

## 'WORLD'S GREATEST LYING CONTEST'

# Using ballot designations for fun and profit

By BRUCE C. BOLINGER

"The world's greatest lying contest," "basically unworkable," "hypocritical" and "pro-incumbent" are how various election officials have characterized California's law allowing candidates to list occupational designations on the ballot.

When the system of occupational designations was first used in 1932, it worked fairly well. Few candidates bothered to use designations, and those who did gave fairly short, prosaic occupations. Since then, a growing realization of the importance of these designations has resulted in virtually unanimous use.

Candidates work strenuously to conjure up the most effective designations — whether accurate or not — while opponents make every effort to prevent them. Candidates, courts, and election officials have become embroiled in a proliferation of lawsuits over designations — lawsuits which never settle any issues and which endanger the timely printing of the ballots.

No other state allows candidates to list an occupation except when running against someone with a similar name. That, in fact, was the original purpose of California's law. When the 1931 Legislature passed what is essentially the present law, it extended the right to use occupational designations to all candidates rather than just those with similar names.

### Reapportionment influence

It was a reapportionment year, and legislators were faced with running for re-election in altered districts or for higher office, and were sensitive to being identified on the ballot by the title of the office then held. Explanations given to the press emphasized that the bill intended to identify incumbents and protect them from similar-name campaign ploys. Not only were incumbents guaranteed an advantage, but the purpose of the law was undermined — a voter is more likely to distinguish between two candidates with similar names if only those candidates list occupational designations.

All this may not matter if having an occupational designation helps the voter make rational choices. There are a large number of offices on California's ballots and inadequate information about most candidates. Voters cast about for some guide in deciding how to vote. Most of the time, the occupational designation will be one of these guides, particularly if the election is nonpartisan or a party primary.

Several studies have examined the impact of occupational designations. One of these, conducted by the Assembly Elections Committee in 1963, found ballot position and oc-

cupational designation were the key factors that determined in advance who the successful candidates would be in county central committee races. It and another study done several years later by political scientists, found results varied according to the occupation a candidate lists. Candidates using occupations such as teacher, doctor or attorney did well on election day. Other occupations, such as housewife, salesman and student did poorly. Both studies found that the only thing worse than listing a "poor" designation was listing none at all.

Candidates give considerable thought to the most effective ballot designation they can use. Better-financed candidates use professional surveys compiled by firms such as Decision Making Information in Orange County or Public Response Associates of San Francisco to test the public's response to different designations.

### Several strategies

There are several strategies candidates employ in choosing a ballot designation:

- **Identify with the office sought and demonstrate relevant experience.** In the 1969 election to the Los Angeles Junior College Board, candidates with education-related occupations gained some 5,000 votes. Recognizing this, some candidates designed very imaginative designations such as "Optometrist and Educator" and "Railroad Worker, Scholar." Orange County supervisor Robert Batten, seeking a state Senate seat, dubbed himself "Orange County Legislator" even though the term "Legislator" is not used by local government officials. Until 1967 when the law was changed to prohibit it, many candidates who were



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allies of high elected officials would obtain appointive positions from them to use the impressive titles as their ballot designations.

• **Use the most prestigious words possible — including euphemisms and exaggerations.** A candidate with a fairly ordinary occupation can improve it dramatically by the addition or substitution of certain words. A lawyer running became a “California Constitutional Lawyer” on the ballot. A state-employed auditor ran as “California Government Auditor.” A college professor running for Congress became a “National Affairs Analyst.” A butcher became “Meat Purveyor.” An Orange County candidate for Assembly this spring first listed himself as “Telephone Line Repairman,” but then thought better of it and switched to “Communications Specialist.” A general contractor running for city office in environmentally conscious Sausalito declared himself a “Semi-Retired Home Craftsman.” Assemblymen seeking higher office usually have partial amnesia and label themselves “Member, State Legislature.”

In school elections, since the education of children is at stake, candidates have sought to list themselves as “Mother,” “Father,” or “Parent,” — causing local election officials to be perplexed. One woman running in Santa Cruz County insisted upon being listed as “Mother.” The county counsel found that she had seven children and concluded, indeed, her occupation was that of “mother.”

• **Identify with popular causes, movements.** As issues capture the public’s fancy, candidates incorporate them into their ballot designations. The enthusiasm for the space program produced a spurt of “Space Missile Engineers” in the early 1960’s, with the environmental and consumer movements exploited by candidates more recently. Fred Furth’s use of “Anti-trust Attorney” for a San Francisco Senate seat this year was probably calculated to attract voters opposed to big business in that heavily Democratic district. A San Bernardino school board candidate, opposed to sex education in the schools but limited to three words on the ballot, came up with “Mandatory Sexology Opponent.”

• **If unelectable, publicize unpopular causes.** Some candidates have no expectation of winning. They may be running to promote causes, minor parties or their own businesses. Such designations have included “Marxist Activist,” “Gay Feminist Activist,” “Black Liberation Activist,” “Socialist Workers Spokesperson,” “Libertarian Attorney/CPA,” “La Raza Editor,” and “Pharmacist/Owner R. P. Pharmacy.”

• **Use the length of the title as an eye-catching device.** In 1945 the Legislature set a three word limit for non-officeholders while making clear that officeholders could use as many words as they pleased. The assumption seems to be that the longer a designation is, the more impressive and eye-catching it will be. The designations of Assemblymen have been the longest of any type of officeholder in the state, some reaching ten words.

• **If circumstances are favorable, use no designation or demand one which is not permissible.** Occasionally

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a candidate is so well known a ballot designation would only detract, while other candidates may have occupations they would rather play down. A mortician running for a hospital district board in Riverside County decided to get along without any designation. His opponent, however, issued literature listing “Mortician” after the man’s name so that no one would forget it.

A candidate from Beverly Hills demanded to be listed as “Jewish Mother.” The ensuing dispute with the county Registrar of Voters did not win her the designation, but it produced all the publicity she could have hoped for. When George Brown campaigned to get back into Congress in a new district in 1972, he requested “Former California Congressman” on the ballot. His opponents promptly went to court to prevent it. Although Brown lost in court, the news coverage stressed Brown’s congressional experience.

• **Use multiple designations.** Since a candidate needs the support of a wide variety of interest groups, and since experience in several fields may give the appearance of being more qualified, more candidates are using multiple designations: e.g., “Educator, Counselor, Businessman.” A city councilman in the university town of Davis ran for reelection this year as “Incumbent, Law Student.” Some officeholders from rural areas have reaffirmed their roots with designations like “Legislator and Farmer” and “County Supervisor, Dairyman.”

### **Fragmented authority**

The problem of regulating ballot designations is difficult because of the fragmented way policy is made. There is no one authority over what is acceptable. City, county and state officials and even private companies providing election supplies and advice to local governments are all involved in deciding which ballot designations are permissible.

The Secretary of State does not have influence over designations because her office does not process local government nomination papers, and is unable to give more than a cursory examination to the papers of state and federal candidates in the short time available for their certification. The big chartered cities of Los Angeles, San Diego, and San Francisco have their own laws on the subject and are reluctant to question designations. (Los Angeles, for example, allowed a councilmanic candidate to list himself as “Graft Corruption Fighter.”) Election officials’ first priority is the successful holding of elections. Allowing a questionable designation may be a small price to pay to avoid a lawsuit by the disgruntled candidate which could dangerously delay printing of the ballots.

The misuse of ballot designations will continue until the Legislature decides what the purpose of a designation is. If the purpose is to distinguish between candidates with similar names, then the designations should only be available to similarly named candidates. If the purpose is to indicate a candidate’s qualifications, three words are not sufficient and it would be better to replace them with the 200 word candidates’ statements mailed with the sample ballots, as is done in many local elections. If the purpose is to allow campaign slogans on the ballot, then California might just as well adopt the Oregon system which does just that. At the least, there is a serious need for more explicit regulations as to which designations are permissible, plus an improved review of the designations by election officials.

Whatever, unless the Legislature is willing to eliminate some of the blatantly discriminatory features, such as the unlimited length of incumbents’ designations, it may find another Proposition 9 type initiative on the ballot proposing the elimination of all candidates’ designations. Common Cause is willing to step in where the Legislature fears to tread.

