

Initiative and Referendum History – Animal Protection Issues

Election Summary

Total win/loss count for the animal protection movement: 33 wins, 17 losses, with a 66% win rate

Total win/loss count for measures The Humane Society of the United States (HSUS), Humane Society Legislative Fund (HSLF) and/or The Fund for Animals (FFA) have been centrally involved in: 33 wins, 15 losses, with a 69% win rate (HSUS was not actively involved in the 1992 Arizona or 1998 Alaska anti-trapping initiatives)

Historical Overview

Throughout the first 40 years when the initiative and referendum process was available in many states, animal protection groups did not use the process frequently, focusing primarily on local concerns and direct care of horses, dogs, and cats. Few groups focused on state policy, and fewer still on national policy. Nonetheless, there were several initiatives dealing with vivisection, rodeo, and trapping in the 1920s and 1930s, with voters rejecting most of the measures.

Between 1940 and 1988, animal protection advocates qualified just a handful of animal protection initiatives, and only one of them passed – a 1972 measure in South Dakota to ban dove hunting. Voters reversed the dove hunting ban eight years later. Maine voters rejected a ban on moose hunting in 1983 and Ohio and Oregon voters rejected anti-trapping initiatives in 1978 and 1980, respectively. This 50-year span marked a period of hegemonic control over policies related to the use of animals by agricultural, hunting, and other industries, since there was almost no successful activity to restrict legalized cruelty in state legislatures.

In 1988, the California Fish and Game Commission voted to institute a mountain lion hunting season. Animal protection advocates sued the state to delay the onset of the hunting. Concomitantly, they launched and qualified an initiative – with volunteers amassing in excess of 600,000 signatures - to ban any trophy hunting of lions. In June 1990, voters approved the measure, and its passage sparked renewed interest in the initiative process by animal protection advocates.

Since 1990, there has been a proliferation of animal protection initiatives, largely spearheaded by the organizing efforts of The Humane Society of the United States (HSUS), the Humane Society Legislative Fund (HSLF), and The Fund for Animals (FFA). These groups approached the initiatives in a highly professional manner; carefully identifying issues in demographically favorable states, organizing volunteer petitioners, conducting public attitude surveys, raising money, and persuading voters primarily by airing emotionally compelling advertising showing direct harm to animals.

Between 1990 and 2014, animal protection advocates squared off against factory farmers, trophy hunters, and other animal-use industries in 50 statewide ballot measure campaigns, winning 33 campaigns – a 66% success rate (complete list below). Thirty-eight of the measures were initiatives or referenda pushed by animal protection advocates– with HSUS initiating and leading most of the campaigns; six were pro-hunting referenda and one was a pro-factory farming referendum placed on ballots by state legislators; four measures were initiatives supported by animal use industries; and one was a pro-animal referendum placed on the ballot by state lawmakers.

Of the animal protection initiatives or referenda attempted since 1990; animal protection advocates won restrictions on cruel methods of trapping in five of seven states they attempted; won measures related to hound hunting and bear baiting in four of the seven states they attempted; one of the two ballot measures to ban mourning dove hunting was successful; one measure on horse slaughter passed; all three measures on cockfighting were successful; two of the three measures on airborne hunting of predators in Alaska were adopted by the voters; both measures rejecting wolf hunting in Michigan were successful; one of the two measures to ban greyhound racing in Massachusetts was successful; and all three measures on extreme confinement methods for breeding pigs, veal calves, and egg-laying hens passed. Even though the animal protection movement failed in efforts to strengthen anti-cruelty laws in Arkansas and North Dakota via the ballot box, state lawmakers passed the legislation later in both states at HSUS's urging. In Missouri, HSUS launched and won the first-ever initiative to bring badly needed reform and regulation to the puppy mill industry.

Of the six contested pro-hunting referenda, animal protection advocates prevailed in five campaigns. Most of these pro-hunting referenda sought to make it practically impossible to use the initiative process by creating new passage or qualification standards. One pro-hunting referendum, which was contested and defeated, sought to repeal the ban on lion hunting in California.

Animal protection advocates defeated two of the three initiatives from animal use industries — one to repeal the voter-approved ban on hounding and baiting in Oregon and one to expand gambling at greyhound and horse racing tracks in Arizona.

Since 1996, seventeen states have passed constitutional amendments guaranteeing the right to hunt, and Missouri (2014) and North Dakota (2012) have passed amendments to their constitutions to establish a right to farm. Only the Missouri measure was contested by animal protection groups, because of its scope and potential impact on rules on puppy mills and future reforms for inhumane farming practices.

In summary, the animal protection movement, led primarily by HSUS, has had great success in carefully selecting and winning initiative and referendum campaigns. However, the victories have come at some cost as outlined above; animal-use industries have worked with their allies in state legislatures to deny access to the initiative process by animal protection advocates, have attempted to repeal animal protection measures by placing referenda on the ballot, and pushed for constitutional right to farm or hunt measures. Fortunately, HSUS and the animal protection movement have largely been successful in defeating the most meaningful counter-measures and will continue to be diligent in their efforts to safeguard the process, propose animal protection initiatives and referenda, and stop the animal-use industries' attempts at overturning their efforts.

State Legislation Summary

Elected officials have seen that voters support animal protection reforms at the ballot box, and that has contributed to a surge in lawmaking on animal welfare issues through representative government. Since 2005, HSUS worked to pass 925 bills to protect animals, averaging 93 new animal protection laws per year. Over this same time period, the animal protection movement also helped to defeat 459 bills that would harm animals in state legislatures, an average of 46 per year.

The pro-animal measures have covered a wide range of reforms. Today, there are 50 states with felony-level penalties for

certain malicious acts of animal cruelty, and that's up from just four states with such penalties in the mid-1980s. By 2008, we had secured bans on cockfighting in all 50 states, and felony-level penalties for dogfighting in all 50 as well. Horse slaughter for human consumption stopped in the United States in 2007 when all states with existing slaughter plants acted to either ban the practice or shut down the plants due to violations of state law. State legislatures reacted to the devastation of Hurricane Katrina by passing laws requiring animals be included in emergency disaster plans in 16 states. In response to an Internet hunting facility in Texas in 2005, state legislatures moved to ban the practice of shooting animals remotely via the Internet in 40 states.

With the momentum of states passing ballot measures to address the extreme confinement of animals in crates and cages on industrial factory farms, HSUS worked in Colorado, Maine, Michigan, Oregon, and Rhode Island to pass bills that phase out the confinement of breeding pigs in gestation crates, and secured a phase-out in Ohio through the regulatory process. HSUS is seeking to ban private ownership of dangerous wild animals in all 50 states; currently, five states have no restrictions on owning dangerous animals such as tigers and chimpanzees as pets.

BALLOT MEASURES ON ANIMAL PROTECTION SINCE 1990

Bold – animal advocates prevail / Italics – referenda (measure referred to ballot by state legislature)

Year	State	Issue	Ballot designation	Result	Yes	No
1990	California	prohibit sport hunting of mountain lions	Proposition 117	Approved	52%	48%
1992	Arizona	ban steel jawed traps and other body-gripping traps	Proposition 200	Rejected	38%	62%
1992	Colorado	prohibit spring, bait, and hound hunting of black bears	Amendment 10	Approved	70%	30%
1994	Arizona	prohibit steel jawed traps and other body-gripping traps	Proposition 201	Approved	58%	42%
1994	Oregon	ban bear baiting and hound hunting of mountain lions	Measure 18	Approved	52%	48%
1996	Alaska	ban same-day airborne hunting of wolves and foxes	Measure 3	Approved	58%	42%
1996	California	allow the trophy hunting of mountain lions	<i>Proposition 197</i>	Rejected	42%	58%
1996	Colorado	ban leghold traps and other body-gripping traps	Amendment 14	Approved	52%	48%
1996	Idaho	ban spring, bait, and hound hunting of black bears	Proposition 2	Rejected	40%	60%
1996	Massachusetts	restrict steel traps and other body-gripping traps, ban hound hunting of bears and bobcats and eliminate quota for hunters on Fisheries & Wildlife Board	Question 1	Approved	64%	36%
1996	Michigan	ban baiting and hounding of black bears	Proposal D	Rejected	38%	62%
1996	Oregon	repeal ban on bear baiting and hound hunting of bears and cougars	<i>Measure 34</i>	Rejected	42%	58%

1996	Washington	ban bear baiting and hound hunting of bears, cougars, bobcats, and lynx	Initiative 655	Approved	63%	37%
1998	Alaska	ban wolf snare trapping	Proposition 9	Rejected	36%	64%
1998	Arizona	prohibit cockfighting	Proposition 201	Approved	68%	32%
1998	California	ban the use of cruel and indiscriminate traps and poisons	Proposition 4	Approved	57%	43%
1998	California	prohibit slaughter of horses and sale of horse meat for human consumption	Proposition 6	Approved	59%	41%
1998	Missouri	prohibit cockfighting	Proposition A	Approved	63%	37%
1998	Ohio	restore the ban on mourning dove hunting	Issue 1	Rejected	41%	59%
1998	Utah	require 2/3 majority for wildlife ballot issues	<i>Proposition 5</i>	Approved	56%	44%
2000	Alaska	ban wildlife issues from ballot	Measure 1	Rejected	36%	64%
2000	Alaska	ban land-and-shoot wolf hunting	Measure 6	Approved	53%	47%
2000	Arizona	require 2/3 majority for wildlife ballot issues	Proposition 102	Rejected	38%	62%
2000	Massachusetts	ban greyhound racing	Question 3	Rejected	49%	51%
2000	Montana	prohibit new game farm licenses, ban canned hunts	Initiative 143	Approved	52%	48%
2000	Oregon	restrict steel traps and certain poisons	Measure 97	Rejected	59%	41%
2000	Washington	restrict steel traps and certain poisons	Initiative 713	Approved	55%	45%
2002	Arizona	expand gambling at greyhound tracks	Proposition 201	Rejected	20%	80%
2002	Arkansas	increase penalties for animal cruelty	Initiated Act 1	Rejected	38%	62%
2002	Florida	ban gestation crates for pigs	Amendment 10	Passed	55%	45%
2002	Georgia	specialty license plate for spay/neuter	Measure 6	Passed	71%	29%
2002	Oklahoma	ban cockfighting	State Question 687	Passed	56%	44%
2002	Oklahoma	increase signature requirement for animal issues	State Question 698	Rejected	46%	54%
2004	Alaska	ban bear baiting	Ballot Measure 3	Rejected	41%	59%
2004	Florida	expand gambling at race tracks	Amendment 4	Approved	51%	49%

2004	Maine	ban bear baiting, hounding, and trapping	Question 2	Rejected	47%	53%
2006	Arizona	ban gestation crates, veal crates	Proposition 204	Passed	62%	38%
2006	Michigan	allow mourning dove hunting	Proposal 3	Rejected	31%	69%
2008	Alaska	ban airborne hunting of wolves and bears	Measure 2	Rejected	45%	55%
2008	California	ban gestation crates, veal crates, and battery cages	Proposition 2	Approved	63%	37%
2008	Massachusetts	ban greyhound racing	Question 3	Approved	56%	44%
2010	Missouri	limits on puppy mills	Proposition B	Approved	52%	48%
2010	Arizona	block certain citizen initiatives on animal welfare	Proposition 109	Rejected	44%	56%
2010	North Dakota	ban canned hunts	Measure 2	Rejected	44%	56%
2012	North Dakota	increase penalties for animal cruelty	Measure 5	Rejected	35%	65%
2014	Missouri	constitutional “right to farm”	<i>Amendment 1</i>	Approved	50.1%	49.9%
2014	Michigan	allow wolf hunting	Proposal 1	Rejected	45%	55%
2014	Michigan	allow Natural Resources Commission to set hunting seasons on wolves and other protected species	Proposal 2	Rejected	36%	64%
2014	Florida	dedicate funds to conservation and wildlife habitat	Amendment 1	Approved	75%	25%
2014	Maine	ban bear baiting, hounding, and trapping	Question 1	Rejected	47%	53%