

## Initiative and Referendum History – Animal Protection Issues

### Election Summary

Total win/loss count for the animal protection movement: 38 wins, 18 losses, with a 68% 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: 38 wins, 15 losses, with a 72% win rate (HSUS was not actively involved in the 1992 Arizona, 1998 Alaska, or 2016 Montana 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 2016, animal protection advocates squared off against factory farmers, trophy hunters, and other animal-use industries in 56 statewide ballot measure campaigns, winning 38 campaigns – a 68% success rate (complete list below). Forty-two 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 two were pro-factory farming referendums placed on ballots by state legislators; five measures were initiatives or referenda 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 eight 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; two measures on wildlife trafficking (covering multiple species) were approved; 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; one measure to set standards of care for dogs at puppy mills passed in Missouri, the largest puppy mill state; and all four measures on extreme confinement of farm animals in crates and cages (dealing with various forms of confinement) 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.

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 three of the four initiatives and referenda from animal use industries — one to repeal the voter-approved ban on hounding and baiting in Oregon, one to expand gambling at greyhound and horse racing tracks in Arizona, and one to repeal California's ban on plastic grocery bags which injure and kill sea birds and marine animals.

Since 1996, 20 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. IN 2016, we defeated a right to farm measure in Oklahoma. We contested only the Missouri and Oklahoma measures.

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 more than 1,300 bills to protect animals, averaging more than 100 new animal protection laws per year. Over this same time period, the animal protection movement also helped to defeat more than 500 bills that would harm animals in state legislatures.

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)**

<b>Year</b>	<b>State</b>	<b>Issue</b>	<b>Ballot designation</b>	<b>Result</b>	<b>Yes</b>	<b>No</b>
1990	California	prohibit sport hunting of mountain lions	<b>Proposition 117</b>	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	<b>Amendment 10</b>	Approved	70%	30%
1994	Arizona	prohibit steel jawed traps and other body-gripping traps	<b>Proposition 201</b>	Approved	58%	42%
1994	Oregon	ban bear baiting and hound hunting of mountain lions	<b>Measure 18</b>	Approved	52%	48%
1996	Alaska	ban same-day airborne hunting of wolves and foxes	<b>Measure 3</b>	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	<b>Amendment 14</b>	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	<b>Question 1</b>	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,	<b>Initiative 655</b>	Approved	63%	37%

		bobcats, and lynx				
1998	Alaska	ban wolf snare trapping	Proposition 9	Rejected	36%	64%
1998	Arizona	prohibit cockfighting	<b>Proposition 201</b>	Approved	68%	32%
1998	California	ban the use of cruel and indiscriminate traps and poisons	<b>Proposition 4</b>	Approved	57%	43%
1998	California	prohibit slaughter of horses and sale of horse meat for human consumption	<b>Proposition 6</b>	Approved	59%	41%
1998	Missouri	prohibit cockfighting	<b>Proposition A</b>	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	<b>Measure 1</b>	Rejected	36%	64%
2000	Alaska	ban land-and-shoot wolf hunting	<b>Measure 6</b>	Approved	53%	47%
2000	Arizona	require 2/3 majority for wildlife ballot issues	<b>Proposition 102</b>	Rejected	38%	62%
2000	Massachusetts	ban greyhound racing	Question 3	Rejected	49%	51%
2000	Montana	prohibit new game farm licenses, ban canned hunts	<b>Initiative 143</b>	Approved	52%	48%
2000	Oregon	restrict steel traps and certain poisons	Measure 97	Rejected	59%	41%
2000	Washington	restrict steel traps and certain poisons	<b>Initiative 713</b>	Approved	55%	45%
2002	Arizona	expand gambling at greyhound tracks	<b>Proposition 201</b>	Rejected	20%	80%
2002	Arkansas	increase penalties for animal cruelty	Initiated Act 1	Rejected	38%	62%
2002	Florida	ban gestation crates for pigs	<b>Amendment 10</b>	Passed	55%	45%
2002	Georgia	specialty license plate for spay/neuter	<b>Measure 6</b>	Passed	71%	29%
2002	Oklahoma	ban cockfighting	<b>State Question 687</b>	Passed	56%	44%
2002	Oklahoma	increase signature requirement for animal issues	<b>State Question 698</b>	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	<b>Proposition 204</b>	Passed	62%	38%
2006	Michigan	allow mourning dove hunting	<b>Proposal 3</b>	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	<b>Proposition 2</b>	Approved	63%	37%
2008	Massachusetts	ban greyhound racing	<b>Question 3</b>	Approved	56%	44%
2010	Missouri	limits on puppy mills	<b>Proposition B</b>	Approved	52%	48%
2010	Arizona	block certain citizen initiatives on animal welfare	<b>Proposition 109</b>	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	<b>Proposal 1</b>	Rejected	45%	55%
2014	Michigan	allow Natural Resources Commission to set hunting seasons on wolves and other protected species	<b>Proposal 2</b>	Rejected	36%	64%
2014	Florida	dedicate funds to conservation and wildlife habitat	<b>Amendment 1</b>	Approved	75%	25%
2014	Maine	ban bear baiting, hounding, and trapping	Question 1	Rejected	47%	53%
2015	Washington	ban trade in parts of elephants, rhinos, lions, pangolins, tigers, leopards, cheetahs, sharks, rays, marine turtles	<b>Initiative 1401</b>	Approved	70%	30%
2016	Oklahoma	establish a constitutional “right to farm” – to prohibit regulations on agriculture	<b>Question 777</b>	Rejected	39.7%	60.3%
2016	Massachusetts	ban gestation crates, veal crates, hen confinement and forbid sale of veal, pork, or eggs from confinement	<b>Question 3</b>	Approved	78%	22%
2016	Oregon	restrict intrastate sale of ivory, rhino horns and parts from other rare wild animals	<b>Measure 100</b>	Approved	70%	30%
2016	California	maintain state ban on plastic bags which injure and kill sea birds and marine animals	<b>Proposition 67</b>	Approved	52%	48%
2016	Montana	restrict trapping on public lands	I-177	Rejected	37%	63%