

Initiative Petition Signature Requirements

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Overview

State signature requirements for ballot access vary widely. They usually are based on a percentage of votes cast for a particular office-most often the office of governor-in the most recent election. In a few states, the requirement is based on total votes cast, total registered voters, or total state residents.

In most states that have both a statutory and constitutional initiative process, there is usually a higher signature threshold to qualify a constitutional initiative. The only exceptions are **Colorado**, **Massachusetts** and **Nevada**. The distinction exists because it is widely believed that amending the constitution should be more difficult than amending the statutes. Some reformers, however, argue that a more effective manner of achieving this goal would be to require a higher vote to approve constitutional initiatives than statutory initiatives. This argument is supported by the fact that the higher signature threshold for constitutional initiatives is rarely a barrier to achieving ballot status, provided proponents have ample funds to pay signature gatherers.

Requirements for Statutory Initiatives

Percentage requirements for signatures on statutory initiatives range from a low of 2 percent of the resident population in **North Dakota** (12,844 for 2010 ballot access), to a high of 15 percent of the total number of votes cast in the preceding election in **Wyoming** (38,406 signatures for 2010 ballot access). However, because Wyoming is a small population state, there are other states where the actual number of signatures that must be gathered is higher. The highest *actual* signature requirement for 2010 ballot access is **California**, where 433,971 signatures are required to place a statutory initiative on the 2010 ballot (equal to 5 percent of the votes cast for governor in the last election).

Requirements for Constitutional Initiatives

Percentage requirements for signatures on constitutional amendments range from a low of 3 percent of total votes cast for governor in **Massachusetts** (66,593 for 2010 ballot access), to a high of 15 percent of total votes cast for governor in **Arizona** (230,047 for 2010 ballot access) and **Oklahoma** (219,400 for 2010 ballot access). Once again, however, thanks to its large population, **California** has the highest total actual signature requirement for 2010 ballot access at 440,354 (equal to 8 percent of the votes cast for governor in the last election).

Geographic Distribution Requirements

Many initiative states are primarily rural, with a substantial proportion of their populations centered in a few urban areas. In states that follow this population pattern but that lack a geographic distribution requirement for signatures, it is not only possible but common for initiative proponents to gather all their signatures in the state's largest city. The voters in the largest city, therefore, may decide for the state as a whole what issues make the ballot and what issues do not. Some reformers say that such a system gives urban voters an unfair advantage over rural voters.

Half of the 24 initiative states currently require that signatures be gathered from around the state. Supporters of geographic distribution requirements say they are important because they force initiative proponents to demonstrate that their proposal has support statewide, not just among the citizens of the state's most populous region. Critics say geographic distribution requirements place an unfair burden on initiative proponents, since it is much more difficult to gather signatures in rural areas than it is in urban areas. They also claim that such requirements mean that fewer initiatives qualify for the ballot.

Polling data suggests that voters generally support the idea of requiring initiative proponents to gather their signatures from various parts of the state. In fact, as recently as 2004, Alaska voters approved a more stringent geographic distribution requirement than what was on the books at the time. Voters in **Montana** approved of a pair of legislative proposals to make that state's geographic distribution requirement even more restrictive in 2001, and **Wyoming** voters did the same in 1998. On the other hand, **Colorado** voters in 2008 rejected a sweeping reform of their initiative process which would have included a geographic distribution requirement for constitutional initiatives. A February 1995 poll conducted by the City Club of Portland showed that **Oregon** voters also supported a geographic distribution requirement. The fact that they later rejected a 2000 constitutional amendment on this very issue may reflect their dissatisfaction with the stringency of that particular proposal, rather than a drop-off in support for the general idea of geographic distribution requirements.

It should be noted that **Idaho** and **Nevada** geographic distribution requirements were held unconstitutional by federal courts in 2003 and 2004, respectively. Nevada has since replaced their previous geographic distribution requirement with a new formula that is designed to withstand judicial scrutiny. Rather than requiring the same percentage of signatures in each county, the new requirement is based on Congressional districts. Other states have geographic distribution requirements that are based on legislative or congressional districts as well. These requirements are less likely to be found unconstitutional. The rulings affecting the Idaho and Nevada geographic distribution requirements found fault in the fact that the requirements were county-based, and population can vary dramatically from one county to another. Therefore, it may be much more difficult to gather the signatures of 10% of the voters in a low-population county than to do it in a high-population county.

For More Information

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