INITIATIVES IN MARYLAND

LWVMD WINTER WORKSHOP

JANUARY 30, 2021
DEFINITIONS: REFERENDUM

• **CONSTITUTIONAL REFERENDUM**
  • Goes to the voters to approve or reject.

• **LEGISLATIVE REFERENDUM**
  • Legislatures approve or reject a bill and refer it to the voters to uphold or repeal.
  • **VETO REFERENDUM**: Citizens petition to have a law passed by the legislature placed on the ballot so voters can decide to retain or nullify it.
DEFINITIONS: INITIATIVES

• CITIZEN DRIVEN

• DIRECT INITIATIVE
  • ISSUE IS PRESENTED DIRECTLY TO THE VOTERS AND TAKES EFFECT WITHOUT ACTION BY THE LEGISLATURE OR GOVERNOR

• INDIRECT INITIATIVE
  • ISSUE IS SUBMITTED TO LEGISLATURE FIRST. IF THE LEGISLATURE TAKES NO ACTION OR REJECTS IT, THE ISSUE GOES TO THE VOTERS.
# Key Characteristics of Initiative vs Referendum

<table>
<thead>
<tr>
<th>Proposal Type</th>
<th>Propose a Statutory Change</th>
<th>Propose a Constitutional Change</th>
<th>Role for Legislature To Get on the Ballot?</th>
<th>Require Citizen Signatures to Get on the Ballot?</th>
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<tbody>
<tr>
<td>Initiative</td>
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<tr>
<td>Direct</td>
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<td>✓</td>
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<tr>
<td>Indirect</td>
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<tr>
<td>Referendum</td>
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<tr>
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<td>Veto</td>
<td>✓</td>
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ADVANTAGES OF USING INITIATIVES

• ABILITY OF CITIZENS TO PURSUE AN ACTION SUPPORTED BY MAJORITY OF VOTERS.
• BYPASSES OR PUTS PRESSURE ON LEGISLATORS.
• CAN INCREASE VOTER PARTICIPATION.
DISADVANTAGES OF USING INITIATIVES

• COSTLY AND TIME-CONSUMING; NOT SUBJECT TO CAMPAIGN FINANCE RULES.
• REQUIRE A CONVENTIONAL “YES” OR “NO” VOTE.
• POTENTIAL FOR DISINFORMATION.
USE OF DIRECT VS INDIRECT INITIATIVES

• DIRECT INITIATIVE
  • MAY BE FASTER THAN LEGISLATIVE PROCESS
  • LACKS THE STEPS IN A TYPICAL LEGISLATIVE PROCESS

• INDIRECT INITIATIVE
  • EXPLICIT ROLE FOR LEGISLATURE, INCLUDING STEPS IN THE LEGISLATIVE PROCESS
  • LEGISLATURES RARELY ENACT ACTIONS AND CITIZENS MAY HAVE TO TURN TO A DIRECT PROCESS.
KEY PRACTICES

• SIGNATURE REQUIREMENTS
  • IS THERE SOME LEVEL OF SUPPORT FOR THE PROPOSED MEASURE?

• SINGLE SUBJECT
  • EASIER FOR VOTERS TO UNDERSTAND

• FISCAL ANALYSIS
  • IMPACT ON STATE FINANCES, PREPARED BY A STATE OFFICIAL
KEY PRACTICES

• APPROVAL OF INITIATIVE WORDING
  • SUFFICIENT DESCRIPTION TO NOT MISLEAD VOTERS

• WRITING INITIATIVE TITLE & SUMMARY
  • ENSURE CLARITY AND ACCURACY, FAIRNESS

• REQUIREMENT FOR PASSAGE
  • SHOULD REFLECT A CLEAR CONSENSUS
MARYLAND LAW

• MARYLAND DOES NOT PROVIDE OPPORTUNITIES FOR CITIZEN INITIATIVES.

• SINCE 1915, MARYLAND ALLOWS FOR VETO REFERENDUM.
CONSENSUS QUESTIONS

- Would you support amending the Maryland Constitution to provide the citizens of our state with a constitutional amendment initiative process?
- Would you support amending the Maryland Constitution to provide the citizens of our state with a statutory initiative process?
- Should LWVMD support an initiative process, which type of process would you prefer?
  - Direct
  - Indirect
• In addition to the required number of signatures, which of the following elements of the process do you consider critical for any initiative process? Check up to three.
  ▪ Single subject
  ▪ Fiscal analysis
  ▪ Approval of the initiative wording by State administration, e.g., Secretary of State or Attorney General
  ▪ Approval of initiative title and summary by State administration, e.g., Secretary of State or Attorney General
  ▪ Higher requirement for passage of a constitutional amendment