



The Voter

Special Edition!

League of Women
Voters
of San Bernardino
1955-NOW!

January 2013

LEAGUE OF WOMEN VOTERS MEETING: January 26 (Saturday)

IMPORTANT BACKGROUND INFORMATION

BRING THIS WITH YOU TO THE MEETING

Saturday, January 26, 2013 10 a.m. to Noon at
COCO'S (Highland at Waterman) in San Bernardino

As George Skelton, LA Times columnist, said in a recent column, "Hiram Johnson, the revered reformer and father of the California 'citizens' initiative, must be crying or laughing. Maybe both." He goes on to point out that Johnson's ideal of citizen empowerment to fight moneyed interests has been turned on its head. More and more over the years, California's initiative has become a tool of the special interests and a plaything of the mega-rich. (Over \$372 million was spent to promote or attack the 11 initiatives that were on the November ballot, enough to pay the annual tuitions of 31,000 undergrads at the University of California.)

The California model, adopted in the Progressive Era, worked fairly well with relatively little use from the time of its adoption in 1911 until the passage of Proposition 13 in 1978. As an indicator of a deeper dissatisfaction government generally, Prop 13's success showed it to be an available, practicable alternative to passing laws and constitutional amendments when the elected legislature could not because they were divided or because they did not agree with the cause. The use of initiative, in turn, has limited the flexibility of state government to find consensus and respond to emerging issues. Prop 13 also redirected how we allocate funds, leaving the state far more powerful than local counties and towns. The initiative not only limited the amount of property tax that any entity could charge, but directed that all the income from property tax would flow through Sacramento before being distributed to the cities, counties, and school districts in the state. More and more of the budget is allocated by voter mandate.

While the widespread effects of Prop 13 have been vast, its immediate effect on the initiative process itself was largely to raise its profile as a successful mechanism to change the law in California. Special interests of all varieties took to heart the message that pursuing the initiative process, rather than lobbying, was the effective way to influence public policy. This in turn spurred what has been termed the "industrialization" of the initiative process.

The League has had a position on the initiative and referendum process since 1984, after Leagues in this state studied the subject, and it was last updated in 1999, so at the last LWVC convention, delegates approved updating the position to address gaps in its coverage and aspects on which there may no longer be member understanding and agreement.

We will be focusing on parts of the position (see Page 2) that we may want to change or modify. They are in bold - sections on Drafting, Title and Summary, Requirements for getting on the ballot, and Amending statutes and constitutional amendments.

We will also be discussing concerns with reliance on ballot measures to solve public problems. They include:

- Making law by ballots pits one side against another
- Rigidity; difficult to correct errors
- Influence of money
- Judicial review increasingly needed due to bypassing legislative checks and balances
- Conflicting ballot measures; confusion of campaigns
- Less accountability from representatives
- More potential to harm minority interests.

Finally, we will look at some ideas for reforming and improving the process.

You will also find a Glossary on Page 3 to help you understand the terminology we will be talking about. At the meeting, you will get the Consensus Question form that you fill out as we are discussing the position.

BE PREPARED TO GIVE YOUR OPINIONS ON THIS IMPORTANT ISSUE.

QUESTIONS? Email (glorand@juno.com) or phone (909-338-4163)

Gloria Anderson

INITIATIVE AND REFERENDUM PROCESS (Adopted 1984; Updated 1999)

POSITION IN BRIEF: Support citizens' right of direct legislation through the initiative and referendum process.

1. California should retain the referendum and direct initiative.

2. California should adopt an indirect initiative procedure, preferably as an optional alternative to the direct initiative.

3. Drafting

a. Initiative sponsors should be required to submit draft proposals to an official authority for an opinion on clarity/language, constitutionality/legality, or single subject.

b. Initiative proposals should be limited to a single subject and written in language that is precise, clear, and understandable.

c. Initiatives dealing with timely subjects should include a "sunset clause," providing for an automatic expiration of the measure.

4. Qualification

a. Requirements should be retained for:

1) direct initiative statute—valid signatures numbering 5 percent of the total vote for all candidates for governor in the last gubernatorial election, 150 days to collect signatures;

2) direct initiative constitutional amendment—valid signatures numbering 8 percent of the total vote for all candidates for governor in the last gubernatorial election, 150 days to collect signatures;

3) referendum on a legislative statute—valid signatures numbering 5 percent of the total vote for all candidates for governor in the last gubernatorial election, 90 days to collect signatures.

b. The filing fee should reflect costs of processing initiative and referendum

proposals.

c. No requirement for geographic distribution should be imposed.

d. Solicitation of signatures and campaign funds in the same mailing should be allowed.

5. Campaign

a. Realistic limits should be imposed on contributions by individuals and groups to initiative and referendum campaigns.

b. Realistic limits should be imposed on expenditures by individuals and groups to initiative and referendum campaigns.

c. There should be provision for free time for radio and TV information programs for initiative campaigns.

d. No public financing should be provided for initiative and referendum campaigns.

e. The legislature should conduct public hearings on initiative and referendum proposals around the state, with adequate public notice.

f. Ballot pamphlet analyses of initiative and referendum measures should be written for the reading level of the average citizen.

g. The ballot label and ballot pamphlet should clearly indicate the effect of a yes vote and a no vote.

6. Disclosure

a. Sponsors of an initiative or referendum and organizations that form a committee to support or oppose a measure should be required to be listed by name in the ballot pamphlet, in mailings, and in advertisements.

b. Principal contributors to an initiative or referendum campaign should be required to be listed by name in the ballot pamphlet, in mailings, and in advertisements.

c. Initiative and referendum committees should be required to use names that reflect their true economic or special interest.

7. Election

a. Voting on initiatives should take place at primary and general elections but not at special elections.

b. An initiative statute or constitutional amendment, or a legislative statute appearing on the ballot as a referendum, should be approved by a simple majority of those voting on the measure to take effect.

c. An initiative statute or constitutional amendment that requires a super-majority vote for passage of future related issues should be required to receive the same super-majority vote approval for its passage.

d. State initiative measures should apply to the entire state, not only to those political subdivisions in which they are approved.

e. An initiative should not be allowed to provide for different outcomes depending upon the percentage of votes cast in its favor.

8. Post-Election

a. Approval by the voters should be required for any changes made by the legislature in a statute adopted by initiative, unless the statute permits amendment without the approval of voters.

b. Initiative proposals that do not win voter approval should be allowed to appear on subsequent ballots without restriction, if they again meet qualification requirements.

9. Legal Aspects

a. The definition of "single subject" pertaining to initiatives should be redefined to ensure stricter interpretation and stricter enforcement.

b. Constitutional challenges to voter approved initiatives being reviewed in the state courts should be heard by a three-judge panel rather than a single judge.

GLOSSARY

LWVC Initiative and Referendum Process Update Study

Term	Definition
Advisory initiative	An initiative in which the outcome is a nonbinding expression of popular opinion.
AG	Attorney General
BISC	Ballot Initiative Strategy Center. BISC is a research and capacity-----building organization
CGS	Center for Governmental Studies. CGS was an independent nonprofit organization and publisher of the 2008 "Democracy by Initiative: Shaping California's Fourth Branch of Government" Second Edition. In October 2011, they announced the closure of
Citizen--Initiated	Another term for Direct Initiative .
Compulsory Referendum	A referendum required by a constitution for the approval of certain types of measures
CPRS	Cost Per Required Signature
Direct initiative	An Initiative in which the measure proposed by petition is placed on the ballot for ap-
e-Signature	Electronic signature, sometimes known as digital signature. A variety of ways of authenticating a person using a computer file or signal.
e-Voting	Electronic voting. this can refer to casting votes electronically, voting via the Internet, or
Expedited Review	Expedited review allows the adoption or approval of a measure in a shorter time frame than is usual. This may include bypassing some review and/or shortening the time for
Full Check	County Election officials must verify every signature on a petition against voter registra-
Indirect initiative	An Initiative in which the measure proposed by petition is submitted to the legislature, which may enact it (or a measure substantially like it). If the legislature fails to act within a specified time or rejects the measure, it is placed on the ballot for approval or rejection
Initiative	A process whereby the voters may propose legislation (statutory initiative) or constitutional amendments (constitutional initiative) by filing a petition bearing a specified num-
Legislative	A proposed or newly enacted law or proposed constitutional amendment placed on the ballot by the legislature for voter approval.
Majority	50% plus one



Official Summary Date	The date on which an initiative is cleared for circulation. The Attorney General prepares a title and summary of the chief purpose and points of an initiative. Initiatives are cleared for circulation on the day the title and summary is sent to the initiative proponent(s). No petition may be circulated for signatures before it has been cleared to do so by the Attorney General.
Optional referendum	A referendum which a legislature may decide to hold on a measure. The legislature determines whether the outcome will be binding or advisory.
Petition referendum	A referendum brought about by the voters demanding that a measure enacted by the legislature be referred to the electorate before going into effect. If the petitioners obtain a specified number of valid signatures within a specified time, a referendum is held for approval or rejection of the measure.
PKI	Public Key Infrastructure used to authenticate that an online transaction has been “signed” electronically by an authorized person.
Random Sample	A sample of signatures submitted in support of a ballot measure. If the raw count of signatures is greater than the number of signatures required for the measure to qualify, the Secretary of State notifies the county elections officials that they should verify signatures for that measure. Within 30 working days of receipt of this notification, the county elections officials will verify the validity of the signatures filed with their office using a random sampling technique of verification. The elections official is required to verify 500 signatures or three percent of the number of signatures filed in their county, whichever is greater. Counties receiving less than 500 petition
Recall	A process whereby the voters may remove a public official from office by filing a petition bearing a specified number of valid signatures, demanding a vote on the official's continued tenure in office.
Recipient Committee	A term used in California elections. A recipient committee is any individual (including an officeholder or a candidate), group of individuals, organization, or any other entity that receives contributions totaling \$1,000 or more during a calendar year. The term “contribution” includes monetary payments, loans, and non-monetary goods and services received or made for a political purpose.
Referendum (or plebiscite)	A process whereby a proposed or existing governmental policy or institution is referred to the voters for approval or rejection.
Referendum (California)	The power of the electors to approve or reject statutes or parts of statutes except urgency statutes, statutes calling elections, and statutes providing for tax levies or appropriations for usual current expenses of the state.
ROV	Registrar of Voters
SOS	Secretary of State
Super Majority	Technically, 50% Plus two. However, when considering a super majority, most people are referring to 2/3, 3/5 or 3/4.