



Ballot Initiative STRATEGY CENTER

1825 K Street, NW | Suite 411 | Washington, DC | 20006 | 202-223-2373 | info@ballot.org

Trendlines

A Brief Survey of Ballot Initiative Activity around the Country

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Political Analysis

In 2008, ballot initiatives could impact races up and down the ballot, including the Presidential campaign.

While their value in mobilizing turnout in a Presidential year will be limited because the national election will be driving turnout on its own, a ballot initiative's impact in 2008 will more likely hinge on its capacity to elevate an issue and shape the debate of a state, or even the national election.

The big question is whether people are buying what the ballot initiatives are selling. In order to answer this question it's worth taking a look at how a particular initiative aligns with the mood of the electorate.

Based on public opinion research we have conducted with independent, "swing" voters, here is what we know:

- Voters head into this election season with serious concerns about the country and a strong feeling that the country is a rudderless boat, lacking leadership and drifting without direction.
- Voters feel America is falling behind and that it is no longer likely that we will pass on a better future to the next generation.
- Voters are ready to respond to big challenges in their lives.
- They know there are problems and want to address them.

Voter dissatisfaction presents an opportunity for ballot initiatives. Skeptical that the politicians will lead, voters can see ballot initiatives as a means to fill the leadership vacuum by allowing citizens to take issues into their own hands.

As usual, there are number of right-wing efforts to divide and distract voters with ballot initiatives that include banning equal opportunity programs for women and minorities; attacking a woman's right to choose her own health care decision; discriminating against gays

and lesbians on marriage and adoption; and cutting vital services like education and health care for those that need it most, to name a few.

In an election cycle where the choice for voters will be *change versus more of the same*, is this the sort of *change* people are looking for?

These initiatives are from the same page of an old right-wing playbook that offers nothing more than the same divisiveness people have had enough of.

Matthew Dowd, who was chief strategist for Mr. Bush's campaign in 2004, put it best speaking about the California marriage discrimination initiative when he said, "At best, it doesn't move voters, and at worst for Republicans, it moves them against them. Not so much on the issue, but it becomes, 'Why are we having a discussion on this issue when we should be talking about things that matter, like the economy, or health care, or the war?' "

What people are looking for is not more division but rather solutions that advance the common good. That is why progressives should feel good about some of the ballot initiatives moving across the country - renewable energy and home health care in Missouri; paid sick leave in Ohio and Milwaukee; children's health care in Montana; and universal health care and stem cell research in Michigan.

The contrasts in approach to ballot initiatives couldn't be clearer. Whereas progressives are advancing bottom-up efforts to improve people's lives, the right-wing clings to a top down strategy of dropping out-of-state money and activists into states with the intention to write their extreme and narrow ideology into state constitutions.

In a *change* election, people are not looking to turn back the clock, they are looking to move forward together.

We are continually updating our picture of the country's ballot measure landscape in order to identify salient political trends at the earliest possible moment. We have condensed our latest intelligence below to give a sense of the major issues moving into the ballot initiative sphere. In this world, the landscape often shifts week to week. This is not meant to provide a comprehensive examination of measures that will definitely appear on the ballot this November, but rather offers a general preview and snapshot of the ballot initiative landscape.

Progressive Solutions

Clean Energy

Clean energy represents one of the initiatives that could break through and resonate with voters in a noisy, presidential election environment. This issue's power emanates from the fact that it connects to nearly everything that is important to voters – independence and freedom;

the economy and jobs; security; and a clean environment. In essence, voters see clean energy as the key to a prosperous, free and secure America.

In **Missouri**, an initiative to require the state to produce 15 percent of its electricity from clean energy by 2021 has submitted signatures for the ballot in November. Public opinion research shows that voters believe this is both achievable and necessary to free American from dependence on foreign oil and reduce global warming.

Moreover, voters believe their state can prosper by emerging as a clean energy leader. In fact, research shows this is the one economic issue where white men in their 30s, 40s and 50s think about more than their wallets. Rather than noting negative economic ramifications of shifting to clean energy, these men mention their belief in technological progress. Like other voters, they see clean energy as “a no-brainer.”

Health Care Reform

From BISC-commissioned research, we know that voters across the country are eager to engage ‘the big issues’ this cycle. Measures dealing with major health care reforms rank among the most exciting possibilities across all of the voting demographics surveyed by BISC.

Health care represents the largest factor contributing to the economic insecurity of Americans. The health care debate is about both cost and access, but more fundamentally it is about security. In focus groups, voters expressed anxiety in a very personal sense about the possibility that they or a family member would not have health insurance if they lost a job or were between jobs.

Currently circulating in **Michigan**, the *Health Care for All* initiative calls for the legislature to provide an efficient, cost-effective health care system for all the citizens of Michigan; **Montana** is circulating an initiative that would extend health care coverage to all of the state’s uninsured children; **Missouri** has submitted signatures to put a home health care initiative on the ballot that would enable the elderly and those with disabilities to continue living independently in their homes; and in **Wisconsin** local health care reform referendums are moving to the November ballot.

Paid Sick Leave

In **Ohio**, the *Healthy Families* initiative that would guarantee seven days of paid sick leave is circulating petitions and in **Milwaukee, Wisconsin** a similar paid sick leave measure is likely to make the ballot.

Stem Cell Research

Hoping to overturn the state's ban on stem cell research, **Michigan** is circulating petitions to place an initiative on the November ballot allowing voters to decide whether the research should be legal in Michigan. This initiative comes on the heels of a 2006 victory in **Missouri** where a similar ban was overturned.

Death with Dignity

In **Washington** citizens are collecting signatures to place a *Death with Dignity* initiative on the ballot. The measure would allow dying patients to control their own end-of-life care. Patients in the final stages of a terminal disease would have the choice to end their life with dignity, on their own terms. Booth Gardner, a popular former governor, is leading efforts to pass the initiative in Washington eight years after the successful implementation of Oregon's Death with Dignity Law, which was recently upheld by the US Supreme Court ruling in *Gonzales v. Oregon*.

Medical Marijuana

In **Michigan**, an initiative will be on Michigan's fall ballot to legalize marijuana use by the terminally and seriously ill. If voters approve it, Michigan would become the 13th state to legalize medical marijuana for the treatment of a host of health problems such as HIV/AIDS, cancer, hepatitis C and Alzheimer's disease. Backers of medical marijuana got a big boost in February when the American College of Physicians, which represents 124,000 internal medicine specialists, issued a position paper that calls for expanded research into the potential therapeutic role of marijuana, noting that various medical "reports suggest numerous potential medical uses for marijuana."

Economic Fairness and Security

In **Colorado**, two economic fairness and security ballot initiatives are circulating petitions. *Just Cause*, will help protect Colorado employees by having companies simply explain their reasons for firing employees. When this initiative passes, companies will still be able to fire bad employees. They'll just have to say why. Polls show that 7 out of 10 Coloradans support *Just Cause*.

A *Corporate Fraud* initiative would make heads of companies pay out of their own pockets if they commit criminal fraud. It also requires CEOs and executives to report criminal fraud if they know about it.

Right Wing Politics of Division

Ban Equal Opportunity

The wheels are falling off of Ward Connerly's attempts to ban equal opportunity programs that have evened the playing field and offered a ladder up for women and minorities.

Connerly has used out-of-state money and a paid signature gathering firm with a shady past from Georgia, National Ballot Access, to collect petitions for his initiative to re-write constitutions in **Arizona, Colorado, Missouri, Nebraska and Oklahoma**.

In **Oklahoma**, Connerly and National Ballot Access failed to receive enough citizen support to get his divisive initiative on the ballot. Connerly has faced charges of using deceptive tactics and desperately recruited people from out-of-state to help him gather signatures in **Missouri**, including a racist group from California, the Minutemen. It has also been reported that that one

of Connerly's signature gathers was picked up by police because he is wanted in three states for voter fraud related charges. At the end of the day, the so-called "Civil Rights Initiatives," failed to gain enough signatures to make the ballot. In **Colorado**, the New York Times detailed the deception being used by Connerly to collect signatures from people at Obama rallies and a Martin Luther King Day parade, telling people that his initiative would "end discrimination." Connerly is now facing a lawsuit in Colorado where 70,000 signatures are being challenged, half the amount he turned in to qualify for the ballot. It was reported in **Arizona** that Connerly is, "having difficulty recruiting petition circulators for the initiative and are short on cash," and that he is "struggling to gather enough signatures to qualify their initiative for the ballot." College students in **Nebraska** have protested Connerly's use of a paid signature gathering firm, National Ballot Access, which has long history of allegedly engaging in initiative fraud and are working for Connerly this year in all five states. Connerly currently faces a deadline to turn in signatures the first week of July in both Arizona and Nebraska.

Attacks on Women's Health Choices

This is an issue that continues to be at the forefront of the right-wing agenda despite years of losses at the ballot box on anti-choice ballot measures. In fact, advocates of reproductive justice have beat back nearly 90% of all anti-choice initiatives over the past two decades, capitalizing on the fact that Americans are overwhelmingly pro-choice.

The assault on women's reproductive rights continues this year with "anti-choice" ballot initiatives moving in five states: **California, Colorado, Montana** and **South Dakota**. California will try again to pass a parental notification measure after already failing twice. Right wing activists in Colorado and Montana are advancing a "*Definition of Personhood*" initiative that has divided conservatives. The re-write of the constitution would seek to overturn Roe v Wade by re-defining "personhood" as the moment of fertilization. If passed, these initiatives would permanently alter the constitutions of Colorado and Montana and allow government intrusion into the personal and private medical decisions of their citizens. It puts a woman's health in real jeopardy, even in cases, like rape, incest, and when the life or health of the woman is at risk. It could lead to a ban on several of the most medically safe forms of birth control and could also ban or restrict common fertility treatments, such as in vitro. A supporter of this measure in Montana has said women could be investigated to see what they might have done to *cause* their miscarriages.

Marriage and Adoption Discrimination

The marriage discrimination strategies of 2004 lost their base-rallying potential when they reappeared in 2006, as voters began to see them for the gimmicks that they are.

In **Arkansas**, an initiative to take away adoption rights from "all unmarried couples" is circulating. In **California** signatures have been submitted for a marriage discrimination initiative that would likely over-turn a recent California Supreme Court decision that ruled that gay marriage was protected by the state constitution. **Florida** will vote on a marriage discrimination measure that would outlaw recognition of all same-sex partnerships. And in **Arizona**, a constitutional ban on same-sex marriage is awaiting approval of Arizona House and Senate before going to voters.

Anti-Immigrant

In **Arizona** four ballot initiatives are currently being circulated; to prohibit employers from knowingly employing undocumented citizens; to require the state to comply with and assist in the enforcement of federal immigration laws; to crack down on businesses who hire illegal immigrants; and to ban issuance of birth certificates to children of non-citizens. In **Arkansas**, an initiative has been approved to circulate petitions that would require government agencies to verify all people seeking public benefits like education and health care in Arkansas are legal U.S. residents. In **Oregon**, signatures pending verification for an “*English only*” initiative that would prohibit teaching public school students in language other than English for more than two years. The initiative restricts public school student's access to ESL programs, regardless of English proficiency. It does not allow for parental choice in choosing programs for their children and it requires learning within specific timetables but does not provide tools for achieving goals. In addition, petitions are being circulated for an initiative that allows state cooperation with immigration enforcement and requires proof of legal status for voter registration and driving privileges. The initiative turns state and local employees, including police officers, into immigration agents.

Cutting Education and Health Care

One might imagine that anti-tax ideologues would have learned an expensive lesson after the defeat of the Taxpayer Bill of Rights (TABOR) in all of the states where it was attempted in 2006.

They didn't. A property tax revenue limit initiative that could threaten vital services like education, health care and police and fire protection is on the ballot in **Florida**.

The 2006 election season was disappointing for supporters of the *65% Deception* scheme. The measure would have crippled schools as they work to serve the needs of their students by eliminating funding for librarians, nurses, counselors, or the buses and bus drivers needed to get kids to school in the first place. They suffered defeats in **Washington, Arizona, and Oregon** where petition drives to get the measures on the ballot were called off for lack of support and funding. Versions of the *65% Deception* have been defeated in previous years legislatively in **Illinois, Louisiana, Minnesota, Mississippi, Missouri, South Carolina, Tennessee, Utah, Virginia, and Wisconsin**.

However in **Florida**, where a *65%* proposal supported by the governor was rejected by the legislature, an amendment will appear on the ballot. Florida voters will also weigh in on a constitutional amendment that would reauthorize school vouchers and possibly allow public money to fund religious and secular private schools.

In **Oregon**, signatures are pending verification for an “Income Tax” initiative that would cut state revenues by \$3.4 billion. The average tax cut for the richest 1% would be \$15,048, while the average tax cut for the middle 20% would be \$1.

In **Massachusetts**, an initiative that would repeal the income tax is on the ballot. The initiative would eliminate 40% of the state's budget and lead to teacher layoffs, school closings, and cuts to higher education and worker training programs. It would also delay and eliminate road and bridge repairs, force cuts to health care services for those that need it most and threaten neighborhood safety.

Dismantle Labor Unions

In **South Dakota** and **Oregon** a "*Paycheck Deception*" ballot initiative is on the ballot. The measure is a right-wing effort to deprive workers of their voice in the political process. It unfairly singles out unions, leaving corporations and right-wing associations unaffected. **Colorado** is also circulating petitions and **Arizona** has been approved to circulate.

Another ballot measure called "*Open and Clean Government*" is on the ballot in **South Dakota**. It has been filed in **Montana** and petitions are being circulated in **Colorado**. The initiative would prohibit political contributions by persons and organizations with certain state or local government contracts. It also prohibits political contributions by labor unions that have collective bargaining agreements with state or local governments. The initiative attempts to silence the voice of working families in legislation and in politics by banning the use of union dues for legislative and political advocacy.

Colorado voters will also vote on a "*Right to work*" ballot initiative in November. "*Right to work*" actually has nothing to do with a right to a job or employment. The initiative would allow nonmember workers to get all the benefits of union membership and pay nothing, while forcing unions and their members to foot the bill for those not willing to pay their share.

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