

THE COORDINATED, CONSERVATIVE WAR ON DIRECT DEMOCRACY COMES TO ALBUQUERQUE

Albuquerque Mayor, Richard Berry, and conservative business leaders are tampering with the ballot measure process in an effort to stall the ‘Healthy Workforce’ ordinance. The resistance to this measure, which is geared at providing paid sick leave in the City, is part of a national, coordinated effort. Albuquerque follows a long list of cities and states that have tried to impede the ballot process by filing lawsuits or pursuing legislation to hamper direct democracy through a fair ballot process. Like the efforts of 24 legislatures across the country, Mayor Berry is seeking to deny voters access to redress issues with the municipal government through the use of a local ballot measure process. Nationwide, there are more than 50 pieces of legislation aimed to limit access to direct democracy, which were virtually all filed by Republicans like Mayor Berry.

This wave of legislation comes after two electoral cycles in which eight states have used ballot measures to raise the minimum wage. The conservative lock hold on governorships and state legislatures means that direct democracy is one of the few avenues for voters to enact popular legislation that helps working families, like raising the minimum wage and enacting earned sick leave. Yet, conservatives are using their expanded control of state governments to attack the ballot measure process - trying to silence the voice of voters. These attacks on direct democracy are especially ironic because for many years conservatives used ballot measures to fight marriage equality, limit a woman’s right to choose and instate draconian tax rules.

There is no doubt that these attacks are part of a national coordinated effort. The American Legislative Exchange Council (ALEC) has template language on preemption of local ballot initiatives¹ available on their website—focusing on minimum and living wage legislation. So far Republican legislators, in at least 12 states, have filed preemption bills congruent with the mission of ALEC. Additionally, the Republican State Leadership Committee has asserted that its determination is to make sure ballot measures are no longer a viable tool for progressives.²

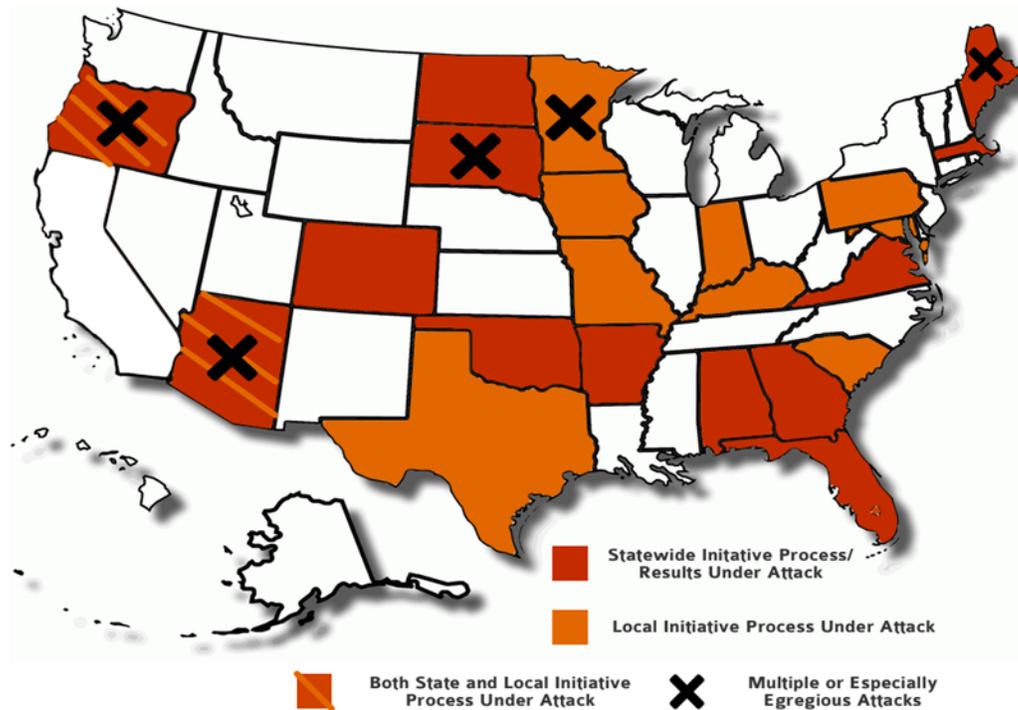
In addition to the preemption attacks on working family issues, more than a dozen bills in ten states targeted the ballot process and signature gathering process in attempts to change and make the path to direct democracy more difficult. From signature requirements that would make it near impossible to get an issue on the ballot to limits on how you can collect signatures or fund initiative campaigns, conservative legislators have been following the ALEC playbook in states across the country to tighten access to the ballot.

¹ Source: <https://www.alec.org/model-policy/living-wage-mandate-preemption-act/>

² Source: https://www.nytimes.com/2016/11/05/us/politics/secretaries-of-state-elections-ballot-initiatives.html?_r=0

*This document is not comprehensive. Thousands of pieces of legislation are filed every year. Only specific areas of work that BISC and its partners are most focused on are included.

BISC has tracked threats to the ballot process in 24 states across the country



AT LEAST 11 STATES HAVE INTRODUCED PREEMPTION BILLS – EACH WITH REPUBLICAN SPONSORS

State	Bill(s)	Brief Description
AZ	HB 2086	Preempt provision of identification cards
AZ	HCR 2007	Would exempt citizen referenda from the protections of the Voter Protection Act
GA	HB 243	Would preempt additional pay based on scheduling – adding this to benefits preempted by state law
IA	HSB 92	Would freeze Iowa Minimum Wage
IN	SB 312	Preempt passage of local ban the box ordinances
ME	LD 5	Amendment to ME Constitution to remove wildlife issues from citizen initiatives
MN	HF 180	Preempt localities from setting a minimum wage higher than the state minimum wage
MN	HF 600	Would prohibit cities from enacting higher minimum wages than state minimum wage, local paid sick leave laws, or other types of leave or scheduling requirements
NJ	A 2875	Would prohibit local minimum wage increases
OR	SB 544	Preempts all requirements of employment benefits, specifically scheduling, sick leave, paid leave
OR	SB 547	Preempts metropolitan service districts from making land use and growth decisions
PA	SB 128	Would preempt local leave and paid time off ordinances
SC	S 218	Would prohibit localities from requiring employers to provide benefits.
TX	SB 92	Would prohibit local anti-discrimination legislation, targets LGBTQ anti-discrimination ordinances
VA	HB 1753	Would preempt local prevailing wage ordinances

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In addition to the local pre-emption efforts, eight states have introduced legislation to alter the signature gathering process. An additional five states introduced legislation meant to impact the ballot measures in other ways. In total, BISC has tracked more than 50 different pieces of legislation across 24 states that would impact direct democracy this year alone.

8 STATES HAVE INTRODUCED LEGISLATION TO AFFECT THE SIGNATURE PROCESS*

State	Bill	Status	Description
AR	HJR 1003	Failed in Senate	Increase Signature Thresholds, Passage Thresholds
AZ	HB 2404	Signed Into Law	Pay-Per-Signature Ban
AZ	HBR 2909	Failed in House	Signature Requirements by Legislative District
AZ	SB 1236	Active	Increased Signature Disqualification Standards
AZ	HB 2244	Signed into Law	Strictly Apply State Ballot Process to Local Initiatives
CO	HB 1088	Active	Verify Petitions with Voter Signature on file with SOS
KY	HB 319	Signed into Law	New Requirements to Post Bond to Pay for Local Option Election
ME	LD 31	Active	Signature Requirements by Congressional District
ME	LD 212	Active	Signature Requirements by State Senate District
ME	LD 715	Active	Increases Signature Threshold to 15% of Voters by County
ME	LD 564	Active	Increase Statutory Measure Signature threshold to 15%
OK	SB 459	Active	Changes to Calendar deadlines, Title Requirements
SD	HB 1035	Signed Into Law	District Court Challenge, New Affidavit Requirements
SD	SB 67	Failed in Senate	Changes Qualifications by Which Signature Thresholds are Based

5 STATES HAVE INTRODUCED ADDITIONAL BALLOT PROCESS CHANGES*

State	Bill	Status	Description
AL	SB 101	Active	Prohibits Education Institutions from Supporting Ballot Measures
AZ	HB 2255	Active	Bans Out of State Contributions for Ballot Measures
AZ	HCR 2002	Active	Asks Voters to Repeal Prop 105 Voter Protection Act
AZ	HB 2320	Active	Requires Printed Petitions to Disclose Prop 105 Provisions
FL	SJR 866	Active	Increases Voter Approval threshold to 2/3 on Const. Measures
ND	SB 2135	Signed into Law	Study Commission to Study Initiative Process
SD	HB 1074	Failed in Senate	Limits on Out-of-State Contributions on Ballot Measures
SD	HB 1130	Failed in Senate	Eliminates Pro/Con Statements on Ballot Measures for Voters
SD	SB 77	Signed into Law	Fiscal Impact Statement on Ballot Measures
SD	SB 59	Signed into Law	Delays Effective Date of Measures and Referred Laws

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Arizona

In 2017, Arizona has been ground zero for ballot measure attacks. With pieces of legislation including a ‘pay per signature ban’, a legislative district threshold requirement, a signature verification threshold, and threats to the Voter Protection Act. Moreover, the legislature and governor passed a new law requiring strict compliance with all ballot measure procedures to effectively disqualify ballot measures even when the most minute technical mistakes are made in the process. At the end of Arizona’s legislative session, ballot access was severely impacted and the ability to utilize direct democracy as an option for voters limited in ways we have not seen in decades. Like in Albuquerque, the GOP elected officials worked with the business community to pass laws for the purpose of thwarting efforts like the 2016 Arizona minimum wage ballot measure from improving the lives of citizens in the future. The conservative philosophy seems to be, if you cannot win at the ballot box, change the rules.

Maine

Like Arizona, Maine voters approved several progressive ballot measures in 2017 to raise the minimum wage and to increase funding for public schools in Maine. Almost immediately GOP legislators and the governor began conspiring on ways to ignore the will of the voters. First, the GOP leadership proposed legislation to alter the ballot measure process by requiring signatures be collected by state legislative and congressional district. They also proposed banning the practice of paying petition circulators per signature – a law that have been struck down in federal appeals court on first amendment grounds in Colorado and Missouri. Worse still is the threats from GOP legislators to literally shutdown the state government if the Democratic Senate did not agree to make changes to the minimum wage and school finance ballot measures passed by the voters. These attacks are still active and the legislature and governor are now in dispute over the threats of a state government shutdown.

Sample of national media coverage of ALEC-led attacks on direct democracy:

- **The Huffington Post:** [“Preemption of Democracy by ALEC, its Corporate Funders, and Republican & Democratic Corporatists”](#)
- **The New Republic:** [“Preemption Bills: A New Conservative Tool to Block Minimum Wage Increases”](#)
- **PR Watch:** [“The ALEC-Backed War on Local Democracy”](#)
- **ALEC.org:** [“Living Wage Mandate Preemption Act”](#)
- **On Labor:** [“The Politics of Preemption and Local Labor Laws: From Minimum Wage to ‘Right to Work’”](#)

Conservatives are now targeting Albuquerque. Opponents of the proposed paid sick leave ordinance include conservative groups such as the New Mexico Restaurant Association, Greater Albuquerque Chamber of Commerce, The New Mexico Association of Commerce and Industry and Commercial Real Estate Development Association (NAIOP).

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