Government Drafting Assistance?	From	Form of Assistance	Hearings before petition finalization?
Arizona	Yes	Arizona Legislative Council	Assistance limited to errors in drafting; confusing, conflicting or inconsistent provisions within the measure; or conflicts with other state laws and federal law. Council may prepare recommendations to improve the text of the proposed measure.	No
California	Yes	Office of Legislative Counsel	Proponent(s) must submit a written request signed by 25 or more electors. If the Legislative Counsel determines that there is a reasonable probability the proposed initiative measure will eventually be submitted to the voters, the Legislative Counsel will draft the proposed law.	No
Colorado	Yes	Legislative Council	The Office of Legislative Legal Services and Legislative Council Staff prepare written comments of each proposal prior to the review and comment hearing and make the comments available on its website.	Yes
Idaho	Yes	Attorney General	The AG may confer with the petitioner and shall review the proposal for substantive import and recommend revisions to the measure.	No
S. Dakota	Yes	Legislative Research Council	The Council's written comments include assistance with the substantive content of the initiated measure/amendment to minimize conflict with existing law and to ensure effective administration of the measure/amendment.	No
Utah	No	NA	NA	Yes
Washington	Yes	Office of Code Reviser	The Office of Code Reviser advises proponents of potential conflicts between the proposal and existing laws.	No

Source: Compiled by Study Committee from websites of 19 individual states that offered information about assistance; only 7 of the 19 had some type of assistance or hearings prior to petition finalization.

Appendix 7.1. Summary of Pro/Con Public Comments Printed in the Maine Citizen's Guide:
2006 - 2018

Year	Q #	Subject of CI/PVR	# Pro	Source	# Con	Source
2006	1	Limit increases in state spending; require voter approval for tax increases	3	Maine Heritage Policy Center, Taxpayer Bills of Rights PAC, Individual	3	Corinth Town Manager, AARP, Southern Maine Emergency Medical Service Council
2007	1	Tribal racetrack with slots and beano games in Washington County	0		0	
2008	1	PV to repeal tax bill to fund the Dirigo Health Plan through beverage taxes	0		0	
	2	Allows the establishment of a casino in Oxford County	0		0	
2009	1	PV repeals an act allowing same-sex marriages	0		0	
	2	Reduce excise taxes on newer cars and certain energy efficient vehicles	0		3	3 individuals
	3	Repeal law mandating school district restructuring	0		0	
	4	Limit increases in spending to inflation and population increases	0		1	Individual supporting Maine schools
	5	Create nonprofit medical marijuana dispensaries and ID cards	0		0	
2010	1	Oxford County Casino	1	Maine Taxpayers Taking Charge	0	
2011	1	PV to reject law requiring voters to register at least 2 days before election (i.e. no same day registration)	0		0	
	2	Slot machine facility at racetracks in Biddeford and Washington County	0		0	
	3	Casino with table games and slot machines in Lewiston	0		0	

Continued from previous page						
Year	Q #	Subject of CI/PVR	# Pro	Source	# Con	Source
2012	1	Legalize same-sex marriage	0		0	
2014	1	Ban bait, dogs, traps for bear hunting	0		1	Individual
2015	1	Revisions to Maine Clean Elections act	1	Mainers for Accountable Elections	1	Individual
2016	1	Legalize marijuana for personal use	1	Campaign to Regulate	1	Individual
	2	Add 3% tax on incomes over \$200K for education	1	Citizens who support maine's public schools	1	Maine State Chamber of Commerce
	3	Background check for gun sales	1	Mainers for Responsible Gun Ownership	1	Gun Owners of Maine
	4	Increase minimum wage to \$12	1	Mainers for Fair Wages	0	
	5	Establish ranked choice voting	2	Committee for Ranked Choice Voting, LWVME	0	
2017	1	Casino or slot machines in York County	1	Progress for Maine LLC		
	2	Medicaid expansion	2	Maine Equal Justice Partners, Mainers for Health Care	0	
2018	Jun 1	PV to overturn legislation to repeal ranked choice voting	1	Committee for Ranked Choice Voting	0	
	Nov 1	Payroll tax for home care program	0		2	Home Care and Hospice Alliance and No on Question 1

Source: Compiled by the Study Committee from 2006-2018 Citizen's Guides.

Appendix 9.1 – Comparison of Ballot Question Financing Rules for Selected States

State	Who Oversees	Information Publicly Available	Contribution Limits*	Reporting Requirements
Arizona	Secretary of State	Contribution and expenditure details	No limits	Quarterly and pre-election campaign finance reports.
California	Political Reform Division, Secretary of State	Contribution and expenditure details	No limits	Periodic reporting; more often closer to elections.
Colorado	Secretary of State	Contribution and expenditure details	No limits	More often during election year and closer to the election.
Maine	Commission on Governmental Ethics and Election Practices**	Contribution & expenditure details, including a consistent category of expenditure	No limits	All types of campaigns file quarterly reports, plus 24-hour reporting of contributions ≥\$5,000 or expenditures ≥\$1,000 13 days prior to election; BQC also have 11 day pre- and 42 day post-election reports.
Massachusetts	Office of Campaign and Political Finance**	Contribution & expenditure details	No limits	Report 60 days before election, then every 15 days until the election plus end-of year/close-out reports.
North Dakota	SoS	Contributions & expenditures; no details on type of expenditure	No limits	3 times a year, but if an individual contribution during the 39 days before an election is over \$500, it must be reported within 48 hours.
Ohio	SoS, Campaign Finance Division	Contribution & expenditure details	No limits	Semi-annual plus pre-election through 20 days before election and post-election through 31 days after election.
Oregon	Elections Division, Secretary of State	Contribution and expenditure details	No limits	Within 30 days of a transaction until 7 weeks before election; then within 7 days of a transaction.

Notes:

* Includes both in- and out-of-state contributions for issue or ballot question committees.

** Independent State Agencies

Source: Adapted from Table 6.5 in LWVMA Ballot Question Process Study, page 35.

Appendix 9.2 – Ballot Question Financing in the News

Gallagher, Noel (2018, Oct 26). *Portland Press Herald*.

Headline: [Maine Question 1 home-care initiative generates huge donations, many ads](#)

The latest filing shows multimillion-dollar fundraising and spending in the final weeks of the campaign.

Leary, Mal (2018, Feb 19). *All Things Considered* with Nora Flaherty.

Headline: [Maine Lawmakers To Consider More Disclosure On Ballot Initiative Financing](#)

Legislative leaders have voted unanimously to allow a new bill this session that requires more disclosure of the financing of ballot initiatives.

Miller, Kevin. (Posted June 7, 2016; Updated October 3, 2016). *Portland Press Herald*.

Headline: [Millions of dollars flow into Maine ballot initiative campaigns](#)

Backers of expanding gun-sale background checks have received more than \$3 million so far, and Maine's other four ballot initiatives are also receiving sizable checks.

Portland Press Herald (2019, Sep 2). Editorial.

Headline: [Our View: Maine House Republicans show how not to legislate](#)

Four months ago, House Republicans and Gov. LePage manufactured a crisis that turned the Legislature into a horror show. By withholding support for routine procedural bills, they hoped to apply pressure on Democrats to rewrite citizen-initiated laws, including Medicaid expansion and the minimum-wage increase.

Povich, Elaine. (2017 Jul 28). *StateLine* from the Pew Charitable Trusts.

Headline: [Lawmakers strike back against voter-approved ballot measures](#)

State legislators across the country fought back this year against a recent surge in citizen-generated ballot initiatives by modifying or scrapping voter-approved laws and passing new laws to make it harder for people to put measures on the ballot in the first place.

Thistle, Scott. (2018, March 20). *Portland Press Herald*.

Headline: [Bill would tighten rules for Maine's ballot-question process](#)

The measure would require more reporting of funding sources, and disclosures if petitioners are being paid to collect voters' signatures, among other provisions.

Villeneuve, Marina (2018, July 31). *The Associated Press* in the *Bangor Daily News*.

Headline: [Maine elections see big Democratic donors](#)

The pro-home care effort has received \$100,000 from Service Employees International Union on top of \$350,000 from a nonprofit bankrolled by billionaire George Soros.

Appendix 9.3: Inconsistencies in Estimates of Ballot Question Expenditures

Factors contributing to different estimates of total contributions or expenditures made to influence a ballot question include:

- Whether one includes or excludes transfers of contributions from one PAC/BQC to another – such transfers are very common in Maine and inclusion can result in double counting.
- Decisions made about which ballot question to assign an expenditure to when an organization contributes to multiple campaigns; assigning it to more than one ballot question can lead to double counting while assigning the full amount to a single ballot question may falsely inflate numbers for that question.
- Decisions about inclusion of “operating expenses”. These expenses do not have to be allocated to a specific ballot question by some PACs but must be allocated to specific ballot questions by other PACs and all BQCs.

Examples of Inconsistencies in Estimates of Ballot Question Expenditures

2017 Ballot Question Expenditure Comparisons

Estimating Organization	York County Slots Initiative			Medicare Expansion Initiative		
	Support	Oppose	Total	Support	Oppose	Total
	U.S. Dollars					
Maine Heritage Policy Center	9,922,433	723,198	10,645,631	2,772,394	445,885	3,218,279
Ballotpedia	9,434,333	733,198	10,167,532	2,670,800	427,785	3,098,585
FollowTheMoney	13,537,753	723,198	14,260,951	5,421,211	427,785	5,848,996
Max-Min Difference	4,103,420	10,000	4,093,419	2,750,411	18,100	2,750,411

2018 Ballot Question Expenditure Comparisons

Estimating Organization	PVR on RCV Postponement			Home Health Care Initiative		
	Support	Oppose	Total	Support	Oppose	Total
	U.S. Dollars					
Maine Commission on Ethics (MCE)						
Including contribution transfers	1,290,349	5,400	1,295,749	1,689,531	1,153,861	2,843,392
Excluding contribution transfers	1,169,099	5,400	1,174,499	1,154,531	1,103,361	2,257,892
Ballotpedia	1,577,812	0	1,577,812	2,198,360	1,366,449	3,564,810
FollowTheMoney	1,648,331	0	1,648,331	2,907,575	2,874,792	5,782,367
Max-Min Difference	479,232	5,400	473,832	1,753,044	1,771,431	3,524,475

Note: Maine Heritage estimates not available for 2018 and MCE estimates not available for 2017.

Source: Estimates from MCE, Ballotpedia, and FollowTheMoney websites and from Posik & Sigaud (2018) for Maine Heritage Policy Center. Websites accessed 8/17/19.