

# **INITIATIVE AND REFERENDUM PROCESS REFORM**

Please call your representatives  
and tell them you support  
**The Citizens Review Panel**

Valley Grassroots for Democracy always reviews ballot measures. We hear complaints and confusion from our members every time. So we set out to understand the process, see if changes were needed, and determine what could be done to make it more transparent and understandable for the voters.

**Our conclusion is the process does need reform:**

1. The process has been taken away from its initial purpose, which was to give citizens a way to enact laws.
2. It is increasingly being used by big money and special interests, which cloak themselves in innocuously named groups and work around the Legislature to enact law.
3. It is being used to overturn laws enacted by the hard work of the Legislature.
4. Advertising is being used that includes falsehoods about the measures and that sway public opinion.
5. It is often unclear who is paying for the signature gathering, the advertising and the mailers.
6. Californians are not willing to give up the ballot measure but they understand that the system needs reform.
7. Since the Robert's Supreme Court is unlikely to overturn *Citizen's United*, it essential for the states to begin to enact measures to increase transparency.

**We are proposing changes to the process:**

1. Increased transparency for funders.
  - a. One law has already been signed by the Governor, SB 47, Ben Allen's Disclose Act, which requires top funders to be listed on the signature gathering forms.
  - b. Two proposed laws are working on the transparency problems and we urge your support.
    - i. SB 636, Henry Stern, Elections Ballot Label, to list the signers of ballot arguments that support and oppose the measures in the voter information guide.
    - ii. AB 1217, Kevin Mullin, Issue Ad Disclose, to list \$10,000+ funders on issue ads.
2. A panel of citizens to review and place in the ballot voter information booklet a clear and plain language explanation.

**Attached** The following pages include:

1. A blueprint for the Citizens' Panel
2. The resolution we passed with the California Democratic Party
3. Our co-sponsors
4. A sample of Oregon's Citizens' Review Statement
5. A snapshot of our research

We look forward to your support for these reforms. We want to work with you to see that the California voter can make wise and informed decisions, and that the Legislature can continue to do its hard work without the interference of dark money.

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## **Ballot Measure Reform: Citizens Review Panel**

### **Why:**

The ballot measure is now being used in a manner that confuses voters and makes their “yes” or “no” votes unclear as to what the measure would actually do. Voters are being flooded with mailers and advertising that are misleading. Voters are being asked to vote on issues that they may not understand, may feel they have no way to inform themselves on how they should vote, and often don't know where to turn for factual assessments. In addition, the ballot measure is increasingly being used by dark money as a way to circumvent the Legislature. *A change is needed.*

### **Purpose:**

For each ballot measure, create for the voter information guide an independent, impartial, plain English, bullet point, third party description; explain what the measure would do; and give a pro and con synopsis. This would give voters an understandable and reliable description of the measure so decisions on how to vote can be made based on plain language facts and an understanding of what their yes or no vote would actually do.

### **Citizens Review Panel (Proposed) Structure:**

20 Members (This is the amount Oregon has.)

Members would reflect party registration percentages in the State, representing the diverse locations, gender, education, ethnicity and propensity to vote throughout the State. (There is some concern that the methods must develop a truly diverse panel with a real diversity of ethnicity and minorities.)

In Oregon, the members of the Citizens Panel are appointed by a commission constituted of members from non-profit organizations. This setup removes the politicians and lobbyists from the process, to make it as free from politics as possible. The commission members cannot appoint someone to the Panel from their own non-profit organization. In California, the commission could be appointed by the Secretary of State or the Governor. (Guidelines would be needed for selection. For examples, would the appointees need to have some expertise? Would there be a secondary approval of appointees and a chance to challenge the appointees?)

Ideally, the ballot measure description and the pro and con positions written by the Citizens Panel for the voter booklet would not be subject to litigation.

The Citizens Panel would be appointed for one election cycle only. This would allow for changes of voter registration and demographics in the state from one election cycle to the next, and keep the panel independent and neutral.

The Citizens Panel would choose a President and a Vice President, who would both help run organized meetings in accordance with Parliamentary procedures.

Quorum numbers need to be established; the recommended is 15.

A per diem for food, lodging and a daily payment should be established.

### **What the Citizens Review Panel would do:**

- Research both the pro and con funders.
- Call witnesses.
- Research who and what brought the measure to the ballot.
- Research social media, the news, and other sources.
- Discuss among themselves what the measure is about.
- Establish what a “no” or “yes” vote would really do.
- Write a bullet point description of what the measure does and doesn’t do.
- Write a pro and con position and state the number of members who agreed with each position.
- One day would be given to each measure for interviews and the Citizens Panel meeting. Independent research by members would not count into those days.
- A majority vote of the Citizens Panel would be required to approve the language to be placed in the voter information guide.

### **Financing of the Citizens Review Panel:**

Oregon ran a pilot in 2009, and made the process permanent in 2011 by financing \$75,000 for start-up costs.

Costs need to be established for the commission that appoints the members of the Citizens Panel.

Costs need to be established for the functions of the Citizens Panel, such as per diem expenses cited above plus printing, copying and other expenses that may arise.

Costs need to be established for the additional printing costs to the voter information guide.

### **Path to Establishing the Citizens Review Panel:**

There are two paths.

1. Have the legislature pass the bill, which would require only a majority vote in both houses. It seems that if this is structured as a pilot program first, the chances of passing are better. In addition to Oregon, three other states have already run pilots: Arizona, Colorado and Massachusetts.
2. Place it on the ballot. This would require a 2/3rds vote of each house of the Legislature. Since our research shows that voters like this type of ballot measure, it could pass. There are additional expenses required to place this on the ballot that are different from passing it through the Legislature. There is also a time deadline for this.

We have heard both pros and cons for each of these procedures.

## **RESOLUTION TO SUPPORT INITIATIVE AND REFERENDUM PROCESS REFORM**

WHEREAS, the ballot measure was originally enacted to give the average voter in California a way to band together with like-minded citizens and get action on issues that were not being addressed by the Legislature, but now the ballot measure is increasingly being used by large corporations, big money groups and large lobbying interests as a way to circumvent the Legislature and to mislead the voter into passing their agenda; and

WHEREAS, the average Californian is now being asked to make judgments and vote on measures that are confusing and complicated, that few can understand, that do not state who is funding them, and are supported through ads and mailers with false or misleading information, thus making it difficult to make an informed decision on how to vote, resulting in only 9% of Californians being very satisfied with the process and a majority wanting changes to the process\*; and

WHEREAS, Democrats support an open and transparent system of governance giving the voter the means to make informed decisions, and three reforms to the ballot measure process would ensure transparency, properly inform the voter, and make the system accountable by creating a citizens review committee, improving the funding disclosures and developing a system to mitigate problems; and

THEREFORE BE IT RESOLVED, that the California Democratic Party urges our elected officials to make three reforms to the ballot measure process: 1) create a citizen's review committee (based on the Oregon model) where citizens will hold hearings and write the ballot summaries in plain language the voter can understand, 2) expand the funder disclosures to include top funders on the signature gathering sheets; and on all voting information material (which includes the citizen's oversight board description), and require that top funders must be announced out loud in all radio and television ads, and 3) develop a system for hearings to find flaws, potential legal challenges and propose compromise; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Governor Gavin Newsom, State Attorney General Xavier Becerra, Secretary of State Alex Padilla, Speaker Anthony Rendon, President Pro Tempore Toni Atkins, Assembly Members; Adrin Nazarian, Jesse Gabriel, Luz Rivas, Laura Friedman, Christy Smith, Jacqui Irwin, State Senators; Bob Hertzberg, Anthony Portantino, Henry Stern, and Ben Allen

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\*Public Policy Institute: Reforming California's Initiative Process

CO-SPONSORS:

California Democratic Party

Los Angeles County Democratic Party

Valley Grassroots for Democracy, Democratic Club

Region 12, California Democratic Party

Simi Valley Democratic Club, Democratic Club

Democrats for Neighborhood Action, Democratic Club

Democrats in Sun City Shadow Hills, Democratic Club

West Valley Democratic Club, Democratic Club

Democratic Alliance for Action, Democratic Club

Pacific Palisades Democratic Club

LA County Democratic Party Resolutions Committee, Unanimously passed

The Clean Money Campaign

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Senior Caucus, California Democratic Party

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Jerilyn Stapleton, Delegate, 46 AD, California Democratic Party  
Bobbi Jo Chavarria, Delegate, 47 AD, California Democratic Party  
Fayaz Nawabi, Delegate, 77 AD, California Democratic Party  
Sara Lee, Delegate, 42 AD, California Democratic Party  
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Joy O'Connell, Delegate, 1 AD, California Democratic Party  
Joe Griego, Delegate, 8 AD, California Democratic Party

We have additional support from Senator Bob Hertzberg, Assemblymembers Jesse Gabriel, Christy Smith, and Adrin Nazarian.

## Citizens' Review Statement

This Citizens' Statement, authorized by the 2011 State Legislature, was developed by an independent panel of 20 Oregon voters overseen by the Oregon Citizens' Initiative Review Commission. The panelists were randomly selected from registered voters in Oregon and balanced to fairly reflect the state's voting population based on location of residence, party registration, age, gender, education, ethnicity, and likelihood of voting. Over a period of three and a half days the panel heard from initiative proponents, opponents, and background witnesses. The panelists deliberated about the measure and produced this statement. This statement has not been edited, altered, or approved by the Secretary of State.

The opinions expressed in this statement are those of the members of a citizen panel and were developed through the citizens' review process. They are NOT official opinions or positions endorsed by the State of Oregon or any government agency. A citizen panel is not a judge of the constitutionality or legality of any ballot measure, and any statements about such matters are not binding on a court of law.

### Key Findings

- Labeling genetically engineered foods would provide information to let Oregonians make more informed buying decisions and this would offer them more control and transparency over their food purchasing decisions.
- The labeling requirements do not apply to alcoholic beverages, or prepared restaurant food because they are currently outside the food labeling system laws.
- Regardless of M92, consumers seeking GMO-free food can purchase items labeled non-GMO or organic.
- 64 countries, including most of Europe, Australia and Japan, already require labeling of genetically engineered foods and when those countries switched to requiring labeling food prices did not go up.
- The costs of actual labeling are a tiny fraction of the costs of compliance and certification. The bulk of private costs arise in segregation of products along the supply chain.
- Under M92, if passed, meat and dairy products from animals that have been raised and fed with genetically engineered feed and grain will not be labeled GE.
- Labels required by Measure 92 would NOT tell consumers which ingredients in a packaged food product are GMOs, or what percentage of the product is GMO ingredients.
- If we are going to sell GMO salmon that contain genes from an eel-like organism (something the FDA may soon approve), or other engineered fish or meat now in development, we should label them.
- Importantly, these costs will be borne by firms and consumers for both GM and non-GM foods as labeling foods as non-GM will require oversight costs.
- U.S. food producers already label their GMO foods in 64 countries.

### Citizen Statement in Support of the Measure

Position taken by 9 of 20 panelists

- M92 would offer Oregonians more control and transparency over our food purchasing decisions and does not act as a warning or ban.
- Labeling genetically engineered crops could benefit Oregon family farmers that grow traditional crops by increasing public demand for crops that are not genetically engineered.
- U.S. food producers already label their GMO food in 64 countries, including Australia, Japan, and most of Europe.
- There is mounting scientific evidence that the widespread use of genetically engineered crops designed to survive large amounts of herbicide spraying is leading to a large increase in the use of these chemicals.
- A national consumer organization and a regional medical organization have stated that there are still questions about the long-term health effects of genetically engineered crops.

### Citizen Statement in Opposition to the Measure

Position taken by 11 of 20 panelists

- Under M92, if passed, meat and dairy products from animals that have been raised and fed with genetically engineered feed and grain will not be labeled GM.
- The costs of actual labeling are a tiny fraction of the costs of compliance and certification.
- Labels required by Measure 92 would NOT tell consumers which ingredients in a packaged food product are GMOs, or what percentage of the product is GMO ingredients.
- Existing food labels already give consumers a more reliable way to choose foods without GE ingredients if that is what they prefer, including "organic" and "non-GMO" labels. Measure 92 conflicts with these national labeling standards.
- Thousands of food products would have to be labeled as "genetically engineered" – even if they're not. Thousands of other food products would be exempt from being labeled – even when they do contain or are produced with GMOs.

Sample of Oregon's Citizens' Review Statement

INITIATIVE AND REFERENDUM PROCESS REFORM RESEARCH



## **INITIATIVE AND REFERENDUM MEASURES TODAY**

1. In 2018 big money defeated just about everything. Only daylight savings and animals won.
  - a. Overtime for ambulance drivers, Costa Hawkins and unions in dialysis clinics lost.
  - b. These were all interests of the average worker and renter.
2. Originally, citizen ballot props were conceived as a way to let the average citizen speak and get results.
3. Today, it is a means for big money and big interests to go around the Legislature.
4. Big monied interests unleash a flood of advertising, much of which make untrue claims.
  - a. Meaning voters make choices based on faulty information.

## **GENERAL STATISTICS**

Past 10 years an average of 10 props per election cycle.  
Citizens still feel they want a voice in long term financial decisions.

- 72% of voters believe ballot props are a good thing.
- 9% very satisfied with process.
- 63% feel special interests are in control.
- 67% say too many.
- 83% feel too complicated to understand.
- 17% feel like no change is needed.
- 76% support a system where legislators and writers work together to avoid legal hurdles & develop compromise. (13 of the 22 passes in last 10 years have been court challenged.)
- 47% do not approve of legislature being able to amend or alter a passed proposition.

## **HIGHEST RANKING VOTER DESIRES**

Improve the Legislature's involvement  
Improve transparency of process and donors

## **CITIZEN VIEWS**

The voters largely support ballot measures because of:

- Fiscal populism
- Distrust of the Legislature
- Perceived partisan gridlock
- Influence of moneyed interests in elections

Citizens feel some good happens; people do not want to give up the ballot measure process.

Some cited examples:

- Citizens panel drawing district lines
- Altering term limits
- Raising gas taxes
- Majority vote for state budget

85% approve of reform

## **CONCLUSIONS**

The voters do not want to give up the initiative and referendum process. But, they do not want to feel taken advantage of by being asked to vote on misleading, complicated and arcane issues. They do feel that big money and special interests, instead of the voters, have taken over the process. They are hungry for transparency, clarity and accountability so they can make informed decisions when voting. If the process is not reformed to guarantee transparency and honesty then fewer and fewer ballot measures will pass, further cutting out the voice of the average voter.

Finally based on the studies and polling

VOTERS LIKE being asked:

- Governing decisions. (such a simple majority for budget approval)
- Government processes. (such as citizen redistricting commission)

VOTERS DO NOT LIKE being asked:

- To make judgements on issues involving private companies. (such as Valero)
- To make judgements on issues involving large special interests. (such as real estate companies)
- To make decisions on issues that the average voter could not possibly understand. (such as pricing structures for dialysis clinics)

VOTERS FEEL THEY ARE BEING ASKED TO JUDGE:

- On arcane and hidden agendas.
- Issues that they do not know who put them forward.
- Issues that it is hard to determine who is paying for them.
- "Facts" that they cannot determine the veracity of or who is the source.

**Since voters are not willing to give up the ballot measure:**

Although there is no single solution, there are a number of things that could be done to help voters make informed and logical decisions. But, as it exists now, the voter is frustrated and angry, unsure who direct their discontent at.

SOURCES:

Public Policy Institute of California  
CAL Matters  
Los Angeles Times  
The Hoover Institute  
Ballotpedia  
San Francisco Chronicle  
Capitol Public Radio  
New York Magazine, Intelligencer  
Sacramento Bee