

IN THE NEWS



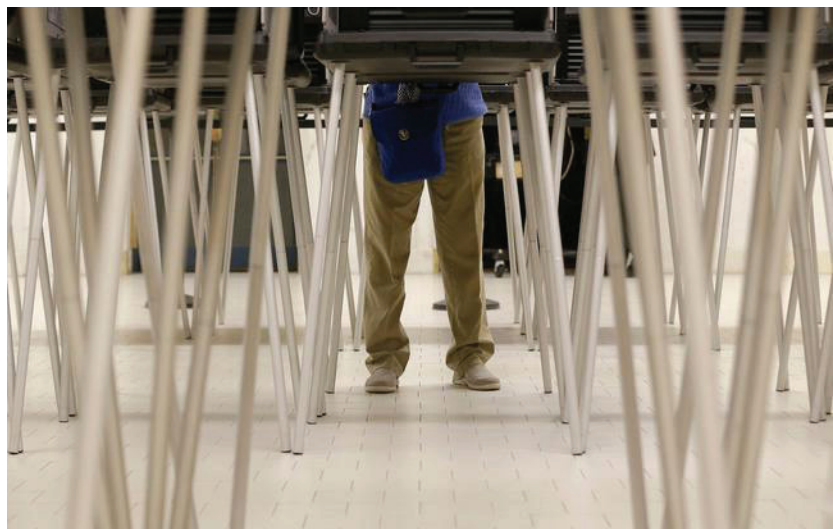
Election 2016: Daunting ballot awaiting California voters

By MATTHEW ARTZ | martz@bayareanewsgroup.com, July 4, 2016

Voters are in store for another thick November ballot — one that will offer up more statewide initiatives than IHOP has pancake dishes.

With California Secretary of State Alex Padilla certifying 17 ballot measures late last week — the most for any election since March 2000, when the state's voters grappled with 20 measures — local residents can expect to cast upward of five

double-sided pages worth of votes and receive election guides that could number more than 200 pages, said Joe Canciamilla, Contra Costa County's election chief.



A man fills out a ballot while standing at a voting booth at City Hall in San Francisco, Tuesday, June 7, 2016. (AP)

“The ballot is just going to be a nightmare,” he said.

As voters labor over questions about legalizing marijuana, eliminating the death penalty and making adult film actors wear condoms during sex, studies show that nearly 1 in 10 of them will likely give up before making it to the raft of local races, including a \$3 billion BART bond measure.

And many more will find themselves nixing initiatives they never had the time to grasp, said Shaun Bowler, a ballot measure expert at UC Riverside.

“The conventional wisdom is the more propositions you have, the more ‘no’ voting you get because people say, ‘I don’t want to take the time to figure this out,’” he said.

But that's the price of the election business in California, where the state's century-old commitment to direct democracy is both a hallowed institution and a source of ritual bellyaching.

Many of the measures on the upcoming ballot were destined to go before voters because state law requires any constitutional amendment and nearly all general obligation bonds to receive public consent.

California also has a relatively low bar for citizens — or well-heeled interest groups — to circumvent the Legislature and go directly to the voters. Low turnout in the 2014 election reduced the number of signatures needed to qualify a ballot measure. And a 2011 law pushed nearly all measures to November, when voter turnout is highest.

The initiative system is hardly perfect, but it has given voters the power to exercise their will when entrenched lobbies block action in Sacramento, said Kim Alexander of the California Voter Foundation.

“I know this will be a long and intimidating ballot,” she said. “But there are a lot of topics covered in these initiatives that will get people excited and engaged and that can draw more people out to vote.”

Canciamilla, a moderate Democrat from Pittsburg who served six years in the Assembly, countered that the initiative process had become just as political as lawmaking itself.

The ever-growing number of initiatives resulted in “an overall culture of cowardice” in the Legislature, he said. Meanwhile, politicians worked on measures of their own whose goals included turning out like-minded voters or advancing their own ambitions.

Canciamilla sees that happening this year with a gun control measure championed by Lt. Gov. Gavin Newsom, who will be running for governor in 2018, and a \$2-per-pack cigarette tax hike backed by billionaire environmental activist Tom Steyer, who is also considering joining the governor's race.

“This allows them to campaign without actually campaigning,” Canciamilla said. “And they can wrap themselves in God, mother and apple pie ... and do it in a way to that gives them good press and good name recognition.”

Steyer spokesman Gil Duran countered that Steyer led previous initiative drives, while Dan Newman, who is working on the gun control measure, noted that Newsom hasn't been afraid to tackle controversial issues, including gay marriage, when he was mayor of San Francisco.

It might be hard to fathom, but California hasn't always been awash in citizen-initiated ballot measures. After going gangbusters with measures in the early part of the 20th century, the state had just nine for the entire decade of the '60s — one of which proposed denying political party status to Communists. That failed.

The watershed moment in the rise of initiatives occurred with Proposition 13, the landmark 1978 measure that capped property tax increases, said Kurt Oneto, an attorney who specializes in ballot measure law with the law firm Nielson Merksamer.

“You see a change there where even the voting public lost some confidence in the Legislature and started taking matters into their own hands,” he said.

For the first time this year, state law allowed legislators to head off ballot measures by working with sponsors to pass similar legislation. That avoided the need for a measure to raise the state’s hourly minimum wage to \$15, but a package of gun control measures signed into law by Gov. Jerry Brown on Friday hasn’t convinced Newsom to abandon his measure.

As the number of statewide ballot measures has jumped, so has the cost for getting them on the ballot. In 2012, advocates spent more than \$28 million collecting signatures for 13 measures, according to the website Ballotpedia.

One thing money can’t buy is a friendly place on the ballot. State law requires that bond measures go first in the order they were certified. Those are followed by constitutional amendments, measures forwarded by the Legislature, citizen initiatives and referendums. That means the last measure on the ballot in November will be the plastic bag industry’s effort to overturn a state law banning plastic grocery bags.

Oneto said his studies show placement doesn’t have much impact on the success of a California measure — money is the better indicator. Voters are far more likely to approve propositions referred to them by the Legislature than citizen-driven initiatives, he added.

Eric Zell, a political strategist working on a Contra Costa transportation tax measure, said he expected about 8 to 9 percent of voters will leave the item blank, but he said it likely wouldn’t have much impact because Democrats and Republicans are just as likely to skip votes.

Alexander, whose organization defends the rights of voters, said skipping certain measures isn’t a sin when confronted with a big ballot.

“It’s not a test,” she said. “It’s perfectly fine to leave some blank if you’re not confident in your choices.”

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MEASURES ON NOVEMBER BALLOT

Proposition 51

School bonds: Authorize \$9 billion in school construction bonds

Proposition 52

Hospital fees: Safeguard fees intended to make state eligible for federal health funds

Proposition 53

Bond rule: Require voter approval for state revenue bonds \$2 billion and more
Proposition 54

Transparency: Require Legislature to publish bill 72 hours before passage
Proposition 55

Tax extension: Extend 2012's Proposition 30 income-tax surcharge on wealthy to fund schools
Proposition 56

Cigarette tax: Raise by \$2 per pack to \$2.87
Proposition 57

Sentencing: Earlier parole for nonviolent offenders; more latitude for judges to not try juveniles as adults
Proposition 58

Bilingual education: Overturn 1998's "English Only" initiative
Proposition 59

Citizens United: Nonbinding query on whether lawmakers should seek to overturn 2010 Supreme Court ruling voter instruction
Proposition 60

Porn: Require adult film actors to wear condoms during sex
Proposition 61

Prescription drugs: Limit prices on state purchases of prescription drugs
Proposition 62

Death penalty: Make life imprisonment with no parole strongest sentence
Proposition 63

Gun control: Tightens weapons restrictions further
Proposition 64

Marijuana: Legalize recreational use and tax purchases
Proposition 65

Carry-out bags: Require grocery stores direct paper bag sale proceeds toward environmental fund
Proposition 66

Death penalty: Preserve capital punishment and speed up judicial review
Proposition 67

Plastic bags: Overturn 2014 plastic bag ban

SOME measures that never made it on ballot

Pension reform: Would have curtailed public employee pension benefits

Hospital CEO pay: Would have capped pay for public hospital CEOs

Drinking age: Would have lowered the drinking age to 18

Political ad tax: Would have placed 1,000 percent sales tax on political advertising