



Trendlines

A brief survey of ballot initiative activity around the country

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Political Analysis

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; the continuing big government assault on women's right to choose her own health care decisions; and the tired, anti-government revenue and investment cap measures that failed in 2005 and 2006.

The 2010 election ballots will be full with races for the US Senate, Congress, Governor and the State legislative, in addition to ballot initiatives and referenda. Thirteen ballot initiative states will have both statewide elections for Governor and US Senate. If 2006 is any guide, the ballot measure landscape in 2010 will be crowded. 2006 was the third most active election cycle for ballot initiatives since the first measure was voted on in 1904. In 2006, 204 statewide measures were voted on in 37 states. Seventy-nine of the 204 measures were from the people (citizen-petitioned) and 125 referred by government (legislative referenda).

While it's still very early in the process and it will remain fluid for some time, the 2010 ballot is starting to take shape as conservatives and progressives look to the direct democracy process to advance policy and try to shape the electoral debate. In what will be a fiercely contested campaign season, progressives will be building on recent electoral and ballot initiative successes and conservatives will be trying to rebuild after taking a thumping the last two election cycles.

Saving the Secret Ballot from What?

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 SOS Ballot campaign is so deceptive that it has not one, but two big problems.

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.

Even the *Wall Street Journal* admitted recently that ["The bill doesn't remove the secret-ballot option from the National Labor Relations Act."](#)

The SOS campaign 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.

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" at 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 initiative continues 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. The effort was seen as [so extreme that it failed](#) to pass in a Republican controlled State Senate.

In Missouri, [three initiatives have been approved to circulate signature petitions](#), one which would prevent any government funding going towards abortion (even if it were to save life of mother), and the other two would ban state government funding for stem cell research. In 2006 Missouri voters approved an initiative that allowed for stem cell research and therapies while banning human cloning.

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 and restrictions on stem cell research are perfect examples of how the 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.

TABOR 2.0

For years, Washington D.C. based anti-government leaders and organizations have used the state ballot initiative process to advance anti-government tax measures. In 2008, ballot measures were once again rejected by voters in Massachusetts, New Hampshire, North Dakota, and Oregon.

In 2006, BISC helped bring about the total failure of so-called Taxpayer Bill of Rights (TABOR) initiatives. The radical anti-government ideology was pushed and funded by New York City real estate investor [Howie Rich](#) and his secret shell groups. Rich originally pushed TABOR in 25 state legislatures, all of which rejected the gimmick. He then tried to launch TABOR initiatives in nine states. After six TABORs were stripped from the ballot for signature fraud and other problems, voters in Maine, Nebraska, and Oregon firmly rejected the rest.

One might imagine that anti-government ideologues would have learned an expensive lesson after their 2006 and 2008 defeats, but they are poised to come back again in 2010.

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 a being proposed and debated in several state legislatures and as initiative measures, either of which could be on the ballot this year or next.

Maine 2009 Fall Ballot

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.

Two of the proposed ballot questions were developed by the *Maine Heritage Policy Center* and put on the ballot by another conservative group, *Maine Leads of Augusta*.

Maine Leads gathered signatures for a revenue cap measure being referred to as [TABOR 2](#). This provision would place revenue caps on state, county, municipal and school budgets. It would restrict necessary investments in job creation and the economy and impact the rebuilding of roads, bridges and schools.

The group has also submitted signatures for an [excise tax reduction](#). Excise taxes are an important source of revenue to Maine's municipalities. With the economic downturn, local communities have seen their revenues decline as new car purchases, and new registrations have slowed. If adopted by the voters, the excise tax rate changes would go into effect in January 2010 and motor vehicle excise tax collections at the local level would experience a 40% reduction.

If the reduction went into effect this fiscal year, the aggregate municipal impact would be a loss of \$88 million, which is a staggering amount of revenue to take away from the maintenance and repair of local roads and bridges. This proposal will either lead to sharp increases in property tax rates or significant reductions in road and bridge construction and repair, or some degree of both.

California 2009 Spring 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 passed by the legislature and signed by the Governor that sought to deal with a nearly \$42-billion projected deficit by making deep spending cuts, raising revenue and increasing borrowing in order to close the budget gap.

The most controversial, and complicated, ballot measure is Proposition 1A. The ballot initiative asks voters to approve both the \$16 million in revenue increases that help close the budget gap and agree to permanent revenue and spending caps in future years.

The spending cap would prevent future legislators from raising state spending when California's treasury is flush and instead deposit that money into a rainy-day fund for unexpected deficits. Only when that reserve exceeded an eighth of the state's revenues could legislators use the revenue for other purposes.

The new state budget made the largest single budget cut ever made to public education in California—an \$11 billion cut to schools and colleges. 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. However the education funding is contingent on the passage of Prop. 1A.

Voters will also be asked to change a 1984 voter initiative that created the California Lottery and dedicated lottery revenue to schools. Proposition 1C would borrow some \$5 billion against future lottery revenues that are currently dedicated to education funding in order to help fill the state's current budget gap.

Proposition 1D would temporarily allow the state to divert \$608 million from the 1998 voter approved Proposition 10 California Children and Families Act. If approved the proposal would shift tobacco tax revenues that are currently funding for children's health care to general-fund costs of children's health care in the fiscal year beginning July 1.

Voters will also be asked to change the 2004 voter approved Proposition 63 (Mental Health Services Act.) Proposition 1E would redirect \$230 million a year in mental health care service funding to children's health care programs.

And finally, Proposition 1F asks voters to prevent pay increases for Legislators and Statewide officers when the state is running a deficit.

Outlawing Equal Opportunity...Again?

[Ward Connerly's campaign](#) to outlaw equal opportunity is looking to the 2010 ballot despite big losses in 2008. Connerly lost in four of the five states in which he attempted to pass his divisive initiatives and re-write state constitutions. 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 has filed in Missouri for the 2010 ballot and has been approved to circulate signature petitions. In 2008, Connerly faced charges of using deceptive tactics in Missouri and desperately recruited people from out-of-state to help him gather signatures, including a racist group from California. It has also been reported that one of Connerly's paid signature gatherers was picked up by the 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.

Ballot Initiative Reform

Given all the abuses of the signature gathering process in 2008, many states are working on passing legislation to prevent a repeat in 2010.

Legislators in both Arizona and Colorado are working in a bi-partisan fashion and offering solutions to a ballot initiative process that is too often marked by fraud, deception and abuse.

Both states have seen the use of signature gathering fraud and deception by initiative campaign committee's and the vendors they hire to qualify initiatives for the ballot. As a result, Arizona and Colorado are working towards passing legislation that would raise the standards for petition circulators and expand the court and Secretary of State's authority to prevent fraud and abuse in the signature gathering process.

In Arizona, a [ballot initiative reform 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.

Likewise in Colorado, [complaints were filed last year](#) concerning the petition process for at least four of the state's ballot initiative proposals.

In Oregon, the ballot initiative process has been largely dominated by gimmicky and sometimes dangerous ballot initiatives. These initiatives have been sponsored primarily by one particular noted initiative racketeer, Bill Sizemore, who makes his living off of ballot initiative process.

Sizemore has been found in contempt of court four times in connection with a 2002 jury ruling that he engaged in "a pattern of racketeering" that included forged signatures and filing false financial reports as part of his effort to place two anti-union initiatives on the 2000 ballot. Most recently, a Multnomah County Judge placed a permanent injunction on Sizemore from operating any charity and said that from now on, Sizemore must get court permission to operate nonprofit political committees.

As a result of his continuing legal problems, [the Oregon legislature](#) is looking to build upon a 2007 bill by expanding the restrictions on the signature gathering and initiative process. Needless to say, Sizemore has already filed 13 ballot initiatives for 2010 although it is unclear how many will make it to the ballot.