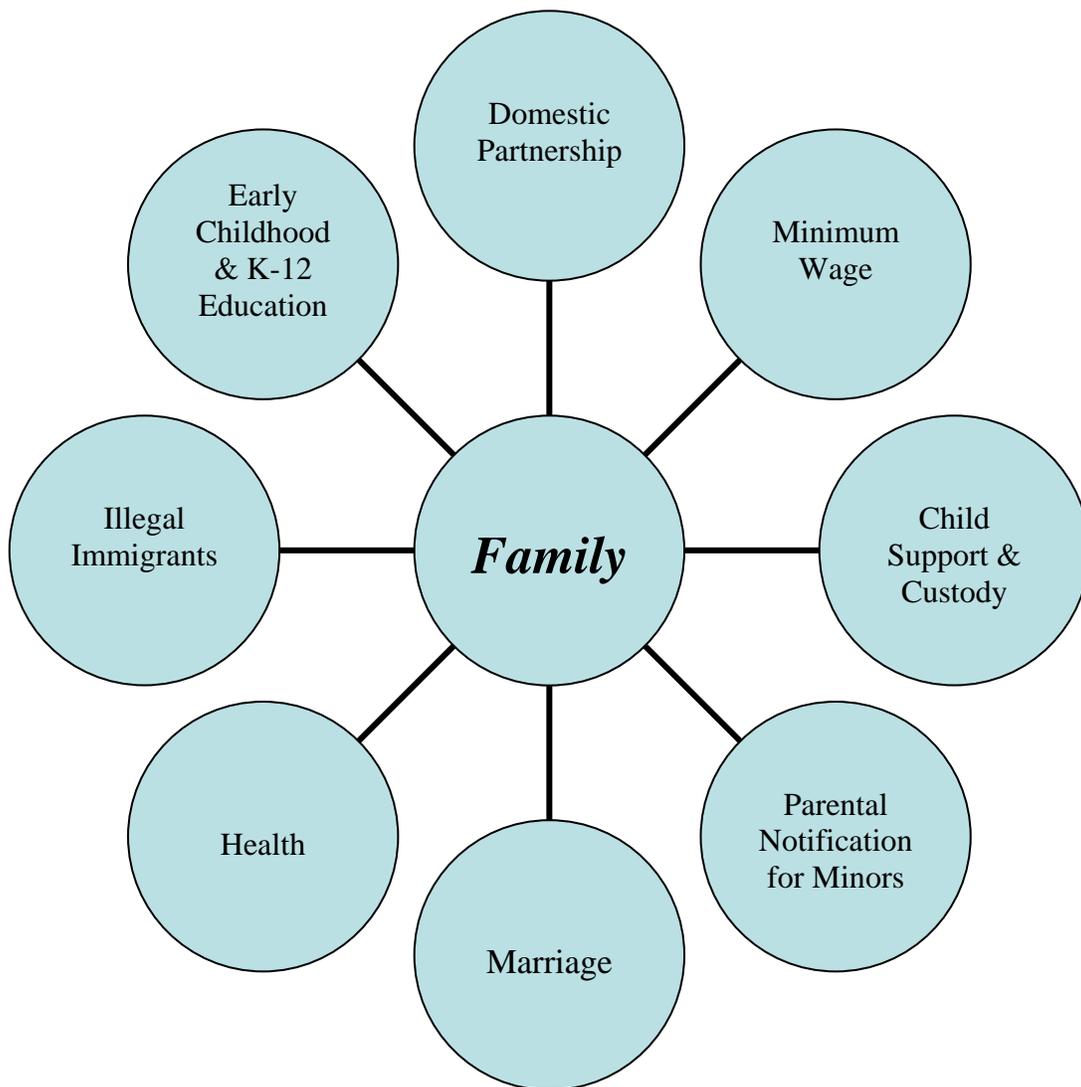


FAMILY

How will you cast your votes?



2006 Ballot Referendums



For a copy of the election guide to family policy issues, visit www.hhp.umd.edu/fmst/fis



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The way we vote influences our opportunities, informs our democracy, and shapes our collective future.

Make an informed decision.

A referendum is a direct vote in which an entire electorate is asked to either accept or reject a particular proposal. This may be the adoption of a new constitution, a constitutional amendment, a law, a change in the law, the recall of an elected official or simply a specific government policy. Certain kinds of referendums held in some states of the United States are referred to as ballot measures, initiatives or propositions. The referendum or plebiscite is a form of direct democracy. In the 2006 November elections, various family related referendums will come under scrutiny as different state’s electorate decide on whether to pass or reject the current proposition placed before them on the ballot.

In an effort to inform voters of the specifics of these referendums, family policy doctoral students in the Department of Family Studies at the University of Maryland compiled this referendum voting guide. We present an objective non-partisan collection of information on these various family related issues. Readers will find this tool useful in identifying the key points and issues inherent in these referendums that affect families in the United States in order to make informed choices.

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Child Custody and Support

Prepared by Nicolle Buckmiller, M.S.

Overview: Parental divorce can be extremely difficult for children. Amato¹ asserts that, compared to children whose parents are continuously together, children whose parents divorce may experience weaker parental ties, particularly to fathers. A U.S. Census report stated that in 2000, 1.5 million children experienced the divorce of their parents and 80%, or 1.2 million of these children, lived with their mother². The impact of divorce on children can have some negative effects but these effects may be moderated by the parents' ability to co-parent together and the level of the child's access to both parents³. In a meta-analysis of research conducted about sole-custody and joint custody living arrangements of children, it was concluded that children in joint-custody family arrangements seemed to display better adjustment across behavioral, emotional, family and other measures (similar to children in intact families) versus children in sole-custody parenting situations³.

In the 2006 November elections, one state has a referendum on the ballot pertaining to child custody and support. The major focus of this initiative is to increase the likelihood that children will receive the support and attention of both of their parents, when there are not any other conditions or evidence that would support denying parental rites (e.g. abuse, domestic violence). This state and the changes the approved ballot referendum would bring about are:

- ☑ **NORTH DAKOTA.** This proposed initiative provides both parents with entitlement to joint *physical* and *legal* custody, unless they are declared unfit due to clear and convincing evidence. Parents also would be required to develop a joint parenting plan, with child support payments determined from this plan to reflect only the cost of providing for the basic needs of the individual child. More information may be obtained at: www.ndspi.org/index.php

Domestic Partnership

Prepared by Kate Speirs, M.A.

Overview: In recognition of changing family forms, specifically the increasing number of committed same-sex couples, several states have adopted laws that give same-sex couples some of the rights that married heterosexual couples have without expanding the definition of marriage to include the union of two people of the same sex⁴. One way these rights have been awarded is by allowing same-sex couples to register their union as a domestic partnership. Presently, California, Hawaii, Maine, New Jersey, and Washington, DC allow same-sex couples to register as domestic partners⁵.

In the 2006 November elections, one state is considering a referendum that proposes to authorize domestic partnerships which will grant same-sex couples some of the same rights and responsibilities as heterosexual married couples. This state and the changes the approved ballot referendum would bring about are:

- ☑ **COLORADO. HB 1344-Referendum I** would allow two people who are the same sex and at least 18 years old to enter into a domestic partnership in Colorado. Domestic partners would have some of the rights and responsibilities that Colorado state law gives married couples, such as, the ability to inherit property, make medical decisions for each other, see each other in the hospital, receive child custody and support, and receive protection from domestic abuse. Domestic partners would not be allowed to file joint state tax returns and child placement agencies could refuse domestic partners the chance to adopt a child for religious reasons. Referendum I would not give domestic partners any of the federally granted rights that married spouses have, such as, filing joint federal tax returns, accessing Social Security payments after the death of a spouse, or transferring 401 (k)s or other tax shelters. More information may be obtained at: <http://www.fairnessandequality.org/site/PageServer>

Early Childhood and K-12 Education

Prepared by Angela Pinzon, M.D., M.P.H.

Overview: The environment clearly influences the development of human beings. Many scientific publications have suggested that exposure to healthy environments during early childhood will determine better outcomes for individuals in the future⁶. It is important to consider that parents and other caregivers are the main actors of this environment and they need help from the society to fulfill their parenting functions⁷.

Programs designed to help families with children in early childhood, offering kids positive incentives to develop, have shown benefits for both the children and their parents⁸. Among those programs are: school-based kindergarten transition policies⁹, preschool programs¹⁰, family-centered early health and development intervention¹¹, and Early Head Start¹².

In the 2006 November elections, three states have initiatives on the issue of *Early Childhood Development* programs for preschool children. Eight states have initiatives on the improvement of *Education from Kindergarten to Grade 12 (K-12)*. These states and the changes their approved ballot referendums would bring about are:

Early Childhood Development

- ☑ **ARIZONA. Proposition 203** would collect \$150 million dollars to spend on voluntary screening and education programs for children between 0 and 5 years of age, by increasing the tax on tobacco. More information may be obtained at: <http://www.firstthingsfirstaz.com/about/index.cfm>
- ☑ **CALIFORNIA. Proposition 86** would increase by 13% the tax on cigarettes. It would permit the creation of the Tobacco Fund, 19.22% which would go to a healthy kids subaccount to ensure comprehensive health insurance to every child in the state. More information may be obtained at: <http://www.childrenpartnership.org//AM/Template.cfm?Section=Home>
- ☑ **NEBRASKA. Amendment 5** proposes the amendment of the constitution to use funds dedicated to schools to finance preschool education programs. More information may be obtained at: <http://www.voicesforchildren.com/index.asp>

Education from K-12.

- ☑ **CALIFORNIA. Proposition 88** would impose a \$50 tax on every parcel property to collect funds to improve the public education from K-12, including class size reduction, textbooks, school safety, Academic Success grants, and evaluation of the program. More information may be obtained at: <http://www.smartvoter.org/2006/11/07/ca/state/prop/88/>
- ☑ **COLORADO. Referendum J** proposes that each school district spend at least 65% of its operation expenses on services that directly affect children. More information may be obtained at: <http://www.leg.state.co.us/lcs/0506initrefr.nsf/0/570ef8fde282b79d87257168005fe3d7?OpenDocument>
- ☑ **IDAHO. Proposition 1** would create the public school investment Fund by increasing the sales tax 1%. The Fund would support students in the classrooms (K-12) and improve the schools. More information may be obtained at: <http://www.idahoea.org>
- ☑ **MICHIGAN. Proposal 06-05** would ensure appropriate minimum funding levels for public education from KG to 16 (graduate school), amending the State School Aid Act. More information may be obtained at: <http://www.michigank16.org>

- ☑ **NEVADA. Question 1** proposes to force the legislature to fund public schools from K-12 before any other expenditure. More information may be obtained at: http://sos.state.nv.us/nvelection/2004_bq/bq1.htm
- ☑ **OKLAHOMA.** Proposes that each school district spend at least 65% of its operation expenses on services that directly effect children (classroom instruction). Pending in Supreme Court. More information may be obtained at: <http://www.firstclasseducation.org/ok.asp>
- ☑ **SOUTH DAKOTA. Measure 2** proposes to increase the tax on cigarettes and tobacco products. After collecting 35 million dollars, 33% of the extra revenue will go to enhance education. More information may be obtained at: http://www.vote-smart.org/election_ballot_measures_detail.php?ballot_id=M000001389
- ☑ **WYOMING. Constitutional Amendment B** proposes equal funding for all school districts regardless of revenues from property taxes. More information may be obtained at: <http://soswy.state.wy.us/election/2006/const-b.htm>

Health

Prepared by Liz Davenport Pollock, M.S.

Overview: Health is an important personal and political issue. There are a variety of health issues that affect Americans and intersect with the political arena. In the referendums in 2006 those intersections are enhanced health care coverage, stem cell research, and tobacco use reform. The increasing cost of healthcare in the United States has made healthcare reform an increasing priority in political venues. The U.S. spends more per person in total health costs than any other developed country, except for Switzerland¹³. The number of uninsured in the U.S. is increasing and now is over 43 million¹⁴.

Another emerging health issue is stem cell research. This issue interfaces with healthcare, research, and personal ethics. Since the introduction of stem cell research twenty years ago, scientific questions, and ethical concerns have emerged¹⁵. The third health issue on the ballots this year is concern over tobacco usage. According to the National Institutes of Health, “more than 400,000 deaths in the U.S. each year are from smoking-related illnesses”¹⁶. The negative health consequences of smoking have made it a political issue as states are deciding whether to prohibit smoking in public places, and/or put a tax on cigarettes.

In the 2006 November elections, two states are considering reform to their Medicaid healthcare initiatives, one state is considering a stem cell research limitation initiative, and six states are considering tobacco usage reform. These states and the changes their approved ballot referendums would bring about are:

Stem Cell Research

- ☑ **MISSOURI.** The **Missouri Stem Cell Research Act** seeks to amend the Missouri constitution to allow for guidelines to limit stem cell research. More information may be obtained at: <http://www.missouricures.com>

Medicaid Reform

- ☑ **LOUISIANA.** Louisiana is seeking to authorize investment in equities not to exceed 35% of the Medicaid Trust Funds for the elderly. More information may be obtained at:
<http://www.legis.state.la.us/billdata/streamdocument.asp?did=407052>
- ☑ **MISSOURI.** Missouri’s health referendum on Medicaid reform is aimed at low-income Missouri families, children, elderly and disabled to restore the state Medicaid healthcare programs. This referendum also seeks to adjust the income limit for some Medicaid recipients. More information may be obtained at:
<http://www.missouricures.com>

Tobacco Usage

- ☑ **ARIZONA.** The **Smoke-Free Arizona Act** seeks to prohibit smoking in enclosed public places, and pay for the enforcement by a tax on cigarettes. More information may be obtained at:
<http://www.smokefreearizona.org/grassroots/overview>
- ☑ A second initiative in Arizona also prohibits smoking in enclosed public places, with the tax on cigarettes, but also adds a prohibition against minors being in a bar that permits smoking. More information may be obtained at:
[http://www.azsos.gov/election/2006/General/BallotMeasureText/PROP%2020X%20\(I-22-2006\).htm](http://www.azsos.gov/election/2006/General/BallotMeasureText/PROP%2020X%20(I-22-2006).htm)

- ☑ **CALIFORNIA.** This initiative seeks to add a 13% tax on cigarettes and other tobacco products, and give the money to fund hospitals and health programs. More information may be obtained at: http://ag.ca.gov/initiatives/pdf/sa2005rf0139_1-ns.pdf
- ☑ **FLORIDA. Amendment 4** seeks to protect people (especially youth) from the effects of tobacco by initiating a statewide tobacco education and prevention program. More information may be obtained at: <http://www.keepkidssmokefree.org>
- ☑ **MISSOURI.** This initiative amends the Missouri constitution to create a trust fund to prevent tobacco use and to help in the healthcare treatment for eligible low-income Missourians. More information may be obtained at: <http://www.sos.mo.gov/elections/2006petitions/ip200623.asp?pid=25>
- ☑ **NEVADA.** Nevada has two initiatives prohibiting smoking indoors in certain public places. More information may be obtained at: <http://leg.state.nv.us/73rd/bills/IP/IP2.pdf> and <http://leg.state.nv.us/73rd/bills/IP/IP1.pdf>
- ☑ **SOUTH DAKOTA.** South Dakota seeks to increase the tax on cigarettes and other tobacco products and use the money to fund tobacco prevention programs. More information may be obtained at: <http://www.sdsos.gov/electionsvoteregistration/electvoterpdfs/Cigarettetax.pdf>

Illegal Immigration

Prepared by Colleen Vesely, M.A.

Overview: The United States Office of Immigration Statistics (OIS) estimates that in January 2006, there were approximately 11 million unauthorized or illegal immigrants living in the U.S. This number is an increase from 2000 when the figure reported was 8.5 million. The unauthorized population grows by approximately 408,000 annually¹⁷.

Legal immigration figures¹⁸, as well as historical data on *illegal* immigration¹⁹, indicate that family connections to U.S. citizens and other immigrants is the primary reason people migrate to the U.S. With increased border control over the past two decades, unauthorized immigrants have started to create more permanent homes in the U.S. to avoid multiple border crossings. In turn, illegal immigrants quite often have spouses and children who are U.S. citizens. Consequently, policy decisions related to unauthorized immigrants' rights impact not only unauthorized individuals living in the U.S., but entire family systems, including U.S. citizens and minors.

In the 2006 November elections, two states are considering referendums that would limit unauthorized immigrants' access to U.S. programs and services. Another goal of these referendums is to make authorized immigrants and citizens accountable for upholding these laws, by not providing certain services and employment to illegal immigrants. Based upon these referendums, illegal immigrants could be denied services and programs that might be beneficial for their family and children, who may be legal immigrants or U.S. citizens. These states and the changes their approved ballot referendums would bring about are:

- ☑ **ARIZONA.** (1) Prohibiting any illegal immigrant from being awarded punitive damages from a civil lawsuit; (2) Making illegal immigrants ineligible for various public programs like, taking classes offered by the Arizona Department of Education and receiving child care assistance from the Arizona Department of Economic Security.
- ☑ **COLORADO.** (1) Eliminating the state income tax benefit for any business that knowingly employs an unauthorized immigrant; (2) Demanding the enforcement of immigration laws at the federal level; (3) Prohibiting the state of Colorado from providing non-emergency services to unauthorized immigrants; this referendum includes the ability of any individual Colorado citizen to enforce this provision through law suits.

Marriage

Prepared by Taryn Dezfulian, M.S., LGMFT

Overview: Whether or not same-sex couples should have the right to form marital unions has been a topic of debate at both the federal and state levels. Activists for gay and lesbian rights argue that excluding gay and lesbian couples from the institution of marriage and the legal protection marriage provides for same-sex partnerships and their children has a deleterious impact on families²⁰. Further they argue same-sex marriage extends basic human rights to same-sex couples²¹. Conversely, opponents of gay marriage state that recognition of same-sex marriage diminishes traditional family values and the nuclear family²², and minimizes the institution of heterosexual marriage. They argue children fare better with heterosexual parents²³.

The Defense of Marriage Act (DOMA), passed in 1996²⁴, defined marriage as a union between one man and one woman. However, many aspects of marriage law affecting the day-to-day lives of citizens are determined at the state level. Currently, six states have enacted laws that recognize same-sex marriage, civil unions, or a form of domestic partnership. Massachusetts has recognized same-sex marriage since 2004²⁵. Connecticut, Vermont, and California have created legal unions that are not called marriage, but extend all the rights and responsibilities of marriage to same-sex couples. The District of Columbia, Hawaii, Maine, and New Jersey have all created legal unions that extend varying subsets of legal rights to same-sex couples. At the same time, nineteen states have passed constitutional amendments that ban the recognition of same-sex marriage.

In the 2006 November elections, seven states are considering referendums defining marriage. All of these initiatives seek to amend the state's constitution to reflect marriage as being between one man and woman only. Many of the states take the proposed amendment one step further, prohibiting the state from recognizing unmarried or domestic partnerships or granting legal status to these unions. These states and the changes their approved ballot referendums would bring about are:

- ☑ **ARIZONA. C-02-2006 Protect Marriage Arizona** would amend the Arizona Constitution to define marriage as a union consisting between one man and one woman only. This amendment would prohibit the state constitution from recognizing the unions of unmarried persons and awarding those persons benefits in accord with marriage. More information may be obtained at:
<http://www.azsos.gov/election/2006/General/Initiatives.htm>
- ☑ **COLORADO. Proposition 43** would amend the Colorado Constitution to define marriage as a union between one man and one woman only. More information may be obtained at:
http://www.state.co.us/gov_dir/leg_dir/lcsstaff/bluebook/Bluebook2006.htm
- ☑ **IDAHO. Joint House Resolution 2** proposes to amend the Idaho Constitution to define marriage as a union between a man and a woman only. The marriage amendment would prohibit the recognition of and legal benefits to civil unions and domestic partnerships. More information may be obtained at:
<http://www.hsllda.org/Legislation/State/id/2006/IDHJR2/default.asp>
- ☑ **SOUTH CAROLINA. Marriage Amendment** would amend South Carolina's Constitution to read "Marriage in the State of South Carolina, and its political subdivisions, is exclusively defined as a union between one man and one woman; all other attempted or putative unions, including those recognized by other jurisdictions, are void abinitio." More information may be obtained at:
http://www.scstatehouse.net/sess116_2005-2006/bills/3133.htm

- ☑ **TENNESSEE. The Marriage Protection Amendment** would amend the Constitution of Tennessee to define marriage as a legal contract between one man and one woman only. More information may be obtained at: <http://www.legislature.state.tn.us/bills/currentga/BILL/SJR0031.pdf>

- ☑ **VIRGINIA. Joint House Resolution 41** would define marriage as a union between one man and one woman. This referendum would prohibit the Commonwealth and its political subdivisions from recognizing or granting legal status to unmarried individuals. More information may be obtained at: <http://leg1.state.va.us/cgi-bin/legp504.exe?ses=061&typ=bil&val=hj41>

- ☑ **WISCONSIN. Marriage initiative** would add **Section 13 of Article XIII** to the Constitution of Wisconsin to define a marriage between one man and one woman only. This amendment would prohibit the state of Wisconsin from recognizing or granting legal status to unmarried individuals. More information may be obtained at: <http://www.legis.state.wi.us/2005/data/AJR-67.pdf>

Minimum Wage

Prepared by Lindsey Hoskins, M.S., LGMFT

Overview: A major issue facing many American families today is minimum wage. Working full-time at the current federal minimum wage of \$5.15 per hour, a worker would earn \$10,712 annually, barely above the 2006 poverty threshold of \$9,800 for a single adult and nowhere near the 2006 poverty threshold for a family of two (\$13,200) or three (\$16,600)²⁶. Current statistics indicate that 17% of children in the U.S. live below the poverty line; the economic conditions of many of these children could be significantly improved if the minimum wage were increased. Living in economic hardship increases children's risk for a number of negative outcomes, including academic difficulties and/or failure²⁷, overweight and obesity²⁸, infectious diseases, respiratory difficulties, and behavioral problems²⁹. The last vote to increase the federal minimum wage occurred in 1997; adjusted for inflation, that wage today is equivalent to a 1997 wage of \$4.69.

The federal minimum wage provides an absolute minimum wage for all employers in the 48 contiguous U.S. states and the District of Columbia; several states have increased their minimum wage significantly above this federal minimum. For example, the state minimum wage is \$6.75 in California, \$7.00 in the District of Columbia, and \$7.40 in Connecticut (with a scheduled increase to \$7.65 on January 1, 2007). Several indicators of child and family well-being are significantly better in states with a higher minimum wage^{28,30}.

In the 2006 November elections, five states are considering changing current minimum wage laws or enacting state minimum wage laws where they do not currently exist. These states and the changes their approved ballot referendums would bring about are:

- ARIZONA.** Currently, Arizona has no state minimum wage law; employees must be paid at least the federal minimum wage of \$5.15. **Proposition 202** would enact a state minimum wage of \$6.76 beginning on January 1, 2007; annual cost of living adjustments would be provided afterward. More information may be obtained at: www.azminimumwage.com
- COLORADO.** Colorado's current minimum wage is identical to the current federal minimum wage of \$5.15. **Amendment 42** would increase the state minimum wage to \$6.85 per hour for non-tipped employees and \$3.02 for tipped employees, with annual adjustments for inflation. More information may be obtained at: www.progressivecoalition.org/minimum_wage111
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- MISSOURI.** Missouri's current minimum wage is identical to the current federal minimum wage of \$5.15. **Proposition B** would increase the state minimum wage to \$6.50 or the federal minimum wage, whichever is higher. Adjustments for inflation would be made annually. More information may be obtained at: <http://www.sos.mo.gov/elections/2006ballot/>
- MONTANA.** Montana's current minimum wage is identical to the current federal minimum wage of \$5.15. **Initiative No. 151** would raise the state minimum wage to the greater of \$6.15 or the federal minimum wage effective January 1, 2007, with annual adjustments for inflation. More information may be obtained at: www.raisemontana.org

- ☑ **NEVADA.** Nevada’s current minimum wage is identical to the current federal minimum wage of \$5.15. **Question 6** would raise the minimum wage to \$6.15 per hour if the employer does not provide health benefits. Individuals working for employers who provide health insurance would remain at the current minimum wage of \$5.15. No increases for inflation are guaranteed under this referendum. More information may be obtained at:
http://www.democraticunderground.com/discuss/duboard.php?az=view_oet&address=358x1692

Parental Notification for Minors

Prepared by Kate Riera, M.S.Ed.

Overview: This referendum issue of parental notification pertains to minors seeking an abortion. In 35 states, the parents of unemancipated minors seeking an abortion must be notified by the medical profession performing the abortion before the procedure takes place. In 23 of these states consent must also be obtained from one or both parents³¹. Provisions to waive parental consent are made for girls who are being abused, face violence in the home, or have been victims of rape. To address these circumstances, a judicial bypass of the notification can be obtained by the female minor.

The decision to have an abortion and its possible physical and emotional effects can be difficult for a minor to handle without the guidance and aid of an adult. Parental notification ensures that the young woman's parents have the opportunity to help her through the process and to provide any needed care after the abortion. An additional concern of "secret" abortions is that possible sexual crimes such as abuse, incest, or statutory rape will go undiscovered and unreported³². A recent study showed a positive link between parental notification and a decrease in risky sexual behaviors for female teens³³. Critics are concerned that in a time of fear, teens may resort to unsafe measures rather than have their parents find out or tackle the court bypass option³⁴.

In the 2006 November elections, two states are considering referendums that would address parental notification. These states and the changes their approved ballot referendums would bring about are:

- ☑ **CALIFORNIA. Proposition 85** amends the California law that currently allows minors as young as 12 years of age to receive an abortion without their parents' knowledge. This proposition proposes that parents be notified at least 48 hours before their teenage daughter receives an abortion. Parents do not have to consent to the abortion, however written notification must be sent to them from the medical professional by certified mail. For those girls who are fearful of violent repercussions in the home or who are being sexually abused in the home a judicial bypass option exists whereby the minor can waive the parental notification. The minor can ask the court to waive notification also if she can demonstrate maturity to make the decision on her own. In medical emergencies notification may be waived by the physician. However, if notification is not officially waived then the physician is legally liable and may face charges. Additionally physicians are required to report certain data, such as date and facility of the procedure as well as birth month and year of the minor to the state Department of Health Services. More information may be obtained at: <http://www.parentsright2know.org> or <http://noon85.com>

- ☑ **OREGON. Measure 43** requires parental notification of any minor ages 15-17 who is seeking an abortion. This notification must be in writing and received by the parents 48 hours before the procedure is to be performed. Exceptions to this notification are medical emergencies or instances where the pregnant minor sought out a judicial bypass for reasons of danger, abuse, or other reasons. If notification is not waived and the medical professional fails to deliver notification then they are liable for damages which may include sanctions or license suspension. More information may be obtained at: <http://www.ortl.org> or <http://www.noon43.com/>

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