

PJI pushes debunked lies to the press. Again.

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Abstract

Ex-gay groups are pounding their high chairs insisting that AB 1266 is not in effect. They claim that merely because they turned in signatures - valid or no - AB 1266, the California law codifying protections for trans children in schools, is on hold. The media and liberal politicians are doing their best to scare [...]

Article

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The media and liberal politicians are doing their best to scare school officials into implementing AB 1266 right away.

The media is reporting that AB 1266 is now in effect and must be implemented by every school in the state of California.

This is NOT true. With the submission of signatures in November, AB 1266 has been suspended until the rest of the referendum process is completed.

Now that you know the truth, we want you to educate those who are implementing this policy under the false idea that it is already in effect. Pacific Justice Institute has provided a letter for you to distribute to inform others that AB 1266 is not in effect. A leading California education and public agency law firm makes the same point in a note to their clients on their web page.

Please take this letter to your school board, your child's teachers, and school administrators. Let them know that AB 1266 is not law. We cannot rely on media and the State to do our job for us. - Capitol Resource Institute, 1/16/14

This is basically a rehashing of their 2013 talking points:

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 press release, 12/30/2013

Well, there you go. Case closed.

The Pacific Justice Institute (PJI), Capitol Resource Institute (CRI) and a “leading California education and public agency law firm” says that AB 1266 isn’t in effect... And, they wouldn’t lie, would they?

The “leading California education and public agency law firm” CRI praises is actually the Lozano Smith Law Firm. This is the same firm was sanctioned by a judge for “lying” to a school district in 2005. They billed a school district \$500,000 for a case that could have been settled for \$8,000.

Fresno law firm Lozano Smith and its attorney Elaine Yama have been sanctioned by a federal judge for lying, misrepresenting law and facts, and intentionally dragging out a case involving a school district and a special education student.

Here’s the court ruling. As part of the sanction, the firm had to undergo training on the ethics of not lying.

PJI and CRI have a lot in common. CRI’s board chair is PJI board member, Tim Lefever. Do I really need to recount the way in which PJI - Media Matters “Misinformers of the Year” winner - went after a trans child in the media and drove her to the brink of suicide? Do I really need to recount the numerous lies of PJI? Lastly, I find it interesting that CRI claims to be a nonprofit even though their nonprofit status was revoked in February 2013 and is missing from the IRS and GuideStar nonprofit databases.

Let’s look at what the California Referendum Manual says:

STEP 1: Raw Count

If the Secretary of State determines that the raw count of signatures on petitions submitted throughout the state lacks 100 percent of the signatures required, the Secretary of State shall notify the proponent(s) and the county elections officials of the failure of the initiative measure, and

no further action will be taken on that petition. (Elections Code § 9030.)

STEP 2: Random Sample

If the raw count equals 100 percent or more of the total number of signatures needed to qualify the initiative measure, the Secretary of State will notify the county elections officials that a random sample will be necessary. Within 30 working days of receipt of this notification, the county elections officials will verify the validity of the signatures filed with their office using a random sampling technique of verification. (Elections Code § 9030.)

STEP 2: Full Check

If the result of the random sample indicates that the number of valid signatures represents between 95 percent and 110 percent 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. (Elections Code § 9031.)

All of this comes directly off of page 10 of the California Referendum Manual. The key phrase PJI and the ethically challenged law firm wants people to forget is **VALID SIGNATURES**.

Just because a group turns in a bunch of unverified signatures, the law of the land is not put on hold. As much as the PJIs and CRIs of the world want to pretend otherwise, only **VALID** signatures can do that. Only real citizens who really live in California get to put their name on referendum ballots and they can only do so once. You don't get to turn in a bunch of fraudulent signatures and stop a law, hence the requirement that signatures be validated.

Oh, and just for the record, the TransAdvocate debunked this very claim the last time PJI made it in December. At this point, PJI has no new info and is just repeating old and debunked claims hoping that the media will fall for it again.

H/T: Autumn Sandeen

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