

RESOLUTION 5-15-2006

DIGEST

Initiatives: Prohibiting Payment of Signature Collectors

Adds Election Code section 18604 to prohibit paying signature collectors on ballot initiatives.

RESOLUTIONS COMMITTEE RECOMMENDATION

APPROVE IN PRINCIPLE

History:

No similar resolutions found.

Reasons:

This resolution adds Election Code section 18604 to prohibit paying signature collectors on ballot initiatives. This resolution should be approved in principle because it ensures that the initiative process reflects the actual will of the voters, rather than the ability of special interests to fund petition drives.

The initiative process evolved out of an attempt to wrest control of the state's political process away from special interests and allow voters to use the ballot initiatives to affect certain aspects of their lives in California. Before the enactment of initiatives in 1911, California residents could not get issues of concern to them heard without going through the legislative process.

Now, however, the initiative process has devolved into a race for signatures. Corporate groups and other large associations routinely hire armies of signature gatherers and send them out, armed with clipboards and a disarming pitch that often misrepresents the petition itself, to stalk voters at malls, parades, street fairs, and baseball games. Some of the petition workers have been found to be unregistered in California or, sometimes, not even residents of the state, either of which is a violation of state law. The popular process envisioned by Hiram Johnson almost a century ago has been reduced to a contest for signatures at a few dollars apiece.

If the initiative process is to be a true reflection of popular will, it should be conducted by volunteers, not paid workers. The practice of paying petition workers should be banned.

TEXT OF RESOLUTION

RESOLVED that the Conference of Delegates of California Bar Associations recommends that legislation be sponsored to add Election Code Section 18604 to read as follows:

- 1 §18604
- 2 It shall be unlawful for compensation to be provided to any individual, corporation,
- 3 business, or any other entity for the collection of signatures for the purpose of qualifying any
- 4 initiative for the ballot. Any person, business, or corporation who violates this section by
- 5 providing compensation for the collection of signatures for the purpose of qualifying any

6 initiative for the ballot shall be guilty of a misdemeanor.

(Proposed new language underlined; language to be deleted stricken)

Proponents: Duncan Crabtree-Ireland, Franne Ficara, Leon Goldin, Maggie Grover, Jody Hoenninger, Andi Liebenbaum, Lawrence Liebenbaum, Steve Marsh, Lilys McCoy, Sam Overton, Alan Ramos, Tina Rasnow, Matthew St. George, George Wailes, Steve Wall, Jim Weixel

STATEMENT OF REASONS

Existing Law: Only provides that individuals may not be paid for signing an initiative.

This Resolution: Would prohibit the payment of any compensation in any form for collecting signatures for the initiative to qualify for the ballot.

The Problem: The original intent of the Progressive reformers has been corrupted by the establishment of an Initiative-Qualification Industrial Complex in the state of California. Any person or organization with the necessary funds can now place an initiative on the ballot by hiring individuals to collect the number of signatures required to qualify for that election. As a result, voters are now subject to a plethora of initiative measures at every election, which may be called at any time, regardless of the popular will or actual need for such enactments of law. In order to return this process to its original intent, the placement of an initiative on the ballot must be based upon a popular movement, motivated by real need and actual citizen volunteers, by removing the lure of compensation from the qualification process. It is time to be free from the tyranny of a runaway electoral monster, to deliver ourselves from a corrupt process fueled by unlimited funds, and save our votes for real issues which require popular intervention when the political system has truly broken down.

IMPACT STATEMENT

This proposed resolution does not affect any other law, statute, or rule.

AUTHOR AND/OR PERMANENT CONTACT: Matthew St. George, Los Angeles City Attorney's Office, Police Discovery Section, 201 N. Los Angeles Street, Suite 301, Los Angeles, CA 90012, voice 213-978-2130, fax 213- 978-2082, e-mail: mstgeor@atty.lacity.org

Responsible Floor Delegate: Matthew St. George