



Testimony to the Election Laws Committee

by Jim Stergios

Wednesday, March 23, 2011



Thank you for the opportunity to testify here this morning, Chairman Finegold and Chairman Moran. For the record my name is Jim Stergios, Executive Director of Pioneer Institute. Pioneer Institute is a public policy and advocacy organization, whose work has touched the lives of hundreds of thousands of children through education reforms that lifted Massachusetts in 2005 to be the highest performing state in the union. Our innovative ideas have saved Massachusetts taxpayers, whether individuals or companies, over half a billion dollars. Our community of supporters and friends is now over 6,000 individuals, companies, and foundations.

I am here today to testify on the issue of House Bill 1830, which would more than double the number of signatures needed for any ballot referendum item advanced with the purpose of amending the constitution or even to repeal a law.

I have four points that I would like to make concerning the bill. First, it tramples on the spirit of the progressive era reform that brought us ballot initiatives. Second, it is an unreasonable imposition given the fact that very few of the ballot initiatives actually are ultimately enacted. Third, it is a transparent attempt by special interests to shut down debate in this state and to save themselves significant money spent in fighting initiative items to which they are in opposition. Finally, the ballot initiative process has done this state much good whether the items were advanced by the voters at the ballot box or not.

HB 1830 weakens the initiative process and historic values in the Commonwealth

Starting in the 1890s and really up until the outbreak of World War I, the Populist and Progressive movements were an expression of people's dissatisfaction with the status quo and government's inability to address

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mounting troubles facing our localities and states. The principal target of these movements was the moneyed special interest groups that controlled government, at the time private monopolies. This was, after all, the era of anti-trust legislation. It was an era that also sought to expand direct participation, whether women's right to vote, secret ballots, the establishment of primaries, recall mechanisms, and the direct election of U.S. Senators. The initiative process was the capstone of these efforts to expand the franchise and to engage citizens.

At the time, labor unions were critical supporters of the Progressive movement's work to advance these changes. Times have changed. Today, we have strong mechanisms against private sector monopolies, and when there is what people call a "natural monopoly", we opt to create utilities. I know that in presenting facts that counter the strong special interests behind this bill—today not private sector monopolies, but public sector monopolies—I will be called anti-labor. That is what you will hear from the public sector monopoly.

With a proposed requirement for seven (7) percent of the previously cast ballots, we would have little chance of ever getting a proposed amendment through the ballot initiative process unless moneyed interests were pushing it

But the fact is I am against any monopoly, whether private or public. Being against a public sector labor monopoly is no more anti-labor than being against private sector monopolies is anti-business. Workers in the private sector, whether part of unions or not, do not seek this kind of control over the deliberations of our duly elected officials. And you should not grant it to one set of interests. The public unions, frankly, want to block outside the Dome participation, because they know very well that inside the State House their power is unparalleled; and they know outside this building their stature has been crumbling.

Remember that the Populist and Progressive movements based much of their thinking on trust in the individual. Expanding the franchise, the direct election of U.S. Senators and the ballot initiative were not meant to undermine representative government. Rather, a century ago, Progressives and Populists alike understood world-changing and historic U.S. and Massachusetts' constitutions were the creations of human beings, enacted in part through compromise. And they knew that through the amendment process those constitutions allowed that they could improve upon what they were given. They used the constitutional amendment process to implement much of their agenda—and agenda that was very much centered on the initiative process.

With all that in mind, reflect on this: *Would you give credence to those petitioning you to roll back the direct election of U.S. Senators? Women's suffrage? Primaries or the secret ballot?* No, you would not.

According to the StateHouseNews, yesterday Governor Patrick addressed the AFL-CIO gathering in Plymouth noting the following: "The public is hungry for change. Be careful not to let labor be cast as an obstacle to change. Because if they see your rights as an obstacle to change, the public will take those rights away." He is right.

HB 1830 is an unreasonable imposition

Yes, currently, ballot initiatives are required to gather signatures equal to three (3) percent of the votes cast in the previous election in order to gain a space on the voting ballot. But there is much more to the process and the numbers do not bear out the view that the ballot initiative process is broken in any way.

Since the creation of ballot initiatives in 1917, only 13 petitions have succeeded in gathering the required signatures to amend the constitution. Given that the Legislature has to approve proposed amendments in two distinct sessions before an item can be put on the ballot, we hardly can say that we have opened the flood gates to such referenda. In fact, only three (3) of the 13 has ever made it to the ballot. With a proposed requirement for seven (7) percent of the previously cast ballots, we would have little chance

of ever getting a proposed amendment through the ballot initiative process unless moneyed interests were pushing it.

That is the goal of the special interests, and shame on them for trying to muzzle the citizens of Massachusetts.

HB 1830 is a creation of special interests

Across the U.S., the National Education Association, of which the Massachusetts Teachers Association is an affiliate, likely spends over \$100 million of its \$350 million budget on political matters. State affiliates have to pitch in and do their part as well. Erring on the side of caution, spending on politics by national, state and local teachers unions affiliates is likely almost \$300 million a year. Add into the mix, AFSCME, AFL-CIO, SEIU and so many other public sector unions, and you can understand why, in the last Massachusetts elections, 17 of 20 top Political Action Committees in terms of contributions to candidate were associated with public sector unions.

The national leaders of these union organizations have made it a priority to rein in the ballot initiative process. California especially is a target for their activities, as California has many times the number of initiatives that go to the ballot. It requires large expenditures to beat the ballot initiatives back. The Massachusetts Teachers Association, the AFL-CIO and their colleagues will make reference to a report from the Ballot Initiative Strategy Center, the board of which is composed of representatives of the AFL-CIO, AFSCME, ProgressNow, the International Association of Machinists, the American Federation of Teachers, United Food and Commercial Workers, Progressive majority, the National Education Association, and the Service Employees International Union. The Ballot Initiative Strategy Center is the tip of the spear in the national union leaders' efforts.

The perception is that, given their massive base and the massive dues they collect, public sector unions can both mobilize voters and spend huge chunks of money to defeat ballot initiatives and candidates that they don't like. The perception is worse for politicians. They too often see the legislature as

incapable of crossing the unions even on the most common sense reforms like facilitating the move of municipal employees into the state's health care pool.

Even if such a common sense reform passes this session, citizens across the state have watched the dance around that reform for years, even as public safety workers and other local employees have been laid off, even as they have seen the quality of their services diminished.

[T]he Ballot Initiative Strategy Center report... is a transparent attempt to roll back progressive era reforms so that [special interests] can focus their money on advancing their political agenda without the distraction of engaging with the public.

I hope you will see the Ballot Initiative Strategy Center report for what it is—a transparent attempt to roll back progressive era reforms so that they can focus their money on advancing their political agenda without the distraction of engaging with the public. No one should get a pass—everyone needs to be part of solutions, and you don't want to cut less “connected” citizens from the process.

The initiative process has done much good

While I understand perfectly the desire on the part of some members of the committee to send a signal to supporters in private sector and public sector unions that Massachusetts will not be part of a Wisconsin / Rust Belt movement to rein in collective bargaining, I would urge you to think about the things that taxpayers have benefited from through the ballot process. Let me limit myself to two:

Proposition 2 ½ has played an enormously important role in holding back ever-expanding appetites on the part of local government. When states like Texas and New Hampshire look at Massachusetts, Prop 2 ½ and the state's flat income tax are great balancers for the rest of the red tape and bureaucracy businesses and individuals face. Moreover, its negative impact

on education is disproven by the fact that the Commonwealth emerged between 1993 and 2005 as the state with the fastest improving levels of student achievement among all subgroups.

Let me provide a second, minor example of a ballot initiative that was never passed but had enormous influence. The Act Relative to the Achievement Gap gathered the initial number of signatures required to move forward with a full signature drive. Supporters of that ballot initiative also were able to work with legislators in the interim and also communicate the urgency of doing something related to the achievement gap. The ultimate law that was passed did not satisfy everyone, but it was a compromise that was fashioned in the spirit of comity and grounded in data, and recognition of the strong support among the voters for further education reforms.

With the power that the teachers unions and other labor representatives already possess in the General Court, I respectfully submit that such a strong compromise would not otherwise have been possible.

I appreciate the opportunity to provide testimony on this important topic. And I urge you to think seriously about the history of the Progressive Era development of ballot referenda, the limited number of ballot initiatives that have moved to enactment, the power of special interests, and the good that the initiatives have done.

Thank you.

About Pioneer

Pioneer Institute is an independent, non-partisan, privately funded research organization that seeks to improve the quality of life in Massachusetts through civic discourse and intellectually rigorous, data-driven public policy solutions based on free market principles, individual liberty and responsibility, and the ideal of effective, limited and accountable government.



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