



Trendlines

A brief survey of ballot initiative activity around the country

August 2009

Ballot Integrity: A Broken System in Need of Solutions

Every election cycle, voters are asked to weigh in on hundreds of initiatives and referendums. In fact, over the last ten years citizens across the country have voted on over 1,500 initiatives and referenda with well over one billion dollars raised and spent on the passage or defeat of issues that have a real impact on people's lives. In recent years, in state after state, the integrity of the system has been increasingly undermined by ballot initiative abuse, fraud, and deception.

Starting in 2004, Ballot Initiative Strategy Center (BISC) began receiving numerous complaints across the states about abuses in signature gathering. Over the last three election cycles, there has been a dramatic jump in the use of signature fraud all across the country to qualify ballot initiatives.

Unfortunately, ballot initiative abuse, fraud, and deception continue to plague the system. The integrity of the 2009 and 2010 ballot is under attack by people and groups taking advantage of a direct democracy process that is increasingly undermined by a lack of standards, transparency, accountability, oversight, and enforcement.

Recently, BISC released a report card on the 24 states that allow for ballot initiatives -- [Ballot Integrity: A Broken System in Need of Solutions](#). The report card finds that an overwhelming majority of states (22) receive a "D" or "F" and that most initiative states are ripe for continued ballot initiative abuse, fraud, and deception unless significant changes are made through legislative action to clean up the system.

Washington

In Washington, signature gatherers for Referendum 71, which would repeal the domestic partnership bill recently passed by the legislature and signed by the Governor, have been [caught on video using misleading tactics](#), lying to citizens about the new "everything but marriage" law and their attempts to repeal it.

News reports confirm that supporters of the Referendum 71 campaign (Protect Marriage Washington) have also [used deceptive signature petitions](#) in order to trick people into signing

their petitions.

The Referendum 71 campaign has created signature petitions that read:

- “The legislature just passed a law that effectively makes same sex marriages legal. By signing R-71 we can reverse that decision and protect marriage as between one man and one woman.”
- “If same-sex marriage becomes law, public schools K-12 will be forced to teach that same-sex marriage and homosexuality are normal... even over the objections of parents. Sign R-71 to protect children.”

Both statements are false.

The state Attorney General's office wrote the ballot title to accurately describe what the domestic partnership bill, which R-71 attempts to repeal, actually does. The ballot summary accurately reflects the bill and says, "Registered domestic partnerships are not marriages, and marriage is prohibited except between one man and one woman."

The author of the domestic-partnership bill in the state house, state Representative Jamie Pedersen, has said, "There is nothing in the bill that forces schools to teach homosexuality or that same-sex marriage is normal." And state Senator Ed Murray, the bill's prime sponsor, adds: "There is nothing in the bill that requires anyone to teach anything."

Opponents of domestic partnerships are currently having their signatures verified by the state but they have gone to court to keep the names of the people who signed their petitions and their donors kept secret from the public.

Also in Washington, [Tim Eyman](#), a “professional initiative promoter” who has been promoting and profiting from initiatives since the late 1990s, continues to abuse the direct democracy process. Eyman started his career by helping to pass Ward Connerly’s initiative outlawing equal opportunity programs. Like Bill Sizemore in Oregon, Eyman has attempted to put a stranglehold on state government by qualifying overly simplistic and “unnecessary” fiscal proposals and frivolous initiatives all meant to do nothing more than earn him a quick buck.

This year, Eyman is selling Initiative 1033, a TABOR initiative that has been tried before, and which failed. Colorado passed a similar law a few years ago, but voters there suspended it because of the damage it did to their economy. The state has already slashed billions from education, health care, and other services, and local communities have cut funding for road repair, libraries, and public health. I-1033’s arbitrary formula would lock in this year’s cutbacks, force even more reductions, and delay the state’s economic recovery. As everyone struggles with the worst recession in 70 years, I-1033 will actually make things even worse than they already are. Eyman has a history of scandal. Campaign records showed [Eyman transferred](#)

money — a lot of money — from his political action committee to a for profit corporation he had created with the same name. Coincidentally, he has also vocally opposed common sense, bipartisan initiative reforms designed to limit fraud in Washington’s ballot measure system.

According to an analysis of numbers provided by the Washington Secretary of State’s Office, signature gathering campaigns associated with Eyman have turned in more than half a million invalid signatures during his time as a fraud merchant in Washington. It is no wonder Eyman is now complaining about the scrutiny of the signature petitions he turned in to get 1-1033 on the ballot.

Maine

In Maine, the group behind two ballot initiatives that will appear on the 2009 fall ballot is under an ethics investigation determining whether the group broke campaign finance laws to fund its signature gathering efforts to place the measure on the ballot.

Maine Leads (501c4) spearheaded and paid for the signature collection effort through three PACs and on November 15, 2007, Maine Leads made three \$25,000 contributions to the PACs.

In 2008, the PACs then paid \$80,000 to a consulting firm run by the “grassroots director” of Maine Leads for the signature gathering effort.

The Maine Ethics Commission is investigating whether Maine Leads qualifies as a political action committee (PAC) based on the funding it provided for the citizen initiatives. The complaint claims the “major purpose” of Maine Leads was to “initiate and promote ballot questions” by providing 75% funding for the PAC signature gathering efforts. As a result, Maine Leads should be registered as a PAC.

As a 501c4, Maine Leads has been able to hide its funding sources but if forced to register as a PAC, would have to disclose its funding. It has been reported that the Ethics Commission members agreed with staff that there is evidence to support examining whether the contributions mean that Maine Leads should have to file with the state as a political entity. Commission staff said the Legislature passed laws clearly intended to shed more light on the money behind signature gathering drives. They also pointed out that Maine Leads has close connections to all three of the PACs that received contributions. The consulting group that was paid more than \$80,000 by the three PACs to gather the signatures — Pioneer Group Inc. — is solely owned by Trevor Bragdon, the grass-roots director of Maine Leads.

Oregon

More than half of the signature gatherers that are working for a right-wing backed ballot initiative group to repeal taxes on corporations and wealthy individuals have [criminal convictions including for forgery, theft, stalking or sex offences](#).

[News reports have revealed](#) that “two of the petitioners had been convicted of sex crimes, including one convicted of the sex abuse of his daughter in 1990.”

In total, background checks confirm at least 82 arrests and 37 criminal convictions are associated with the right-wing campaign’s signature gatherers.

The [petition drive to place the measure on the January 2010 is being led by Russ Walker and Kevin Mannix](#), who both have a cozy history with “racketeer” [Bill Sizemore](#).

Missouri

Tim Mooney is a former partner of [ARNO Consulting](#), which has been accused of ballot fraud in multiple states. Mooney is the [national coordinator for Save Our Secret Ballot \(SOS\)](#) and has been specifically cited as in charge of their signature gathering efforts nationally and is currently at work in Missouri.

Mooney is a partner in Silver Bullet, LLC, a petition circulating firm founded in 2008. One of his partners in Silver Bullet is Chuck Warren, who was interviewed by the FBI about his role in the alleged illegal wiretapping of a Provo, Utah Councilwoman.

The National Chairman of “SOS Ballot,” Ernest Istook, a former Oklahoma Congressman, has [credited Mooney and Warren](#) with originating the campaign effort.

Tim Mooney, as national coordinator for SOS Ballot, has hired his own firm Silver Bullet, LLC to collect signatures for [“SOS Ballot,” a deceptive, misleading and frivolous multi-state ballot initiative and referenda campaign](#) based in Las Vegas. Mooney has refused to identify who is funding his work for SOS Ballot.

In 2008, Ward Connerly, a multi-millionaire lobbyist from California, lost in four of the five states where he attempted to rewrite state constitutions and pass his divisive initiatives to ban equal opportunity programs. His campaign was plagued by charges of fraud and deception in every state and as a result, he failed to qualify for the ballot in Arizona, Missouri, and Oklahoma. Connerly's initiative was defeated in Colorado and passed in one state-- Nebraska.

Connerly faced charges of using deceptive tactics and [desperately recruited people from out-of-state](#) to help him gather signatures in Missouri, including a [racist group from California](#). It was also reported that one of Connerly's paid signature gathers in Missouri was picked up by police because he was [wanted in three states for voter fraud related charges](#). At the end of the day, the so-called "Civil Rights Initiative" failed to gain enough valid signatures to qualify for the ballot in Missouri.

Now Connerly is back in Missouri trying to collect enough signatures again to get his ban on equal opportunity programs on the 2010 ballot.

Stop Ballot Fraud

As a result of the dramatic increase of states confronting initiative fraud for the first time and the growing volume in states where it previously existed, BISC launched [StopBallotFraud.org](#) to track this growing threat to direct democracy. The new website contains the most up-to-date research on the pattern of fraud and deception perpetrated by ballot measure sponsors who have a history of abusing the direct democracy process.