



Ballot Initiative STRATEGY CENTER

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MOST STATES FLUNK BALLOT INTEGRITY TEST

Report Card Reveals a Broken System in Need of Solutions

Washington D.C. – As state legislators from across the country meet for the annual American Legislative Exchange Council (ALEC) conference this week and the National Conference of State Legislators (NCSL) conference next week, Ballot Initiative Strategy Center (BISC) released a report card today 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.

“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 a lack of standards, transparency, accountability, oversight and enforcement,” said BISC Executive Director, Kristina Wilfore.

Some examples of the ballot initiative abuse, fraud and deception that have plagued the system:

- [2006 Nevada](#): A “fraud party” was held where circulators were taught how to copy signatures onto their petitions and ways to avoid detection.
- [2007 California](#): Homeless people were given food to sign petitions.
- [2008 Arizona](#): The media reports that a signature gatherer alleges systemic fraud. Circulators frequently lied to voters about what they were signing and they routinely signed the back of petitions they did not witness.
- [2008 Oklahoma](#): The Secretary of State referred a report to the Chief Justice of the Supreme Court citing numerous problems with the signatures including; circulators who signed the petition multiple times, numerous duplicates, and ninety-two people who gave different versions of the same address.
- [2008 Nebraska](#): A paid circulator testified under oath that he signed most of his attestation clauses, which certify that he read the petition's object statement to signers, at home and was not in the presence of a notary. By law, the attestation clause must be signed in the notary's presence. In training, he was told to tailor the initiative message based on what the signer looked like, he said. "To the rednecks at the bar I would say, 'Minorities are taking your jobs away from you,'" and he told minorities the petition was to stop preferential hiring in job and school settings.
- [2008 Colorado](#): Signature gatherers including those charged with fraud and forgery, a criminal convicted of assault, and a registered sex offender collected signature petitions in Colorado.

The [Ballot Integrity Report Card](#) rates each state on what it currently does and more importantly, does not do to protect the integrity of the ballot initiative process at every step in the system. It also provides a blueprint for reform that can help states move forward and take much needed action. Only by implementing solutions to the problems that exist will states be able to provide people with a ballot measure process that works for voters instead of against them. The report examines the key ingredients needed for states to take a first step in combating ballot measure fraud. There are additional improvements that could be made to strengthen the system even further, but findings show that many states are woefully behind in creating a system that is even adequate at defending the integrity of the system. All states should still continue to improve their systems by increasing the level of accountability required of initiative sponsors, more forcefully implementing existing penalties to further deter fraud, and increasing the resources of their Secretaries of State and Attorneys General to identify, stop, and punish any action that undermines the integrity of the system.

Two states, Colorado and Oregon, have scored significantly higher than the rest of the states that allow citizens' initiatives. Both states have made significant improvements to their systems through legislative action in the past few years, primarily spurred by demonstrable fraudulent activity in recent election cycles and advocacy for reform by the Secretaries of State.

It should also be noted that the Secretary of State in Missouri and Nevada have been strong advocates for legislative action and ballot integrity reform in their states. In Arizona, the state Legislature passed significant bi-partisan reforms to its initiative laws in 2009 but the legislation was not been signed by the Governor at the time of this report. If the Arizona reforms are implemented their score will dramatically improve in 2010.

In most states, Secretaries of State and Attorneys General are responsible for the oversight of the ballot measure process and are often able to make significant administrative changes to strengthen a state's protection against initiative fraud (i.e., shifting additional existing staff to oversight roles, etc.). However, it is primarily state legislatures that have the power to change the laws that are the most important to protecting the integrity of the ballot measure system. The [Ballot Integrity Report Card](#) has categorized the most urgent aspects of a sound ballot measure system into four categories: Higher Standards, Greater Transparency, Accountability, and Oversight and Enforcement.

Ballot Initiative Strategy Center (BISC) is an educational non-profit and the nerve center for progressive ballot initiative campaigns across the country. Ballot Initiative Strategy Center's website, www.ballot.org, is the most comprehensive, up-to-date, and user friendly place for information on ballot initiative campaigns. One of the main components of our work is to advocate for an open and honest ballot initiative process. We strongly believe that all ballot measures campaigns—whether sponsored by conservative or progressive organizations, or petitioned through paid or volunteer signature gathering—should be required to play by the rules.

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. The problem has evolved from an unfortunate byproduct of the process to the standard operating procedure of the leading petition firms. BISC has been a national leader in the effort to safeguard the citizens' initiative process from being hijacked by those subverting democracy through illegal or misleading activity. As a result of the dramatic increase in the number of states confronting initiative fraud and the growing volume of fraud in states that previously faced only a handful of cases, BISC launched www.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.