

June 2014

## Effective Environmental Policymaking: A Regional Review of Codifying Policy Through Citizen-Sponsored Ballot Measures

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### Recommended Citation

Elizabeth Colman, *Effective Environmental Policymaking: A Regional Review of Codifying Policy Through Citizen-Sponsored Ballot Measures*, 7 Golden Gate U. Envtl. L.J. 193 (2014).  
<http://digitalcommons.law.ggu.edu/gguelj/vol7/iss2/6>

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# EFFECTIVE ENVIRONMENTAL POLICYMAKING: A REGIONAL REVIEW OF CODIFYING POLICY THROUGH CITIZEN-SPONSORED BALLOT MEASURES

ELIZABETH COLMAN\*

“History doesn’t repeat itself, but it does rhyme.”  
-attributed to Mark Twain<sup>1</sup>

## I. INTRODUCTION

In the history of environmental policymaking, the use of ballot measures has been instrumental but sporadic.<sup>2</sup> Environmental advocates seek to change governmental policies to preserve our natural resources, improve our quality of life, and protect our fragile ecosystems for generations to come. Achieving that goal requires not only hard work, dedication, and relentless perseverance, but also a thoughtful strategy and a smart use of the movement’s limited resources. This Comment looks at one region’s history of environmental ballot measures for insight

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<sup>1</sup> *Historic Recurrence*, WIKIPEDIA, en.wikipedia.org/wiki/Historic\_recurrence (last updated Sept. 10, 2013, 12:41 AM).

<sup>2</sup> See *infra* Appendices A-D.

on the best way for advocates to move forward.

Currently, ballot measure use is on the rise.<sup>3</sup> Across the country, advocates are increasingly placing their policy ideas before the voters, instead of seeking approval through state legislatures.<sup>4</sup> Passage of a statewide proposition may result in a significant policy shift. Given this potential, should environmental organizations that traditionally lobby to affect policy utilize this alternative approach more often? Are ballot measures an effective way to codify statewide environmental policy?

In order to assess the value of the statewide ballot measure as a tool for environmental advocates, this Comment will explore the electoral outcomes of citizen-sponsored statewide environmental ballot measures in four Pacific states with a long history of direct democracy. California, Oregon, Washington, and Alaska, all rich in pristine lands, make up just one region of the American political landscape, but they provide a meaningful picture of the history of environmental ballot measures.

This Comment narrows the broad topic of “environmental” ballot measures into six workable categories of environmental ballot measure. Using this framework, the aim of this Comment is to identify the types of environmental policies that have been well-received by voters, as well as those categories that are commonly rejected at the ballot box. Certainly, previous election outcomes alone are not enough to determine whether to pursue a ballot measure as a means to achieving a policy goal. However, electoral outcomes of the past are instructive for identifying likely outcomes in the future.

This aspect of environmental law is important for environmental advocates to make informed choices when forming their strategy for achieving their statewide environmental policy goals. Lawyers should consider all strategies at their disposal when advising their clients on the best way to achieve their policy objectives, including ballot measures. This Comment proposes that, in limited circumstances, ballot measures may be a preferred strategy to change environmental policy.

The Comment begins by laying out the legal history of the ballot measure. It continues by reviewing the reasons an advocate may choose to utilize a citizen-sponsored initiative over the traditional method of lawmaking, and discussing other pre-campaign considerations. Next, the Comment provides the methodology and scope of the election data

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<sup>3</sup> Caroline J. Tolbert, Direct Democracy as a Catalyst for 21st Century Political Reform 6 (unpublished manuscript), available at [www.iandrinstitute.org/New%20IRI%20Website%20Info/I&R%20Research%20and%20History/I&R%20Studies/Tolbert%20-%20DD%20as%2021st%20Century%20Reform%20Catalyst%20IRI.pdf](http://www.iandrinstitute.org/New%20IRI%20Website%20Info/I&R%20Research%20and%20History/I&R%20Studies/Tolbert%20-%20DD%20as%2021st%20Century%20Reform%20Catalyst%20IRI.pdf).

<sup>4</sup> *Id.* at 3.

reviewed before progressing to a discussion of electoral outcomes. The Comment finishes with recommendations and conclusions about electoral outcomes by informing lawyers and advocates about the use of ballot measures for effecting change in the environmental arena.

## II. SURVEYING THE OPTIONS: LEGAL HISTORY AND ADVOCACY CONSIDERATIONS PRIOR TO CHOOSING CITIZEN-SPONSORED INITIATIVES AS A METHOD FOR SHAPING ENVIRONMENTAL POLICY

### A. FEDERAL AND STATE LAWS SUPPORT DIRECT DEMOCRACY

The United States Constitution mandates that every state have a “Republican Form” of government, but it leaves the specific organization of lawmaking for the states to decide.<sup>5</sup> In marking their ballots for or against a measure, the voters take on the role of the legislature.<sup>6</sup> After passage of a ballot measure by the people, the proposition becomes the law of the state.<sup>7</sup> Generally, any matter that is a proper subject of legislation can become an initiative measure.<sup>8</sup>

Currently, no federal law prevents states from engaging in direct democracy as a method of passing state law.<sup>9</sup> Twenty-four states currently allow for some form of direct democracy through the ballot measure process, be it a constitutional amendment, ballot referendum, or ballot initiative.<sup>10</sup> However, as with any law passed through the state legislature, laws passed by citizen-sponsored initiative must comport with the rules and limitations established by the state constitution and the U.S. Constitution.<sup>11</sup>

Citizen-sponsored statewide ballot measures are rooted in the

<sup>5</sup> U.S. CONST. art. IV, § 4; U.S. CONST. amend. X.

<sup>6</sup> See *Ballot Measures Overview*, BOLDER ADVOCACY, [bolderadvocacy.org/tools-for-effective-advocacy/toolkits/ballot-measures/ballot-measures-overview](http://bolderadvocacy.org/tools-for-effective-advocacy/toolkits/ballot-measures/ballot-measures-overview) (last visited Apr. 15, 2014).

<sup>7</sup> See ALASKA CONST. art. XI; CAL. CONST. art. II; OR. CONST. art. IV; WASH. CONST. art. II.

<sup>8</sup> See ALASKA CONST. art. XI; CAL. CONST. art. II; OR. CONST. art. IV; WASH. CONST. art. II.

<sup>9</sup> ROBERT G. NATELSON, INDEPENDENCE INST., ARE INITIATIVES AND REFERENDA CONTRARY TO THE CONSTITUTION’S “REPUBLICAN FORM OF GOVERNMENT”? 1-2 (July 9, 1999), *available at* [www.iandrinstitute.org/New%20IRI%20Website%20Info/I&R%20Research%20and%20History/I&R%20Studies/Natelson%20-%20I&R%20and%20Republican%20Government%20IRI.pdf](http://www.iandrinstitute.org/New%20IRI%20Website%20Info/I&R%20Research%20and%20History/I&R%20Studies/Natelson%20-%20I&R%20and%20Republican%20Government%20IRI.pdf).

<sup>10</sup> GREGORY L. COLVIN & LOWELL FINLEY, *SEIZE THE INITIATIVE 2* (1996).

<sup>11</sup> See U.S. CONST. art. VI, § 2; ALASKA CONST. art. XI; CAL. CONST. art. II; OR. CONST. art. IV; WASH. CONST. art. II.

Progressive era of the early twentieth century.<sup>12</sup> Citizens concerned by the power of wealthy corporate industrialists lobbied to institute the ballot measure to counter their corrupting influence.<sup>13</sup> Today, nearly half the states have integrated the ballot measure as a form of crafting state law.<sup>14</sup>

The extent of the direct lawmaking power and authority granted to citizens varies by state.<sup>15</sup> In the Pacific region, California, Washington, and Oregon have utilized the ballot measure for over 100 years, and Alaska enshrined the right to direct democracy in its constitution in 1959.<sup>16</sup> Federal law supports direct democracy, as does state law in the places that have chosen to integrate it into their constitutions.

#### B. BALLOT MEASURES AND CASE LAW

In addition to being supported by both federal and state constitutional law, ballot measures are supported by case law. Individuals and states have called on higher courts to interpret the constitutionality of ballot measures. In *Reitman v. Mulkey*, the U.S. Supreme Court found an approved state proposition unconstitutional because it codified a discriminatory practice in the California Constitution in conflict with the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.<sup>17</sup>

In *Pacific States Telephone & Telegraph Co. v. Oregon*, the U.S. Supreme Court declined to decide whether a state that has adopted the initiative and referendum has ceased to maintain a republican form of government as required under the Guarantee Clause of Article IV of the

<sup>12</sup> KRISTINA WILFORE, BALLOT INITIATIVE STRATEGY CTR., THE IMPACT OF THE BALLOT INITIATIVE PROCESS IN AMERICA 2, available at [bisc.3cdn.net/79beb0db8d50d769bd\\_w9m6bx4xy.pdf](http://bisc.3cdn.net/79beb0db8d50d769bd_w9m6bx4xy.pdf); Tolbert, *supra* note 3, at 1.

<sup>13</sup> WILFORE, *supra* note 12, at 1.

<sup>14</sup> See Tolbert, *supra* note 3, at 2.

<sup>15</sup> See ALASKA CONST. art. XI; CAL. CONST. art. II, § 8; OR. CONST. art. IV, § 2; WASH. CONST. art. II, § 1.

<sup>16</sup> *History of Initiative and Referendum in California*, BALLOTPEDIA, [ballotpedia.org/wiki/index.php/History\\_of\\_Initiative\\_and\\_Referendum\\_in\\_California](http://ballotpedia.org/wiki/index.php/History_of_Initiative_and_Referendum_in_California) (last modified Mar. 19, 2014, 7:41 AM); *History of Initiative & Referendum in Oregon*, BALLOTPEDIA, [ballotpedia.org/wiki/index.php/History\\_of\\_Initiative\\_%26\\_Referendum\\_in\\_Oregon](http://ballotpedia.org/wiki/index.php/History_of_Initiative_%26_Referendum_in_Oregon) (last modified Mar. 3, 2014, 4:37 PM); *History of Initiative & Referendum in Washington*, BALLOTPEDIA, [ballotpedia.org/wiki/index.php/History\\_of\\_Initiative\\_%26\\_Referendum\\_in\\_Washington](http://ballotpedia.org/wiki/index.php/History_of_Initiative_%26_Referendum_in_Washington) (last modified Feb. 28, 2014, 12:18 PM); *History of Initiative & Referendum in Alaska*, BALLOTPEDIA, [ballotpedia.org/History\\_of\\_Initiative\\_%26\\_Referendum\\_in\\_Alaska](http://ballotpedia.org/History_of_Initiative_%26_Referendum_in_Alaska) (last modified Mar. 4, 2014, 2:55 PM).

<sup>17</sup> *Reitman v. Mulkey*, 387 U.S. 369, 378 (1967).

U.S. Constitution.<sup>18</sup> In that case, the Court found the issue was a non-justiciable political question.<sup>19</sup> The Court left the question as a matter for the states to decide, and the decision has had the practical effect of encouraging more state legislatures to integrate direct democracy into their states' constitutions.

In the event that an individual within a state alleges injury as a result of a law passed via ballot initiative, he or she has the same remedies that would have been available had the law been passed by the legislature.<sup>20</sup> Unless state law provides otherwise, proponents have the same standing to bring suit, or defend a challenge in state court as any other member of the general public.<sup>21</sup> However, in federal court, the official proponents of the initiative are not authorized to file an appeal on behalf of the state that loses a constitutional challenge, regardless of state law providing otherwise.<sup>22</sup>

In *Perry v. Hollingsworth*, the Supreme Court found that proponents of a California voter-approved proposition deemed unconstitutional by the district court lacked standing to appeal on behalf of the state. The Court decided that once a law has passed via ballot measure, the proponents of that measure have no more than a generalized grievance, and thereby do not meet federal standing requirements.<sup>23</sup>

### C. LOBBYING: THE TRADITIONAL METHOD OF ADVOCATING FOR CHANGE

Ballot measures are rarely the mechanism of first choice for shaping policy. Advocates can be extremely effective at changing the law by communicating with a lawmaker about a particular piece of legislation. Through lobbying, sponsors of a bill advocate for its passage through the state legislature.<sup>24</sup> There are many benefits to utilizing this traditional legislative method of lobbying.

First, passing a law through the state legislature is less expensive than through a citizen-sponsored proposition.<sup>25</sup> Costs associated with

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<sup>18</sup> *Pac. States Tel. & Tel. Co. v. Oregon*, 223 U.S. 118, 139, 151 (1912).

<sup>19</sup> *Id.* at 146.

<sup>20</sup> *See Hollingsworth v. Perry*, 133 S. Ct. 2652 (2013).

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 2663.

<sup>23</sup> *Id.* at 2662.

<sup>24</sup> *How States Define "Lobbying" and "Lobbyist,"* NAT'L CONF. OF ST. LEGISLATURES, [www.ncsl.org/research/ethics/50-state-chart-lobby-definitions.aspx](http://www.ncsl.org/research/ethics/50-state-chart-lobby-definitions.aspx) (last updated Feb. 2013).

<sup>25</sup> Compare Paul Sullivan, *What the Small Player Can Expect When Using a Lobbyist*, N.Y. TIMES, Jan. 25, 2013, at B5, available at [www.nytimes.com/2013/01/26/your-money/what-the-](http://www.nytimes.com/2013/01/26/your-money/what-the-)

lobbying include paying staff to understand and learn how to talk about a proposed policy change, training volunteers, and preparing materials for distribution amongst supporters and legislators.<sup>26</sup> Visiting with members of the targeted lawmaking body also involves a cost. Some advocacy organizations may choose to hire professional lobbyists to go to the capital on their behalf; others send their leadership team along with organization members and activists. The price of lobbying activities does add up, but these costs pale in comparison to those associated with a ballot measure campaign.<sup>27</sup>

Without a doubt, ballot measure campaigns can be quite expensive.<sup>28</sup> Proponents are responsible for drafting, publishing, and circulating petition sections for certification for the ballot, which may take anywhere from a few months to over two years.<sup>29</sup> Once a measure is certified for the ballot, proponents also carry the cost of the get-out-the-vote effort to convince voters to approve the measure, including mailers and advertising on the internet and television. Total costs for a ballot measure campaign can range from \$100,000 to \$160 million.<sup>30</sup>

Another factor to consider is that advocates tend to be part of coalition partnerships with a long-standing voice in the community that can be called upon to persuade elected officials to support a bill.<sup>31</sup> When visiting the capital, an environmental advocate is rarely a lone voice in the dark. Instead, supporters from many walks of life are on board, each contributing a valuable and unique piece of a legislator's constituency.<sup>32</sup> With a ballot measure campaign, the legislators that need convincing are

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small-player-can-expect-when-using-a-lobbyist.html?\_r=0, with *BALLOT INITIATIVE STRATEGY CTR., TOP 10 THINGS TO THINK THROUGH PRIOR TO LAUNCHING A BALLOT MEASURE CAMPAIGN 3-4* (undated), available at [rangevoting.org/Top10BallotInit.pdf](http://rangevoting.org/Top10BallotInit.pdf).

<sup>26</sup> B. HOLLY SCHADLER, *BOLDER ADVOCACY, THE CONNECTION: STRATEGIES FOR CREATING AND OPERATING 501(C)(3)S, 501(C)(4)S AND POLITICAL ORGANIZATIONS* 11-14 (3d ed. 2012), available at [www.bolderadvocacy.org/wp-content/uploads/2012/01/The\\_Connection.pdf](http://www.bolderadvocacy.org/wp-content/uploads/2012/01/The_Connection.pdf).

<sup>27</sup> *BALLOT INITIATIVE STRATEGY CTR.*, *supra* note 25.

<sup>28</sup> *Id.*

<sup>29</sup> GREENBELT ALLIANCE, *SUCCESSFUL CITIZENS' INITIATIVES: A GUIDE TO WINNING LOCAL LAND-USE BALLOT MEASURE CAMPAIGNS 4-5* (2002), available at [www.greenbelt.org/wp-content/uploads/2012/01/Successful-Citizens-Initiatives.pdf](http://www.greenbelt.org/wp-content/uploads/2012/01/Successful-Citizens-Initiatives.pdf) (stating that efforts ideally begin twenty to twenty-two months prior to election day).

<sup>30</sup> *BALLOT INITIATIVE STRATEGY CTR.*, *supra* note 25.

<sup>31</sup> SCHADLER, *supra* note 26, at 8.

<sup>32</sup> For example, the California Environmental Justice Alliance is a coalition of statewide environmental and social justice organizations. Members include the Asian Pacific Environmental Network, Communities for a Better Environment, the Environmental Health Coalition, and the Center on Race, Poverty and the Environment. See *Who We Are*, CAL. ENVTL. JUST. ALLIANCE, [caleja.org/about-us/](http://caleja.org/about-us/) (last visited Apr. 15, 2014).

the voters.<sup>33</sup> A campaign may spend millions of dollars to persuade the voting population to support an issue they may know or care little about. Compared to persuading the handful of elected officials needed to win on an issue, convincing voters to approve a law that they do not identify with can be extremely challenging.

Finally, when advocating for support of a bill in the capital, supporters have a chance to negotiate throughout the legislative process.<sup>34</sup> While they may not obtain every policy objective they seek, advocates may be able to make significant gains for the movement by compromising with members of the state legislature in order to see the bill make it into law.<sup>35</sup> Such opportunities do not exist with a ballot measure. Instead, once the language of the measure has been certified for petition circulation, negotiations are over and it is all or nothing with the voters.<sup>36</sup>

#### D. THE BENEFITS OF A BALLOT MEASURE CAMPAIGN

While it is not the primary method of policymaking, there are many reasons an advocate may choose to pursue a ballot measure over lobbying. The first reason is procedural. With the traditional method of lawmaking, there are many points in the process where an advocate's efforts may fail.<sup>37</sup> Every session, hundreds of bills are introduced in each house of state government, only to die in committee, or to make it through one house, but fail in the other.<sup>38</sup> Even if a bill makes it through both houses, it could still be shot down by a discordant governor's

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<sup>33</sup> *Ballot Measures Overview*, *supra* note 6.

<sup>34</sup> See generally NAT'L CONFERENCE OF STATE LEGISLATURES, *INSIDE THE LEGISLATIVE PROCESS* 3-1 to -128 (Sept. 2009), available at [www.ncsl.org/research/about-state-legislatures/inside-the-legislative-process.aspx#PublishedSections](http://www.ncsl.org/research/about-state-legislatures/inside-the-legislative-process.aspx#PublishedSections) (explaining the life of a bill and the role of its co-authors and co-sponsors throughout the legislative process); see also *id.* at 8-1 to -102.

<sup>35</sup> NAT'L CONFERENCE OF STATE LEGISLATURES, *supra* note 34, at 8-1 to -102.

<sup>36</sup> See ALASKA CONST. art. XI; CAL. CONST. art. II, § 8; OR. CONST. art. IV, § 2; WASH. CONST. art. II, § 1; see also CAL. SEC'Y OF STATE, *STATEWIDE INITIATIVE GUIDE* (Jan. 2013), available at [www.sos.ca.gov/elections/ballot-measures/pdf/initiative-guide.pdf](http://www.sos.ca.gov/elections/ballot-measures/pdf/initiative-guide.pdf); WASH. SEC'Y OF STATE, *FILING INITIATIVES AND REFERENDA IN WASHINGTON STATE* (Jan. 2012), available at [www.sos.wa.gov/\\_assets/elections/Initiative%20and%20Referenda%20Manual.pdf](http://www.sos.wa.gov/_assets/elections/Initiative%20and%20Referenda%20Manual.pdf); OR. SEC'Y OF STATE, *STATE INITIATIVE AND REFERENDUM MANUAL* (2014), available at [sos.oregon.gov/elections/Documents/stateIR.pdf](http://sos.oregon.gov/elections/Documents/stateIR.pdf); STATE OF ALASKA DIV. OF ELECTIONS, *PUBLIC INFORMATION PACKET ON ELECTIONS* (Jan. 30, 2013), available at [www.elections.alaska.gov/doc/forms/H34.pdf](http://www.elections.alaska.gov/doc/forms/H34.pdf).

<sup>37</sup> NAT'L CONFERENCE OF STATE LEGISLATURES, *supra* note 34, at 5-1 to -278.

<sup>38</sup> See generally *id.* at 4-1 to -116.



veto.<sup>39</sup>

Conversely, the success or failure of laws proposed via ballot measure is not left to the discretion of a handful of political actors, but to the majority of voters.<sup>40</sup> Through statewide ballot initiatives, citizen voters gather a requisite number of signatures on a petition proposing the change of law, which are then submitted for certification for the ballot.<sup>41</sup> If successful, the initiative is subject to a vote, and if approved, it becomes the law of the land.<sup>42</sup>

Additionally, proponents may prefer to utilize direct democracy because of the urgency of the issue. Compared to the legislative process, ballot measures may be a more expedient way to change the law.<sup>43</sup> Legislators have a significant number of competing interests on a range of different subjects that they must consider, and they have to prioritize the pieces of law that they are willing to fight for. This forces some issues to be de-prioritized throughout the legislative session. By gathering signatures in the community to place a law on the ballot, ordinary citizens bypass the conflicts of interest within the state legislature, and can have their issue decided by the voters within one election cycle.<sup>44</sup>

Another benefit of the ballot measure is that the signature-gathering process itself can be a great way to build support for a policy idea or to take advantage of support that is already present in the community. This benefit is partially due to the public's perception of the process of persuading lawmakers. Lobbying is often perceived as a tool for large, well-financed organizations.<sup>45</sup>

Conversely, because ballot measure campaigns demand public engagement and transparency, citizens view them as a more accessible opportunity to participate.<sup>46</sup> The presence of campaigners outside of

<sup>39</sup> *Id.* at 6-1 to -142.

<sup>40</sup> See ALASKA CONST. art. XI; CAL. CONST. art. II, § 8; OR. CONST. art. IV, § 2; WASH. CONST. art. II, § 1.

<sup>41</sup> See ALASKA CONST. art. XI; CAL. CONST. art. II; OR. CONST. art. IV, WASH. CONST. art. II.

<sup>42</sup> See ALASKA CONST. art. XI; CAL. CONST. art. II; OR. CONST. art. IV, WASH. CONST. art. II.

<sup>43</sup> TRACY WESTEN, CTR. FOR GOVERNMENTAL STUDIES, DEMOCRACY BY INITIATIVE: SHAPING CALIFORNIA'S FOURTH BRANCH OF GOVERNMENT 56 (2d ed. 2008), available at [www.ncid.us/wp-content/uploads/files/cgs\\_dbi\\_full\\_book\\_f.pdf](http://www.ncid.us/wp-content/uploads/files/cgs_dbi_full_book_f.pdf).

<sup>44</sup> *Id.* at 50-52; see generally ALASKA CONST. art. XI; CAL. CONST. art. II; OR. CONST. art. IV; WASH. CONST. art. II.

<sup>45</sup> *Influence & Lobbying*, CTR. FOR RESPONSIVE POLITICS, [www.opensecrets.org/influence/](http://www.opensecrets.org/influence/) (last visited Apr. 15, 2014).

<sup>46</sup> WESTEN, *supra* note 43, at 86-87.

local stores and in busy pedestrian areas places the issue in the public square. The grassroots nature of ballot measure campaigns has the power to build significant support for a policy that would be hard to generate for a lobbying effort.<sup>47</sup>

Finally, ballot measures may be used as bargaining chips to achieve policy objectives through the traditional route of lawmaking.<sup>48</sup> Some policy ideas are met with resistance by lawmakers for fear of political fallout, or because of a perceived lack of political will.<sup>49</sup> By demonstrating that enough voter support exists to place an issue on the ballot, advocates may be able to generate enough momentum in the statehouse to pass their bill into law. Thus, advocates can make use of ballot measures as a tool without going through the expense of formally initiating the process.

#### E. PRE-CAMPAIGN CONSIDERATIONS

Although this Comment focuses on ballot measures that make it to Election Day, proponents have many considerations to weigh and obstacles to overcome prior to launching a campaign.<sup>50</sup> Some of the factors to consider include cost, opposition, and the effects of a loss.<sup>51</sup> As described above, the cost of a ballot measure campaign can soar into the millions. In order to succeed, proponents must be prepared to invest heavily in drafting and circulating petitions, and in orchestrating an aggressive “get-out-the-vote” campaign.<sup>52</sup>

Proponents also must consider their opposition, especially if those opponents include a major industry. Corporations are known to bankroll rapacious opposition campaigns to thwart measures that are against their interests.<sup>53</sup> The data below suggests their money is well spent. For example, in 2012, Monsanto, DuPont, and Dow Chemical spent millions of dollars in California to defeat Proposition 37, which would have required the labeling of genetically modified foods and would have

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<sup>47</sup> See *id.* at 86.

<sup>48</sup> *Id.* at 56.

<sup>49</sup> *Id.* at 87.

<sup>50</sup> BALLOT INITIATIVE STRATEGY CTR., *supra* note 25, at 1.

<sup>51</sup> *Id.* at 3.

<sup>52</sup> *Id.* at 3.

<sup>53</sup> See Amanda Coyne, *Oil Companies Spend Big Against Alaska Coastal Initiative*, ALASKA DISPATCH, Aug. 21, 2012, [www.alaskadispatch.com/article/oil-companies-spend-big-against-alaska-coastal-initiative](http://www.alaskadispatch.com/article/oil-companies-spend-big-against-alaska-coastal-initiative); Suzanne Goldenberg, *Prop 37: Food Companies Spend \$45m To Defeat California GM Label Bill*, GUARDIAN, Nov. 5, 2012, [www.theguardian.com/environment/2012/nov/05/prop-37-food-gm-bill](http://www.theguardian.com/environment/2012/nov/05/prop-37-food-gm-bill).

prohibited such food from being marketed as “natural.”<sup>54</sup> It seems that as the possible negative economic impact on an industry as a result of a ballot measure increases, so does the likelihood that moneyed interests will work actively against a measure’s proponents.

Finally, advocates must consider the effects of a defeat on their issue. A loss can set a movement back years. It can make supporters hesitant to continue the work, or place a stigma around the issue in the mind of the voter.<sup>55</sup> However, the effects of a loss do not have to be all bad. Ballot measure campaigns can be useful for building coalitions around a policy idea.<sup>56</sup> They can help build support within a larger social movement or plant the seed of a policy in the mind of the voter.<sup>57</sup>

It is common for a subject to recur on the ballot in multiple election cycles, where the measure fails the first time and succeeds the second.<sup>58</sup> Multiple attempts may be more attractive for policies that elected officials are unlikely to openly support, such as the decriminalization of marijuana. By building the issue into the mainstream via the ballot, advocates may gain allies in the state legislature, thereby making the traditional route of policy-shaping more viable.<sup>59</sup>

Part III of this Comment has laid the foundation for how and why a ballot measure campaign may come about. Part IV will address, compare, and analyze the electoral outcomes of environmental ballot measures in four states. Within Part IV, Part A articulates the methodology of the historical review, and Part B analyzes the election outcomes of California, Oregon, Washington, and Alaska by environmental category.

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<sup>54</sup> Mark Bittman, Op-Ed., *Buying the Vote on G.M.O.’s*, N.Y. TIMES, Oct. 23, 2012, [opinionator.blogs.nytimes.com/2012/10/23/buying-the-vote-on-g-m-o-s/?\\_r=0](http://opinionator.blogs.nytimes.com/2012/10/23/buying-the-vote-on-g-m-o-s/?_r=0); Goldenberg, *supra* note 53.

<sup>55</sup> BALLOT INITIATIVE STRATEGY CTR., *supra* note 25, at 6; *see also* GREENBELT ALLIANCE, *supra* note 29, at 7.

<sup>56</sup> GREENBELT ALLIANCE, *supra* note 29, at 7. *But cf.* BALLOT INITIATIVE STRATEGY CTR., *supra* note 25 (emphasizing the lasting impact ballot measures have on voters’ beliefs).

<sup>57</sup> Tolbert, *supra* note 3, at 20.

<sup>58</sup> *See* FREDERICK J. BOEHMKE, GOING OUTSIDE IS EASIER THAN GETTING IN: THE EFFECT OF DIRECT DEMOCRACY ON INTEREST GROUP LOBBYING STRATEGIES (Mar. 1, 2001), *available at* [www.iandrinstitute.org/New%20IRI%20Website%20Info/I&R%20Research%20and%20History/I&R%20Studies/Boehmke%20-%20Effect%20on%20DD%20on%20Interest%20Group%20Lobbying%20IRI.pdf](http://www.iandrinstitute.org/New%20IRI%20Website%20Info/I&R%20Research%20and%20History/I&R%20Studies/Boehmke%20-%20Effect%20on%20DD%20on%20Interest%20Group%20Lobbying%20IRI.pdf).

<sup>59</sup> WESTEN, *supra* note 43, at 87.

III. SURVEYING THE OUTCOMES: A HISTORICAL REVIEW OF ELECTION RESULTS ON THE PACIFIC COAST BY CATEGORY OF ENVIRONMENTAL BALLOT MEASURE

A. METHODOLOGY

1. *Categories of Environmental Ballot Measure*

In identifying and analyzing the electoral outcomes of environmental ballot measures, establishing just what type of proposition qualifies as “environmental” is necessary. Environmental law encompasses a range of issues, from pollution control to energy to conservation. The categorization of such a broad, multifaceted topic is a challenge.

In looking to the organizational structure of state agencies charged with the enforcement of these types of laws, environmental categories become apparent. While each state has created its own hierarchical structure of departments and agencies to enforce environmental law, the organizational structures across states are fairly similar. Those structures serve as a natural guide for how to categorize the ballot measures reviewed in this Comment.

The categories utilized in this review are as follows: 1) *Water*—any proposal affecting water quality, sources, or supply; 2) *Toxics and Waste*—any measure addressing chemicals, hazardous waste, and toxic cleanup, the management or regulation of air quality or air pollution, and any measure concerning recycling, refuse, and individual and industrial waste; 3) *Agriculture*—any ballot measure that impacts domestic plants or animals, or regulates plants or animals raised for commercial purposes; 4) *Energy*—any initiative or referendum concerning sources, methods, and management of energy production and distribution; 5) *Fish and Wildlife*—any measure affecting the protection, management, or regulation of wild plants and wild animals; and 6) *Natural Resources*—any measures that concern the protection, management, or commercial regulation of our natural resources, including, *inter alia*, forest and coastal management, timber sales, mining, oil drilling, and parks and recreation.

Many proposed laws are not focused on only one environmental issue, but instead seek to address multiple environmental issues through one measure. For the purposes of this Comment’s review, when a measure touches multiple environmental issues, each measure evaluated

will be placed into every applicable category.<sup>60</sup> For example, in 2010, California had a measure go before voters that would have added an \$18 fee to the price of vehicle registration to help fund state parks and wildlife programs. Because this program would have gone toward funding wildlife programs, it falls into the fish and wildlife category. Yet this measure would also have funded state parks, so it additionally falls into the natural resources category. This categorical overlap results in the total number of environmental measures presented to the voter, demonstrated in Table 1, amounting to fewer than the total number of measures by category, seen in Table 2.

Finally, in most instances, the proponents of an environmental measure seek to protect the environment through implementing their suggested initiative or by repealing legislation they perceive as harmful through a referendum. However, in a few rare circumstances, environmental measures come before the voter that, if passed, would cause some harm to the environment. In those cases, rejection by the voters serves as an environmental victory. In analyzing election outcomes, this distinction is noted and taken into account.

**Table 1: Total Number of Environmental Ballot Measures by State, 1908 – 2012**

	<b>Number Qualified</b>	<b>Number Approved</b>	<b>Percent Approved</b>
CA	56	18	32.14
OR	58	22	37.93
WA	23	11	47.83
AK	20	8	40.00
<b>Total</b>	<b>157</b>	<b>59</b>	<b>37.58</b>

## 2. *Scope of Ballot Measures Reviewed*

This Comment's historical review of qualified ballot measures is limited to qualified citizen-sponsored ballot initiatives, referenda, and constitutional amendments in the Pacific states of California, Oregon, Washington, and Alaska. Other types of ballot measures, such as local measures or those introduced by a state's legislature, are not included within the scope of this review.

Measures qualifying for public circulation, but not making it onto

<sup>60</sup> See Appendices A, B, C, and D for a complete listing of all measures reviewed and their categorical assignment by the author.

the ballot, are also excluded. There are a significant number of reasons that a citizen-circulated ballot measure does not make it onto the ballot. While analysis of those measures that did not appear may be very useful for advocates in the future, this Comment seeks to evaluate the electoral outcomes of environmental measures that have actually come before voters on Election Day.

To understand how voters are responding to the larger environmental movement, it is instructive to look at election results within each state and categorically. Each state is unique in its people, its voters, its natural resources, and its sources of economic prosperity and industry. This flexibility is one of the benefits of our nation's system of independent self-governed states.

However, for the purposes of this Comment, this systemic diversity makes a qualitative comparative review of state laws challenging. The data from this review reveals many interesting trends about the use of ballot measures within the Pacific region. In the future, it would be instructive to more thoroughly review one category across states, or to analyze one state in much greater detail.

## B. ELECTION RESULTS BY STATE AND CATEGORY

This Part reviews and analyzes the election outcomes of each identified category across the surveyed states. Then, the likelihood that the voters may embrace similar categorical measures is extrapolated from those results. Across the four states surveyed, 157 environmental ballot measures have come before voters over the course of 104 years.<sup>61</sup> Of all environmental measures voted on, fifty-eight became law, for an average approval rate of 37.58 percent.<sup>62</sup>

At the beginning of the twentieth century, many of the measures concerned the establishment of regulatory bodies, such as a statewide public utility commission, and putting conservation mechanisms into place.<sup>63</sup> In the last few decades, measures have focused on financing conservation efforts, establishing minimum standards for statewide use of clean energy, and regulating corporate exploitation of natural resources.<sup>64</sup>

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<sup>61</sup> See *infra* Appendices A-D.

<sup>62</sup> See *infra* Appendices A-D.

<sup>63</sup> For example, in 1930 Oregon established water and power utility districts by ballot measure, and in 1932 Washington passed a ballot measure establishing the Department of Game. See also *infra* Appendices A-D.

<sup>64</sup> For example, in 2008 proponents of an Alaska initiative tried and failed to regulate the toxic discharge produced by mineral mining companies, and in 2012 proponents in California

**Table 2: State Election Results by Environmental Category**

	Water			Toxics and Waste			Agriculture		
	Q	A	%	Q	A	%	Q	A	%
CA	22	11	50	9	1	11.11	7	3	42.86
OR	18	11	61.11	13	3	23.08	8	1	12.5
WA	5	1	20	3	1	33.33	3	2	66.67
AK	2	0	0	2	0	0	4	2	50
<b>Total</b>	<b>47</b>	<b>23</b>	<b>48.94</b>	<b>27</b>	<b>5</b>	<b>18.52</b>	<b>22</b>	<b>8</b>	<b>36.36</b>
	Energy			Fish and Wildlife			Natural Resources		
	Q	A	%	Q	A	%	Q	A	%
CA	20	3	15	16	7	43.75	26	6	23.08
OR	12	5	41.67	30	14	46.67	11	7	63.64
WA	5	2	40	8	5	62.5	7	3	42.86
AK	2	1	50	10	4	40	7	3	42.86
<b>Total</b>	<b>39</b>	<b>11</b>	<b>28.21</b>	<b>64</b>	<b>30</b>	<b>46.88</b>	<b>51</b>	<b>19</b>	<b>37.25</b>
<b>Legend:</b>									
Q = Number Qualified									
A = Number Approved									
% = Percent Approved									

### 1. *Water*

Of all the environmental measures identified across the states, nearly one third fell into the water category.<sup>65</sup> In California, a high proportion of all environmental measures put before voters addressed water issues in some way.<sup>66</sup> Nearly forty percent of qualified measures

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acquired \$550 million for funding clean energy projects by ballot initiative. *See also infra* Appendices A-D.

<sup>65</sup> *See supra* Tables 1, 2.

<sup>66</sup> *See infra* Appendix A.

fell into this category.<sup>67</sup> Of those that qualified, the voters approved fifty percent.<sup>68</sup> Indeed, of the eighteen environmental ballot measures that voters have approved in California, eleven of them fell into the water category.<sup>69</sup>

In Oregon, voters approved eleven of the eighteen ballot measures within the water category.<sup>70</sup> However, it is important to recognize that only two of those eighteen identified measures came before voters in the last twenty years.<sup>71</sup> In both cases, the initiatives concerned the allocation of lottery revenues to fund the preservation of beaches, habitats, and watersheds.<sup>72</sup> Prior to 1994, initiatives in this category in Oregon included banning fluoride in drinking water, the creation and expansion of the Oregon Scenic Waterway System, the operation of nuclear facilities, and the establishment and regulation of public utilities.<sup>73</sup>

Water measures are less common in Washington and Alaska.<sup>74</sup> In Washington, water measures make up almost a quarter of identified initiatives.<sup>75</sup> However, only one has succeeded: the Marine Recreation Land Act in 1964.<sup>76</sup> The voters of Washington have not seen a water ballot measure since 1976, when they rejected a ballot measure that would have criminalized adding fluoride in public water.<sup>77</sup>

In Alaska, only two recent measures fell into this category, and both were defeated.<sup>78</sup> The first measure was presented in 2008 and would have regulated water quality.<sup>79</sup> The other measure was rejected in 2012 and would have established a new coastal management program.<sup>80</sup> The rejection of the measure left Alaska as the only state in the country without this kind of program.<sup>81</sup>

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<sup>67</sup> See *infra* Appendix A.

<sup>68</sup> See *infra* Appendix A.

<sup>69</sup> See *infra* Appendix A.

<sup>70</sup> See *infra* Appendix B.

<sup>71</sup> See *infra* Appendix B.

<sup>72</sup> See *infra* Appendix B.

<sup>73</sup> See *infra* Appendix B.

<sup>74</sup> See *infra* Appendices C-D; see also *supra* Table 2.

<sup>75</sup> See *infra* Appendix C.

<sup>76</sup> The Marine Recreation Land Act of 1964 assigned taxes on boat fuel to the acquisition and improvement of marine recreation lands. See *infra* Appendix C.

<sup>77</sup> See *infra* Appendix C.

<sup>78</sup> See *infra* Appendix D.

<sup>79</sup> See *infra* Appendix D.

<sup>80</sup> See *infra* Appendix D.

<sup>81</sup> *Alaska Coastal Management Question*, BALLOTPEdia, [ballotpedia.org/Alaska\\_Coastal\\_Management\\_Question\\_Ballot\\_Measure\\_2\\_\(August\\_2012\)](http://ballotpedia.org/Alaska_Coastal_Management_Question_Ballot_Measure_2_(August_2012)) (last modified Mar. 25, 2014, 7:25 AM).



Out of forty-seven qualified water measures across the surveyed states, voters approved nearly half.<sup>82</sup> However, over the last twenty years, ballot measures within the water category have overwhelmingly been designed to secure funding for protection and preservation of watershed and water quality.<sup>83</sup> Of the six water measures introduced across the states in that time, four were financial in nature. The remaining two measures were introduced in Alaska, a state that does not allow citizen-sponsored measures to contain appropriations.<sup>84</sup>

## 2. *Toxics and Waste*

This area of environmental policy rarely appears on the ballot, and when it does, it rarely succeeds.<sup>85</sup> Across the four states, only five ballot measures on this topic in 100 years have succeeded: one each in California and Washington and three in Oregon.<sup>86</sup> Alaska voters have never approved a measure in this category.<sup>87</sup>

Of the fifty-six measures that qualified for the California ballot, nine were focused on pollution control and the regulation of toxics and waste.<sup>88</sup> Six of those measures addressed the protection, management, or regulation of air quality.<sup>89</sup> None of those measures succeeded.<sup>90</sup>

All California measures concerning air quality or pollution were proposed after 1970, the year the Clean Air Act, a landmark piece of legislation that heightened citizen awareness of air pollution issues, was signed into law.<sup>91</sup> Five of the six failed attempts occurred within the last twenty years.<sup>92</sup> Three of the six attempts came before California voters

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<sup>82</sup> See *supra* Table 2.

<sup>83</sup> See *infra* Appendices A-D.

<sup>84</sup> In California, proponents introduced the ballot measures titled “Water Quality, Supply, and Safe Drinking Water Projects, Coastal Wetlands Purchase and Protection Bonds” in 2002, and “Water Quality, Safety and Supply. Flood Control. Natural Resource Protection. Park Improvements. Bonds” Proposition in 2006. In Oregon, proponents put forward the ballot measures titled “Dedicating Some Lottery Funding to Parks, Beaches; Habitat, Watershed Protection” in 1998, and “Continues lottery funding for parks, beaches, wildlife habitat, watershed protection beyond 2014; modifies funding process” in 2010. See also *infra* Appendices A-D.

<sup>85</sup> See *supra* Table 2; see also *infra* Appendices A-D.

<sup>86</sup> See *infra* Appendices A-D.

<sup>87</sup> See *infra* Appendix D.

<sup>88</sup> See *infra* Appendix A.

<sup>89</sup> See *infra* Appendix A.

<sup>90</sup> See *infra* Appendix A.

<sup>91</sup> See 42 U.S.C.A. § 7401 (Westlaw 2014); see also *infra* Appendix A; *40th Anniversary of the Clean Air Act*, U.S. ENVTL. PROTECTION AGENCY, [www.epa.gov/air/caa/40th.html](http://www.epa.gov/air/caa/40th.html) (last updated Aug. 15, 2013).

<sup>92</sup> See *infra* Appendix A.

within the last five years.<sup>93</sup>

However, the most recent occasion on which voters rejected an air measure was in 2010.<sup>94</sup> The measure would have given major polluters a pass on regulations concerning greenhouse gas emissions, so in that instance the rejection by voters actually served as an environmental victory.<sup>95</sup> In over 100 years of direct democracy in the state, no citizen-sponsored recycling and industrial waste proposition has ever been on the ballot in California.<sup>96</sup>

Of all the states surveyed, Oregon has certified the highest number of ballot measures in this category.<sup>97</sup> While thirteen measures before the voters came from this category, only three succeeded.<sup>98</sup> The first was an anti-water-pollution measure passed in 1938.<sup>99</sup> The most recent measures in this category to succeed in Oregon were two initiatives concerning the disposal of nuclear waste and radioactive isotopes, in 1980 and 1984, respectively.<sup>100</sup> Since 1984, nine measures in this category have been put to the Oregon voter and rejected.<sup>101</sup>

In Washington, no measures in this category have come up in over thirty years.<sup>102</sup> Overall, voters in that state have voted on only two issues: 1) prohibiting the sale of soft drinks and alcohol in containers not having a recycling deposit value of at least five cents, known as the “bottle bill,” which the voters rejected twice; and 2) banning the importation of radioactive waste, which was approved by voters in 1980.<sup>103</sup> Alaskans have never approved a ballot measure in this category.<sup>104</sup>

The rarity of this type of measure across the states suggests two things. First, there does not appear to be much voter demand for policy changes in this area of law. Second, even when the issue does arise,

<sup>93</sup> See *infra* Appendix A.

<sup>94</sup> See *infra* Appendix A; see also Ed Joyce, *Will Prop. 23 Hurt California's Economy or Help It?*, KPBS (Sept. 23, 2010), [www.kpbs.org/news/2010/sep/23/will-prop-23-hurt-californias-economy-or-help-it/](http://www.kpbs.org/news/2010/sep/23/will-prop-23-hurt-californias-economy-or-help-it/).

<sup>95</sup> Joyce, *supra* note 94.

<sup>96</sup> See *infra* Appendix A.

<sup>97</sup> See *supra* Table 2.

<sup>98</sup> See *infra* Appendix B.

<sup>99</sup> See William G. Robbins, *Willamette River*, OR. ENCYCLOPEDIA, [www.oregonencyclopedia.org/entry/view/willamette\\_river/](http://www.oregonencyclopedia.org/entry/view/willamette_river/) (last visited Apr. 15, 2014) (discussing the Water Purification and Pollution Prevention of Pollution Bill, which established the Oregon State Sanitary Authority to rid the rivers of pollution); see also *infra* Appendix B.

<sup>100</sup> See *infra* Appendix B.

<sup>101</sup> See *infra* Appendix C.

<sup>102</sup> See *infra* Appendix C.

<sup>103</sup> See *infra* Appendix C (showing that voters first rejected this type of ballot measure in 1970 and again in 1982).

<sup>104</sup> See *infra* Appendix D.

voters do not appear to be supportive. It seems likely another method of policy-shaping would be more effective than these kinds of ballot measures.

### 3. *Agriculture*

Agricultural ballot measures, which encompass any measure dealing with domestic production of plants or animals, are the least frequently occurring category across the states, and they also have one of the lowest rates of approval from voters, but their occurrence is on the rise.<sup>105</sup> Most of the twenty-two measures identified in this category came before voters within the last thirty years.<sup>106</sup> Seventy-five percent of agricultural measures in Oregon were presented within the last twenty years.<sup>107</sup> Alaska has only had four agricultural measures have ever been placed on the ballot, but all occurred in or after 1990.<sup>108</sup> While there are some outliers, agricultural measures across the states can be narrowed to three sub-categories: treatment of animals, marijuana decriminalization, and genetically modified food (GMO, for “genetically modified organism”) labeling.

The first sub-category, concerning the treatment of domestic animals, has shown up only in California and Oregon within the last twenty years.<sup>109</sup> In Oregon in 1996, voters rejected an initiative that would have prohibited livestock near polluted waters.<sup>110</sup> In California, the prohibition of slaughter and sale of horses for human consumption was approved by voters in 1998.<sup>111</sup> Ten years later, perhaps in response to an education campaign about the harsh realities of factory farming, Californians passed a measure that prohibits confinement of farm animals in a manner that does not allow them to stand, sit, extend their limbs fully, or turn around completely.<sup>112</sup>

The second sub-category is by far the most prevalent. Marijuana decriminalization propositions have been brought in each surveyed state

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<sup>105</sup> See *supra* Table 2; see also *infra* Appendices A-D.

<sup>106</sup> See *infra* Appendices A-D.

<sup>107</sup> See *infra* Appendix C.

<sup>108</sup> See *infra* Appendix D.

<sup>109</sup> See *infra* Appendices A-D.

<sup>110</sup> See *infra* Appendix B.

<sup>111</sup> See *infra* Appendix A.

<sup>112</sup> See *infra* Appendix A; see also Jesse McKinley, *A California Ballot Measure Offers Rights for Farm Animals*, N.Y. TIMES, Oct. 23, 2008, at A12, available at [www.nytimes.com/2008/10/24/us/24egg.html?\\_r=0](http://www.nytimes.com/2008/10/24/us/24egg.html?_r=0).

multiple times.<sup>113</sup> All four states passed initiatives allowing medical use of marijuana.<sup>114</sup> Every agricultural measure brought in Alaska concerned the legal status of marijuana.<sup>115</sup> In California, the legalization of medical marijuana has led to a dramatic agricultural transition in Humboldt, Mendocino, and Trinity Counties, a region colloquially known as the “Emerald Triangle” because of the copious amount of marijuana grown in the area.<sup>116</sup>

In recent years, ballot measure proponents have been advocating full decriminalization across the country. Marijuana has the potential to become a multi-billion-dollar cash crop in the states. However, its illegality has left its market potential largely untapped.<sup>117</sup> Fully decriminalizing marijuana is an issue that many politicians are reluctant to support publicly, leaving the traditional method of influencing policymaking impracticable.<sup>118</sup>

Alaska rejected measures that would have completely decriminalized the plant for personal use in 2000 and 2004, respectively.<sup>119</sup> In 2010, California’s proposition to fully decriminalize marijuana failed.<sup>120</sup> In Oregon, voters rejected expanding legalization of the plant four times,<sup>121</sup> with the most recent attempt in 2012.<sup>122</sup> That same year, in a historic decision by the citizens of Washington, voters used the ballot to decriminalize the use of marijuana for recreational purposes for the first time.<sup>123</sup>

The last subcategory, GMO labeling initiatives, is a recent development in the history of the ballot measure. As more of the food supply is sourced with GMO-based products, the long-term effects of which remain unknown, the demand for this type of measure is likely to

<sup>113</sup> See *infra* Appendices A-D.

<sup>114</sup> See *infra* Appendices A-D.

<sup>115</sup> See *infra* Appendix D.

<sup>116</sup> *Emerald Triangle*, WIKIPEDIA, [en.wikipedia.org/wiki/Emerald\\_Triangle](http://en.wikipedia.org/wiki/Emerald_Triangle) (last modified Mar. 16, 2014, 5:36 PM).

<sup>117</sup> Steve Inskeep, *Marijuana a Multi-Billion Dollar Crop in the U.S.?*, NAT’L PUB. RADIO (Dec. 6, 2006, 6:00 AM), available at [www.npr.org/templates/story/story.php?storyId=6652248](http://www.npr.org/templates/story/story.php?storyId=6652248).

<sup>118</sup> See, e.g., *Gov. Brown Not Ready to Legalize Weed, Worried About “Potheads,”* TALKING POINTS MEMO (Mar. 2, 2014, 12:56 PM), available at [talkingpointsmemo.com/livewire/california-brown-legal-marijuana](http://talkingpointsmemo.com/livewire/california-brown-legal-marijuana).

<sup>119</sup> See *infra* Appendix D.

<sup>120</sup> See *infra* Appendix A.

<sup>121</sup> See *infra* Appendix B.

<sup>122</sup> See *infra* Appendix B.

<sup>123</sup> See *infra* Appendix C; see also Allison Linn, *Colorado, Washington Approve Recreational Marijuana Use*, NBC NEWS (Nov. 6, 2012, 6:34 PM), [nbcpolitics.nbcnews.com/\\_news/2012/11/06/14977250-colorado-washington-approve-recreational-marijuana-use?lite](http://nbcpolitics.nbcnews.com/_news/2012/11/06/14977250-colorado-washington-approve-recreational-marijuana-use?lite).

## 212 GOLDEN GATE UNIV. ENVIRONMENTAL LAW J. [Vol. 7

increase. So far, each time a GMO labeling measure has come before the voters, well-funded corporate interests met it with fierce opposition.<sup>124</sup>

Multinational corporations including General Mills, Conagra, Monsanto, Kraft Foods Global, PepsiCo, Inc., and the Grocery Manufacturers Association have invested tens of millions of dollars to prevent GMO labeling laws from being enacted.<sup>125</sup> The first time an initiative requiring genetically modified food to be labeled appeared on the ballot was in Oregon in 2002, and voters rejected it.<sup>126</sup> In 2012, a GMO initiative came before voters in California.<sup>127</sup> In that instance, it came down to fewer than 360,000 votes in an election in which 12.5 million citizens cast ballots.<sup>128</sup>

Agricultural measures seem to have had a recent resurgence, in which the primary types of agricultural measures brought are politically contentious. With a success rate of over forty-two percent, direct democracy appears to be a viable approach to codifying some types of agricultural policy.<sup>129</sup>

#### 4. Energy

Energy measures are difficult to pass. Of the thirty-nine measures that qualified, voters approved less than twenty-seven percent.<sup>130</sup>

<sup>124</sup> *Oregon Labeling of Genetically-Engineered Foods, Measure 27 (2002)*, BALLOTPEdia, ballotpedia.org/Oregon\_Labeling\_of\_Genetically-Engineered\_Foods\_Measure\_27\_%282002%29 (last modified Mar. 21, 2014, 7:38 AM); *California Proposition 37, Mandatory Labeling of Genetically Engineered Food (2012)*, BALLOTPEdia, ballotpedia.org/wiki/index.php/California\_Proposition\_37\_Mandatory\_Labeling\_of\_Genetically\_Engineered\_Food\_(2012) (last modified Mar. 25, 2014, 7:32 AM); *Washington Mandatory Labeling of Genetically Engineered Food Measure, Initiative 522 (2013)*, BALLOTPEdia, ballotpedia.org/Washington\_Mandatory\_Labeling\_of\_Genetically\_Engineered\_Food\_Measure\_Initiative\_522\_%282013%29 (last modified Mar. 24, 2014, 7:40 AM).

<sup>125</sup> See Bittman, *supra* note 54; see also Mike Baker, *Attorney General Still Seeking Penalty Against "No-on-I-522" Group*, KOMO NEWS, Oct. 22, 2013, www.komonews.com/news/local/Attorney-general-still-seeking-penalty-against-No-on-I-522-group-228782491.html; Carey Gillam, *Washington State Sues Lobbyists over Campaign Against GMO Labeling*, REUTERS, Oct. 16, 2013, www.reuters.com/article/2013/10/16/us-usa-gmo-labeling-idUSBRE99F19B20131016; *California Proposition 37, Mandatory Labeling of Genetically Engineered Food (2012)*, BALLOTPEdia, *supra* note 124; *Washington Mandatory Labeling of Genetically Engineered Food Measure, Initiative 522 (2013)*, BALLOTPEdia, *supra* note 124.

<sup>126</sup> See *infra* Appendix C.

<sup>127</sup> See *infra* Appendix A.

<sup>128</sup> *California Proposition 37, Mandatory Labeling of Genetically Engineered Food (2012)*, *supra* note 124.

<sup>129</sup> See *infra* Appendices A-D.

<sup>130</sup> See *infra* Appendices A-D.

Recently proposed measures in this category have had mixed results.<sup>131</sup> On one end of the spectrum, voters have responded to our society's increasing energy demands by approving statewide clean energy.<sup>132</sup> On the other end, voters have supported the installation of a massive oil pipeline through pristine wilderness.<sup>133</sup> Regardless of the purpose of the energy measure being pursued, the energy industry has demonstrated that it will invest a lot of money into campaigns that support the industry's interests.<sup>134</sup>

Twenty of the identified environmental ballot measures concerned California energy production or distribution.<sup>135</sup> Voters there have weighed in on nuclear energy, fossil fuels, and clean energy.<sup>136</sup> Of the twenty measures, eleven came before the voters between 1922 and 1939.<sup>137</sup> From 1940 to 2004, energy issues on the ballot were rare, appearing only four times.<sup>138</sup> After successive victories by proponents in 1932 and 1933, energy did not win on the ballot again until the twenty-first century.<sup>139</sup>

In California, there now appears to be resurgence in energy issues on the ballot. For the last four election cycles, voters have weighed in on one or two energy issues per election, with mixed results.<sup>140</sup> In 2006 and 2008, voters rejected schemes for funding alternative energy.<sup>141</sup> Voters also rejected a measure that would have mandated that half of the state's energy be acquired from alternative energy sources.<sup>142</sup>

Perhaps emboldened by the voter response to alternative energy, in 2010, Pacific Gas & Electric, a large, privately held energy company, funded an initiative that would have made it significantly more difficult for local governments to provide local utility service from clean energy

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<sup>131</sup> See *infra* Appendices A-D.

<sup>132</sup> See *infra* Appendix C (showing measure passed in 2006 requiring electricity utilities to meet targets for energy conservation).

<sup>133</sup> See *infra* Appendix D (showing measure passed in 2002 establishing the Alaska Gas Pipeline Authority).

<sup>134</sup> See Anthony York, *PG&E Prepared To Spend \$35 Million on June Ballot Measure*, L.A. TIMES, Mar. 19, 2010, [latimesblogs.latimes.com/california-politics/2010/03/pge-prepared-to-spend-35-million-on-june-ballot-measure.html](http://latimesblogs.latimes.com/california-politics/2010/03/pge-prepared-to-spend-35-million-on-june-ballot-measure.html); see also Timothy J. Mullins, Note, *The Clean Water Initiatives and the Proper Balance Between the Right to Ballot Initiatives and the Prohibition on Appropriations*, 26 ALASKA L. REV. 135 (2009).

<sup>135</sup> See *infra* Appendix A.

<sup>136</sup> See *infra* Appendix A.

<sup>137</sup> See *infra* Appendix A.

<sup>138</sup> See *infra* Appendix A.

<sup>139</sup> See *infra* Appendix A.

<sup>140</sup> See *infra* Appendix A.

<sup>141</sup> See *infra* Appendix A.

<sup>142</sup> See *infra* Appendix A.

214 GOLDEN GATE UNIV. ENVIRONMENTAL LAW J. [Vol. 7

sources.<sup>143</sup> The voters rejected that measure, and in 2012 they approved the first successful ballot measure in the state to fund clean energy and energy-efficiency projects.<sup>144</sup>

Twelve of Oregon's environmental ballot measures concerned energy sources and management of energy production and distribution.<sup>145</sup> Eight of those measures were presented between 1976 and 1992, all concerned nuclear power plants, and only two of those succeeded.<sup>146</sup> Oregonians have not voted on an energy measure since 1992.<sup>147</sup> Predicting how voters would respond if a measure in this category were put before them today would present a challenge.

Over twenty percent of Washington's environmental measures concerned energy management, production, or distribution.<sup>148</sup> Of the five identified, two became the law.<sup>149</sup> The first was a referendum approving of a law passed by the legislature in 1933, when the state was still establishing its electricity infrastructure.<sup>150</sup> It authorized municipalities to sell energy outside of their geographic boundaries.<sup>151</sup> The second was passed in 2006.<sup>152</sup> That measure, the Energy Resources initiative, required electric utilities to meet specified targets for energy conservation.<sup>153</sup>

Only two measures in Alaska concerned energy production and regulation.<sup>154</sup> Voters approved the first measure, which created the Alaska Gas Pipeline Authority, a body charged with developing the North Slope for a natural gas pipeline.<sup>155</sup> With the second, voters rejected placing a tax on certain known resources of natural gas.<sup>156</sup> Most of the ballot measures reviewed in this Comment were proposed by

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<sup>143</sup> See York, *supra* note 134; see also Mullins, *supra* note 134.

<sup>144</sup> See *infra* Appendix A (showing measure rejected in 2008 that would have required state to acquire half of all power from renewable resources by 2025); see also *infra* Appendix A (showing allocation of \$550 million dollars to clean energy and energy efficiency projects).

<sup>145</sup> See *infra* Appendix B.

<sup>146</sup> See *infra* Appendix B.

<sup>147</sup> See *infra* Appendix B.

<sup>148</sup> See *infra* Appendix C.

<sup>149</sup> See *infra* Appendix C.

<sup>150</sup> See *infra* Appendix C.

<sup>151</sup> *Washington Municipal Energy, Referendum 18 (1934)*, BALLOTEDIA, ballotpedia.org/wiki/index.php/Washington\_Municipal\_Energy,\_Referendum\_18\_%281934%29 (last modified Apr. 3, 2014, 3:33 PM).

<sup>152</sup> See *infra* Appendix C.

<sup>153</sup> See *infra* Appendix C.

<sup>154</sup> See *infra* Appendix D.

<sup>155</sup> See *infra* Appendix D.

<sup>156</sup> See *infra* Appendix D.

environmental advocates, but these two measures demonstrate those representing the interests of the energy industry can use the initiative process as well.

Overall across the states, energy measures designed to protect the environment have been hard to pass. The interests of large energy companies continue to compete with well-founded concerns over the environmental repercussions of extracting and burning fossil fuels. While there is no clear answer to this dilemma, the clean-energy ballot measures that have been approved by voters in California and Washington indicate that direct democracy may be the best way to move the states toward cleaner energy solutions.

### 5. *Fish and Wildlife*

This is by far the most successful category of environmental ballot measure.<sup>157</sup> This type of initiative is brought up the most often, at sixty-four times, and has the highest rate of success at 41.56 percent.<sup>158</sup> While almost half of these measures were brought in Oregon alone, voter approval is consistently high across states, ranging from forty percent to 62.5 percent.<sup>159</sup> This category is primarily filled with measures about fishing regulations, hunting and trapping regulations, and conservation.<sup>160</sup> The election results indicate that, except for measures brought in Alaska, voters like to support wilderness preservation and to protect species diversity.<sup>161</sup>

Fish and wildlife initiatives have the second highest rate of success in California out of any of the designated environmental categories.<sup>162</sup> Sixteen of the fifty-six identified measures concerned the protection, management, or regulation of wild plants and animals.<sup>163</sup> Over forty-three percent of those measures received voter approval.<sup>164</sup> However, the majority of approved measures were passed prior to 1950.<sup>165</sup> Of seven total approved initiatives on this topic, five were passed between 1914 and 1948.<sup>166</sup>

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<sup>157</sup> See *supra* Table 2.

<sup>158</sup> See *supra* Table 2.

<sup>159</sup> See *supra* Table 2.

<sup>160</sup> See *infra* Appendices A-D.

<sup>161</sup> See *infra* Appendices A-D.

<sup>162</sup> See *infra* Appendix A.

<sup>163</sup> See *infra* Appendix A.

<sup>164</sup> See *infra* Appendix A.

<sup>165</sup> See *infra* Appendix A.

<sup>166</sup> See *infra* Appendix A.



California did not see another initiative relevant to fish and wildlife conservation until the creation of the Coastal Commission via ballot measure in 1972.<sup>167</sup> After that, ten other measures on this topic have arisen, seven of which involved allocating funds for parks, wildlife, or habitat preservation, either through raising taxes or through multimillion-dollar bond measures.<sup>168</sup> Voters approved only two of those funding proposals, in 1988 and 1990.<sup>169</sup>

Within the last decade, only one fish and wildlife initiative has made it onto the ballot in California, with negative results.<sup>170</sup> This downward trend indicates that use of the ballot measure was an effective tool in the early part of the twentieth century in California. It has been less useful in recent years, when used to secure funding for conservation, rather than to achieve a policy objective.

The majority of Oregon environmental ballot measures concern fishing and wildlife.<sup>171</sup> Thirty of the fifty-eight measures identified fit into this category, only four of which have any categorical overlap.<sup>172</sup> Voters approved fourteen fish and wildlife measures (46.67 percent).<sup>173</sup> Twenty of the thirty measures in this category specifically sought to regulate fishing, and nine of those succeeded, making up over sixty-four percent of all successful initiatives in this category.<sup>174</sup> This category of proposition is very popular among proponents and constitutes two thirds of all environmental laws passed by Oregonian voters.<sup>175</sup> The high rate of success with this type of measure makes direct democracy an attractive path for advocates on this topic seeking alternative methods for policy-shaping beyond the traditional route.

The most initiatives in Washington are found in the fish and wildlife category.<sup>176</sup> Eight measures there have qualified, and voters have approved five of them.<sup>177</sup> Those five measures all concern hunting and trapping animals or fishing.<sup>178</sup> The last time a measure in this category

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<sup>167</sup> See *infra* Appendix A.

<sup>168</sup> See *infra* Appendix A.

<sup>169</sup> See *infra* Appendix A.

<sup>170</sup> See *infra* Appendix A (showing rejection of measure in 2010 that would have established \$18 annual vehicle license surcharge to help fund state parks and wildlife programs and would have granted free admission to all state parks to surcharged vehicles).

<sup>171</sup> See *infra* Appendix B.

<sup>172</sup> See *infra* Appendix B.

<sup>173</sup> See *infra* Appendix B.

<sup>174</sup> See *infra* Appendix B.

<sup>175</sup> See *infra* Appendix B.

<sup>176</sup> See *infra* Appendix C.

<sup>177</sup> See *infra* Appendix C.

<sup>178</sup> See *infra* Appendix C.

arose in Washington was in the year 2000.<sup>179</sup> Voters approved that measure, which made certain types of animal trapping a misdemeanor.<sup>180</sup> Although these measures occur only sporadically in the history of Washington, the high approval rate of 62.5 percent makes a strong case for considering pursuing this type of measure in the state.<sup>181</sup>

Of the twenty environmental measures that have qualified for the ballot in Alaska, half of them have fallen into this category.<sup>182</sup> Alaska voters approved forty percent of those.<sup>183</sup> Overwhelmingly, these measures have to do with hunting, trapping, and fishing.<sup>184</sup> Most recently, in 2008, voters rejected prohibitions on airborne shooting of wolves, wolverines, and bears and on feeding and luring bears.<sup>185</sup>

As with the energy category, the election outcomes of fish and wildlife ballot measures vary from state to state. However, the high level of popularity suggests that these types of measures have a good chance of being passed when put before the voters.

## 6. *Natural Resources*

Measures that fall into the natural resources category have been decreasing in frequency over time, but they have been increasing in voter approval. Overall, fifty-one measures qualified for the ballot in this category, but only twelve measures were introduced within the last twenty years.<sup>186</sup> Of those twelve, voters approved nearly half.<sup>187</sup>

As with the agriculture category, natural resources ballot measures can also be arranged into subcategories. The first subcategory includes measures that are fiscal in nature. As seen with other categories, this type of measure asks the voter to approve spending or generate revenue for things like the parks department. These types of measures had an approval rate over fifty percent.<sup>188</sup>

The second subcategory concerns regulation of natural resource exploitation industries, like the mining of minerals and the timber

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<sup>179</sup> See *infra* Appendix C.

<sup>180</sup> See *infra* Appendix C.

<sup>181</sup> See *infra* Appendix C.

<sup>182</sup> See *infra* Appendix D.

<sup>183</sup> See *infra* Appendix D; see also *supra* Table 2.

<sup>184</sup> See *infra* Appendix D.

<sup>185</sup> See *infra* Appendix D.

<sup>186</sup> See *infra* Appendices A-D; see also *supra* Table 2.

<sup>187</sup> See *infra* Appendices A-D.

<sup>188</sup> See *infra* Appendices A-D.

industry. Measures in the second subcategory did not fare so well.<sup>189</sup> Indeed, every regulatory measure with an adverse effect on industry, whether for the mining industry, timber, or natural gas, failed.<sup>190</sup> Only pro-industry measures presented to voters in Alaska were approved, indicating the voters' receptiveness to the exploitation of natural resources. Those measures resulted in the establishment of the Alaskan Gas Pipeline Authority, a body charged with developing natural gas extraction in Alaska's North Slope.<sup>191</sup>

The largest percentage of environmental measures put before California voters are designed to protect, manage, or regulate the use of natural resources.<sup>192</sup> Over forty-six percent of California environmental measures fall into the broad topic that embraces the intersection of nature and industry.<sup>193</sup> Of the twenty-six measures within this category in California, only six have passed.<sup>194</sup>

As with the fish and wildlife initiatives, many of the natural resources measures are formulated as pleas for funding rather than a policy solution. Only three of the twenty-six measures were brought within the last twenty years.<sup>195</sup> Of those, only one (granting \$5.4 billion for flood control natural resource protection, and park improvements) gained voter approval.<sup>196</sup> The historical record suggests that while natural resources are a popular topic to bring to the voter, they are not actually popular amongst voters.

Natural resources measures are the second most prevalent category in the history of Washington environmental ballot measures; seven have been presented to voters.<sup>197</sup> Voters approved three of those measures.<sup>198</sup> All of the measures rejected by Washington voters were presented prior to 1984, and they concerned the regulation of utilities and the timber industry.<sup>199</sup> Since 1984, only two natural resources measures have been introduced to voters.<sup>200</sup> Most recently, in an anomalous outcome, Washington voters in 2006 required electric utilities to meet targets for

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<sup>189</sup> See *infra* Appendices A-D.

<sup>190</sup> See *infra* Appendices A-D.

<sup>191</sup> See *infra* Appendix D.

<sup>192</sup> See *infra* Appendix A.

<sup>193</sup> See *infra* Appendix A; see also *supra* Table 2.

<sup>194</sup> See *infra* Appendix A.

<sup>195</sup> See *infra* Appendix A.

<sup>196</sup> See *infra* Appendix A.

<sup>197</sup> See *infra* Appendix C.

<sup>198</sup> See *infra* Appendix C.

<sup>199</sup> See *infra* Appendix C.

<sup>200</sup> See *infra* Appendix C.

energy conservation.<sup>201</sup>

Eleven propositions brought before Oregon voters addressed the protection, management, or commercial regulation of natural resources, and seven of those became law.<sup>202</sup> Where efforts to allocate funding for parks and preservation of habitat succeeded, efforts to regulate mining and timber harvests failed.<sup>203</sup> As with the water and energy categories mentioned above, no measure attempting regulation of natural resource exploitation has come up in the state in twenty years.<sup>204</sup>

The outcomes of ballot measures concerning natural resources across the states paint a muddy picture. Still, the apparent divide in types of natural resources initiatives suggests two things. First, organizations are, with a fair amount of success, increasingly seeking funding for preservation of natural resources through ballot measures. Second, any efforts to regulate industry through ballot measures for the benefit of the environment will be met with fierce opposition and are unlikely to be successful.

#### IV. RECOMMENDATIONS

Political climate, local environmental events, allies, and access to resources are all extremely important factors to weigh in deciding to pursue a ballot measure. In most situations, lobbying will be the first preferred method for advocates. While the electoral outcomes discussed in this Comment are not determinative of whether an advocacy organization should pursue a ballot measure instead of lobbying, they do tell us more about how such pursuits will be received by voters.

The results above indicate three situations in which environmental advocates should seriously consider utilizing the ballot measure. Often proponents will find themselves facing these situations simultaneously. A ballot measure may be the best approach when 1) advocates need to frame the conversation on a newly emerging issue, 2) the legislature is not a viable option for achieving a given policy objective, or 3) achieving a policy goal demands a fight against entrenched corporate interests.

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<sup>201</sup> See *infra* Appendix C.

<sup>202</sup> See *infra* Appendix B; see also *infra* Table 2.

<sup>203</sup> See *infra* Appendix B.

<sup>204</sup> See *infra* Appendix C.

## 220 GOLDEN GATE UNIV. ENVIRONMENTAL LAW J. [Vol. 7]

## A. FRAME THE DEBATE ON NEWLY EMERGING ENVIRONMENTAL ISSUES

When recent developments in technology have larger implications for the environment, that issue is ripe for a ballot measure campaign. There is no question that a ballot measure is an expensive way to educate voters, but it is also expedient. The law often takes years to catch up with new developments in technology. With time-sensitive issues concerning the environment, the long wait can have a deleterious effect.

By placing an issue on the ballot, proponents can get ahead of the issue and help shape the dialogue while it is still fresh. Ballot measures receive media coverage, and a voter guide explaining a given issue lands in every voter's mailbox.<sup>205</sup> This electorate-wide conversation raises awareness and gives the issue weight in the mind of the voter.

One example of ballot measures being used as a tool for influencing the debate on an emerging technology can be seen with the construction of nuclear power plants. Although the potential for clean energy from nuclear power has been known since the 1940s, there has not been a groundbreaking on a new nuclear power plant in the United States since 1974.<sup>206</sup> Undoubtedly, the nuclear accidents at Three Mile Island, Chernobyl, and most recently, Fukushima had as much of a part to play in the public's deep distrust of nuclear power as anything.<sup>207</sup> However, citizen interest groups have expressed concerns about environmental impact, safety, transparency in policymaking, and nuclear waste disposal since the technology's early years.<sup>208</sup>

By the 1970s, organizations like the Sierra Club, the National Resources Defense Council, and Critical Mass had joined together to form the burgeoning anti-nuclear movement.<sup>209</sup> In 1976, because the authority for constructing new power plants (and thus expanding the industry) was in the hands of the states, environmental organizations launched ballot measures in several states to place limits, or even

<sup>205</sup> See, e.g., *Official Voter Information Guide*, CAL. SECRETARY OF STATE, voterguide.sos.ca.gov/ (last updated Aug. 13, 2012).

<sup>206</sup> John Byrne & Steven M. Hoffman, *The Ideology of Progress and the Globalization of Nuclear Power*, in GOVERNING THE ATOM: THE POLITICS OF RISK 11, 11 (John Byrne & Steven M. Hoffman eds., 1996); *Nuclear Power in the United States*, WIKIPEDIA, en.wikipedia.org/wiki/Nuclear\_power\_in\_the\_United\_States (last modified Apr. 9, 2014, 2:55 AM).

<sup>207</sup> Phillip A. Greenberg, *Safety, Accidents, and Public Acceptance*, in GOVERNING THE ATOM: THE POLITICS OF RISK, *supra* note 206, at 127, 128; see also *Nuclear Power in Japan*, WIKIPEDIA, en.wikipedia.org/wiki/Nuclear\_power\_in\_Japan (last modified Apr. 15, 2014, 9:34 PM).

<sup>208</sup> Michael T. Hatch, *Nuclear Power and Postindustrial Politics in the West*, in GOVERNING THE ATOM: THE POLITICS OF RISK, *supra* note 206, at 201, 204.

<sup>209</sup> Hatch, *supra* note 208, at 205.

outright prohibitions, on construction of new nuclear power facilities.<sup>210</sup> None of the measures passed that year, but in 1980 Oregon voters approved new regulations on nuclear facility licensing and waste disposal.<sup>211</sup> Then, in 1984, Oregonians again passed a measure imposing even stricter requirements for radioactive waste disposal.<sup>212</sup>

From 1976 to 1992, ten ballot measures aimed at addressing the serious environmental and safety risks posed by nuclear technology have come before the voters of California, Oregon, and Washington.<sup>213</sup> Although only three of those initiatives passed, all ten measures kept the issue alive in the mind of the voter.<sup>214</sup> While no brand new plants have been scheduled for construction, plans to construct new reactors at already-existing plants were recently approved for the first time since 1978.<sup>215</sup> If environmental organizations want to engage the public in opposition to this re-emerging technology, they might consider taking a page from their past.

Another example of a more recently developed technology can be seen in the agricultural industry. Recent advances in biotechnology have led to a significant integration of GMOs into the American food supply. While the FDA has averred that these foods pose no known threat to human health, they have also declined to require that these foods be labeled for consumer identification.<sup>216</sup> This has led some advocates for labeling to take it to the states.

Measures advocating for GMO labeling have served to educate voters on an issue they might otherwise have remained unaware of. So far, GMO labeling initiative proponents have been vastly outspent by major multinational corporations.<sup>217</sup> As recently as November 2013, voters in Washington rejected a measure to require genetically modified foods to be labeled, after corporate interests invested over \$22 million in

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<sup>210</sup> *Id.*

<sup>211</sup> See *infra* Appendices A-C.

<sup>212</sup> See *infra* Appendix B.

<sup>213</sup> See *infra* Appendices A-D.

<sup>214</sup> See *infra* Appendices A-D.

<sup>215</sup> Steve Hargreaves, *First New Nuclear Reactors OK'd in over 30 Years*, CNN MONEY, Feb. 9, 2012, [money.cnn.com/2012/02/09/news/economy/nuclear\\_reactors/](http://money.cnn.com/2012/02/09/news/economy/nuclear_reactors/).

<sup>216</sup> *Foods Derived from Genetically Engineered Plants*, U.S. FOOD & DRUG ADMIN. (Apr. 8, 2013), [www.fda.gov/Food/FoodScienceResearch/Biotechnology/ucm346858.htm](http://www.fda.gov/Food/FoodScienceResearch/Biotechnology/ucm346858.htm); *Questions & Answers on Food from Genetically Engineered Plants*, U.S. FOOD & DRUG ADMIN. (Apr. 8, 2013), [www.fda.gov/Food/FoodScienceResearch/Biotechnology/ucm346030.htm](http://www.fda.gov/Food/FoodScienceResearch/Biotechnology/ucm346030.htm).

<sup>217</sup> *California Proposition 37, Mandatory Labeling of Genetically Engineered Food (2012)*, *supra* note 124; *Washington Mandatory Labeling of Genetically Engineered Food Measure, Initiative 522 (2013)*, *supra* note 124.

222 GOLDEN GATE UNIV. ENVIRONMENTAL LAW J. [Vol. 7

opposition.<sup>218</sup> In addition to educating voters, GMO labeling initiatives have started a national dialogue about sustainability and what we as a country are eating—a conversation that, for a country suffering from dangerous levels of obesity, is beneficial well beyond the scope of environmental policy.

B. FIGHT FOR ISSUES THE LEGISLATURE IS UNWILLING TO CONSIDER

There are some issues that politicians refuse to touch for fear of political fallout, making the traditional path of shaping policy through lobbying useless. When that occurs, direct democracy provides one possible solution.

An example of successful advocacy for a politically unpopular issue can be seen with the decades-long campaign to legalize marijuana. Thirty years ago, over seventy percent of the country opposed legalized marijuana use.<sup>219</sup> In that time, advocates for decriminalization persistently used ballot measures to change public perception and policy in this area. In 1996, proponents in California successfully passed the first statewide ballot measure decriminalizing marijuana for medical purposes.<sup>220</sup> Since then, public disapproval has eased.<sup>221</sup>

Today, twenty states and the District of Columbia have changed their laws to allow medical marijuana use.<sup>222</sup> According to an October 2013 Gallup poll, a majority of Americans nationwide now support marijuana decriminalization.<sup>223</sup> It seems that past ballot measures that took advocates a step closer to realizing their larger goal, in conjunction with other grassroots efforts, served to educate voters, generate coalition support, and de-stigmatize supporters.

In 2012, the campaign achieved a new victory when Washington became one of the first states to fully decriminalize recreational use of the plant.<sup>224</sup> Looking ahead, the momentum from the 2012 wins could

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<sup>218</sup> *Washington Mandatory Labeling of Genetically Engineered Food Measure, Initiative 522 (2013)*, *supra* note 124. Election results from 2013 are not included in the election data aggregated for the purposes of this Comment.

<sup>219</sup> Art Swift, *For First Time, Americans Favor Legalizing Marijuana*, GALLUP POLITICS, Oct. 22, 2013, [www.gallup.com/poll/165539/first-time-americans-favor-legalizing-marijuana.aspx](http://www.gallup.com/poll/165539/first-time-americans-favor-legalizing-marijuana.aspx).

<sup>220</sup> *See infra* Appendix A.

<sup>221</sup> Swift, *supra* note 219.

<sup>222</sup> Jolie Lee, *Where Is Marijuana Legal?*, USA TODAY, Jan. 6, 2014, [www.usatoday.com/story/news/nation-now/2014/01/06/marijuana-legal-states-medical-recreational/4343199/](http://www.usatoday.com/story/news/nation-now/2014/01/06/marijuana-legal-states-medical-recreational/4343199/).

<sup>223</sup> Swift, *supra* note 219.

<sup>224</sup> *See infra* Appendix C.

lead to decriminalization in other states throughout the country.<sup>225</sup>

### C. FIGHT ENTRENCHED CORPORATE INTERESTS

It is no secret that large corporations have more power and influence in legislative and regulatory bodies than the average citizen.<sup>226</sup> They use that power to shape policy in statehouses and in the District of Columbia.<sup>227</sup> Frequently, those policies are adverse to environmental protection.<sup>228</sup> One of the greatest challenges of the twenty-first century is how advocates should address this power imbalance.

This type of power imbalance is precisely what the citizen-sponsored initiative was designed to correct.<sup>229</sup> Energy initiatives provide a great example of what is possible. As fossil fuel sources become scarcer, and thus more costly, energy issues will become more pressing.<sup>230</sup> Clean-energy ballot measures are an example of the type of proposition that is ripe for citizen-driven engagement to combat anti-environment corporate-driven policies. Alternative energy measures did not pass the first time they were presented to voters, or the second.<sup>231</sup> Yet a larger movement has been built on the issue, leading to success at the ballot box in 2006 in Washington, and in 2012 in California, despite corporate opposition.

Still, proponents that emerge must come with enough resources to adequately combat the guaranteed opposition of large corporations that would surely spend millions to defend their interests. Furthermore, in Alaska, we have seen that ballot initiatives aren't just being used to protect the environment. In that state, the energy industry used the ballot initiative as an asset to create a massive gas pipeline, at great environmental expense. This offensive use of measures by industry is sure to increase, and environmental advocates must be prepared to counter this strategy with voters. In the future, when advocates promote environmental initiatives, they may need to do so in a way that combats,

<sup>225</sup> Rick Lyman, *Pivotal Point Is Seen as More States Consider Legalizing Marijuana*, N.Y. TIMES, Feb. 26, 2014, available at [www.nytimes.com/2014/02/27/us/momentum-is-seen-as-more-states-consider-legalizing-marijuana.html?\\_r=0](http://www.nytimes.com/2014/02/27/us/momentum-is-seen-as-more-states-consider-legalizing-marijuana.html?_r=0).

<sup>226</sup> *Interest Groups*, CTR. FOR RESPONSIVE POLITICS, [www.opensecrets.org/industries/index.php](http://www.opensecrets.org/industries/index.php) (last visited Apr. 15, 2014).

<sup>227</sup> *Influence & Lobbying*, *supra* note 45.

<sup>228</sup> See *Energy & Natural Resources: Background*, CTR. FOR RESPONSIVE POLITICS, [www.opensecrets.org/industries/background.php?cycle=2014&ind=E](http://www.opensecrets.org/industries/background.php?cycle=2014&ind=E) (last visited Apr. 15, 2014).

<sup>229</sup> Tolbert, *supra* note 3, at 6.

<sup>230</sup> See *generally Clean Energy*, U.S. ENVTL. PROTECTION AGENCY, [www.epa.gov/cleanenergy/index.html](http://www.epa.gov/cleanenergy/index.html) (last updated Apr. 3, 2014).

<sup>231</sup> See *infra* Appendices A-D.



224 GOLDEN GATE UNIV. ENVIRONMENTAL LAW J. [Vol. 7

or at least neutralizes, competing measures proposed by the corporate interests, rather than taking a purely protectionist route in drafting.

Environmental advocates should proceed with initiatives and measures seeking to protect the environment from corporate exploitation, but they should do so with caution.

## V. CONCLUSION

Electoral history in the Pacific region indicates that the ballot initiative has a place in the fight to protect our environment. At the beginning of the twentieth century, ballot measures were used to create regulatory agencies charged with the protection of vital natural resources. They were used to combat the corrupting force of corporate interests, and to protect our ecosystem.

Modernly, environmental advocacy organizations are working tirelessly to ensure sound regulations are in place now to meet the environmental challenges of the future. Champions for the environment often operate with limited means. They must carefully consider all of their options before deciding how to best use those resources.

Citizen-circulated initiatives can serve the same purpose today that they did when they were first established. The battle against a targeted industry will be extremely challenging, but it is a fight worth waging. When traditional advocacy is not proving effective, environmental organizations should use citizen-circulated ballot initiatives to hold profit-driven environmental destruction at bay and to safeguard our air, water, and energy needs for generations to come.

### APPENDICIES

In organizing all available election data, the author reviewed each ballot measure that came before the voters throughout the entire history of the ballot initiatives in each state. Election results data on each California ballot measure came from the California Statewide Initiative Guide, published by the office of the California Secretary of State.<sup>232</sup> Election results data on each Oregon ballot measure came from The Oregon Bluebook, published by the office of the Oregon Secretary of State.<sup>233</sup> Election data for Washington was retrieved from the Index to Initiative and Referendum History and Statistics.<sup>234</sup> Alaska election data was recovered from the State of Alaska Division of Elections.<sup>235</sup>

Each environmental measure is assigned to the appropriate category, according to the methodology described in Part III. Each category is coded below as follows: Water (WA), Toxics and Waste (TW), Agriculture (AG), Energy (E), Fish and Wildlife (FW), Natural Resources (NR).

<sup>232</sup> See CAL. SEC'Y OF STATE, *supra* note 36; see also *List of California Ballots*, BALLOTPEDIA, [ballotpedia.org/wiki/index.php/List\\_of\\_California\\_ballot\\_measures](http://ballotpedia.org/wiki/index.php/List_of_California_ballot_measures) (last modified Jan. 1, 2014, 7:58 AM) (providing access to detailed descriptions of individual ballot measures in California).

<sup>233</sup> See *Oregon Election History*, OREGON BLUE BOOK, [bluebook.state.or.us/state/elections/elections06.htm](http://bluebook.state.or.us/state/elections/elections06.htm) (last visited Apr. 15, 2014); see also *List of Oregon Ballot Measures*, BALLOTPEDIA, [ballotpedia.org/wiki/index.php/List\\_of\\_Oregon\\_ballot\\_measures](http://ballotpedia.org/wiki/index.php/List_of_Oregon_ballot_measures) (last modified Jan. 30, 2014, 6:38 PM) (providing access to detailed descriptions of individual ballot measures in Oregon).

<sup>234</sup> See *Index to Initiative and Referendum History and Statistics, Elections & Voting*, OFFICE OF THE SEC'Y OF STATE, [www.sos.wa.gov/elections/initiatives/statistics.aspx](http://www.sos.wa.gov/elections/initiatives/statistics.aspx) (last visited Apr. 15, 2014); see also *List of Washington Ballot Measures*, BALLOTPEDIA, [ballotpedia.org/wiki/index.php/List\\_of\\_Washington\\_ballot\\_measures](http://ballotpedia.org/wiki/index.php/List_of_Washington_ballot_measures) (last modified Feb. 24, 2014, 3:33 PM) (providing access to detailed descriptions of individual ballot measures in Washington).

<sup>235</sup> See *Petitions and Ballot Issues*, STATE OF ALASKA DIVISION OF ELECTIONS, [www.elections.alaska.gov/pbi.php](http://www.elections.alaska.gov/pbi.php) (last visited Apr. 15, 2014); see also *List of Alaska Ballot Measures*, BALLOTPEDIA, [ballotpedia.org/wiki/index.php/List\\_of\\_Alaska\\_ballot\\_measures](http://ballotpedia.org/wiki/index.php/List_of_Alaska_ballot_measures) (last modified Mar. 20, 2014 7:25 AM) (providing access to detailed descriptions of individual ballot measures in Alaska).

**APPENDIX A: CALIFORNIA BALLOT INITIATIVE CATEGORIZATION**

This appendix contains the full categorization of every environmental ballot measure in the history of California. Each category is coded below as follows: Water (WA), Toxics and Waste (TW), Agriculture (AG), Energy (E), Fish and Wildlife (FW), Natural Resources (NR).

<b>Qualified Ballot Measure Title Referendum (R); Statute (S); Constitutional Amendment (C)</b>	<b>Election Cycle</b>	<b>Approved/ Rejected</b>	<b>CODE</b>
Water Commission Act (R)	1914	A	WA
Non-sale of Game (R)	1914	R	FW
Irrigation District Act (R)	1920	A	WA
Regulation of Publicly Owned Utilities (C)	1922	R	E, NR
Water and Power (C)	1922	R	E, NR, WA
Klamath River Fish and Game District (S)	1924	A	FW, WA
Gasoline Tax (S)	1926	R	E, NR
Water and Power (C)	1926	R	WA, E, NR
Prohibiting Certain Acts with Animals and Use of Certain Instruments to Control Them (S)	1928	R	AG, NR
Fish and Game (C)	1930	R	NR, FW
Tideland Grant to City of Huntington Beach (C)	1932	R	NR, WA
Oil Control (R)	1932	R	NR, E
Preventing Leasing of State Owned Tide or Beach Lands for Oil Production (R)	1932	A	E, WA, NR
Water and Power (R)	1933	A	WA, E, NR
Prohibiting Tideland Surface Oil Drilling, Authorizing Slant Drilling from Uplands (S)	1936	R	E, WA, NR
Oil Leases on State Owned Tidelands and Huntington Beach (R )	1938	R	E, WA, NR
Leasing State Owned Tidelands for Oil Drilling (R )	1938	R	E, WA, NR

Fishing Control (S)	1938	A	FW, WA
Oil and Gas Control (R)	1939	R	E, NR
Fish Nets (S)	1948	R	FW, WA
Oil and Gas Conservation (S)	1956	R	E, NR
Pollution (S)	1972	R	A, E
Coastal Zone Conservation Act (S)	1972	A	WA, NR, FW
Agricultural Labor Relations (S)	1972	R	AG
Wild and Scenic Rivers (S)	1974	R	WA, NR
Nuclear Power Plants (S)	1976	R	E, TW, WA
Peripheral Canal (R)	1982	R	WA, NR
Water Resources (S)	1982	R	WA
Restrictions on Toxic Discharges into Drinking Water, Requirement of Notice of Persons' Exposure to Toxics (S)	1986	A	TW, WA
Wildlife, Coastal and Park Land Conservation Bond Act (S)	1988	A	FW, NR
Wildlife Protection (S)	1990	A	FW, NR
Marine Resources (C)	1990	A	WA, FW
Pesticide Regulation (S)	1990	R	TW, NR, FW
Forestry Program, Timber Harvesting Bonds Act (S)	1990	R	NR, FW
Forestry Protection, Timber Harvesting Bond Act (S)	1990	R	NR, FW
Park Lands, Historic Sites, Wildlife and Forest Conservation Bonds (S)	1994	R	NR, FW
Public Transportation Trust. Funds Gasoline Sales Tax (S)	1994	R	E, NR, A, FW
Medical Use of Marijuana (S)	1996	A	AG
Wildlife, Body-Gripping Traps Ban, Animal Poisons (S)	1998	A	FW

## 228 GOLDEN GATE UNIV. ENVIRONMENTAL LAW J. [Vol. 7

Prohibition on Slaughter of Horses and Sale of Horsemeat for Human Consumption (S)	1998	A	AG
Air Quality Improvement Tax Credits (S)	1998	R	A
Water Quality, Supply, and Safe Drinking Water Projects, Coastal Wetlands Purchase and Protection Bonds (S)	2002	A	WA
Water Quality, Safety and Supply, Flood Control. Natural Resource Protection. Park Improvements. Bonds (S)	2006	A	WA, NR
Alternative Energy, Research, Production, Incentives. Tax on California Oil (CA/S)	2006	R	E
Treatment of Farm Animals (S)	2008	A	AG
Renewable Energy (S)	2008	R	E, A
Bonds, Alternative Fuel Vehicles and Renewable Energy (S)	2008	R	E, A
New Two-Thirds Vote Requirement for Local Public Utilities Providers (C)	2010	R	E
Changes CA Law to Legalize Marijuana and Allow it to Be Regulated and Taxed (S)	2010	R	AG
Establishes \$18 Annual Vehicle License Surcharge to Help Fund State Parks and Wildlife Programs and Grants Free Admission to All State Parks to Surcharged Vehicles (S)	2010	R	FW, NR
Suspends Air Pollution Control Laws Requiring Major Polluters to Report and Reduce Greenhouse Gas Emissions that Cause Global Warming Until Unemployment Drops Below Specified Level for Full Year (S)	2010	R	A
Tax Treatment for Multistate Businesses. Clean Energy and Energy Efficiency Funding (S)	2012	A	E
Genetically Engineered Foods. Mandatory Labeling (S)	2012	R	AG

**APPENDIX B: OREGON BALLOT INITIATIVE CATEGORIZATION**

This appendix contains the full categorization of every environmental ballot measure in the history of Oregon. Each category is coded below as follows: Water (WA), Toxics and Waste (TW), Agriculture (AG), Energy (E), Fish and Wildlife (FW), Natural Resources (NR).

<b>Qualified Ballot Measure Title Referendum (R); Statute (S); Constitutional Amendment (C)</b>	<b>Election Cycle</b>	<b>Approved /Rejected</b>	<b>CODE</b>
Fishery Law Proposed by Fishwheel Operators (S)	1908	A	FW
Fishery Law Proposed by Gillnet Operators (S)	1908	A	FW
Prohibiting Taking of Fish from Rogue River Except with Hook and Line (S)	1910	A	FW
Statewide Public Utilities Regulation (R)	1912	A	WA, E, NR
Prohibiting Seine and Setnet Fishing in Rogue River and Tributaries (R)	1918	R	FW
Closing the Willamette River to Commercial Fishing South of Oswego (R)	1918	A	WA
Roosevelt Bird Refuge (S)	1920	R	FW
Fish Wheel, Trap, Seine and Gillnet Bill (S)	1926	A	FW
Nestucca Bay Fish Closing Bill (R)	1927	A	FW
Deschutes River Water and Fish Bill (S)	1928	R	FW
Rogue River Water and Fish Bill (S)	1928	R	FW
Umpqua River Water and Fish Bill (S)	1928	R	FW
McKenzie River Water and Fish Bill (S)	1928	R	FW
Rogue River Fishing Constitutional Amendment (C)	1930	R	FW
People's Water and Power Utility Districts Constitutional Amendment (C)	1930	A	WA, E, NR
Bill Prohibiting Commercial Fishing on the Rogue River (R)	1932	R	FW
State Water Power and Hydroelectric Constitutional Amendment (C)	1932	A	WA, E, NR
Water Purification and Prevention of Pollution Bill (S)	1938	A	WA, TW
Bill Restricting and Prohibiting Net Fishing Coastal Streams and Bays (R)	1942	R	FW

## 230 GOLDEN GATE UNIV. ENVIRONMENTAL LAW J. [Vol. 7]

Bill Regulating Fishing in Coastal Streams and Inland Waters (R)	1946	A	FW
Bill Amending Licensing and Acquisition Provisions for Hydroelectric Commission Act (R)	1948	R	NR, WA, E
Prohibiting Salmon Fishing in Columbia River with Fixed Appliances (S)	1948	A	FW
Prohibiting Certain Fishing in Coastal Streams (S)	1954	R	FW
Prohibiting Certain Fishing in Coastal Streams (S)	1956	A	FW
Prohibiting Commercial Fishing for Salmon, Steelhead (S)	1964	R	FW
Restricts Governmental Powers Over Rural Property (C)	1970	R	NR
Scenic Waterways Bill (S)	1970	A	FW, NR, WA
Prohibits Purchase or Sale of Steelhead (S)	1974	A	FW
Regulates Nuclear Power Plant Construction Approval (S)	1976	R	E, TW, WA
Prohibit Adding Fluorides to Water Systems (S)	1976	R	WA
Forbids Use, Sale of Snare, Leghold Traps for Most Purposes (S)	1980	R	FW
Nuclear Plant Licensing Requires Voter Approval, Waste Disposal Facility Existence (S)	1980	A	WA, TW, E
Adds Requirements for Disposing Wastes Containing Naturally Occurring Radioactive Isotopes (S)	1984	A	WA, TW, E
Legalizes Private Possession and Growing of Marijuana for Personal Use (S)	1986	R	AG
Prohibits Nuclear Power Plant Operation Until Permanent Waste Site Licensed (S)	1986	R	TW, E
Supersedes "Radioactive Waste" Definition; Changes Energy Facility Payment Procedure (S)	1986	R	E, TW, WA
Oregon Scenic Waterway System (S)	1988	A	NR, WA, FW
Prohibits Trojan Operation Until Nuclear Waste, Cost, Earthquake Standards Met (S)	1990	R	E, TW, WA
Product Packaging Must Meet Recycling Standards or Receive Hardship Waiver (S)	1990	R	TW
Closes Trojan Until Nuclear Waste, Cost, Earthquake, Health Conditions Met (S)	1992	R	E, TW, WA

2014] *EFFECTIVE ENVIRONMENTAL POLICYMAKING* 231

Bans Trojan Power Operation Unless Earthquake, Waste Storage Conditions Met (S)	1992	R	E, TW, WA
Restricts Lower Columbia Fish Harvests to Most Selective Means Available (S)	1992	R	FW
Amends Chemical Process Mining Laws: Adds Requirements, Prohibitions, Standards, Fees (C)	1994	R	TW, NR
Bans Hunting Bears with Bait, Hunting Bears, Cougars with Dogs (S)	1994	A	FW
Wildlife Management Exclusive to Commission; Repeals 1994 Bear/Cougar Initiative (S)	1996	R	FW
Broadens Types of Beverage Containers Requiring Deposit and Refund Value (S)	1996	R	TW
Prohibits Livestock in Certain Polluted Waters or on Adjacent Lands (S)	1996	R	TW, AG
Makes Possession of Limited Amount of Marijuana Class C Misdemeanor (R)	1998	R	AG
Prohibits Many Present Timber Harvest Practices, Imposes More Restrictive Regulations (S)	1998	R	NR
Dedicates Some Lottery Funding to Parks, Beaches; Habitat, Watershed Protection (C)	1998	A	WA, NR, FW
Allows Medical Use of Marijuana Within Limits; Establishes Permit System (S)	1998	A	AG
Bans Body-Gripping Animal Traps, Some Poisons; Restricts Fur Commerce (S)	2000	R	FW
Requires Labeling of Genetically-Engineered Foods Sold or Distributed in or from Oregon (S)	2002	R	AG
Requires Marijuana Dispensaries for Supplying Patients/Caregivers; Raises Patients' Possession Limit (S)	2004	R	AG
Establishes Medical Marijuana Supply System and Assistance and Research Programs; Allows Limited Selling of Marijuana (S)	2010	R	AG
Continues Lottery Funding for Parks, Beaches, Wildlife Habitat, Watershed Protection Beyond 2014; Modifies Funding Process (C)	2010	A	WA, FW, NR
Allows Personal Marijuana, Hemp Cultivation/Use Without License; Commission to Regulate Commercial Marijuana Cultivation/Sale (S)	2012	R	AG
Protect Our Salmon Act 2012 (S)	2012	R	FW



**APPENDIX C: WASHINGTON BALLOT INITIATIVE CATEGORIZATION**

This appendix contains the full categorization of every environmental ballot measure in the history of Washington. Each category is coded below as follows: Water (WA), Toxics and Waste (TW), Agriculture (AG), Energy (E), Fish and Wildlife (FW), Natural Resources (NR).

<b>Qualified Ballot Measure Title Referendum (R); Statute (S); Constitutional Amendment (C)</b>	<b>Election Cycle</b>	<b>Approved /Rejected</b>	<b>CODE</b>
Quincy Valley Irrigation Measure (R)	1913	R	AG, WA
Port Commission (R)	1915	R	WA
Electric Power Measure (S)	1924	R	E, NR
Creating Department of Game (S)	1932	A	FW
Cities and Towns: Electric Energy (R)	1933	A	E
Fishing and Fish Traps (S)	1934	A	FW
Relating to the Creation of a State Timber Resources Board (R)	1946	R	NR
Public Utility Districts (S)	1946	R	NR, E
Commercial Salmon Fishing (S)	1954	R	FW
Marine Recreation Land Act (S)	1964	A	NR, WA
Bottle Bill (S)	1970	R	TW
Fluoridation (S)	1976	R	WA
Nuclear Power Facilities (S)	1976	R	E, NR, WA
Ban Radioactive Waste Import (S)	1980	A	TW
Bottle Bill (S)	1982	R	TW
Fishing and Indian Rights (S)	1984	A	FW, NR
State Fishing Regulations (S)	1995	R	FW
Bear-Baiting (S)	1996	A	FW
Medical Use of Marijuana	1998	A	AG
Commercial Fishing Restrictions (S)	1999	R	FW
Animal Trapping (S)	2000	A	FW
Energy Resources (S)	2006	A	E, NR
Concerns Marijuana (S)	2012	A	AG

**APPENDIX D: ALASKA BALLOT INITIATIVE CATEGORIZATION**

This appendix contains the full categorization of every environmental ballot measure in the history of Alaska. Each category is coded below as follows: Water (WA), Toxics and Waste (TW), Agriculture (AG), Energy (E), Fish and Wildlife (FW), Natural Resources (NR).

<b>Qualified Ballot Measure Title Referendum (R); Statute (S); Constitutional Amendment (C)</b>	<b>Election Cycle</b>	<b>Approved/ Rejected</b>	<b>CODE</b>
Limited Entry Fisheries (S)	1974	A	FW
Administration and Review of State Land Deposits (C)	1976	R	NR
Refundable Deposits on Certain Beverage Containers (S)	1978	R	TW
Disposal of State Lands (S)	1978	A	NR
Personal Consumption of Fish and Game (S)	1982	R	FW
Claiming State Ownership of Federal Land (S)	1982	A	NR, FW
Relating to the Re-criminalization of Marijuana (S)	1990	A	AG
An Act Relating to Same-Day Airborne Hunting of Certain Animals (S)	1996	A	FW
An Act Relating to the Use of Snares in Trapping Wolves (S)	1998	R	FW
An Act Relating to the Medical Uses of Marijuana for Persons Suffering from Debilitating Medical Conditions (S)	1998	A	AG
Land and Shoot Referendum (R)	2000	A	FW
Allowing Uses of Hemp, Including Marijuana (S)	2000	R	AG
Amendment Prohibiting Voter Initiatives About Wildlife (C)	2000	R	FW
Gas Pipeline Development Authority (S)	2002	A	NR, E
Prohibiting Bear Baiting or Feeding (S)	2004	R	FW
Initiative to Legalize Marijuana (S)	2004	R	AG
Natural Gas Resources Tax and Production Credit (S)	2006	R	NR, E
Bill Providing for Regulations of Water Quality (S)	2008	R	WA, TW, NR
Bill Amending Same Day Airborne Shooting (S)	2008	R	FW
An Act Establishing the Alaska Coastal Management Program (S)	2012	R	WA, FW, NR