



# Ballot Initiative STRATEGY CENTER

## Ballot Bulletin

March 2009

After stinging losses up and down the ballot in 2008, conservatives, their extreme right wing backers, and corporate funders are working to rebuild and repair a badly damaged brand with...you guessed it, more of the same.

Out of power and out of ideas, conservatives are working towards advancing their divisive ideology and failed policy at the state and local level with deceptive and dangerous ballot initiatives and referenda for the 2009 and 2010 ballots.

Among the list that we have our eye on: the same old attacks on workers and the unions that represent them; tired, anti-government revenue and investment cap measures; and the continuing big government assault on women's right to choose her own health care decisions.

### Corporate Bailouts, Big Bonuses and Big Lies

In an attempt to strengthen corporate influence and enable corporate intimidation, a multi-state ballot initiative and referenda campaign for the 2010 election has been organized to prevent workers from joining labor unions to even the playing field. The so-called *Save our Secret Ballot* campaign (SOS) seeks to undermine and derail the *Employee Free Choice Act* by spreading the lie that it would eliminate secret ballots for all elections, including those for public officials and votes on ballot initiatives.

The truth is the *Employee Free Choice Act* has nothing to do with "elections for public office or public votes on initiatives or referenda," and it absolutely **protects workers right to choose a secret ballot in union elections**. The choice would be for workers, not their bosses, to decide how to form a union. The SOS campaign in truth is nothing more than another deceptive, corporate backed effort to attack job security, keep wages low and cut health care benefits at a time when families are struggling with layoffs, shrinking wages and skyrocketing health care costs while CEOs give themselves millions in bonuses.

## TABOR 2.0

The national economic downturn has hit states across the country hard with lost revenue and massive budget cuts. Budget deficits are preventing states from investing in priorities such as job creation, education, health care, roads and bridges, and police and fire protection.

Anti-government conservatives see the bleak budget picture as an opportunity to ratchet down even harder as states look to find the revenue necessary to protect priorities, create jobs and get their economies moving again.

Rigid revenue and spending caps or TABOR measures are being proposed in several states' legislatures and as initiative measures this year. In Maine, a TABOR measure will be on the ballot. A 2006 TABOR measure failed in Maine.

In California, a special election has been called for May 19 on [a number of ballot initiatives](#) that will ask voters to approve of actions taken to pass a budget deal that sought to close the state's \$42 billion budget gap. Proposition 1A has generated the most heat because it would extend revenue increases to fund the budget for two years only if voters also agree to revenue and spending caps in future years.

## Extreme and Far Outside the Mainstream

Measures to restrict reproductive freedom are often [an unsuccessful strategy](#) for anti-choice forces.

In Colorado, right-wing activists put forward a "*Definition of Person*" initiative in 2008 that divided conservatives. This rewrite of the state constitution had sought to overturn *Roe v Wade* by redefining "personhood" as the moment of fertilization, giving legal rights to embryos. The initiative was rejected strongly by 73% of voters.

Despite this drubbing, the "personhood" activists are moving forward trying to pass legislation and get initiatives on the ballot in a number of states. Recently, constitutional amendments have been introduced by legislators in Alabama, Maryland, Montana, North Dakota and South Carolina. Oregon has begun a personhood amendment petition drive, and Mississippi's personhood amendment petition drive is expected to launch soon. The initiatives would end a woman's right to choose, ban several of the most medically safe forms of birth control, restrict common fertility treatments, such as *in vitro* fertilization, and put an end stem cell research. Perhaps most dangerous is the possibility that criminal investigations could be launched against women for their miscarriages. The initiatives continue [to divide conservatives](#). Recently, both the North Dakota's Roman Catholic bishops and North Dakota Right to Life were critical of the effort to

advance "personhood" legislation.

In an off-year election, where ballot initiatives can help shape the issues debate and drive turnout, middle of the road, independent voters will be a key to success for candidates on the ballot. The "personhood" amendments are a perfect example of how extreme right wing will continue to hold the Republican Party hostage as a minority party by forcing their candidates to take positions far outside the mainstream.

### California Special Election

In California, the legislature has put forward six budget related ballot initiatives for voter approval in a May 19 special election. The proposed measures were part of a budget deal that sought to deal with a nearly \$42-billion projected deficit.

- Proposition 1A: Would extend revenue increases to fund the budget for two years only if voters also agree to revenue and spending caps in future years.
- Proposition 1B: Would require the state to make supplemental payments to K-14 education totaling \$9.3 billion starting in the fiscal year 2011-12. Contingent on the passage of Prop. 1A.
- Proposition 1C: Changes the 1984 voter initiative that created the California Lottery by allowing the state to borrow \$5 billion against future state lottery sales and by allowing the state to use profits now dedicated to schools, to payback the borrowed money.
- Proposition 1D: Temporarily allows the state to divert \$608 million from the 1998 voter approved Proposition 10 California Children and Families Act (tobacco tax for children's health care) to general-fund costs of children's health care in the fiscal year beginning July 1.
- Proposition 1E: Will temporarily change the 2004 voter approved Mental Health Services Act (Prop 63) and divert approximately \$230 million a year to offset general fund costs for the Early and Periodic Screening, Diagnosis, and Treatment Program for two years.
- Proposition 1F: Prevents pay increases for Legislators and Statewide officers when the state is running a deficit.

## Maine 2009

In Maine, four ballot initiatives will appear on the ballot in the fall election. In addition to another attempt at passing a TABOR revenue cap measure after voters rejected a similar measure in 2006, Maine voters will be asked to weigh in on a repeal of the state's 2007 school consolidation law; a medical marijuana initiative; and an initiative that calls for an excise tax reduction which cuts funding for local government investment in road and bridge construction and repair. For more on the 2009 Maine ballot measures, [click here](#).

## Ballot Initiative Reform

BISC has been a national leader in [shining a spotlight](#) on the problems that exist in the direct democracy process. We are also working hard to highlight the need for states to take action and implement [common sense reforms](#) that will restore integrity to an important process that helps create the foundation of our democracy. In Arizona, a bipartisan group of state legislators has drafted a [ballot initiative reform package](#) that it wants to put before Arizonans in 2010. The package, introduced in the state House, was spurred by problems with several proposed 2008 ballot measures, including allegations of misleading titles, fraudulent signatures and bogus legal language.