

**Jenna Spinelle**

Hello and welcome to When the People Decide. I'm Jenna Spinelle Lee, the show's first season has officially ended, but we have a few bonus episodes for you that we'll be sharing over the next few weeks. The first is a conversation that I had earlier this summer with Kelly Hall, Executive Director of the fairness project. I mentioned the fairness project briefly in Episode Seven. It is one of the organizations working to fight back against the war on the initiative. The fairness project also works with ballot initiative organizers across the country. And I talked with Kelly about some of the issues they're working on right now. And some of the issues that could be heading to state and municipal ballots in the coming years. As we alluded to in episode eight, there are some hot button issues in the ballot measure arena right now. And Kelly is at the forefront of it all. Here is my conversation with Kelly Hall.

**Jenna Spinelle**

You know, Kelly, before we get into some of the the ballot measure campaigns that your organization the fairness project is working on. Can you just tell me a little bit about your background and how you came to learn about ballot initiatives and the power that they hold?

**Kelly Hall**

Absolutely. Well, first of all, thanks so much for having me and having this conversation. So my background, I say affectionately as a policy nerd, I spent the first 10 years of my career working in Washington, DC on health policy, I had the privilege of working on Capitol Hill during the drafting and passage of the Affordable Care Act. And so on the one hand, the Affordable Care Act offered us a huge opportunity to move the ball down the field. And it was also an exercise fundamentally in compromise. No one really got everything they wanted. And a lot of people were still left out of the solutions that were wrestled through with that law. So I first came to ballot measures in the work of the fairness project trying to expand Medicaid to the people of states where their states had not adopted Medicaid expansion. And now I've gotten to work on a lot of additional issues besides Medicaid expansion, but that was my entry point into this about five years ago.

**Jenna Spinelle**

Yeah. And that's, that's so interesting. You brought up the idea of compromise. As you may know, that is a criticism or a critique of ballot initiatives that there is not the the mechanisms for compromise are not the same. Or maybe the most extreme version of that critique is there's no room for compromise. It's yes or no, it's up or down. It's one way or the other. So I guess, knowing what you know about the world of of legislative politics and the compromises that came as a result of the Affordable Care Act. What do you say to those critiques?

**Kelly Hall**

I would say one, not every policy issue is suitable for putting towards a ballot measure. There are some policy issues that are so complex and so multifaceted. It requires a lot more detail than just one up or down vote that the broad electorate can look at. So one is I think we have to focus on which issues are appropriate for which venues. And secondly, very rarely, do we find issues going to the ballot that have not already attempted to make it through the gauntlet of legislative compromise, which I think is a very generous word for often what happens in legislative processes, which is, you know, these issues are sabotaged by corporate lobbyists by political intransigence. Sometimes the will of the people is very

straightforward. We do care about raising the minimum wage, or we don't, and that is not stuck in a process of well meaning compromise of people working together trying to meet meet a common goal. It's a real disconnect between political ideology and the needs of the community. And I think those are instances where ballot measures are an exceptionally powerful tool. And we see that bubbling up more and more as our legislative politics become more polarized that gap between the needs of the community and just really stuck ideological issues. That gap becomes wider and wider.

### **Jenna Spinelle**

So I know that your organization was a key player in the Medicaid expansion campaign in Idaho. which we heard about in episode six of this series. Can you talk about more about what what your role was and and how that partnership came to be?

### **Kelly Hall**

Absolutely. So one I love the the campaign in Idaho and love talking about it. The Idaho campaign is one of six successful ballot measures to expand Medicaid that we've been a part of. And our role as the fairness project is really multifaceted. One is, we help co pilot campaigns along with exceptional grassroots organizers, like the folks at reclaim Idaho and the broader coalition of folks that had the idea had the vision in Idaho hit the road in a van to collect signatures around the state, and also needed additional funding support needed help creating that odd bedfellows coalition that ultimately succeeded there. It was not just progressive advocates advocating for this, it was about bringing together those groups with the hospital association with the Idaho association of industry and commerce, commerce and industry. And, you know, the community clinics, the patient advocacy groups, and so the fairness project brings deep ballot measure expertise, we help folks figure out okay, what is your compliance look like? What are the best vendors to hire? How do we get you this data and the polling that makes this a top tier, not just shoestring campaign, and we also help bring together those odd bedfellows coalition's we serve as marriage counselors sometimes. And we are also a funder of campaigns so that for those things that can't be done just by volunteers, there is a budget for television advertising, a mail program, finished completing Signature Collection, hiring staff. And so it's a really phenomenal marriage of what can be done through citizens taking the initiative themselves, and how we can help them make sure that their efforts are successful. And so we've done that across 24 campaigns across a variety of issues, mostly in red and purple states, Idaho, I put in that red category. But part of what this does is then enable us to show off that this combination of local and national collaboration means that we can break through on issues even in states that people have written off, as you know, too, politically, one sided Medicaid expansion in Idaho one was over 60% of the vote. And that's a resounding victory for this kind of organizing and this kind of ballot measure work.

### **Jenna Spinelle**

Yeah, so I know you are based in California, and I was looking through the states that the fairness project has worked with, and I own I saw one campaign in California for minimum wage in 2016. But there's, I think we had a whole episode in this series all about California, and sort of the pitfalls of the the ballot measure process there. And so I we and we have seen things like the gig economy measure in 2020. And the lots of examples where you could argue that corporate interests or other kind of big money groups have sort of CO opted this process. I wonder how you think about California and what opportunities for inroads look like they're versus places like Idaho or even, you know, Colorado or

Michigan or Nebraska, some of these the smaller states that just maybe don't quite do ballot measures on the scale that California does. Yeah. So

### **Kelly Hall**

I really appreciate this question, because there are 23 states around the country that have citizen initiated ballot measure processes. Not everybody does, but that's still a large number. California gets an outsized amount of attention, both for its size and the number of ballot measures that are brought to the table in California. But I actually think it's an extreme outlier in this landscape of ballot measures for a couple of reasons. One is it has a very long history of using ballot measures and voters in California are used to seeing 20 ballot measures sometimes on their ballots. That's not the typical experience. The other reason it's an outlier is that the vast majority of states where ballot measures are an option for citizens are those red and purple states. They are the Mountain West, they are the Midwest there are places where there is no other pathway for non corporate interests to bring their views forward through their political system. And I would say corporate interests as much as they have used a couple of times ballot measures in California to bring things forward to voters, they are actually much more active and much more successful at bringing their interests forward, through state legislatures, through their lobbyists through their political giving. And that is the dominant force that ballot measures are often a counter measure to in places in states around the country, but particularly in places that are red and purple, where voters are not otherwise, really breaking through on the sort of will of the people working families type of issues that we're trying to get four through at the ballot. So those are the ones I love to elevate Medicaid expansion, we've talked about it as, as an example, minimum wage is another issue that has succeeded at the ballot vote in states across the country, where it absolutely would not have made it through those legislatures. We're very excited that this year voters in Nevada for sure will have an opportunity to vote on a higher minimum wage in November of 2022. Advocates and grassroots volunteers are actively collecting signatures on a \$15 minimum wage in Nebraska. We're seeing really interesting work to counteract the payday lending industry at the ballot, the fairness project has been involved in successful measures in Colorado and Nebraska in the past couple of cycles, Michigan voters will see that come on their ballots this November. And so there are a lot of examples across the country, where we really see this anti corporate anti lobbyists, anti sort of big industry power trend. And we're really proud of being part of that swing.

### **Jenna Spinelle**

And you're one of the things that those actions prompt particularly in some more of the the red leaning states is a backlash from the legislature. We heard about this from Luke Mayville. And Idaho. We heard about it from Benjamin singer show me integrity in Missouri, we heard about it from the journalist, David Daly, who was covering some of these issues. He described it as the war on the initiative. And then this is something that your organization has also gotten involved with pull. It is one of the things I've been wrestling with in this series is this notion that you hear sometimes in this world of it's the people versus the politicians. And so this is like, if that's the case, then you could see this, you know, efforts to restrict the initiative as the politicians striking back or trying to, you know, there's this like back and forth narrative. But I've also been wondering about whether that's too simplistic of an explanation for some of these things. I just wonder what your what what you make of these efforts by the legislature? Is it in your view, as simple as you know, the the legislators are concerned about keeping their power. And

that is what is driving some of these efforts to make make it harder for citizens to put issues directly on the ballot?

### **Kelly Hall**

I really like the way you've asked that question. And it's rare that I say that the simple answer is the true answer, because I think most things in life and in politics are exceptionally nuanced. Here, I think that simple answer is not that far from the truth for a few reasons. One, they're telling us really explicitly what they're doing in states like Missouri and Oklahoma that saw bill after bill after bill be introduced this year, everyone who introduced them pointed at the successful 2020 Medicaid expansion campaigns. And in Oklahoma, the successful marijuana decriminalization ballot measure campaigns as reasons that they thought that the ballot measure process needed to be curtailed. They're not actually pointing at we think there's fraud. We think there's inaccuracy they're pointing at we don't like the outcomes. And so we want to change the rules of the game. So that's one reason. The other reason I think that this, you know, voters versus politicians narrative does ring true for legislatures trying to grab back control of the narrative is that often, these are embarrassing fissures between what their voters are actually voting for and what these politicians claim to be representing on behalf of those same constituents. It is very difficult to maintain that you should be doing absolutely everything in your power to be undermining Obamacare or undermining labor unions or undermining some of these more redistributed economic justice policies. Whenever Every time your red state voters are asked, they keep showing up and saying, no, we want paid sick leave, we want paid family leave, we want higher wages, we want more health care. That's a very counter narrative to what folks are trying to sell as elected officials. And that I think, is also generating its own backlash, not just because of one specific successful ballot measure campaign. And so I think there there is this real tension between what voters are demonstrating and what politicians are claiming. And the last thing I'll say is, I'm not sure that all of this is just specific to ballot measures, the same legislators who are introducing a tax on ballot measures are also implementing other voting rights restrictions. Other let's make it harder for people to vote, where can they vote? When can they vote? Can they vote by mail? Now, ballot measures are the piece of this of what can they vote on. And we're seeing this in Florida where Florida Legislature, the Florida legislature said, let's actually restrict what topics voters are allowed to even initiate ballot measures on. And so as much as it is a push poll about a reaction to what's been passed as ballot measures, I also think is part it's another pillar in the broader attack on voting rights that a lot of folks are talking about, not just in the context of direct democracy.

### **Jenna Spinelle**

Yeah, I'm reminded of a phrase from from David daily democracy deserts, he described some places as and when you take all of these things together, you know, making it more difficult to vote, making it more difficult to exercise a citizen, citizen led initiative, you can end up with these places where there are varying levels of democracy when you go across state lines, and you know, all of those sorts of things. Yes. So I know that the fairness project is doing a lot of work and making investment to try to push back against some of the pushback on the legislative I have that right, push back, push back. Tell me about the ballot measure rescue campaign.

### **Kelly Hall**

Absolutely. So I wish that my organization, the fairness project, could wake up every day and work exclusively on proactive ballot measures to support working families. Because of this backlash we've been talking about. We think it's existential to our theory of change, that we protect the ballot measure process, and make sure that we have cycle over cycle opportunities to create wins. So this year, there have been two legislatures that referred constitutional amendments that are voters asking voters to strip themselves of their ballot measure rights. One of those states was South Dakota. And just last week, at the time of this taping, we successfully defeated amendment see in South Dakota, the fairness project was a major funder of that no campaign along with a whole host of South Dakotan organizations from both ends of the political spectrum that see this as bad for democracy in South Dakota. It was not just you know, the folks on the left, it was also major hospital systems, the Chamber of Commerce, the Cancer Society, the Education Association, a lot of folks came together into a coordinated campaign. And it was important that they did because it was a well funded campaign to try to shut down the ballot measure process in South Dakota. And we were fortunate to be able to outspend them and communicate with voters. No voter wakes up in the morning goes to the polls and thinks that the thing that's driving them there is whether future ballot measures should have to win with 50 or 60% of the vote. It's a complex esoteric policy. And it took a lot of effort to communicate with voters about what it really meant. So huge, huge victory for direct democracy this summer in South Dakota, Arkansas voters will face that same question, very similar version of that question in November of 2022. And again, we are partnering with a lot of local organizations, ACLU League of Conservation Voters, league of women voters to work on the Arkansas campaign to make sure that we have a similar result. And I will say not only are these things important for South Dakota and Arkansas this year, but we know that legislatures across the country will be watching these results because very similar proposals made it almost all the way through the legislatures in Oklahoma, Missouri, Arizona, we saw an attempt to put this same proposal on the ballot in North Dakota. So once one of these things succeeds, we fear it will catch fire and so We are collaborating across states with both in state and national organizations through our ballot measure rescue campaign, say we've got to nip this in the bud, we cannot let one of these move forward and succeed, because then we'll be fighting this fight on every front in in future cycles.

### **Jenna Spinelle**

So I live in Pennsylvania, which is, as listeners are probably sick of hearing me say, by now, one of the reasons I wanted to do this series, it's sort of out of a sense of FOMO, almost, or like, you know, kind of like, you know, fate looking at these things that people other states are able to do. And, you know, I, I wonder, What, if anything you think is, you know, what do you say to people who live in states that don't have the citizen led initiative? Or? I mean, do you see a world in which new states can add the initiative, that that might be a very pie in the sky thing? I know, we haven't had a new one come online since the early 70s, I believe, but, you know, it is, is that anywhere, within, you know, the types of things that the fairness project is thinking about.

### **Kelly Hall**

So, I would love to be able to work statewide in Pennsylvania, of course, but in most states, even if you don't have a statewide ballot initiative process, a lot of municipalities either at the city or the county level, do have citizen initiated ballot measure processes. And in some instances, you know, there are more people who live in Houston than live in Idaho, there's a lot of work that can be done through

citizen initiated ballot measure processes that affect huge swathes of people, even if they're done at the municipal and county level. Now, that does mean that it limits changes, changes what you can do policy wise, you can't expand Medicaid just for a Texas City, for example. But there are issues that are more relevant at the municipal level, affordable housing, rent control, other first order issues for working families that we're seeing come to the ballot, we're seeing interesting work at the county level in Oregon on how they raise resources to pay for universal preschool and childcare. We're seeing interesting ballot measures come forward at the city and county level, to change how folks address oversight of the criminal justice system. We're seeing paid sick leave initiatives that we've been involved in, in Texas cities succeed, and that that is spreading throughout the country. So I would say even if you don't live in one of those 23 states that have statewide ballot measure processes that citizens can initiate odds are very good that your city or your county has a process by which you can bring at least some of the issues that are relevant to you forward for votes. And we are actively expanding our program at the fairness project to be supporting more and more municipal ballot measures, we loved that we were able to help the people of Tucson in November of 2021 Get a \$15 minimum wage through their municipal ballot measure process that can happen in a lot more places. So you know, hallelujah for federalism and different levels of government here so that we can be making changes in the places that we live, I don't have very much hope that brand new states are on the cusp of coming online, we are hopeful that the ballot measure process in Mississippi will be restored. And so that's a much longer this podcast on to itself, about the process in Mississippi, but that one we hope will get re added to the list. But I would say the last thing is that ballot measures that happen elsewhere outside of your state do affect what happens to you. It matters that thanks to ballot measures, there are now 12 more Republican US senators who represent Medicaid expansion states, it matters in the national dialogue about what the federal minimum wage should be, to be able to point to, hey, they just passed a \$15 minimum wage in Nebraska, which is what I hope we'll be able to say, you know, on November 9 of this year, that changes the narrative about what's politically possible. And so I would also encourage people even if you don't have the chance to vote on some of these ballot measures, we would love to have you be involved in supporting the ballot measure efforts in other states because it does demonstrate much more forcefully than any one poll or one vote for a politician what voters and other parts of the country are really craving and turning out for.

### **Jenna Spinelle**

We've been talking about issues I think already have a foothold in at least one if not several states. I'm wondering as you look out farther beyond 2022 or even 2024. What are some of the issues that are like on deck or are waiting in the wings that have not yet found their way to a citizen led initiative, but might be kind of primed and ready in, say, six 810 years, perhaps

### **Kelly Hall**

when I'm really focused on what's happening between now and November of 2022. But I will do my best. One of the things I will say is that, and I mentioned this earlier, ballot measures are often not the first place that a policy shows up, because if advocates have the opportunity to achieve that aim through their legislature, that is the less arduous, less expensive path. And so I would encourage people to look at what is bubbling up in legislative advocacy at the local state and federal level, that are meeting brick walls, and you are starting to see some of those things, you are seeing it on choice, you're seeing it on gun control, you're seeing it on how we think about public safety, you're seeing it

unfortunately, on things as straightforward as paid family leave and childcare and, you know, student debt, a lot of these issues that we would call first order issues. But you know, the things that are really motivating voters, rent control, wages, Oregon, you know, labor rights, and I would say climate change are all things that we're really seeing people bump up against the limitations of their legislative processes, and that I expect will find their ways more and more and more into the ballot measure process. And of course, none of the issues that I just described have been entirely absent from the ballot measure landscape. We've seen successes and attempts on all of these issues in pockets. And I think the thing that we're looking out for is like, where do we see big trends? You know, sometimes that takes a motivated organization. You know, the fairness project decided we're doing Medicaid expansion, every frickin place we can, until we until we finish it, South Dakota will be our seventh, I think when organizations that are focused on a particular issue, can see the map, see the opportunity and find the resources to move these strategies in bigger ways. It's not just the trend of what voters are getting frustrated by it's also where can we muster the progressive resources to to align the voter appetite with the progressive infrastructure. But I do think that all of those issues I named have the potential to really take off in the ballot measure space over the upcoming cycles.

### **Jenna Spinelle**

One last question for you here. Kelly. And this is something I've been asking every single person I've talked to for this series, are there issues that you think should be off limits for the ballot initiative process? And if so, what what might they be?

### **Kelly Hall**

I think that there are certain issues that are too complex for ballot measures that are necessarily multifaceted. A lot of things have to have changed and happen at once. You know, we could never have passed the Affordable Care Act as a ballot measure, it necessarily had too many interlinking parts and consequences to it. There are also fundamental human rights that are enshrined in our US Constitution, and that also shouldn't be subjected to the will of voters, we shouldn't be able to turn back the clock on things that are our most fundamental human and civil rights. Unfortunately, sometimes we're having to use ballot measures to defend those rights to reinstate those rights. But I really think that we need to be cautious about throwing the door open on every topic, especially those that shouldn't be subjected to voting at all that are simply innate human, fundamental rights. Beyond that, I think that it's a matter of political strategy. Is this the right avenue? Is this the right venue? Is this the most efficient and fastest way to get what we need to get done? And will it enact, lasting change the way we intend? Sometimes, we want to go through a compromising process, a legislative process to get us lasting change. Other times, and this is, you know, the space where I've chosen to dedicate all of my energy. We need to break through the gridlock, and we need to make change happen for working families now. And there's a lot of those opportunities. We're not going to run out of them anytime soon.

### **Jenna Spinelle**

So we are, of course recording this in the summer of 2022. A few months before the November election, you mentioned a couple of times that there are campaigns in the signature gathering process or things that voters are going to be seeing on their ballots. What are some of the issues that you are most excited about? We talked a lot about the bad stuff that kind of ballot measure rescue side of things, but what what are you looking forward to in November?

**Kelly Hall**

There's a lot and so and these are places where I really think we should have a lot of hope. We're going to see minimum wage on the ballot in a couple of places, Nevada, voters will get a chance to vote on the minimum wage, we anticipate that Nebraska voters will also get to vote on the minimum wage. We know that voters in Vermont will get to vote on ensconced in a constitutional right to abortion and choice and reproductive freedom. We expect Michigan voters will also get to vote on that same issue. There are really interesting ways that ballot measures will be addressing debt and predatory lending, which affects so many Americans, Michigan voters will get to help curtail predatory lending, Arizona voters will get to help cap medical debt interest rates and protect more of people's assets from bankruptcy and debt collection and that insidious cycle of keeping people in poverty. So there's a lot of stuff happening on the landscape, there's really important protections of voting rights that will be in front of voters in a variety of states, Michigan, and Arizona, we hope are two of them. So across the landscape, we see a lot of forces for good bringing forward things to voters, it's not just going to be the you know, Battle of the two major parties in in candidates. And so I would encourage every listener to vote your entire ballot. It don't just stop at the candidates or the names you recognize, get all the way through. It's just a few paragraphs more. But you might have really interesting stuff on your statewide or your municipal ballots. And there's a lot of great ways to get educated about what those those initiatives are in your own jurisdiction. But odds are very high that there's some exciting opportunities there.

**Jenna Spinelle**

Well, Kelly, we will leave it there. Thank you so much for all the work that you and the fairness project do in the ballot initiative space. And thanks for joining us today to talk about it.

**Kelly Hall**

Thank you so much for having me.