

Legislative Attempts to Regulate the Initiative and Referendum Process

The Initiative process has been used throughout its history as a tool for the people to utilize to reign in government when it has become too powerful and when government refuses to deal with the issues supported by the people. Since the end result of most initiatives, especially those that reign in government, has been to limit the government's power, elected officials have taken offense. **Congress Daily** on April 14, 2000 said it best when they said:

"[t]hese are difficult times for advocates of ballot initiatives. First, the U.S. Postal Service ruled that initiative supporters had to stop gathering signatures at post offices. Then, the Supreme Judicial Court in Massachusetts ruled that state law justified the rejection of signatures because of stray pen marks in the margins. Later, a Washington State court ruled that a grocery chain could bar petition circulators from its property. And now, a bevy of states have begun pursuing further procedural restrictions on initiatives."

Legislative attempts to "reform" the process aren't new. Legislators since the first use of the process have been trying to restrict its use for they see it – rightfully so – as a means reserved to the people to limit their power. But as William Jennings Bryon said in 1920:

"[W]e have the initiative and referendum in Nebraska; do not disturb them. If defects are discovered, correct them and perfect the machinery ... make it possible for the people to have what they want ... we are the world's teacher in democracy; the world looks to us for an example. We cannot ask others to trust the people unless we are ourselves willing to trust them."

California is a perfect example. Since the voters first adopted the initiative process in 1912, the state legislature has consistently tried to make it more difficult. When California first adopted the process, the citizens had an unlimited amount of time to collect signatures. Then, as the population of the state ballooned - which meant that the signatures had to collect more signatures on petitions – the state legislature was busy shortening the circulation period. It went from unlimited to four years and then to the current requirement of 180 days to collect over 750,000 signatures. One could legitimately question the rationale of drastically decreasing the circulation period during a period of high population growth.

Modern day attempts to reform the process is even more prevalent. From 1998 to 2002, nine states--Arizona, Idaho, Mississippi, Missouri, Montana, Oklahoma, Utah and Wyoming--have tightened procedural restrictions on initiatives.

In November 2000, Nebraska voters rejected a law placed on the ballot by the state legislature that would require initiatives to pass twice before becoming law. Legislators in Alaska, Arizona and Washington are

debating whether to impose new geographic distribution requirements for petition circulators, while California and Florida legislators are mulling whether to change the majorities required to pass initiatives. And on May 16th, 2000 Oregon voters went to the polls and defeated an increase in the number of signatures required to place a constitutional amendment on the ballot – an amendment placed on the ballot by the state legislature.

Despite the fact that the citizens adopted the initiative process to ensure citizen government, most of the states where the citizens provided that they retain initiative rights have seen the legislature enact legislation that restricts rather than facilitates the use of these powers by the people. The legislatures' regulation of the initiative and referendum have often violate the citizenry's First Amendment rights as articulated by U.S. Supreme Court in *Meyer v. Grant*, 486 U.S. 414 (1986). It can be argued that not a single example of truly facilitating legislation has ever been enacted by any state legislature. Furthermore, the restrictions imposed on the citizenry are typically not imposed on other individuals seeking to use a state's electoral processes to invoke changes in state government, whether it be through lobbying, legislating, or running for political office.

States do have a compelling interest in ensuring that all elections, including those on the initiative and referendum, are conducted in a non-fraudulent manner. However, if the state legislatures wish to regulate lawmaking by the people they should impose the same restrictions on their own powers. Lobbyists, for example, who seek to have the legislature enact new laws or propose amendments to the state constitution typically have no voter registration or residency requirements imposed on them – but signature collectors for initiatives do. The purported purpose behind legislatively imposed limitations on the citizenry in the initiative and/or referendum process should be viewed skeptically in the absence of evidence of unique voter fraud during these processes.

A variety of legislative enactments in various states demonstrate how the legislatures have reacted to the use of the initiative process. Many argue that their response appears based on self-interest rather than an interest in protecting a system of government where the citizens are an independent branch of government. A review of the various legislatures' responses, many argue, reveal that control of a distinct branch of government, the people, by legislative action is not about fraud but about raw political power. Let's look at some examples:

States have banned paying petition circulators on a 'per signature' basis.

Several states have prohibited sponsors of initiative petitions from paying or compensating persons who circulate or obtain signatures on petitions according to the number of signatures collected or petitions circulated. These laws were enacted despite the absence of any showing that the initiative process needed correction.

Florida

In Florida, the citizenry may propose constitutional amendments in a manner controlled by the legislature. In both 1990 and 1991, when the statewide campaigns for term limits on the legislature were moving forward, the legislature introduced bills that would have changed the process for collecting signatures for initiative petitions.

First, in 1990, Senate Bill 870 required that each signature on a petition be witnessed and the sponsor certify that no per signature fee was paid. Second, the 1991 bill required initiative sponsors to certify that they had not paid a per signature fee for the collection of signatures. These two attempts by the legislature to make the collection of initiative signatures more difficult were vetoed.

Both Governor Martinez and Chiles concluded that this proposed legislation would "so stringently limit access to certification of a citizen initiative that it must be viewed as an effort to quash or severely limit the ability of the people to revise their constitution, in contradiction to the spirit expressed by this reservation of power.' Interestingly, these bills were introduced while term limit petitions were circulating. In 1992, term limits were enacted on Florida's state legislature.

In 1998, the Florida legislature attempted to require sponsors of initiatives who intend to use paid petition circulators to file an affidavit with Florida's election division. This was being done despite the U.S. Supreme Court's statement in *Meyer v. Grant* that it was not prepared to assume that a professional circulators whose qualifications for similar future assignments may well depend on a reputation for competence and integrity; is any more likely to accept false signatures than a volunteer who is motivated entirely by an interest in having the proposition placed on the ballot.

Mississippi

Florida is not alone. The Mississippi legislature in 1998 overrode the Governor's veto to enact legislation making it unlawful for persons who pay other persons to circulate initiative petitions or who collect signatures on a petition to base that pay on the number of signatures collected or petitions circulated. This law required the State to refuse to accept any initiative petitions, even if only one signature on the entire petition was obtained in violation of the "per signature" ban. This legislation coincided with a term limits initiative for the state legislature. Mississippi's Constitution directed the legislature not to restrict or impair the people's reserved power to propose constitutional amendments. This law was ultimately struck down by the Federal District Court as a violation of the First Amendments protection on free speech.

Washington State

Like Mississippi, the Washington legislature, in 1993, one year after term limits were approved by the voters via the initiative, enacted a statute

making it a "gross misdemeanor" to pay or compensate circulators according to the number of signatures collected. The legislature asserted that this form of compensation "encourages the introduction of fraud in the signature gathering process . . . Such payments also threaten the integrity of the initiative and referendum process by providing an incentive for misrepresenting the nature or effect of a ballot measure in securing petition signatures for the measure."

This restriction was struck down because the State failed to produce proof of fraud or an actual threat to the "citizens' confidence in government" resulting from circulators being compensated based on the number of signatures they procured.

North Dakota, Maine, and Wyoming

Three other states enacted measures similar to those previously discussed. Wyoming and Maine enacted legislation prohibiting the payment of initiative petition circulators based on the number of signatures they collect. Maine's legislature passed its statute in 1994, one-year after the voters through the initiative passed term limits. Wyoming's legislature imposed its restriction on the people in 1996, at a time when there was an initiative campaign underway that would inform voters on the ballot whether candidates for the state and federal legislatures supported a term limits amendment to the United States Constitution.

North Dakota enacted legislation in 1988 that also precluded paying initiative and referendum petition circulators based on the number of signatures collected. This was a legislative response to the criminal convictions of five paid circulators for petition fraud in a 1986 initiative involving the lottery. Thus, this one time experience with petition fraud, fraud that was detected and powerfully prosecuted, was used to permanently deprive the people of an effective method for exercising their constitutional right to the initiative and referendum.

Both the Maine and North Dakota statutes were challenged in Federal Court. The U.S. District Court of Maine ruled, citing *Meyer v. Grant*, that the circulation of an initiative or referendum petition "involves the type of interactive communication concerning change that is appropriately described as core political speech" and citing *Buckley v. ACLF*, that a state may not, consistent with the First Amendment, severely burden such speech unless the regulation at issue is "narrowly tailored to serve a compelling state interest." The Court ruled that although the regulation didn't have the effect of halting all initiative and referendum activity in Maine (and that the proponents probably could have put their initiative on the ballot if they had worked harder and spent more), that the Statute nevertheless severely burdened the plaintiffs' attempt to mount their drive. However, the North Dakota Federal District Court ruled that the law was constitutional. It will be up to the U.S. Supreme Court to sort this issue out.

"Notice" requirement of circulators who are being paid.

Although not prohibiting the payment of petition circulators, some states have sought to limit the initiative by requiring some form of "notice" or disclosure either on the initiative petition itself or in a statement to be filed with an official informing potential signers and the appropriate officials whether and how much such circulators are or will be paid. These states include Idaho, Colorado, Arizona, Ohio, Oregon, and California.

Oregon

Oregon's statutes provide that the chief petitioners of a measure must include a statement with their prospective petition indicating whether persons will be paid money or "other valuable consideration" for collecting signatures on the petition. In 1992, the same year that term limits were enacted on legislators via the initiative, the legislature proposed an amendment to that section that would also require that each sheet of the petition indicate whether circulators were paid. The "notice" would state "Some Circulators For This Petition Are Being Paid." This bill was passed over the Governor's veto.

Arizona

Arizona requires each petition sheet to have a space for indicating whether a circulator is a paid circulator or is a volunteer. This provision was added by the legislature in 1991 just before the people through the initiative process adopted term limits in 1992. Arizona invalidates those signatures obtained by a circulator who does not indicate whether he or she is paid or is a volunteer.

California

In the same year that legislative term limits were approved by the voters via the initiative in California, the legislature added its "notice" provision to California's Elections Code in 1990 as Section 41.5.57 This section provided that:

"Notwithstanding any other provision of law, any state or local initiative petition required to be signed by voters shall contain in 12-point type, prior to that portion of the petition for voters' signatures, printed names, and residence addresses, the following language: **NOTICE TO THE PUBLIC THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.** (Emphasis added)."

Only initiative petitions require such a notice.

Idaho

The Idaho legislature revised in 1997 its state's statutory provisions governing the initiative and referendum. The legislature imposed new restrictions making it more difficult for the citizens to successfully qualify an initiative or referendum petition for the ballot.

Included in these revisions was a specific statement that "Any person who circulates any petition for an initiative or referendum shall be a qualified elector of the state of Idaho." Section 34-1807 further states, "Any petition upon which signatures are obtained by a person not a qualified elector of the state of Idaho shall be void." Thus, like Mississippi, Idaho not only punishes the circulator, but it also punishes the signers of these petitions, even when the signatures are valid.

Idaho also now requires that initiative and referendum petitions circulated by paid circulators have printed in bold red type the statement:

THIS INITIATIVE (OR REFERENDUM as the case may be) PETITION IS BEING CIRCULATED BY A PAID SIGNATURE GATHERER. THE SIGNATURE GATHERER IS EMPLOYED BY OR HAS CONTRACTED WITH (insert name), THE MAIN OFFICE OR HEADQUARTERS OF WHICH IS LOCATED AT (city and state).

If the person is a volunteer, however, the petition must have printed in bold red type:

"THIS INITIATIVE (OR REFERENDUM as the case may be) PETITION IS BEING CIRCULATED BY AN UNPAID VOLUNTEER."

No "Notice" requirements must be placed on legislative nominating petitions indicating to signers of such petitions that the circulator is being paid, is a volunteer, or even is an employee of a state legislator.

Colorado

In 1993, the Colorado legislature amended its entire statutory article governing initiatives and referendums. It added a subsection that not only required "notice" whether a petition circulator was paid, but also required the circulator to wear a badge while circulating. This badge was to have printed on it in bold-faced type "VOLUNTEER CIRCULATOR" or "PAID CIRCULATOR." Moreover, if the circulator was paid, the name and telephone number of the person who hired them was also to be printed on the badge. This "badge" was purportedly necessary to help "prevent fraud by enabling the public to identify individuals who make false or fraudulent statements while circulating."

The U.S. Supreme Court upheld the trial court's ruling striking down this requirement as unconstitutional. While agreeing that the state has a "compelling interest" in maintaining the integrity of its initiative process, the Court held that this provision was not narrowly tailored to serve the state's interest.

Residency requirements for petition circulators.

In addition to the above restrictions, most of the states that provide for the initiative and referendum now require that petition circulators be residents of the state in which they circulate. Prior to adopting legislation requiring circulators to be residents of the states, many of these states had a requirement that circulators be registered voters of the state. The U.S. Supreme Court ruled in 1999 in *Buckley v. ACLF* that the registered voter

requirement was unconstitutional because it violated the citizens First Amendment rights.

In 1999 the Arizona legislature passed new legislation that required that all petition circulators must be qualified to be registered to vote (i.e. a resident of the state, etc.)

Additionally in 1999, the Idaho and Utah legislatures passed new laws requiring all petition circulators be residents of the state and in that same year, the Missouri legislature not only passed legislation requiring that all petition circulators be residents of the state, but also required that all signature-gatherers register with the state and provided that all signatures gathered by unregistered circulators be declared invalid.

A residency requirement for petition circulators, as did the registered voter requirement, diminishes the number of persons available to promote a political message through the initiative petition. However, the residency requirement has yet to reach the U.S. Supreme Court. Certainly, such restrictions make it less likely that sponsors of initiatives will collect signatures necessary to place the initiative on the ballot.

Yet, some of the states that now require circulators to be residents did so because the legislatures claimed they were dealing with problems associated with paid circulators. However, the same requirements have not been placed on nominating petitions and the courts have consistently found that fraud, though existing, is not prevalent enough to warrant such action by the legislatures.

Nebraska

Nebraska's unicameral limited initiative petition circulators to Nebraskans. The legislative debates surrounding the voter registration requirements acknowledged that such a requirement was enacted to address problems associated with paid circulators. The legislature sought to do indirectly that which the U.S. Supreme Court ruled a state could not do, prohibit the use of paid professional circulators. However, this law was struck down by the 1999 *Buckley v. ACLF* decision.

Colorado

Although Colorado's Constitution was amended to require that circulators of petitions be "registered electors," the U.S. Supreme Court ruled that this law "unconstitutionally infringed on free expression." Without deciding whether a state's interest in preserving the integrity of its initiative process required that all circulators be residents of the state, the court found that Colorado's voter registration requirement was not narrowly tailored to satisfy a compelling state interest.

Mississippi

Article 15. §273(12) of Mississippi's Constitution states that the legislature "shall provide by law the manner in which initiative petitions shall be circulated, presented and certified." Subsection 13 continues by

stating that while the legislature may enact laws so as to allow the people to exercise this initiative power, the legislature "shall in no way restrict or impair the provisions of this section or the powers herein reserved to the people."

The legislature enacted legislation implementing the initiative process in 1993. However, along with the restriction that prohibited circulators from being paid "per signature," the legislature overrode the Governor's veto in 1996 and required circulators to be qualified electors of Mississippi. This law was struck down.

Despite this recent ruling striking down the requirement that petition circulators had to be "qualified electors," the legislature in 1998 proposed an amendment to its Constitution that would require circulators to be "residents" and additionally made the change retroactive in the hopes of striking a term limits measure off the November 1999 ballot. This proposed amendment was challenged in Federal Court and the court ruled that the retroactive aspect of the law was unconstitutional but let stand the residency requirement for circulators.

Mississippi's legislature has fervently sought to impose restrictions on the people's initiative right, despite the fact that its constitution specifically prohibits it from enacting legislation that restricts or impairs the people's power to the initiative. These limitations have been successful – only two initiatives have ever appeared on Mississippi's ballot.

Different voting schemes are used for legislation versus initiatives.

In addition to placing additional qualifications on persons seeking to use the initiative process, several states have also imposed unique voting schemes on initiatives; thereby making it more difficult for the people to successfully enact their proposals.

In Mississippi, constitutional amendments proposed by the legislature become part of the constitution "if it shall appear that a majority of the qualified electors voting directly for or against the same shall have voted for the proposed change, alteration or amendment". However, for constitutional amendments proposed by the people through the initiative, the initiative or legislative alternative "must receive a majority of the votes thereon and not less than forty percent (40%) of the total votes cast at the election at which the measure was submitted to be approved."

Wyoming allows passage of an initiative only when "an amount in excess of fifty percent (50%) of those voting in the general election" cast a vote in favor of the proposed measure, not just a majority of those voting on the proposed measure. Thus, if voters choose not to vote on a measure, their non-vote is counted against it.

Massachusetts provides that legislative constitutional amendments, "if approved by a majority of the voters voting thereon," become part of the constitution. On the other hand, amendments proposed through the initiative or legislative substitutes become part of the constitution if approved "by voters equal in number to at least thirty percent of the total

number of ballots cast at such state election and also by a majority of the voters voting on such amendment."

Utah amended their constitution in 1998 to require a two-thirds vote of the people in order to adopt by initiative a state law allowing, limiting, or prohibiting the taking of wildlife or the season for or method of taking wildlife.

Changes to the circulation period for initiatives.

In 1998, the Missouri legislature changed the deadline for submitting initiative petitions from four months prior to the election to six months prior – effectively decreasing the circulation period by two months.

Changes to distribution requirements for initiatives

In 1998, the Wyoming legislature changed the distribution requirement for initiatives. The change required initiative proponents to not only gather signatures equal to 15% of the number of voters in the last general election, but to gather signatures equal to 15% of the number of voters in the last general election in 2/3 of Wyoming counties – making petitioners collect an impossible number of signatures in very sparsely populated areas. In 2000, the Utah legislature drastically increased the state's distribution requirement and in 2001 the Montana legislature placed on the ballot a constitutional amendment doubling the distribution requirement for initiative petitions which was subsequently adopted by the voters. The Utah legislation was ultimately overturned by the State Supreme Court and the Montana change is currently being litigated. In 1999 the Idaho legislature drastically increased the distribution requirement for initiatives only to have the law overturned by the Federal District Court of Idaho as being an unconstitutional restriction on the process. These rulings will no doubt lead to litigation in other states to strike down other cumbersome distribution requirements.

Similar restrictions are not imposed on lobbyists or other campaign workers.

Throughout this section, it has been noted that legislators enacted restrictions for the apparent purpose of "maintaining the integrity of the initiative process." Despite this asserted interest, however, the legislatures in the initiative states have failed to impose the same or similar restrictions on lobbyists hired to influence legislation and/or executive policy or individuals hired to work on a candidate's campaign for political office, including the circulation of a candidate's nominating petitions.

This disparate treatment can be seen in Mississippi's Lobbying Reform Act of 1994. While the Act defines "lobbying" as including "(i) Influencing or attempting to influence legislative or executive action through oral or written communication;" the legislature has imposed no restrictions on who may come into the state seeking to influence the course of legislative

and executive policymaking. Yet, it requires those utilizing the initiative to be residents of the state.

Similarly, despite having residency requirements for circulators of initiative and referendum petitions, Wyoming fails to impose similar restrictions on lobbyists. Furthermore, while Wyoming requires petitions for candidates who are nominated by petition as independent candidates to include a circulator's verification, no statements indicate that the nomination petitions must be circulated by "qualified registered voters." Nor does Wyoming prohibit paying these circulators based on the number of signatures they collect.

In Colorado, while circulators of petitions for candidacy and recall must be eligible electors in the political subdivision where they are circulating petitions and they must be affiliated with the political party of the candidate for at least two (2) months prior to filing the petition, no provisions exist regarding paying such circulators and having such payment information printed on nomination petitions as there exist for initiative petition circulators. Nor does it make provisions for such circulators to wear identification badges or to file monthly disclosure requirements for paid nominating petition circulators. Similarly, Colorado imposes no residency or voter registration requirements for lobbyists nor does it require lobbyists to wear identification badges.

Oddly, at the time the Colorado Legislature deemed it necessary to enact restrictions on those seeking to use the initiative process, it did not also impose the same limitations on lobbyists who are, like sponsors of initiatives, seeking to influence Colorado's elected officials.

Maine does not impose the same restrictions regarding residency and voter registration on lobbyists as it does on initiative and referendum petition circulators. Nor does it impose the initiative restrictions on circulators of nominating petitions.

In Idaho, lobbyists are not required to wear display tags at the time of lobbying. More importantly, while the legislature requires persons seeking to evoke change through the initiative and referendum to be residents of the state, persons seeking to accomplish the same thing via lobbying are not required to be residents or registered voters of Idaho.

Sampling of major initiative legislation

1998 Legislation

- Mississippi: Passed legislation requiring that only a person who is a resident of the state may circulate an initiative petition or obtain signatures on an initiative petition.
- Missouri: Changed the deadline for submitting initiative petitions from four months prior to the election to six months prior — effectively decreasing the circulation period by two months.
- Utah: Amended constitution to require a two-thirds vote of the people in order to adopt by initiative any state law allowing, limiting, or

prohibiting the taking of wildlife or the season for or method of taking wildlife.

- Wyoming: Required initiative proponents to not only gather signatures equal to 15% of the number of voters in the last general election, but to gather signatures equal to 15% of the number of voters in the last general election in 2/3 of Wyoming counties — making petitioners have to collect an impossible number of signatures in very sparsely populated areas.

1999 Legislation

- Arkansas: Legislation requires the reporting of state funds in excess of \$100 used to support or oppose a ballot measure.
- Arkansas: Gives the Arkansas Supreme Court original jurisdiction to determine the sufficiency of initiative and referendum petitions and proposed constitutional amendments.
- Arizona: Required that all petition circulators must be qualified to be registered to vote (i.e. a resident of the state, etc.)
- Idaho: Required that all petition circulators be a resident of the state.
- Missouri: Required that all petition circulators must be residents of the state. Also required that all signature-gatherers register with the state and provided that all signatures gathered by unregistered circulators be declared invalid.
- Montana: Required that employers of paid signature gatherers file financial disclosure reports.
- Montana: Gave Attorney General the authority to deny certification of an improper ballot measure.
- Nebraska: Passed legislation providing that in order for a constitutional amendment to become law it must be approved twice by the voters in separate elections. Also requires that initiative petitions be filed with the Secretary of State eight months prior to an election, rather than the existing requirement of four months. (Defeated by voters on November 7, 2000.)
- Oregon: Passed legislation increasing the number of signatures needed to get a constitutional amendment on the ballot from eight to twelve percent. (Defeated by voters on May 16th, 2000.)
- Oregon: Passed legislation extending the time period for the Secretary of State to verify signatures on petitions from 15 to 30 days. (Adopted by voters on May 16th, 2000.)
- South Dakota: Provided a procedure for opponents of an initiative to contest the validity of signatures.
- Utah: Required that political issues committees for initiatives and employers of paid signature gatherers file financial disclosure reports.
- Utah: Required that circulators must be a resident of the state.

2000 Legislation

- Alaska: Prohibits initiatives that permit, regulate or prohibit the taking or transportation of wildlife, or prescribes seasons or methods for the taking of wildlife. (Defeated by voters on November 7, 2000.)

- Alaska: Passed legislation limiting the amount you can pay a signature gatherer to no more than \$1.00 per signature.
- Arizona: Requires a supermajority vote of the people for all future wildlife and hunting initiatives. (Defeated by voters on November 7, 2000.)
- Arizona: Allows a person to withdraw their signature from a petition.
- Minnesota: Senate Committee kills legislation passed by the House in 1999 allowing the citizens to vote on the establishment of initiative and referendum at the state level.
- South Dakota: Changes South Dakota's circulation period for collecting signatures by not allowing collection time to roll over to future ballots. For example, South Dakota's current circulation period is one year. It used to be that if you started collecting signatures in January and the deadline to make the upcoming ballot was May and you didn't have enough signatures by then, you could keep petitioning until your one year time limit was up — and the measure would go on the next available ballot. Now you still have one year, but no matter when you start you only have until the deadline for the closest election ballot to gather signatures.
- Wyoming: Requires petition circulators be registered voters and citizens of the state.

2001 Legislation

- Montana: Passed legislation that was adopted by the voters in November 2002 that would change the state's distribution requirement. The amendments would require signatures to be gathered from 50% of the counties. This is the exact same distribution requirement that was struck down by the Federal Court in Idaho.
- Oklahoma: Passed legislation that was defeated by the voters in November 2002 that would establish a higher signature requirement for initiatives that pertain to animal issues.

Conclusion

Many, if not most, of the restrictions discussed above were enacted or proposed during the recent wave of term limit, tax limitation and campaign finance initiatives enacted by the citizens. However, legislatures have always vigilantly inhibited the people's right to the initiative and referendum. Restrictions imposed on the people's use of these powers have typically been direct responses by the legislature to the people's use of these powers.

These are just a few examples of how the legislatures have acted to limit the people's right to initiate laws and/or amendments. The true motivations of lawmakers in passing these regulations must be scrutinized. Reforms should be considered. But the reforms being passed by these legislators are only increasing the cost of undertaking an initiative and doing nothing to address the legitimate concerns about the process that need to be considered. If lawmakers truly want to address the concerns

raised about the process they should consider increasing circulation periods so the need for paying signature gatherers is diminished, establishing a requirement that public hearings on initiatives be held before the election so voters can be better informed, establishing more comprehensive financial disclosure requirements so the citizens know who is behind certain measures, establish a procedure where the state can help initiative proponents draft initiative language so the citizens can take advantage of their "expertise", and by creating the indirect initiative process so legislators have the opportunity to adopt and/or amend initiatives before they are voted on by the people.