

1. Should California retain the citizens' initiative and referendum process?

Initiative:

- retain as is
- retain, but prefer with changes
- don't retain

Referendum:

- retain as is
- retain, but prefer with changes
- don't retain

2. Our current position says: "Initiative sponsors should be required to submit draft proposals to an official authority for an opinion on clarity/language, constitutionality/legality, or single subject."

a. Who should perform any pre-review? *Mark all that would be acceptable.*

- Legislature
- Judiciary
- Retired judges
- Bar Association appointed committee
- Independent citizens committee
- State agencies (e.g., Legislative Analyst's office, Secretary of State)
- Combination or collaboration of the above
- Other: _____

Comments: *Need objective review; LAO or Leg Council; a person/group who is appointed to analyze proposal.*

b. Should the pre-review be voluntary or mandatory? (*Our current position is that the pre-review should be mandatory.*)

- Voluntary
- Preferred
- Mandatory

c. What should be the result of the pre-review? *Mark all that apply.*

- Notification to proponents (not public)
- Public notice regarding result(s) of review
- Go/no-go decision on the initiative
- Other _____

Comment: *For first option: assuming there's the opt'y to rewrite within a timeline.*

3. Title and Summary:

Who or what office should be responsible for writing the ballot measure title and summary?

Mark all that are appropriate.

- Attorney General
- Secretary of State
- Proponent(s) of initiative
- Legislative Analyst
- State Auditor
- Independent citizens committee
- A combination or collaboration of the above
- Other: Pursue same model as WA state; with Secty of State or LAO.

Comment: *it's a good idea to have a person/dept. whose job is to analyze potential initiatives.*

4. Requirements to qualify:

The current LWVC position lists qualification requirements with a specific number of signatures and number of days allowed to gather signatures for each type of measure.

a. Should a position with a specific percentage of signatures be retained?

- Yes, retain a position with a specific number of signatures
- No, do not retain a position with a specific number of signatures

b. If the requirement for a specific percentage of signatures is retained, should the requirement be:

- About the same
- Higher
- Lower

c. Should a position with a specific number of days for gathering signatures be retained?

- Yes, retain a position with a specific number of days for gathering signatures
- No, do not retain a position with a specific number of days for gathering signatures

d. If the requirement for a specific number of days for gathering signatures is retained, should the requirement be:

- About the same
- Higher

___ Lower

___ Made easier

Remain about the same

___ Made more difficult

Consider alternate methods (see Question 2)

5. Should the requirements required to get a measure on the ballot remain about the same, be made easier, or be made more difficult?

6. Listed below in the following table are some ideas about potential changes to the process that have been proposed or adopted by other states. The list isn't intended to limit the discussion but rather to guide the discussion around the process.

To evaluate future reform measures for the citizens' initiative and referendum processes in California, use the table to rate your opinion of the importance of the following proposals, from "mandatory" to "no consensus," regardless of the signature gathering method used. In the far right columns, evaluate the reform measures as they relate to the signature gathering methods: paid signature gatherers, signatures gathered electronically, or volunteer signature gatherers. Mark all boxes that apply.

	Importance (select one)							Signature Gathering Methods (select all that apply)		
	Mandatory	Important, but not mandatory	Would be nice	Not important	Work actively to avoid	No consensus	Paid Signature Gathering	Electronic Signature Gathering	Volunteer Signature Gathering	
a. Limits on number of words in the language of an initiative		x								
b. Require that language comply with standards of readability or simplicity	x									
c. Show that there is public support for the idea via a public poll or another trusted tool <i>Comment: Does not have to be a poll. See for ex Steinberg's bill re: contributions of \$100 by 1000, etc.</i>		x								
d. Specify the funding source for the program or plan in the initiative	x									
e. Limit the number of initiatives that can appear on a single ballot <i>Comment: But remember loaded ballots in FL; took hours to vote?</i>			x							
f. Include automatic sunset provision; e.g., automatic review after "x" number of years.	x									

g. Increase amount of time to circulate a petition				x					
h. Decrease amount of time to circulate a petition				x					
i. Allow use of internet and/or other technology for signature gathering <i>Comment: when tech is secure & available</i>			x					X	
j. Require registration of signature gatherers <i>Comment: County elections office</i>	x						x	x	x
k. Require training for signature gatherers <i>Comment: For consistent message; knowledgeable on the process/measure.</i>	x						x	x	x
l. Other _____									

7. Should California voters continue to have the right to amend their constitution through the citizens' initiative process?
 Yes
 No
 Yes, with changes; specify _____

example, a supermajority vote requirement or passage at multiple elections.)
 Yes, require a higher standard than a simple majority for an initiative constitutional amendment
 No, do not require a higher standard for passing a constitutional amendment

8. If amendments to the Constitution are allowed by citizens' initiative:

a. Should there be a higher standard for **qualifying** an initiative constitutional amendment than an initiative statute? (For example, there could be a requirement for more signatures, or a shorter time limit for an initiative constitutional amendment than for a statutory initiative.)
 Yes, require higher standards for qualifying an initiative constitutional amendment
 No, do not require higher standards for qualifying an initiative constitutional amendment

b. Should there be a higher standard than a simple majority at a single election needed to **pass** an initiative constitutional amendment than an initiative statute? (For

Comment: Supermajority could be redefined

9. Post-election conflicts:
 Currently if two or more conflicting measures on the same ballot all pass, the measure receiving the greatest number of votes is enacted. In such a case, should the provisions of all measures receiving fewer votes be allowed to be enacted insofar as they do not conflict with the measure receiving the most votes?
 Yes
 No

Comment: Winner wins! Single subject ballot could eliminate conflict

10. The current LWVC position states that a measure that requires a supermajority vote for passage of

future related issues should be required to receive the same supermajority vote approval for its passage.

In general, should an initiative which institutes new requirements for future initiatives (such as imposing new taxes) have to meet those same requirements in its own lifecycle?

Yes

No

Under some instances:

if the initiative places requirements on future tax increase initiatives

if the initiative requires a supermajority vote for certain future initiatives

if the initiative places requirements on (specify) _____

Comment: to require higher standard, be consistent with approval standard

11. Legislative amendments of initiatives that have been enacted:

a. Should the Legislature have the authority to amend **statutes** approved by initiative without going back to a vote of the people?

Yes

No

Sometimes

b. If yes, should there be limitations on the Legislature's authority? *Mark all that apply:*

After a waiting period

Only "in the spirit of" the original initiative

Require supermajority vote

Only as described in the language of the initiative (status quo)

Other _____

Comment: "in the spirit of" – for technical or implementation adjustment

c. Should the Legislature have the authority to amend **constitutional amendments** approved by initiative without going back to a vote of the people?

Yes

No

Sometimes

d. If yes, should there be limitations on the Legislature's authority? *Mark all that apply:*

After a waiting period

Only "in the spirit of" the original initiative

Require supermajority vote

Only as described in the language of the initiative (status quo)

Other _____

PRINCIPLES

12. In evaluating proposed changes to the Initiative and Referendum process, what principles should apply considering the Stakeholders*?

Show continuum for each principle from "Critical" to "Unimportant."

Mark if the principle applies to the Initiative (I), the Referendum (R), or Both (B). In the last column, for all principles, rank them from 1-15, with 1 being the most important, and 15 being the least important.

***Stakeholders:** Voters, Proponents, Opponents, Legislature, Legislative Counsel, Legislative Analyst, Secretary of State, County Election Officials

Legend for Initiative & Referendum Process Stage: Drafting (D), Qualification (Q), Campaign (C), Disclosure (DI), Election (E), Post-Election (PE), Legal (L)

Principle	Definition	Critical	Important	Somewhat important	Unimportant	No consensus	Applicable to which stages of the I&R process (see legend)	Applicable to Initiative (I), Referendum (R) or Both (B)	Rank (1-15)
1. Accessibility	Open to input from all stakeholders	x					D		3
2. Accountability	The stakeholders are held to California laws with use of adequate and timely enforcement	x					C DI E Q		1
3. Amendability	The process should be subject to change with some level of stakeholder approval		x				D Q		7
4. Authenticity	The process represents all stakeholders' interests		x				DI, Q		9
5. Comprehensibility	Understandable by all stakeholders	x					D, DI, C		4
6. Availability of compromise at some point or points in process	Stakeholders have opportunities to deliberate and compromise before an measure reaches the ballot	x					D,		2
Principle	Definition	Critical	Important	Somewhat important	Unimportant	No consensus	Applicable to which stages of the I&R process (see legend)	Applicable to Initiative (I), Referendum (R) or Both (B)	Rank (1-15)
7. Concentration of power (avoid)	No single stakeholder or group of stakeholders can dominate the process		x				D, DI, Q		6

8. Deliberation	Adequate time for deliberation, including consideration of input from stakeholders		x				D		10
9. Expertise	Deference among stakeholders is given to subject matter experts		x				ALL		12
10. Flexibility	Ability to adapt to differing circumstances			x			E		14
11. Impartiality	Not partial or biased toward any position on a measure		x				Q. D		11
12. Integrity	Stakeholders and the public believe the system works, and is sound		x				ALL		8
13. Respect for stakeholder rights	A majority is not able to restrict the rights of any stakeholder		x				ALL		13
14. Transparency	Timely information about all aspects of the process are publicly available and searchable	x					ALL		5
15. Other	Specify principle plus short definition _____ _____ _____								

Comment re: #12: *The thinking of these principles is VALUABLE, but ranking them is not worthwhile. A diff ranking might have made the ranking exercise more relevant.*

2) Process to remove a proposition by proponents.
(cf. recent prop on redistricting)

LAST TWO QUESTIONS

13. Please list any changes in the initiative and referendum process in California that you would support that have not been covered by the consensus questions.
Need to make apparent all funding sources for and against, in advertisement, voter pamphlet, etc., as well as access to donor names. Transparency; follow the money—make it easily available to voters:
1) Truth in advertising fact checker

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x retain, but prefer with changes
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