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Social Initiatives on State Ballots Could Draw Attention to Presidential Race

By [IAN URBINA](#)

Divisive social issues will be on the ballot in several states in November, including constitutional amendments banning [same-sex marriage](#) in Arizona, [California](#) and Florida, and limitations on abortion in California, Colorado and South Dakota.

Although research indicates that ballot measures do not drastically alter voter turnout, they have begun attracting the attention of both presidential campaigns.

Unlike 2004, when same-sex marriage bans were considered in 11 states, no single issue will dominate statewide ballots.

“Tax and spending issues are typically one of the main focuses of these measures, but this time that’s less true,” said Jennie Drage Bowser, a policy analyst at the National Conference of State Legislatures.

Ms. Bowser said that many of the social measures on the ballots are being pushed by evangelical groups that hope to force Senator [John McCain](#) of Arizona, the presumptive Republican presidential nominee, to pay closer attention to their agenda.

On the ballots are at least 108 measures, down from 204 in 2006. At least 30 measures may be added as signatures are verified.

The same-sex marriage and abortion amendments are likely to attract the most attention, along with proposals to ban affirmative action.

In Arizona, California and Florida, advocates hope to amend the state constitutions and define marriage as solely between one man and one woman. Similar amendments have been passed by 27 states.

Mr. McCain has endorsed the proposal.

Senator [Barack Obama](#) of Illinois, the presumptive Democratic nominee, who previously said same-sex marriage should be left up to the states, has said he opposes the ban.

The California measure would overturn a State Supreme Court ruling in May that made the state

the second, after Massachusetts, to legalize same-sex marriage.

“California’s measure is distinctly important because the movement to legalize gay marriage thus far has been driven by the courts,” said John G. Matsusaka, president of the Initiative and Referendum Institute at the [University of Southern California](#). “If California voters reject the amendment banning gay marriage, it will be the first significant popular affirmation of gay marriage.”

Abortion will be a ballot issue in California, Colorado and South Dakota.

South Dakota voters will consider a ban on abortion except in cases of rape, incest or threats to a woman’s health. The proposal would give the state one of the strictest bans in the country, and it would almost certainly lead to a challenge in the courts.

California will vote for the third time on a parental notification measure.

Colorado voters will be asked whether to define a “person” as “any human being from the moment of fertilization.” The proposal is the first in nation to put the question of when life begins before voters.

Groups including National Right to Life and Focus on the Family are opposed to the Colorado initiative, arguing that the timing and language are not right.

A memorandum circulated among activists and lawmakers last year by the Indiana law firm Bopp, Coleson & Bostrom, which is closely associated with the National Right to Life Committee, argued that now is not the time to promote such “personhood” measures because they will fail in the courts.

“They also run the risk of taking much-needed resources and attention away from other types of laws that could protect women and their unborn children immediately,” said Clarke D. Forsythe, president of Americans United for Life.

Kristina Wilfore, the executive director of the Ballot Initiative Strategy Center, a liberal-leaning policy group in Washington, said the lack of unity and focus among conservatives this year on measures like Colorado’s may put Mr. McCain in a difficult position, forcing him to choose sides.

Three states are expected to consider banning affirmative action. Colorado has a proposal on the ballot, and Arizona and Nebraska may soon follow suit. Similar measures have been passed in California, Michigan and Washington.

As the first black presidential candidate to lead a major party ticket, Mr. Obama has cast himself as being able to move beyond racial divisions, but those divisions are likely to take on increasing significance as both candidates confront the affirmative action measures.

The debate, in fact, has already begun. Asked about affirmative action last week, Mr. McCain said he supported a ban, even though in 1998 he opposed a similar measure, calling it “divisive.”

Mr. Obama opposes the bans.

Supporters of the initiative cite Mr. Obama’s success in the Democratic primaries as evidence that preferences based on race are no longer needed.

In Nebraska, a radio advertisement favoring the ban was broadcast this month and featured a clip from an inflammatory speech by the [Rev. Jeremiah A. Wright Jr.](#), Mr. Obama’s former pastor. “Colorblind government,” the advertisement said, is the best way to “reject the politics of race and hate.”

Daniel A. Smith, a political science professor at the [University of Florida](#), said the dispute over affirmative action could hurt Mr. Obama.

“In a down-turning economy, white voters may be looking for someone to blame for job losses or their poor financial situation,” Dr. Smith said.

He also said he did not see how it would be in Mr. McCain’s interest to directly embrace any of the major socially conservative measures.

“Many of these conservative measures, be they abortion, affirmative action or gay marriage, may be very risky for McCain to touch directly because voters are very focused on the economy and the war,” Dr. Smith said. “McCain will have to use proxies to play up these issues because his own stances on these issues have not always been so clear.”

Social measures will not be the only ones to influence the [presidential debate](#), said [Grover G. Norquist](#), president of the conservative-leaning Americans for Tax Reform.

“Every six months there is an announcement that taxes don’t matter anymore,” Mr. Norquist said. “It’s wrong each time.”

He said he believed Mr. Obama would have a difficult time deciding what stand to take on a “right to work” measure in Colorado, where the [Democratic National Convention](#) will be held this month.

The measure would prohibit employers from requiring union membership or payment of union dues. Critics say the measure would allow workers to benefit from unions without helping to cover the cost of those benefits.

Mr. Obama has strong labor support, but also risks alienating swing voters in Colorado if he takes a pro-union stand in a state with a small union presence, Mr. Norquist said.

He added that he thought a measure in North Dakota to cut the income tax in half would pass because the state has a budget surplus.

In Massachusetts, voters will consider a proposal to abolish the income tax, Mr. Norquist said. The repeal of the income tax would result in a \$3,600 annual savings for the average taxpayer, but the measure has drawn sharp opposition from municipal leaders who worry that about \$12 billion in lost state revenue would lead to major cuts in state aid and hurt small local governments.

Labor unions will face issues in several states besides Colorado.

Oregon voters will consider measures to prohibit government employees from using state resources in campaigning or lobbying.

In South Dakota, a measure would prohibit unions from making political contributions if they have collective bargaining agreements with state or local governments.

Unions are pushing hard for a measure in Ohio that would require companies with more than 50 workers to provide seven paid days of sick leave to employees.

Mr. Obama's platform endorses a similar plan for paid sick leave, which Mr. McCain has criticized.

Ms. Bowser, of the National Conference of State Legislatures, said energy and the environment were also high priorities in seven states with ballot measures.

The most significant proposal is one in California that would require all utilities to generate 20 percent of their energy from renewable fuel sources by 2010, rising to 40 percent in 2020 and 50 percent by 2025.

Although they may not affect the presidential race, a host of contentious proposals will draw local attention, Ms. Bowser said.

Among the proposals is a measure in Washington State to legalize assisted suicide for people who are terminally ill, and one in Michigan that could end a 30-year ban on stem-cell research that destroys human embryos.

A measure in Maryland would legalize up to 15,000 slot machines.

Proposals in Ohio and Arizona, favored by the same-day loan industry, involve the regulation of payday loans. Consumer advocates, however, say that the proposals would block increased protections against predatory lending.

Missouri voters will decide whether to declare English the official state language, and in Oregon

a measure would restrict bilingual education.

Massachusetts and California voters will decide whether to reduce the charges associated with possession of small amounts of marijuana, and Michigan is considering legalizing medical marijuana.

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