cessful plans of state administrative reorganization thus far adopted, such as those in Illinois, Nebraska and Idaho, have been accomplished by statutory legislation; and these might have gone further had it not been for the existing constitutional provisions. The policy followed has, therefore, been to omit from the proposed constitution all provisions relating to executive and administrative officers other than the governor.

The League's committee has also approved a constitutional provision for the merit system in the administrative service, substantially similar to the provisions in the New York and Ohio constitutions, requiring competitive examinations so far as practicable for appointments. More definite provisions as to the organization of the civil service authority and the application of the constitutional principle should be made by legislation.

THE INITIATIVE AND REFERENDUM AND THE ELECTIONS OF 1920

BY H. W. DODDS

NOVEMBER 2, 1920, was the occasion for submission to the people of the usual crop of constitutional amendments, referred and initiated measures. We publish herewith the votes on the various state proposals in the form of a table. The ratio of the vote on the measures to the total vote cast for all presidential electors is also given.

CONSTITUTIONAL AMENDMENTS ACTED UPON

The voters of thirty two states passed upon amendments to their state constitutions at the election last November. The proposals covered a wide variety of subjects. Eight states voted on amendments increasing the salaries of various public officers. The crest of good times had passed and the electorate had evidently begun a "buyer's strike," with respect to the services of public officials, for all salary increases were defeated. Amendments authorizing loans to pay a bonus to veterans of the late war carried in three states. Income tax provisions carried in North Carolina but failed in three other states. Special taxes or bond issues for improved roads were popular and carried

in all six states which voted on them. West Virginia adopted divided sessions of the legislature while Oregon rejected a similar proposal. Absent voting authorizations carried in two states, but a compulsory voting provision failed in Oregon. Single tax amendments failed in two states, and a tax classification proposition failed in Kansas. An effort to increase the number necessary to initiate tax proposals, directed against the recurring single tax measures, failed in California. Iowa approved the calling of a constitutional convention; California defeated a similar proposal. Missouri paved the way for a convention by altering the method of electing delegates to a convention. An excess condemnation amendment failed in Michigan. New York adopted the requirement that state bonds hereafter be issued in serial form. Arkansas revised the initiative and referendum provisions of her constitution and extended them to counties and cities. The number necessary in that state to call out a measure passed by the legislature was increased from 5 to 6 per cent, and the number necessary to initiate a constitutional amendment from 8 to 10 percent.

VOTES ON AMENDMENTS

As shown in the accompanying table the votes on the various amendments ranged from 17 per cent of the combined presidential vote in South Carolina to 92 per cent on the parochial school amendment in Michigan, and 98 per cent on a proposed trunk highway system in Minnesota. The total votes on the three proposed amendments in North Dakota were all above 90 per cent of the combined presidential votes. Partisan feeling in North Dakota, as everyone knows, was especially high at this election. With very few exceptions the votes in other states did not run as high as 80 per cent or fall as low as 40 per cent of the total vote for all presidential electors. The mean vote on all measures for all states would be about 55 per cent, which seems to be about the average for the United States in former years.

Considering the votes individually by states, the percentage of votes cast on the several amendments within each state varied but little. A spread of more than five points between the percentages of the amendments receiving the lowest and highest votes in any one state is unusual, and can generally be traced to unusual interest aroused by a certain proposal, either because of its extreme popularity or because it was more than ordinarily controversial. For the most part amendments of minor importance received as much attention as those of higher importance within the same state. It would be impossible to distinguish between measures constitutional in nature and those merely statutory by the size of the votes on them. A proposal prohibiting compulsory vaccination in California received almost one-third more votes than the proposition to call a constitutional convention. The difficulty of amending a constitution under condi-

tions which require more than a simple majority of those voting on the amendment is again demonstrated. In all such cases, except three amendments in Wyoming, the proposals failed.

In six states amendments were initiated directly by the people. Such proposals, however, can hardly be said to have been distinguished by higher votes than their associates of more modest origin.

THE VOTES ON INITIATED MEASURES

Popularly initiated bills were voted upon in only eight states. One of these was Massachusetts, where an act permitting the manufacture of light beer and wines with $2\frac{3}{4}$ per cent alcoholic content was initiated indirectly, passed both houses of the legislature, but was vetoed by the governor. On submission to the people it was approved by a close majority. Five states possessing the direct initiative did not use it at the last election. The indirect initiative was used in Massachusetts for the first time. In the other six states which employed it, however, with the exception of North Dakota, it has been of long standing (Arizona since 1911, California 1911, Colorado 1910, Montana 1906, Oklahoma 1907 and Oregon 1902). With the addition of Missouri these states comprise the group which make most common use of it. The other states which use it but rarely did not use it at all last November.

The situation in North Dakota has attracted a great deal of attention. The direct initiative was adopted in that state in 1918. Formerly, they had had only the indirect initiative. At the last election five initiated measures aimed directly at the Non-Partisan League went on the ballot. All carried by close margins. The total vote on each of them, moreover, exceeded the total vote for presidential electors, the

former being about 110 per cent of the latter.

Other measures which received unusual attention from the voters were the alien land law in California, the law permitting the manufacture of light wines in Massachusetts and a bond issue for education in Montana. In fact, it will be seen by reference to the accompanying table that the three measures initiated in these states received an unusually high number of votes. In each case the subject of the law presented a clear issue on which popular opinion could be readily formed, and was therefore a fit matter for direct legislation.

THE VOTES ON REFERRED MEASURES

Eleven states voted on measures called out by popular petition. In contrast to the high vote in North Dakota on the initiated bills was the lower vote on a measure governing county seat removals. Prohibition enforcement acts were defeated in California and South Dakota and affirmed in Missouri and Ohio. The first three carried out the intent of the Volstead Act, but the last was designed to liberalize the prohibition law. The votes in these states were respectively 92, 90, 67 and 90 per cent of the total at the election. Other measures which attracted more than usual attention were the proposal to legalize boxing and the presidential primary repealer in Montana. Proposals to combine the direct primary and convention systems for nominating candidates were defeated in Montana and South Dakota. In each case the vote was high, being 77 and 78 per cent on the two Montana bills and 81 per cent on the South Dakota measure. However, a direct primary repealer failed to attract the notice of the Nebraska voters for, although overwhelmingly defeated, only 38 per cent of the voters acted on it.

In this case it was the only measure on the ballot, there being no initiated bills or constitutional amendments before the people. A workman's compensation measure, defeated in Missouri, elicited little attention from the people. The votes on it were but 54 per cent of the total. In seven states there was but one referred measure on the ballot; in three states there were two measures; in one there were four measures, and in one state (California) there were five. As in the case of initiated bills those states which ordered a referendum on the most measures were the ones which have in years past utilized the privilege most frequently (*i.e.*, Arizona, California, Missouri, Montana and South Dakota). Oklahoma and Oregon, states frequently employing the referendum in years past, voted on but one referred measure each. However, the number of times the referendum has been used in Oregon is only a fraction of the times the initiative has been invoked, which would indicate that legislative inertia was more unpopular in that state than the legislative product.

The subject matter of the referred bills was such as to enable the people to form an intelligent opinion without undue labor and, with but two or three exceptions, the size of the vote on them justified the claims made by the advocates of this form of direct legislation.

THE TABLE

In explanation of the table that follows, it may be said that the affirmative and negative votes on the measures were furnished by the secretaries of state of the several states. The votes for presidential electors were furnished by the *New York Times*. It is possible that the figures here given will be modified slightly in the official and final announcements of the returns in all the states.

VOTE ON CONSTITUTIONAL AMENDMENTS, NOVEMBER 2, 1920

State and Subject	Yes	No	Combined vote for presidential candidates	Percentage of presidential vote cast on amendments
ALABAMA				
Legalizing loans or appropriations for harbor improvements.....	77,480	89,071	241,070	69
County ownership of public utilities.....	70,198	91,698		67
Special road tax.....	58,109	99,076		65
ARIZONA				
Election of legislators to other civil office...	8,945	26,520	66,562	53
Election of state tax commission.....	9,592	25,234		52
Increased salaries for teachers and other public officers (initiated directly).....	13,701	28,053		62
ARKANSAS				
Amending initiative and referendum provisions (initiated directly).....	86,360	43,662	183,637	70
Qualifications of electors*.....	87,237	49,751		74
Reorganization of supreme court*.....	65,083	63,211		69
CALIFORNIA				
Calling a constitutional convention.....	203,240	428,002	943,463	67
Authorizing an alien poll tax.....	667,924	147,212		87
Authorizing absent voting.....	356,539	371,784		74
Exempting orphanages from taxation.....	394,014	371,658		81
Permitting state aid to certain institutions.....	487,023	222,247		72
Increasing salaries of justices (initiated directly).....	232,418	538,655		81
Increasing size of petition necessary to initiate tax measures (initiated directly).....	298,347	421,945		73
Prohibiting compulsory vaccination (initiated directly).....	359,987	468,911		87
Highway bond issue (initiated directly).....	435,492	311,667		79
Levying tax for state university (initiated directly).....	380,027	384,667		81
Broadening state school system (initiated directly).....	506,008	268,781		82
Exempting real estate improvements from taxation; the single tax (initiated directly).....	196,694	563,503		80
COLORADO				
Construction of R.R. tunnels through continental divide (initiated directly).....	101,841	126,099	352,237	64
Additional tax for education (initiated directly).....	160,268	52,324		60
Bond issue for roads.....	100,130	70,997		48
Additional county judges for Denver.....	35,095	97,398		37
Increased salaries for state officers.....	49,313	112,878		46
FLORIDA				
Restricting purposes of state bond issues....	34,504	54,510	149,397	59
IDAHO				
Increased membership of supreme court....	35,265	30,989	136,592	79
Appeals from public utilities commission....	33,570	26,020		43
Increased sale of school lands.....	30,790	31,859		49
State development of unused water-power..	32,322	27,812		44
IOWA				
Calling constitutional convention (submitted automatically every ten years).....	279,652	221,763	895,076	56
KANSAS				
Revolving fund to aid farm building.....	223,499	201,559	570,152	74
State aid for roads.....	284,689	193,347		83
Classification of property for tax purposes..	170,710	218,931		68
LOUISIANA				
Special tax for education.....	57,686	24,009	117,084	69
School tax in Orleans parish.....	49,781	24,492		63
Commissioners of Port of Orleans.....	43,099	23,920		57
Special tax in New Orleans for fire and police	47,654	22,824		60
Additional powers for commissioners of Port of Orleans.....	42,771	23,609		56
Pensions for Confederate veterans.....	54,863	21,215		65
Registration for primaries.....	40,909	24,225		55
Certain industries exempted from taxation..	10,056	56,975		57

* Amendments proposed by legislature must receive affirmative vote of all voting at election.

VOTE ON CONSTITUTIONAL AMENDMENTS, NOVEMBER 2, 1920)—(Continued)

State and Subject	Yes	No	Combined vote for presidential candidates	Percentage of presidential vote cast on amendments
MAINE				
Authorizing legislature to prescribe election districts and manner of voting.....	76,129	29,333	197,845	53
Bond issue for war bonus.....	105,712	32,820		70
Authorizing income tax.....	53,475	64,787		60
MARYLAND				
Increasing salaries of members of legislature	76,367	116,762	438,451	44
Increasing salaries of clerks of courts.....	58,081	127,638		42
MICHIGAN				
Increased salary for state officers.....	348,311	463,959		77
Absent voters' privileges.....	415,780	359,749		74
Authorizing legislature to fix hours and conditions of labor for women and children ..	420,085	413,362	1,047,819	79
Excess condemnation.....	360,668	439,373		76
Compelling children to attend public schools	353,817	610,699		92
MINNESOTA				
A trunk highway system.....	526,936	199,603	735,838	98
Extension of term of office of probate judge..	446,959	171,414		84
Graduated income tax*	331,105	217,558		74
Railroad real estate subject to special assessments.....	488,497	98,045		79
MISSISSIPPI†				
Prescribing jurisdiction of supervisors over roads, etc.....	20,184	45,938	82,492	80
Election of levee commissioners.....	33,236	26,744		72
Equal suffrage.....	39,186	24,296		76
Uniform poll tax.....	41,693	22,733		78
Pensions for Confederate veterans.....	42,442	19,542		75
MISSOURI				
Increasing pay of legislators.....	320,406	406,672	1,332,800	54
Home rule for cities over 100,000.....	385,656	311,922		52
Increasing debt limits for large cities.....	368,651	329,938		52
Authorizing special levy for road purposes.....	375,942	340,665		53
Authorizing increased tax rate for schools....	312,323	398,279		53
Bond issue for hard roads.....	572,514	339,021		68
Authorizing cities to incur indebtedness for waterworks, etc.....	381,794	310,210		52
Requiring tax levy to pension blind.....	455,227	295,788		56
Bond issue for soldiers' settlement fund.....	379,156	348,749		54
Reorganizing supreme court.....	315,837	369,077		51
Absent voting.....	440,102	279,490		54
Reorganizing St. Louis court.....	316,661	355,401		50
Altering mode of revising or amending constitution.....	394,437	317,815		53
MONTANA				
Establishing county boards of equalization under state tax commission.....	58,571	72,161		73
Apportioning interest on school funds.....	77,093	54,184	179,006	73
Creating board of examiners and control.....	51,072	72,870		69
NEVADA				
Jurisdiction of supreme court.....	12,060	3,235	27,093	56
NEW HAMPSHIRE‡				
Authorizing income tax.....	46,430	30,364	159,092	48
Authorizing inheritance tax.....	45,415	24,222		43
Empowering governor to veto items in appropriation bills.....	45,634	26,195		45
Fixing membership of House of Representatives.....	48,598	28,121		48
Conscientious objectors to bearing arms.....	35,932	31,509		42
Public worship.....	35,172	42,322		48
Legalizing pensions for longer than one year.	44,456	31,995		48
NEW YORK				
Serial bonds for state debt issues.....	1,117,546	630,265	2,882,590	66
NORTH CAROLINA				
Legalizing state income, poll and general property taxes.....	262,873	81,109		62
Qualifications for voting.....	235,608	83,366	548,741	58

*Lost, necessary to ratify 398,978.

† Necessary to carry an amendment proposed by legislature 41,559, or majority voting at election.

‡ Two-thirds vote necessary to adopt amendment. All seven failed.

VOTE ON CONSTITUTIONAL AMENDMENTS, NOVEMBER 2, 1920—(Concluded)

State and Subject	Yes	No	Combined vote for presidential candidates	Percentage of presidential vote cast on amendments
NORTH DAKOTA				
Woman suffrage.....	135,370	60,772	200,778	97
New name for state reform school.....	129,628	63,569		96
Investment of school funds.....	124,331	56,526		90
OKLAHOMA*				
Property tax for public schools (initiated directly).....	162,749	179,271	486,405	72
Non-profit insurance organizations.....	157,064	159,919		67
Increased pay for members of legislature....	125,463	173,274		63
OREGON				
Fixing length of legislative session, regulating procedure, etc.....	80,342	85,524	238,572	69
To exempt property except land from taxa- tion; the single tax (initiated directly).....	37,283	147,426		73
Lengthening term of county officers (ini- tiated directly).....	97,854	80,983		74
Fixing legal rate of interest (initiated directly)	28,976	158,673		78
Establishing divided legislative session (ini- tiated directly).....	57,791	101,179		66
Establishing compulsory voting.....	61,258	131,603		80
Prohibiting compulsory vaccination (initiated directly).....	63,018	127,570		79
PENNSYLVANIA				
Requiring notice before banks can incorpo- rate.....	431,122	142,262	1,851,248	30
Debt limits for counties and cities.....	373,643	144,512		28
SOUTH CAROLINA†				
Municipal ice plants.....	8,366	2,925	66,150	17
Municipal ice plants.....	8,410	2,941		17
SOUTH DAKOTA				
Permitting legislature to fix salaries of state officers.....	70,831	77,987	181,747	81
Creating board of control.....	60,763	77,285		75
Increasing debt limits of counties and cities..	66,734	72,226		76
Establishing credit system for home building	80,062	61,674		78
Bond issue for war bonus.....	93,459	56,366		82
UTAH				
Creation of municipal corporations by special laws prohibited.....	22,757	27,656	145,828	34
Limit on property tax for state purposes....	43,552	31,165		51
Contraction of state debt limited.....	15,142	33,417		33
Right of action to recover damages for death shall not be limited.....	26,288	24,825		35
VIRGINIA				
Other than qualified voters eligible to munici- pal employment.....	105,690	40,623	231,029	63
Removal of restrictions on municipal charters	103,356	40,561		62
Description of school districts, officers thereof	112,429	43,121		67
Additional school tax.....	111,540	44,581		67
Compulsory education of children.....	116,699	41,056		68
State debts.....	111,309	48,948		69
WASHINGTON				
Authorizing private property to be taken for drains, flumes, etc.....	121,022	113,287	394,195	59
Increased salary for governor and other officers.....	71,284	170,242		61
WEST VIRGINIA				
Bond issue for good roads.....	248,689	130,569	509,942	73
Divided session of legislature.....	160,929	122,744		55
WYOMING‡				
Municipal debt limits.....	36,721	12,178	56,197	87
Municipal tax limits.....	18,893	21,661		72
State debt limits.....	28,504	15,393		78
County debt limits.....	28,393	14,727		76
Referendum on loans.....	24,464	16,698		73
Special tax for live stock protection.....	21,523	18,701		73

* All failed; majority of those voting at election necessary to carry amendment.

† Thirty other amendments of local or minor nature were acted upon.

‡ Amendment must receive affirmative vote of all voting at election.

VOTES ON BILLS INITIATED BY POPULAR PETITION, NOVEMBER 2, 1920

State and Subject	Yes	No	Combined vote for presidential candidates	Percentage of presidential vote cast on measure
ARIZONA				
Protection of game and fish	13,096	26,617	66,562	59
Creating state civil service commission	11,850	26,299		57
Providing procedure for creation of counties	5,312	38,198		65
Creating state highway department	16,961	25,721		63
Reclamation and irrigation proposal	18,203	22,432		61
CALIFORNIA				
Alien land law	668,483	222,086		94
Regulating chiropractic	390,240	402,410	943,463	84
Prohibiting vivisection	272,288	527,130		85
COLORADO				
Fixing hours of work for municipal fire departments	113,140	82,596	352,237	55
Regulating chiropractic	84,286	109,385		55
Creating the county of Limon	34,881	141,239		50
Creating the county of Flagler	33,295	140,363		50
Appropriation for state hospital	155,049	50,295		58
MASSACHUSETTS				
Regulating the manufacture of beer and wines (indirectly initiated)	442,215	432,951	994,694	88
MONTANA				
Levying tax for state university	82,669	71,169		85
Authorizing bond issue for education	90,441	66,237	179,006	87
Bond issue for irrigation	55,276	89,828		81
NORTH DAKOTA				
Examination of bank of North Dakota, etc.	118,269	102,238	200,778	110
Permitting deposit of local government funds in local banks	114,022	106,853		110
Prohibiting bank of North Dakota from lending on real estate to any but actual farmers	116,508	105,348		110
Permitting publication of private legal notices in other papers than the official paper in the county	114,320	105,961		109
Restoring to superintendent of public instruction certain powers	114,571	104,722		109
OKLAHOMA				
Levying tax on public service corporations	162,749	179,271	486,405	70
OREGON				
Consolidating properties of port and dock commissions	80,493	84,830		70
Creating bird refuge for native waterfowl	78,961	107,383	238,572	78
Creating a state market commission	51,605	119,464		72

VOTES ON MEASURES REFERRED TO THE PEOPLE, NOVEMBER 2, 1920

State and Subject	Yes	No	Combined vote for presidential candidates	Percentage of presidential vote cast on measure
ARIZONA				
To regulate pardons and paroles (referendum ordered by legislature)	11,571	25,794	66,562	56
Providing for preliminary examination in a court of record where prosecution is by information	12,268	23,622		54
CALIFORNIA				
Prohibition enforcement act	400,475	465,537	943,463	92
Regulating sale of poisons	479,764	270,562		79
Community property, equal rights to either spouse	246,875	524,133		81
Prohibiting state banks as agents of insurance companies	308,062	328,115		67
Organizing irrigation districts	314,522	280,948		63
IDAHO				
Bond issue for state highways (referendum ordered by constitution)	40,720	30,901	136,592	52
MAINE				
Woman suffrage	88,080	30,462	197,845	60
MISSOURI				
Prohibition enforcement	481,880	420,581	1,332,800	67
Workman's compensation	344,724	376,651		54
MONTANA				
Providing for nomination of certain candidates by state convention; others by direct primaries (referendum ordered by legislature)	60,483	77,549	179,006	77
Legalizing boxing (referendum ordered by legislature)	74,549	82,827		88
The direct primary for all offices and delegates to national conventions	66,131	74,079		78
Repeal of presidential primary	60,793	80,023		80
Bond issue for roads (referendum ordered by constitution)	68,785	76,949		81
NEBRASKA				
Abolishing direct primary for nominations to certain offices	49,410	133,115	475,153	38
NEW JERSEY				
Bond issue for soldiers' bonus	534,532	165,555	904,000	77
Bond issue for vehicular tunnels (referendum on above ordered by constitution)	569,300	94,707		77
NEW YORK				
Bond issue on soldier's bonus (referendum ordered by constitution)	1,454,940	673,292	2,882,590	72
NORTH DAKOTA				
County seat removal	92,213	85,637	200,778	88
OHIO				
Prohibition enforcement act	1,050,045	773,226	2,019,166	90
OKLAHOMA				
Regulating the practice of medicine	211,252	164,788	486,405	77
OREGON				
Regulating sale of oleomargarine	67,101	119,126	238,572	78
SOUTH DAKOTA				
Intoxicating liquors	75,870	87,986	181,747	90
Combination of party primary and party convention systems (referendum ordered by legislature)	65,107	82,012		81
WASHINGTON				
Construction of state highway system (referendum ordered by constitution)	117,425	191,783	394,195	78
Bond issue for war bonus (referendum ordered by constitution)	224,356	88,128		78