

New lies: Anti-LGBT sites assert courtroom victory and claim California trans law is now on hold

By Cristan Williams

Published January 3, 2014

https://www.transadvocate.com/new-lies-anti-lgbt-sites-assert-courtroom-victory-and-claim-california-trans-law-is-now-on-hold_n_11176.htm

Abstract

It all began with the Media Matters “Misinformers of the Year” winner, the Pacific Justice Institute (PJI) issuing a press release claiming that because they turned in 600k+ signatures (some valid, some demonstrably not), the California law codifying protections for trans children was put on hold: PJI compounded their campaign of lies by then giving [...]

Article

It all began with the Media Matters “Misinformers of the Year” winner, the Pacific Justice Institute (PJI) issuing a press release claiming that because they turned in 600k+ signatures (some valid, some demonstrably not), the California law codifying protections for trans children was put on hold:

Co-ed Bathroom Bill Update: Legislature Still Has To Hold It

12/30/2013

Sacramento, CA—A referendum has put on hold a 37 word bill which would have opened up restrooms, locker rooms and showers in K-12 public schools to students “irrespective of the gender listed on the pupil’s records.” Known as the Co-ed Bathroom Bill, Assembly Bill 1266 originally was due to go into effect on Jan. 1, 2014. But voters in all 58 of California’s counties have put on the brakes by submitting more than 600,000 signatures to the Secretary of State.

Under Article II, §9 of the California Constitution, the People have reserved to themselves their inherent power to review statutes enacted by lawmakers. “The voters are essentially part of the legislative process,” said Brad Dacus, president of the Pacific Justice Institute. “Through the referendum, they either approve or veto the law,” Dacus continued.

There has been some confusion about what constitutes a referendum. By its nature, a referendum involves a law that has been passed by the Legislature, but not gone into effect. Because the signatures have been filed, the implementation of the law is suspended until the final signature tally. After that, the law will continue to lie dormant until the voters render their judgment in the November 2014 election.

Figure 1. PJI-BS

PJI compounded their campaign of lies by then giving the false impression that they had won a courtroom legal fight against the California Secretary of State:



Brad Dacus

@PacificJustice



The Superior Court has issued a tentative order granting our writ petition as to the counting of signatures for the #AB1266 referendum.

Figure 2. BSfromPJI

After calling the California Secretary of State, the Attorney General and Governors office, I feel confident in offering you the following facts:

- As of January 1st, AB 1266 is in full force.
- As of today, the repeal of AB 1266 by PJI and partners is failing.
- As of today, no court has issued any binding ruling against the Secretary of State.
- As of today, no court has issued an order making the signatures PJI turned in while country offices were closed for Veterans Day valid.

For the initiative to qualify for the ballot and place the law on hold until voted on in November 2014, at least 95% of 504,760 signatures must be valid. As of today, this is their validity rate:

48. SOLANO	11/10/13	11/14/13	11/19/13		6,493	500	387	113	2	4,714	72.6%
49. SONOMA	11/10/13	11/14/13	11/15/13		3,625	500	389	111	0	2,820	77.8%
50. STANISLAUS	11/10/13	11/20/13	12/10/13		10,090	500	405	95	0	8,173	81.0%
51. SUTTER	11/08/13	11/18/13	11/20/13		1,932	500	408	92	2	1,554	80.5%
52. TEHAMA	11/08/13	11/15/13	12/30/13		2,633	500	404	96	1	2,105	79.9%
53. TRINITY	11/08/13	11/14/13			129					0	0.0%
54. TULARE	11/12/13	11/15/13			0	0	0	0	0	0	0.0%
55. TUOLUMNE	11/08/13	11/15/13	12/04/13	RANGE:	933	933	823	110	8	823	88.2%
56. VENTURA	11/10/13	11/18/13	11/22/13	110% = 555,236	7,244	500	418	82	0	6,056	83.6%
57. YOLO	11/08/13	11/12/13	11/25/13	100% = 504,760	1,010	500	401	99	0	810	80.2%
58. YUBA	11/08/13	11/18/13	11/25/13	95% = 479,522	1,355	500	365	135	1	985	72.7%
TOTAL:					614,326	24,516	19,911	4,607	75	266,935	78.22%

For questions regarding this spreadsheet please contact:
Secretary of State| Elections Division (916) 657-2166
1/2/2014 4:36 PM

Figure 3. 2014.3.1-SOS

After almost half of all their signatures were reviewed, only 78% of the signatures were found to be valid. Here's a description of how the referendum process works:

If the raw count of signatures equals 100% or more of the total number of signatures needed to qualify the initiative measure, the Secretary of State notifies the county elections officials that they will have to randomly sample signatures for validation, to ensure petitions were signed by registered voters. If the result of the random sample indicates that the number of valid signatures represents between 95% and 110% of the required number of signatures to qualify the initiative measure for the ballot, the Secretary of State directs the county elections officials to verify every signature on the petition. This process is referred to as a full check of signatures. If the

total number of valid signatures is less than 95% of the number of signatures required to qualify the initiative measure, the initiative measure will fail to qualify for the ballot. If the number of valid signatures is greater than 110% of the required number of signatures, the initiative measure is considered qualified without further verification. Spreadsheets containing the progress of an initiative in the signature verification stage are updated regularly. - California Secretary of State

If you're still unsure how this process works, California has issued a detailed manual. Recall that PJI's press release cited a law. I'm more than a little skeptical that PJI knows enough to cite a law, but not enough to know this about the law:

If the total number of valid signatures is less than 95 percent of the number of signatures required to qualify the initiative measure, the initiative measure will fail to qualify for the ballot. The Secretary of State will generate a failure notice and mail a copy to the proponent(s) and county elections officials. (Elections Code § 9030(f).)

Figure 4. Page 10 of the 2013/14 Statewide Initiative Guide for California

To be clear, when PJI said this...

A referendum has put on hold a 37 word bill which would have opened up restrooms, locker rooms and showers in K-12 public schools to students “irrespective of the gender listed on the pupil’s records.” Known as the Co-ed Bathroom Bill, Assembly Bill 1266 originally was due to go into effect on Jan. 1, 2014. But voters in all 58 of California’s counties have put on the brakes by submitting more than 600,000 signatures to the Secretary of State.

... to the press. They lied.

Today, the Associated Press, promoted PJI's false claim of courtroom victory:

Judge: Calif. must count rejected ballot petitions to overturn transgender students law

By LISA LEFF/Associated Press

CREATED: 01/03/2014 12:30:56 AM PST

SAN FRANCISCO -- A judge in Sacramento ordered the secretary of state's office on Thursday to add about 5,000 signatures to the 614,326 submitted by supporters of a proposed voter referendum that seeks to overturn a new California law guaranteeing certain rights to transgender students in public schools.

Figure 5. When will the press get it? PJI lies. Stop falling for their claims. Fact check!

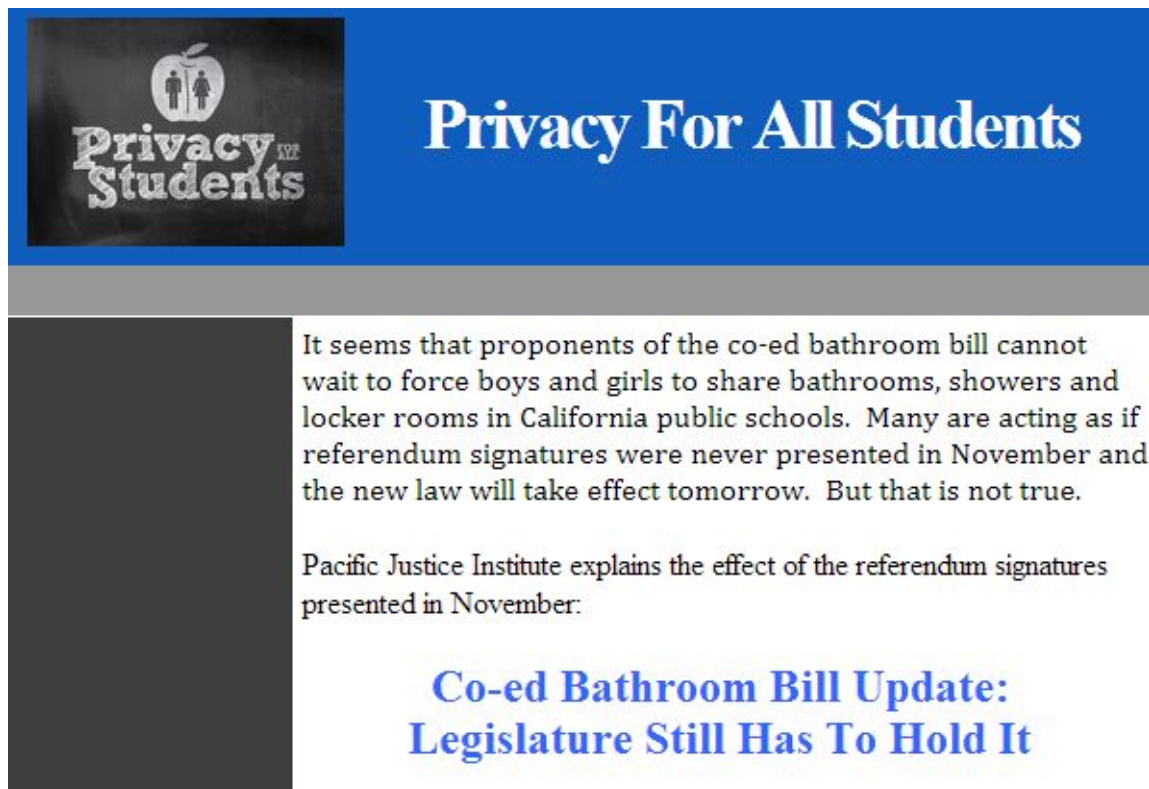
The judge DID NOT “order” the Secretary of State’s office to do anything. There has been no trial and no court order was issued.

PJI's coalition, Privacy For All Students - Stop AB 1266, issued a press release titled, "Privacy For All Students Wins In Court." No, they've not yet seen the inside of a courtroom. A court has not issued any orders. That's a lie. The hate site, World News Daily proclaimed, "Judge Flushes 'Bathroom Bill' Election Trick." Again, that's a lie. No judge issued any court order compelling the Secretary of State to do anything.

PJI petitioned a court to force the Secretary of State to accept petitions PJI's group delivered to county offices that were closed for Veterans Day. A judge, at PJI's request, issued a statement which said that based on the preliminary non-trial evidence, he would side with PJI if a trial had happened. This is a legal maneuver that is sometimes used to encourage an out-of-court settlement between two parties.

To be clear:

- No judge ordered any California governmental agency to do anything different. Those who are claiming otherwise are either mistaken or lying.
- PJI lied about AB 1266 being on hold. It isn't. AB 1266 is and will be the law of the land unless they can produce a 95% signature validity rate of signatures required to qualify (504,760) by the 8th of January.



Privacy For All Students

It seems that proponents of the co-ed bathroom bill cannot wait to force boys and girls to share bathrooms, showers and locker rooms in California public schools. Many are acting as if referendum signatures were never presented in November and the new law will take effect tomorrow. But that is not true.

Pacific Justice Institute explains the effect of the referendum signatures presented in November:

**Co-ed Bathroom Bill Update:
Legislature Still Has To Hold It**

Figure 6. Pants on fire!

NOTE: The way the math works (because more signatures were tuned in than needed to qualify for a random count), the percentage of the total turned in needs to have validity rate of a little over 81%.

Suggested citation

Cristan Williams. "New lies: Anti-LGBT sites assert courtroom victory and claim California trans law is now on hold."

TransAdvocate, January 3, 2014.

https://www.transadvocate.com/new-lies-anti-lgbt-sites-assert-courtroom-victory-and-claim-california-trans-law-is-now-on-hold_n_11176.htm