

Grass Roots Initiative Reform Act:

Amending the Initiative and
Referendum Process in California

Government's Tendency to Grow

“All that is necessary for the triumph of evil is that good men do nothing.”

-- Edmund Burke

“The natural progress of things is for government to gain ground and for liberty to yield.”

-- Thomas Jefferson

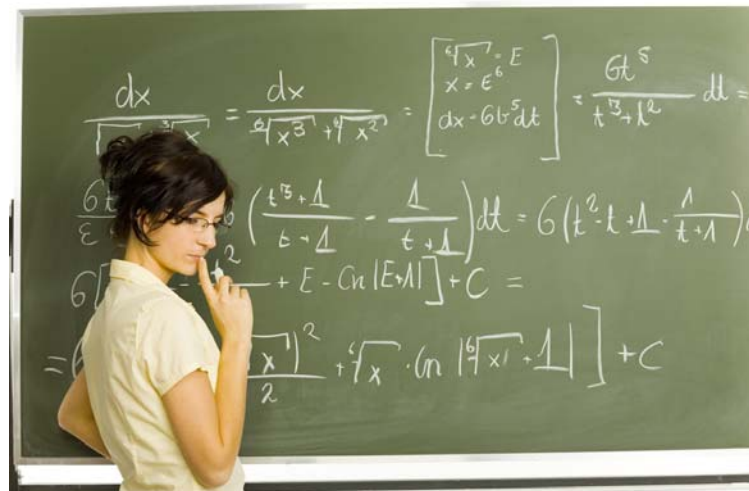
The Problem

- Special Interests groups are able to reap concentrated benefits.
- The Public bears diffused costs.
- Once a law is passed, it's relatively easy for its proponents to maintain the status quo and difficult for opponents to reverse the tide.



Changing the Political Calculus

- By making it less expensive for the Public to repeal laws, and more expensive for Special Interests to defend bad laws, we change the economic calculations made by those vested in the current system.



How Do We Accomplish This?

Referendum Reform

- Current Process is Limited and Expensive
 - Not applicable to tax legislation.
 - Can only be used on one statute (or part of a statute) at a time. The Legislature can pass 1,000 laws per year.
 - Only 90 days, starting from the enactment of the law, to gather 433,971 valid signatures.
 - Only accomplished 12 times since 1952, never by grass roots citizens.
 - Statewide marketing campaign required after qualifying for the ballot.

How Do We Accomplish This?

Referendum Reform – Proposed Process

- Gather 100,000 valid signatures within 365 days to force any existing statute, portion of a statute or multiple statutes (including taxes) covering the same subject to the Legislature for reconsideration. If completed prior to law going into effect, the measure is stayed.
- If the Legislature and Governor fail to re-enact the measures in their entirety without amendment within a couple of months, the law expires at the end of the year - - or never goes into effect – avoiding the cost of going to the ballot and conducting a statewide marketing effort.
- If the law is re-enacted, referendum proponents can still gather the remaining 433,971 valid signatures to force the measure to a ballot.
- Statutes previously enacted by voters subject to referendum ballot.



Package of Popular Reforms for Initiatives and Referenda

- Services of Legislative Counsel made available to proponents. (Supported by 76% of registered voters; PPIC Statewide Survey Oct. 2008, Californians and Their Government)
- Campaign disclosure of \$10,000+ donors during signature gathering stage. (Supported by 80% of registered voters ; PPIC Statewide Survey Oct. 2008)
- Secretary of State to create a petition form sized to fit on one page and downloadable from website.
- Statute language no longer required on petition form, instead to be made available upon request.
- Secretary of State to receive and tabulate completed petitions. Provide ongoing reporting of raw and valid signatures collected. Decentralized signature gathering and collection becomes possible.
- Proponents may withdraw an initiative (not referendum) prior to submission to voters, if Legislature addresses proponents' concerns. (Supported by 79% of registered voters ; PPIC Statewide Survey Oct. 2008)

Winners



- The Governor -- the opportunity to veto laws that are reconsidered by the legislature.
- Legislative members elected in response to public dissatisfaction with previous legislation -- better positioned to oppose or negotiate compromises on laws which are reconsidered.
- Business Groups and Trade Associations -- laws harmful to jobs and the economy can be subjected to a second look in the Legislature or a vote of the people.
- Taxpayers – allows for the referendum of tax laws, which are currently exempt from referenda.
- The People – enables them to compel the Legislature to address issues of importance to John Q. Public and provides them with the opportunity to veto laws that do not enjoy mainstream support.

Losers

- Special Interests currently able to enact legislation that wouldn't survive a referendum.



What Laws Would You Repeal?

- Onerous Taxes
- Gun Laws
- Prevailing Wage Laws
- Mandates on Local Governments
- Job Killer Laws, (e.g. AB 32, Nunez, 2006)
- Social Agenda Laws, (e.g. SB 777, Kuehl, 2008)



Status: Completed Items

- Measure crafted
- Legally vetted



Status: To Be Done

- Raising seed money.
- Conducting focus groups to identify proposal strengths and weaknesses.
- Making appropriate changes in wording to address weaknesses identified in focus groups.
- Conducting polling to measure support for concept prior to qualifying initiative.
- Raising money to qualify and market the initiative.
- Submitting measure to Secretary of State.
- Gathering the required 694,354 valid signatures to qualify the measure for ballot.
- Campaigning for passage.
- Defending the initiative in court after its passage.

