

Answers to Concerns About SB 90 and AB 1416

The California Association of Clerks and Election Officials (CACEO) and others expressed concerns about the original Ballot DISCLOSE Act. Planned amendments to SB 90 and AB 1416 will address those concerns.

CACEO's concerns that Ballot DISCLOSE Act might add 8 lines per state ballot measure.

Issue: CACEO's June 27, 2019 letter of opposition to last session's version, SB 636, said they opposed it in part because of cost and uniformity concerns due to their assumption that SB 636 required "Supporters:" and "Opponents:" and each supporter and opponent to be listed on separate lines, estimating that this would have consumed 96 additional lines on the November 2018 statewide ballot.

Answer: New amendments clarify that the bill shall instead take the minimal amount of additional space necessary by having the supporters and opponents simply appended as text separated by commas to the end of the existing 75-word ballot label. E.g., Prop 26 on the November 2010 ballot might have been shown as the following, taking only 3 additional lines, not the 8 assumed by CACEO. They must be a maximum of 125 characters each, including punctuation and spaces. New amendments allow counties to make the font size of the supporters and opponents smaller (down to 8-points) if needed to stop need for an additional ballot card.

26	REQUIRES THAT CERTAIN STATE AND LOCAL FEES BE APPROVED BY TWO-THIRDS VOTE. FEES INCLUDE THOSE THAT ADDRESS ADVERSE IMPACTS ON SOCIETY OR THE ENVIRONMENT CAUSED BY THE FEE-PAYER'S BUSINESS. INITIATIVE CONSTITUTIONAL AMENDMENT. Fiscal Impact: Depending on decisions by governing bodies and voters, decreased state and local government revenues and spending (up to billions of dollars annually). Increased transportation spending and state General Fund costs (\$1 billion annually). Supporters: California Taxpayers' Association; California Chamber of Commerce; Small Business Action Committee; Nisei Farmers League. Opponents: League of Women Voters of California; American Lung Association; Sierra Club California; CA League of Conservation Voters.	152 YES → <input type="radio"/>
		153 NO → <input type="radio"/>

Part added by SB 90

Will adding ballot measure supporters and opponents to the ballot politicize the ballot?

Answer: The ballot is already inherently political, with political parties and occupations being listed next to candidates. Which trusted organizations support and oppose a ballot measure is as important as the political party and occupation of a candidate. But to alleviate concerns about politicization of the ballot, new amendments bar political parties from being listed as supporters or opponents of ballot measures in the ballot label.

What's to stop fake non-profit organizations and businesses being listed on the ballot?

Answer: New amendments will require non-profit organizations and businesses listed on the ballot for state ballot measures to have existed for at least two years and to have had at least one full-time staffer for the last two years. A non-profit in existence for at least two years could also qualify if they received contributions from at least 500 donors over the last two years. These requirements are similar to those signed into law for endorsers on initiative petition top funders sheets in SB 47 (Allen, 2019).

Will adding supporters and opponents add clutter to an already full ballot?

Answer: SB 90 and AB 1416 will actually make it easier for voters to read and understand the ballot, adding context to the current 75-word summary and fiscal analysis written in legalese. Voters may be confused by the legalese, but will recognize established non-profits like the League of Women Voters, AARP, ACLU, California Chamber of Commerce, and Howard Jarvis Taxpayers Association when they support or oppose measures.

But to alleviate clutter concerns, new amendments will make it easier to read and differentiate supporters and opponents from the normal title and summary by requiring the text "Supporters:" and "Opponents:" to be emphasized in some manner (e.g., in the Prop 26 example above), while giving counties flexibility to do so however they or the Secretary of State's ballot design advisory committee sees fit.

Shouldn't voters make their own decisions?

Answer: Voters will still make their own decisions. SB 90 & AB 1416 will simply provide valuable information that voters want and need. Knowing where trusted organizations who've signed the ballot arguments stand is especially important because even if every voter had time to read the whole voter information guide, the devil of ballot measures is in the details of its language —language that isn't even in the voter guide.

Regular voters don't have the time or expertise to read and understand every line of each ballot measure. But trusted organizations who sign the ballot arguments generally do have that expertise and are putting their reputations on the line when they sign. So knowing their support or opposition will mean something to voters.

Shouldn't voters just look up the supporters and opponents in the voter guide?

Answer: Ideally, they would. But many people don't or can't read or remember the entire 100+ pages of voter guides because they're overwhelmed by work and family. Worse, 22% of likely voters say they didn't even know they could find supporters and opponents in the voter guide or where to find them in it.

It doesn't just hurt the voters who don't have time or don't know to find supporters and opponents of propositions in the voter guide, and are therefore more easily misled by deceptive ads from wealthy interests. It hurts all of us.

Would it add supporters and opponents more than once to multi-lingual ballots?

Issue: Some counties use ballots with more than one language. The original bill language would have required supporters and opponents for each ballot measure to be listed more than once for each ballot measure.

Answer: New amendments give counties the option to list the supporters and opponents for each state ballot measure only once, after the different language versions of the current 75-word title and summary.

If a county chooses this option, they must display the words "Supporters:" and "Opponents:" in each language, separated by a "/", and also list any individual signers that need a translation in each language separated by a "/". This option will save a lot of space on multi-language ballots because most names listed as signers in the voter information guide are shown with the same name in all languages.

Will it cost counties too much to add this information to the ballot?

Answer: At most, one more piece of printed ballot card will be needed, and in many cases none will be. This is because with the new amendments it will add a maximum of 125 characters for each supporters and opponents to the current 75-word title, summary, and fiscal analysis of each measure. Furthermore, the new amendments allow the counties to decrease the font size of the supporters and opponents down to 8 point if needed to save printing an extra ballot card. Many ballots have enough blank space at the end that SB 90 & AB 1416 won't require any extra paper at all.

Even when an extra ballot card is needed, it is an extremely small additional cost compared to the enormous price to California when voters are misled about who supports and opposes ballot measures by deceptive ads intended to get them to vote against good measures or for costly ones.

What about CACEO's concerns that voters may be confused that supporters and opponents are listed on state ballot measures but not on local ballot measures?

Answer: New amendments allow counties the option (but not requirement) to have SB 90 & AB 1416 to also cover local ballot measures to address this concern.

Vice Mayor Lucas Ramirez and Councilmember Sally Lieber of the City of Mountain View also requested this amendment, as have activists in other local jurisdictions, because they would like SB 90 and AB 1416 to apply to local ballot measures. So counties that share CACEO's concerns about voters being confused about the supporters and opponents not being listed on local ballot measures can list them for all ballot measures while giving voters the information they want and need to help make better decisions about local ballot measures, too.