

County Polling Instructions and Reports

January 10, 2010; Updated January 26, 2010

To: GPCA County Councils, Co-Coordiators, and Activists

From: County Polling Coordinators

Re: Early 2010 County Polling; Ballot Measures for June 2010 Election

At the October 2009 Plenary, the General Assembly of Delegates directed County Polling for two proposals that were in development for later petition signatures regarding a possible future California Constitutional Convention. It was expected that there would be one proposal to authorize California voters to call a Constitutional Convention and another actually doing so. The idea was that the GPCA should express its position as early in this process as possible once the content of the proposals had been established for a petition campaign.

Typically, County Polling deals with proposals that have been certified for the ballot. At this time, there are five initiatives that are certified for voter decision at the June 8, 2010 election (three by the legislature and two by petition).

The County Polling process begins with an invitation for persons interested in writing reports about ballot measures to identify themselves and, if possible, collaborate on reports and recommendations for one or more items. A request for such reports was published on the County Contacts, CCWG and Green Cal Forum email lists approximately December 10, 2009. Responses to those requests are published below. No write up was received regarding the anticipated Constitutional Convention proposals. Accordingly, those items are not included in this County Polling. Additionally, because the two initiatives by petition were only recently certified for the ballot, detailed descriptions were not collected. However, two brief recommendations in opposition by the GPCA Green Issues Working Group are included below. At the time of writing this report, the ballot measures had not been assigned ballot numbers.

INTRODUCTION TO COUNTY POLLING INSTRUCTIONS

Below you will find instructions for GPCA County organizations to report County GP positions on the five ballot measures that the California legislature and initiative petitioners placed for consideration of the voters as part of the June 8, 2010 Primary Election. Abel Maldonado's so-called "Open Primary" proposal was included as part of the February 2009 budget negotiations to get his vote in the State Senate. Immediately following those instructions, you will find reports that have been written by Green Party activists. These reports are simply the opinions of those who wrote them and DO NOT constitute GPCA positions. GPCA positions on ballot measures occur in two ways: By decision of the delegates at a General Assembly or by County Polling.

The next General Assembly of Delegates is scheduled for March 6th-7th in Santa Clara County. Having County Polling at this time allows the GPCA to take positions earlier than has been usual practice concerning June Primary ballot measures. If GPCA positions are not decided by County Polling before the Plenary, the undecided items will be placed on the Plenary Agenda by previously adopted procedures. To the extent decisions on these ballot measures can be made by County Polling, agenda time will be created for other items. As in previous years, special thanks to everyone who contributed to the reports and to Greg Jan for collecting them. Any questions about these comments should be addressed to Warner Bloomberg at wsb3attyca@aol.com or (408) 295-9353. Any questions about the following instructions should be addressed to Warner Bloomberg and Richard Gomez -- County Polling Coordinators. All County Polling Reports should be submitted to both County Polling Coordinators.

PLEASE NOTE: As recipients on the County Contacts list YOU have the responsibility to communicate this information to other members in your local County GP organization. You are to use whatever process you use in your County GP to make decisions of this kind – but each County needs to instruct its delegates on these issues in the event they need to be decided at the Plenary. A copy of these instructions and the following reports will be posted on the Plenary agenda page as a supplement to the Agenda Packet.

INSTRUCTIONS FOR GPCA STATEWIDE POLL OF COUNTIES

The GPCA uses a poll of all recognized County Green Parties to determine GPCA positions on ballot measures as an alternative to making those decisions at a state meeting. Three measures have been put on the ballot by the State Legislature for consideration of the voters as part of the June 8, 2010 Primary Election. Please be sure that your county participates by submitting votes by Wednesday, March 3, 2010 (also the last day to register and submit delegate lists for the Plenary).

THE POLL:

This poll contains a list of Legislative ballot measures and petitioner initiatives that will be voted on as part of the June 8, 2010 Primary Election. Reports on these measures written by volunteers from the Green Party grassroots who have reviewed the measures follow below. Of course, counties are free to agree or disagree with the recommended positions. The full text of the initiatives can be located by going to the webpage for the California Secretary of State www.ss.ca.gov and following the applicable links.

PROCESS:

Please provide both Poll Coordinators (Warner Bloomberg and Richard Gomez) with vote results from your county in the following form for each ballot measure:

"Yes" for the GPCA to support the measure

"No" for the GPCA to oppose the measure

"No Position" for the GPCA to deliberately remain neutral on the measure

Votes may also be cast as "Abstain" if they do not wish to participate in the poll. Abstentions will be counted toward quorum.

Vote on each ballot measure itself, not the recommendation. For example, if the report has recommended a position of "No," and your county wishes to agree and vote "No" on the initiative, then your county should vote "No" on the initiative, and not "Yes" on the recommended "No" position.

PLEASE SUBMIT VOTES IN THE AMOUNT ALLOTTED TO YOUR COUNTY FOR THE SANTA CLARA COUNTY (SAN JOSE) PLENARY. That list is published in the agenda packet for that state meeting to be held MARCH 6-7, 2010. For example, if your county has 2 delegates, you would submit 2 votes in any combination of positions. (Votes from counties with more than one delegate vote need not be unanimous and "half votes" may be reported.) If you have any questions about the total number of votes that can be cast for any measure, contact the GPCA Coordinating Committee member(s) who represent your region. Your county should rely on its own internal processes to arrive at its positions. The poll has an 80% threshold and requires at least 50% or active California County Green Parties to participate. The default where the threshold or quorum is not met is "No Position". **VOTES MUST BE REPORTED BY A COUNTY COUNCIL MEMBER.**

TIMELINE:

The voting period began on January 12, 2010, and ends on March 3, 2010 (11:59 PM PST). Votes received after the closing date and time will not be counted. There will not be an extension of this voting period because the Plenary convenes three days later. Submit all votes to BOTH the Poll Coordinators at the following email addresses:

Warner Bloomberg wsb3attyca@aol.com

Richard Gomez nate136_66@yahoo.com

Please submit any questions about the process of the poll to the same email addresses.

Ballot Measures Appearing on the June 8, 2010 Primary Election Ballot

The list of statewide measures qualified for the June 2010 Primary Election ballot is as follows:

1. SCA 4. (Resolution Chapter 115, 2008), Ashburn. Constitutional Amendment.

[Property tax: new construction exclusion: seismic retrofitting.](#)

2. AB 583. (Chapter 735, 2008). Hancock. Statute.

[Political Reform Act of 1974: California Fair Elections Act of 2008.](#)

3. SCA 4. (Resolution Chapter 2, 2009). Maldonado. Constitutional Amendment.

[Elections: open primaries.](#)

4. Initiative Statute 1381. (09-0028) - [Random Sample](#) - Updated as of January 20, 2010

Allows Auto Insurance Companies to Base Their Prices in Part on a Driver's History of Insurance Coverage.

Qualified: 01/20/10

Proponent: Christina L. Wilson c/o Chip Nielsen (415) 389-6800

Changes current law to permit insurance companies to offer a discount to drivers who have continuously maintained their auto insurance coverage, even if they change their insurance company, and notwithstanding the ban on using the absence of prior insurance for purposes of pricing. Establishes that lapses in coverage due to nonpayment of premiums may prevent a driver from qualifying for the discount. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: This measure would probably have no significant fiscal effect on state and local governments. (09-0028.) ([Full Text](#))

5. Initiative Constitutional Amendment 1369. (09-0015) - [Random Sample](#) - Updated as of January 12, 2010

New Two-Thirds Requirement for Local Public Electricity Providers.

Qualified: 01/12/10

Proponent: Robert Lee Pence c/o Steve Lucas (415) 389-6800

Requires local governments to obtain the approval of two-thirds of the voters before providing electricity to new customers or expanding such service to new territories if any public funds or bonds are involved. Requires same two-thirds vote to provide electricity through a community choice program if any public funds or bonds are involved. Requires the vote to be in the jurisdiction of the local government and any new territory to be served. Provides exceptions to the jurisdiction of the voting requirements for a limited number of identified projects. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Unknown impact on state and local government costs and revenues, depending on future voter decisions, due to the measure's potential effects on electricity rates and publicly owned utility operations. (09-0015.) ([Full Text](#))

The full text of each of these measures can be found by going to the California Secretary of State website www.ss.ca.gov, clicking the Ballot Measures link, then the Qualified for 2010 Primary link, and then each individual ballot measure.

Reports

Report # 1 SCA 4 - Property tax: new construction exclusion: seismic retrofitting.

[As forwarded by Greg Jan] Below is some initial quick analysis on SCA4, which will be on the upcoming statewide June ballot!

Vote "Yes" on SCA4 (property tax exemption for seismic retrofits):

SCA4 modifies the State constitution to allow the legislature to create specific rules that encourage seismic retrofits of older buildings. Currently, such retrofits might cause the assessed valuation to rise considerably, as the retrofit is considered "new construction". Thus owners may have a disincentive to improve the seismic safety of their property, as it would make their taxes increase.

Since many residences and offices in California are at high risk for damage and consequent injury of occupants, it is probably a good idea to encourage safety retrofits. While many cities and counties may need additional tax revenue, taxing seismic safety improvements is a bad way to go about it. SCA4 should be supported.

Report # 2 California Fair Elections Act of 2008; AB 583; Hancock

Background: This is the third proposal over a number of years for public financing of partisan office elections to be considered or passed by the California Legislature. All have been advocated by "Clean Money" activists and sponsored in the California State Assembly by Lonnie Hancock (D-Oakland). The 2004 proposal included both statewide and legislative offices, but was so discriminatory against smaller political parties that it was opposed in hearings by Green Party representatives and was not approved out of committee. A 2006 version of the proposal met GPCA criticisms enough that it was supported by the Electoral Reform Working Group and was endorsed in advance of introduction by the December 2005 General Assembly of Delegates. The legislation passed, but was vetoed. The current ballot measure is self-described as a "pilot project" and, if approved by the voters in the June 8, 2010, Primary Election would apply only to candidates for Secretary of State. Its claimed purposes are to eliminate the corrupting influences of large campaign donations both for candidates and incumbents. The Fair Elections Fund (FEF) would be financed from \$700 fees paid every two years by lobbyists, lobbying firms, and their employers (although \$25 would go to the General Fund), by qualifying donations obtained by Primary Elections and Independent candidates, by taxpayer donations,

Details: Similar to the second version, Secretary of State candidates from political parties whose last previous candidate in the General Election received at least 10% of the vote (read: Democratic and Republican Party candidates) would qualify for public financing by collecting 7,500 nominating signatures combined with a \$5 donation (\$37,500 total). Candidates of other political parties could qualify for partial campaign funding by collecting at least 3,750 signatures and \$5 donations (\$10,750 total) and could become a "performance qualified" candidate by collecting 15,000 signatures and \$5 donations (\$75,000 total). An independent candidate would have to meet this latter threshold to qualify for public financing. The qualifying period for candidates in primaries would run from nine months before the primary election and end three months before the primary election (the last day to file nomination papers and also the last day to submit signatures and donations to qualify for public financing). However, there also would be an "exploratory period" starting 18 months before the primary and ending on the qualifying deadline during which there could be up to 750 \$100 contributions made as "seed money" to fund the signatures and small donations efforts. Unspent seed money could not be used during the campaign and would be turned over to the FEF. A registered voter would be allowed to sign only one candidate's qualifying petition accompanied by a \$5 donation.

An "Office Qualified" candidate would be allotted One Million Dollars for the primary election. The text of the ballot measure seems unclear, but since Primary Election funding may not be used by the General Election candidates, the "big party" nominees would presumably received at least the same amount for the General Election campaign. "Eligible Qualified" candidates would receive \$200,000. Smaller party nominees would receive either \$1.3 Million if they had obtained the highest number of qualifying signatures and \$5 contributions, or would receive \$325,000 if they had qualified by the lesser minimum. Unspent primary election funds would be returned to the FEF.

Political parties could not “nominate” a candidate, but could support or oppose a primary candidate. State political parties would be allowed spend 5% of a candidate’s allotment as an independent expenditure (i.e., separate from the candidate’s campaign). Candidates participating in the public financing would not be allowed to accept campaign contributions from any other source, would be barred from contributing to other candidates’ campaigns or to independent committees, would be required to make complete financial reports to the Fair Political Practices Commission, would have to maintain a single campaign account, could use the funds only for campaign related expenses, and could not use funds for self or family compensation. Funding also would be tracked because disbursements would be through a candidate specific debit card. Rules violations by participating candidates could result in administrative fine, criminal prosecution, barring a candidate from future elections, and a demand for refund of part or all public funds distributed to the candidate.

If a nonparticipating candidate spent \$5,000 more than the highest allotment, participating candidates’ public financing would be increased by each \$5,000 increment. Participating candidates would be required to participate in at least one primary election debate and two general election debates. Independent Committees would be subject to reporting requirements if they spent \$2,500 or more supporting or opposing a candidate. Candidate advertising would be required to include a statement of candidate approval. Participating candidates would be allowed a 250 word candidate statement in the statewide ballot pamphlet; nonparticipating candidates would have to pay the pro rata expense of the pamphlet for their statement. Participating candidates would be identified as such on the ballot and on the Secretary of State web page listing candidates.

Comments: The GPCA Platform endorses public financing of political campaigns to reduce the corrupting influence of money on our political system. Getting a proposal to the ballot has involved numerous compromises by public financing advocates in response to opposition about the expenses of such a system and arguments that public money should only be provided to candidates who can demonstrate significant backing. The question for GPCA activists is whether the provisions in this proposal are too discriminatory to small party candidates to allow a principled endorsement of the ballot measure or whether this step towards public financing in California politics is important enough that the state party should endorse it. If it is approved by the voters, qualifying GPCA primary candidates for Secretary of State would have more campaign funds than anytime previously. The GPCA nominee also would have more campaign money than ever before. Even though those funds could only be used for those candidates, their campaigning in the Primary Election and General Election would raise Green Party visibility and presence in the election cycle. One could also envision using the signature and \$5 donations gathering as a basis for party organizing and outreach – particularly since the qualifying petitions and donations could be from any registered voter.

Recommendation: Endorse to vote Yes for this ballot measure, even if there are reservations.

Written by Warner S. Bloomberg III

Co-Signor: Kendra Gonzales

Co-Signor: Jim Stauffer – with the following reservations:

Continuing to treat minor parties as second-class participants creates a burden that, in turn, relegates us to second-class status. It's a vicious circle, but the best we can get. Not exactly the basis for an enthusiastic endorsement.

The two-tiered structure will cause a tremendous burden if we accomplish implementing proportional representation. PR creates a level electoral playing field, but second-class public financing would then be a significant hurdle to minor party candidates.

Report # 3 No on Senate Constitutional Amendment No. 4 (written by Michael Rubin, GPAC) [Bracketed portion indicates edited text.]

Vote "No" on Senate Constitutional Amendment No. 4 -- The so-called "open primary"

This is the legislative counsel’s digest of SCA 4 (Maldonado is the author):

“Existing provisions of the California Constitution require the Legislature to provide for primary elections for partisan offices, including an open presidential primary election, as specified....

“This measure, which would be known as the "Top Two Primaries Act," would provide for a "voter-nominated primary election" for each state elective office and congressional office in California, in which a voter may vote at the primary election for any candidate for a congressional or state elective office without regard to the political party preference disclosed by the candidate or the voter. The measure would further provide that a candidate for a congressional or state elective office generally may choose whether to have his or her political party preference indicated upon the ballot for that office in the manner to be provided by statute. The measure would prohibit a political party or party central committee from nominating a candidate for a congressional or state elective office at the primary, but the measure would permit a political party or party central committee to endorse, support, or oppose a candidate for congressional or state elective office. The 2 candidates receiving the 2 highest vote totals for each office at a primary election, regardless of party preference, would then compete for the office at the ensuing general election. This measure would require the Legislature to provide for partisan elections for Presidential candidates, political party committees, and party central steering committees.

“This measure would designate the Superintendent of Public Instruction as a non-partisan office.

“If the measure is approved by the voters it would become operative on January 1, 2011.”

[The Green Party of California previously vigorously opposed a proposal similar to this proposition.] We are opposed both to the practical effects of this proposition and also to its underlying political philosophy. On the practical level, this proposition would seriously interfere with the ability of the smaller parties to participate in the marketplace of ideas. It is entirely possible that the passage of this proposition would mortally wound one or more of the small parties. Contrary to the high-minded phraseology such as “the act is hereby adopted by the people of California to protect and preserve the right of every Californian to vote for the candidate of his or her choice,” passage would severely limit choice. The two choices permitted would be well-funded mainstream candidates, thus reinforcing the widespread view that we have the best government money can buy. We also disagree with the philosophic underpinnings of this proposition. We disagree with the notion that political parties are bad; that there is something wrong with like-minded people organized in a political party having candidates of their choice competing in a general election. In fact, we believe it's their political right to do so. The supporters of this proposition are trying to use the dysfunction of state government as an argument for it. They say that the problems are due to the current electoral process, which produces few moderates and is responsible for the excessive partisanship in Sacramento. The Green Party disagrees with both of these arguments. We believe that the current system, if anything, produces too many moderates. If diversity of opinion in state government is the goal, proportional representation would be a far superior remedy. As to partisanship, we believe that the blame falls on the actions and policies of the Republican and Democratic parties, not in the concept of political parties in the abstract.

###----- Original Message -----

Subject: CfER's position on Top Two "Open Primary" Act

Date: Thu, 31 Dec 2009 00:27:11 -0800 (PST)

From: Steve Chessin <steve.chessin@sun.com>

To: gpca@cagreens.org

Californians for Electoral Reform

The CfER Board wanted to make sure that all of the ballot-qualified political parties knew of our opposition. Your email addresses were obtained from the Secretary of State's website (and links therefrom, if necessary).

--Steve Chessin

President, Californians for Electoral Reform

www.cfer.org

steve.chessin@cfer.org

(650)-786-6200(w), (650)-962-8412(h)

Short statement from Californians for Electoral Reform explaining our opposition to the so-called Top Two Candidates "Open Primary" Act.

On November 21, 2009, the Board of Directors of Californians for Electoral Reform (CfER) voted to oppose the so-called Top Two Candidates "Open Primary" Act that will be on the June 8, 2010 ballot.

We're in the process of preparing a longer statement explaining our position in detail. Briefly, our opposition is based on the conclusion that Top Two will limit voters' choices, not expand them, and this is in direct conflict with CfER's stated belief that all citizens must have equal and satisfactory representation in government.

(We put "Open Primary" in quotes because this proposal would not establish open primaries. Rather, it would establish non-partisan primaries with some similarities to the blanket primary system of 1998-2000. It would be even more accurate to say that there would be no primaries at all because the first round of voting wouldn't select nominees of political parties.)

Top Two will virtually eliminate minor parties from the ballot, not only in the November election, but even as a "party preference" that candidates could specify on the primary ballot. The proposal creates conditions for maintaining ballot-qualified status that no group other than the two major parties will be able to meet. It also eliminates the safety-valve of write-in candidacies in the November runoff elections.

Top Two is being advertised as a way to encourage the election of more moderate candidates. While there is no proof that it will do so, even if it could it would be at the cost of limiting voter choice and weakening political parties. There are much better ways to ensure the election of moderates, such as a system of proportional representation.

In addition, Top Two is in direct conflict with the Fair Elections Act of 2008, which establishes public funding for candidates for Secretary of State, that will also appear on the June 8 ballot. CfER has no position on the Fair Elections proposal; some of our members support it and some oppose it, so as an organization we remain neutral. But those who do support it should be aware that, should both measures pass in June, there is no telling what the courts will do to resolve the conflict.

--Steve Chessin, President, Californians for Electoral Reform
www.cfer.org steve.chessin@cfer.org
(650)-786-6200(w), (650)-962-8412(h)

Report # 4. Auto Insurance

Green Issues Working Group opposes measure to raise automobile insurance rates.

Would enable auto insurers to raise rates for those who, for whatever reason, have had gaps in insurance coverage. Designed to punish the poor and leech money out of the middle class.

GIWG recommends the General Assembly adopt an "Against" position.

http://ag.ca.gov/cms_attachments/initiatives/pdfs/i824_initiative_09-0028.pdf

Report # 5. Public Utility Voting Threshold

Green Issues Working Group opposes measure to make creation of local energy commissions more difficult.

PG&E's effort to make it more difficult for localities to create public power utilities. A truly pernicious and anti-democratic proposal.

GIWG recommends the General Assembly adopt an "Against" position.

http://ag.ca.gov/cms_attachments/initiatives/pdfs/i812_initiative_09-0015.pdf