

Election Policy on the November 2018 Ballot

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Related Author

- [Karen L. Shanton](#)
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Karen L. Shanton, Analyst in American National Government (kshanton@crs.loc.gov, 7-2037)

On November 6, voters in some states did not just vote on the policymakers who will represent them. They also made policy themselves, by approving or rejecting ballot measures.

Some of the measures on state ballots included provisions that would affect the conduct of federal elections. Most of those measures succeeded. Thirteen state measures with implications for federal elections were on the ballot in 10 states, and 12 were approved.

What Are Ballot Measures?

Ballot measures are policy questions that are decided by popular vote. Local measures are voted on by residents of a locality, such as a city or county, and can make changes only for that locality. State measures, like the ones discussed in this Insight, get a statewide vote and can change policy for the whole state.

The types of measures available vary by state and in two main ways:

- how they reach the ballot; and
- their effects if approved.

State measures may be [referred to the ballot](#) by the [state legislature](#) or, less commonly, a state [commission](#) or [constitutional convention](#). In some states, they can also be initiated by citizens. [Direct citizen initiatives](#) and [popular referendums](#) go directly to the ballot if they get enough signatures. [Indirect initiatives](#) are submitted to the state legislature for possible adoption first. They typically go to the ballot if the legislature does not adopt them, although additional signature-gathering may be required.

Some state measures create new policies if approved, by adding or amending state statutes or amending the state constitution. Others affect existing laws. They can be used to repeal or, [in some cases](#), affirm previously enacted legislation.

What Was on the Ballot?

This chart provides an overview of the state measures related to federal elections that were on the ballot on November 6.

Table 1. Election Policy on State Ballots in November 2018

| State | Title | Summary of Relevant Provisions | Type | Results (%) |
|----------------|---------------------------------|---|---|-----------------------------------|
| Arkansas | Issue 2 | Requires voters to present photo ID | Legislatively referred constitutional amendment | 79-21 |
| Colorado | Amendment Y | Establishes an independent redistricting commission | Legislatively referred constitutional amendment | 71-29^a |
| Florida | Amendment 4 | Requires restoration of voting rights to voters convicted of most felonies on completion of sentence | Direct citizen-initiated constitutional amendment | 65-35^a |
| Florida | Amendment 10 | Requires county election supervisors to be elected | Commission-referred constitutional amendment ^b | 63-37^a |
| Maryland | Question 2 | Authorizes the state legislature to enact Election Day registration | Legislatively referred constitutional amendment | 68-32 |
| Michigan | Proposal 2 | Establishes an independent redistricting commission | Direct citizen-initiated constitutional amendment | 61-39 |
| Michigan | Proposal 3 | Authorizes automatic and same-day registration and straight-ticket and no-excuse absentee voting and enshrines certain existing election policies in the state constitution | Direct citizen-initiated constitutional amendment | 67-33 |
| Montana | LR-129 | Prohibits most third-party ballot collection | Legislatively referred statute ^c | 63-37 |
| Nevada | Question 5 | Establishes automatic registration at motor vehicle agencies | Indirect citizen-initiated statute | 60-40 |
| North Carolina | Elections Board | Would have eliminated the nonpartisan seat on the state | Legislatively referred constitutional amendment | 38-62 |

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|----------------|------------------------------------|--|---|-----------------------|
| | Amendment | election board and authorized state legislative leadership to nominate board members | | |
| North Carolina | Voter ID Amendment | Requires voters to present photo ID to vote in person | Legislatively referred constitutional amendment | 55-45 |
| North Dakota | Measure 2 | Clarifies that only U.S. citizens may vote | Direct citizen-initiated constitutional amendment | 66-34 |
| Utah | Proposition 4 | Establishes an independent redistricting commission | Direct citizen-initiated statute | 50-50 |

Source: CRS, based on analysis of data from Ballotpedia, the National Conference of State Legislatures, and state election offices.

Notes: This chart does not include campaign finance measures, election-related measures that do not apply to federal elections, or provisions of the listed measures that are unrelated to elections. Some of the listed measures apply to nonfederal as well as federal elections. Results are as of November 20, 2018. Bolded italics indicate that a measure was approved.

- a. Approval [required](#) 55% of the vote in Colorado and 60% in Florida.
- b. Florida has a [Constitution Revision Commission](#) that may refer constitutional amendments to the ballot.
- c. Statutes referred to the ballot by the Montana State Legislature and approved by voters [cannot be vetoed](#).

What Has Congress Proposed?

Many of the election issues addressed by state ballot measures on November 6 have been the subject of legislation in the 115th Congress. Proposals include bills that would make the following changes for federal elections:

- establish a commission to report legislation to automatically register voters when they turn 18 or gain citizenship and to restore voting rights to voters with criminal convictions on release from incarceration ([H.R. 893](#));
- restore voting rights to voters with criminal convictions except while incarcerated for a felony ([H.R. 12](#), [H.R. 5785](#), [H.R. 6612](#), [S. 1437](#), [S. 1588](#));
- require states to either automatically register voters when they turn 18 or offer Election Day registration ([S. 2106](#));
- provide for automatic registration at motor vehicle agencies and/or other agencies ([H.R. 12](#), [H.R. 2669](#), [H.R. 2840](#), [H.R. 2876](#), [H.R. 3848](#), [H.R. 5785](#), [S. 1231](#), [S. 1353](#), [S. 1437](#), [S. 1880](#));
- require states to offer same-day registration ([H.R. 12](#), [H.R. 1044](#), [H.R. 3537](#), [H.R. 3848](#), [H.R. 5785](#), [S. 360](#), [S. 1437](#), [S. 1880](#));
- prohibit states from requiring an excuse and/or setting other conditions for mail voting ([H.R. 12](#), [H.R. 946](#), [H.R. 2669](#), [H.R. 3132](#), [H.R. 5785](#), [S. 1231](#), [S. 1437](#), [S. 1510](#), [S. 1880](#));
- require states to establish independent redistricting commissions ([H.R. 145](#), [H.R. 711](#), [H.R. 712](#), [H.R. 1102](#), [H.R. 2981](#), [H.R. 3057](#), [H.R. 3537](#), [H.R. 3848](#), [S. 1880](#));
- prohibit officials from providing ballots to voters who do not present photo ID ([H.R. 2090](#));
- amend the U.S. Constitution to prohibit unduly burdensome proof of identity or proof of citizenship requirements ([H.J.Res. 28](#));
- prohibit officials from requiring voters to present photo ID to register or vote ([H.R. 607](#));
- require states to accept specified submissions as voter ID ([H.R. 2854](#), [H.R. 5785](#), [H.R. 7127](#), [S. 3543](#)); and

- prohibit states from registering voters who do not present proof of citizenship ([H.R. 6723](#)).

As of this writing, none of the above bills had advanced beyond subcommittee referral.