

## **TAKING IT TO THE STREETS**

By Nancy Todd Tyner

On a plane, in a train, in a car, at a bar, these are the places people ask the question “What do you do?” When I try to explain the concept of political consulting, the next question is always “What party?” And then I try to explain the concept of issue races versus candidate races. I handled candidate races for the first 11 years of my career and then switched over to issues. As this isn’t the area which gets all the glory and fame, it’s astonishing to realize few people ‘ever really thought about anyone doing that’.

When asked why I made the switch I tell the second strongest reason for my decision – issue campaigns eliminate what I found to be the single most irritating thing about the campaign – the candidate. The first and true reason for the switch, which I rarely share, is that I find issue campaigns to be harder, more challenging and more intellectually stimulating than candidate races. This has something to do with the drastic drop in candidate caliber I observed during the eleven years, but that’s an issue for another piece.

The proliferation of issue races is staggering; the numbers for the controversial issues even more so. Controversial issues, which I call them, are my chosen area of expertise – campaigns for human rights, equality, gaming, better air, choice, unsavory utility companies, etc. have become an industry in themselves. I foresee only growth in this area. A look at the history of initiatives and referendum will show you why.

The rights of referendum and initiative first began to appear in state constitutions a century ago to provide citizens with recourse against disobedient or corrupt lawmakers. If a group of voters could muster enough support from their neighbors, they could bypass the state legislature to either repeal an existing law (referendum) or propose a new law or constitutional amendment (initiative).

The powers of referendum and initiative were generally neglected as viable engines of political change until 1978, when California voters successfully initiated a proposition to halve their property taxes. Since then, citizen initiatives have swept the nation, attacking politically touchy issues such as gay rights, euthanasia and campaign finance reform.

In 1988, the nature of the game changed significantly when the U. S. Supreme Court ruled that laws that prohibited the payment of signature gatherers were unconstitutional. That decision felled the barriers most states had erected to prevent big businesses and wealthy special interests from fueling petition drives with money rather than motivation.

Today, citizen initiatives are a business in themselves. At least 60 percent of initiatives now depend on hired signature gatherers, often supplied by out-of-state companies that specialize in grassroots support. Both referendum and initiative are recognized in 24 states, with several more allowing referendums only.

Is the petition route the best way to go in an issue campaign, I'm often asked? It depends on the issue and the politics of the state. Although the 1988 decision coincided with a rapid-expansion of the "sin issues", strategists in this field have generally regarded the initiative process as a last resort to statewide legalization. Most often, petition drives are used to demonstrate local support or to introduce the controversial issue in areas where it has already been approved by lawmakers, i.e. where Colorado has approved gaming in three mining towns there have been inter-town efforts to expand and redefine gaming in those areas.

Of the states where full-scale controversial initiatives have been attempted, there have been few successes. For the most part, initiative campaigns have proven unpredictable and expensive.

As part of a \$16.5 million campaign, desperate Florida gaming interests paid two California firms an average of \$5.66 per signature to put a casino question on the 1994 ballot. The petition drive was successful, but the ballot question bombed with only 38 percent approval, the same rating indicated by a poll taken before the start of the campaign. (This author has to note that she reviewed the proposed legislation before the start of the effort and declined to be involved. Having run the successful effort to legalize casinos in Mississippi two years prior to the Florida effort, it was easy to see the legislation lacked the components necessary to garner the necessary votes in public support).

And in recent years, a creative coalition of Washington Indians sponsored a tribal gaming initiative that promised to reward the state's voters with dividend checks based on future casino profits. Enough signatures were collected, but the issue was rejected in the November vote.

Most of the failed controversial issues the last few years can be attributed to three common mistakes.

First, it is a risky endeavor to try to manufacture grassroots support when dealing within an “anti-change” environment. Know your environment before starting a petition drive, and factor in your chance of winning the issue at the polls. Be realistic; watch the changes in the federal races – and local school board in your proposed area – to get a handle on which way the political winds are blowing.

For the right price, professionals could probably gather enough signatures to earn a ballot slot in any state, but the effort would be wasted without majority support at election time.

Second, successful initiative campaigns don’t end at the petition deadline. Experience has shown that an energized public in July can easily burn out by November. Rather than slowing down once a ballot question has been secured, organizers (and strategists) need to gear up with extensive and steady public outreach until the last vote has been cast. This includes cultivating good relationships with community leaders and state lawmakers, which will prove invaluable whatever the outcome.

Generating and keeping enthusiasm for an issue is the only place I’ve ever missed not having a candidate. A candidate generates the energy for the campaign just by virtue of being in the race, but an issue race challenges you to keep the issue fresh and exciting and to carry that enthusiasm through to election day.

Finally, accept that dueling issues are self-defeating. We’ve probably seen this more in the gaming arena than any other, but the politics apply to other issues as well. The principle is simple: When multiple issues are circulated in one state, the signatures supporting such an issue will be split. If Group X is battling Group Y because each thinks their site is the best one for Project Z (stadium, casino, waste treatment plant, etc.) the issue is doomed to fail. Controversial issues are hard enough to win when all the proponents of an issue are on one side, and virtually impossible to win when the pro side has to be split six ways. When there’s a common goal, there should be a common cause.

As we’ve seen in the past, strategizing a full-scale citizen initiative can be as challenging and expensive as wooing skeptical lawmakers or battling the courts. Nor is it a shortcut around such obstacles, which must be confronted eventually anyway. As an avenue to statewide legalization it is best advised when other attempts have failed or when public support is strong.

When successful, however, the initiative process has a few advantages over other methods of legalization. First, accusations of political bargaining are unlikely to stick because approval depends on voters rather than lawmakers. Also, any issue of controversy is more likely to survive and thrive in a state where it has been welcomed by popular vote.

Of course, those people opposed to change will always try to discredit any successful effort. Most recently, critics have begun to charge that the financial resources and “hired guns” of big business and special interests are polluting the powers of referendum and initiative.

But for most of us, who have put in our time on the streets, history has proven otherwise. No matter how much money is thrown into a petition drive, or how much media attention an issue receives, the moment an individual signs a petition or casts a ballot will always come down to conscience and freedom of choice. As both American citizens and political consultants, it is in our interest to preserve and defend this fundamental element of self-government.