Opinion: Calif. democracy is like a Wendy's in Colton

By Joe Mathews

One recent Sunday night, I stopped by a Wendy's in Colton, a gritty San Bernardino County city. I wasn't there to grab a square hamburger and a Frosty, but rather to glimpse the struggles of California's peculiar system of democracy.

California's governance might seem to emanate from the marble halls of Sacramento. But if you want to see how our state really treats democracy—as fast food, with laws and amendments being rapidly cooked, distributed, and fed to us—then you should get to Wendy's.

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The people there were professional petition circulators, who have been gathering signatures to qualify initiatives for California's November ballot. They are important because of California's democratic laziness. Our state could address its biggest problems through painstaking collaboration and negotiation in the state legislature. But we Californians prefer the speed of direct democracy, with rich people paying circulators to put measures to voters who cast judgment with little thought.

Because we lean so heavily on direct democracy, we end up leaning too heavily on circulators like the folks at Wendy's.

Yes, initiatives are dreamed up, and campaigns plotted, by powerful people in beautiful California places, like billionaire Tom Steyer's ranch on the San Mateo County coast.

But the people who do the work of turning our overlords' dreamiest notions into reality work the streets, and retreat to Wendy's for its air conditioning, free Wi-Fi, and cheap eats. Twice a week, the regional petition coordinator does a fast-food tour to meet circulators, hitting Wendy's, Lake Elsinore's Starbucks, Menifee's Jack In the Box, and the Corona Carl's Jr.

Paid petition circulators have been part of the initiative process for more than a century. But recently, the system has shown new strains that could further weaken our democracy.

First blame Gov. Jerry Brown and the Democrats for requiring all initiatives to appear only on November ballots, when Democratic turnout is high. Previously, initiatives were spread out over different elections; now all the initiatives circulate at the same time.

This creates greater demand for circulators even as the aging workforce shrinks California's cost of living has pushed younger circulators to cheaper states with direct democracy, like Colorado and Washington.

Worse, the number of places where circulators can work is shrinking. Longstanding legal precedents give petitioners the right to work in malls and outside stores, but many groceries and retailers ban circulators anyway and dare circulators to sue, knowing they can't afford to pursue cases in the state's clogged courts.

Circulators must be inventive. Some play cat-and-mouse games with the stores and the cops. Others work door-to-door. A few are trying gas stations, where drivers are more likely to be registered voters.

But in fact, no place is really safe for petitions anymore. Californians are so angry about politics that fewer will stop and sign. Voter behavior is worst in our richest places ("I only send circulators to Beverly Hills as punishment," one coordinator says), so circulators increasingly work poor places, where people are less rude.

"I'm in Chowchilla," Arenza Thigpen Jr., president of an international association of signature gatherers, told me by phone from the Madera County town. "They have an amazing group of people here, and it's pretty much untouched territory."

These trends in time, labor, and space have sent the price of a signature soaring, further restricting access to the ballot to the very richest. A decade ago, it might cost $1 million to qualify a measure statewide; today, the price tag approaches $5 million.

There are ways to make the process less costly and more democratic. The state could establish a citizens' commission to study regular people's suggested initiatives and put the best ones on the ballot, instead of requiring costly petitions. Or the state could give proponents much more time to gather signatures—two years, for example, instead of the current six months. But state officials refuse to entertain such ideas, because they threaten the power of the wealthy people and interests who control ballot access.

On the Sunday night I visited, the circulators signed up on a list scrawled on the back of a Wendy's receipt, waiting to submit signatures and get paid. Since there's not enough time to verify all the signatures at the restaurant, the circulators receive an advance based on the coordinators' best estimates of how many of their signatures are valid. If the validity ultimately proves to be too low when petition companies check, circulators can be forced to give back some of the advance. These refunds are called "chargebacks," and they are dreaded.

The circulators spend 40 minutes checking petitions to make sure everything is filled in (some counties void even valid signatures because of minor technical mistakes with petitions). They also gossip about a circulator having her labor induced the day after the final turn-in.

So ends another trying season of California democracy.

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