

CAMPAIGN CHRONICLES

A CAMPAIGN NEWSLETTER FOR COMMUNITIES
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The CENTER FOR TOBACCO POLICY & ORGANIZING

WHAT SIDE ARE YOU ON?

*PASSING POLICY WITH INSIDER &
OUTSIDER STRATEGIES*

By Brian Peterson, Project Director
& Jack Nicholl, Campaign Consultant

Getting strong local policies passed is tough.

There are two approaches that are currently being used both individually and in combination to get local tobacco policies passed. They are what have been called, “insider” and “outsider” strategies.

The Insider - It's who you know

You know people. Your coalition members know people. Perhaps they even know key decision makers themselves or at least someone who is influential with a city council member, county supervisor or sheriff. If you have been involved in local politics for a number of years you may even have a good sense of which of these key players to approach to be a champion for your policy.

In some communities and under certain circumstances this “insider” approach – simply meeting with the right decision makers – can be used to get your policy passed. It assumes, among others, several key elements. First, it assumes there will be little or no opposition from a majority of other key decision makers that your

Legislative Update

By Julie Bradley-Hart,
Policy Coordinator

The following bills have passed out of the legislature and have either been signed by the governor or are currently on the governor’s desk awaiting signature.

AB 71 (Horton) Statewide Tobacco Retail Licensing: AB 71 establishes a statewide licensing program for tobacco retailers, wholesalers, distributors, manufacturers and importers, which would be administered by the state Board of Equalization (BOE).

Key Component(s):

- The main focus of AB 71 is to combat tobacco tax evasion,

smuggling and counterfeiting which results in lost tax revenue to the state, both in the form of sales tax and tobacco tax revenues.

- Retailers would be required to pay a one-time license fee of \$100.
- The bill includes a “trigger” that would make convictions under the STAKE Act or PC308 a violation of the state tobacco license only when the state sales to minors rate exceeds 13 percent as determined by the Department of Health Services annual Statewide Youth Tobacco Purchase Survey.

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champion cannot overcome. It also assumes that there will be little or no opposition from a constituency that could influence these key decision makers to change their minds and reject your policy. It further assumes that key players in the staff of the city or county will not recommend unacceptable changes or outright oppose your plan. In general, these conditions mean that an “insider” strategy will have a hard time passing any controversial policy including strong licensing, smoke free entryways, smoke free apartments or other such policies.

This is not to say that working “inside” your local government isn’t helpful. Rather, it is usually not sufficient to produce victory. For

example, it is helpful to use your contacts to find out specifically who on the council or board might support or oppose your plan. Which key staffers and which constituencies will advise or turnout against or in support of your policy? How much influence will they wield over your decision makers? It is helpful to educate the county counsel or city attorney so they respond properly when called on to evaluate your ordinance. Often, it requires real insiders to accurately assess your political environment and conduct vital education of staff and electeds.

However, if you combine insider education and research with the

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Passing Policy, from page 1, power that only community organizing can provide, you will increase your chances for success.

The Outsider – It’s how many you know

City council members, Supervisors, Sheriffs, District attorneys, and all those electeds involved in making or advising key decision makers respect one thing.

Power - the kind that comes with numbers and visible, community leaders.

If government officials don’t want to do what you want them to do, it doesn’t matter how reasonable, articulate, or nice you are. Even your proven, long term relationships with decision makers (either inside or outside of the decision making body) may not hold up if there is significant opposition to your proposal. However, if you are able to rally the support of enough people to stand literally or figuratively (through media attention) behind you, you have a much better chance of getting your tobacco policy passed.

Just how you develop this power in numbers will be addressed in **detail during the October 30th** Sacramento training, “Community Organizing: MORE Steps for Change” and can be found in the Midwest Academy’s book, “Organizing for Social Change”.

What seems to be a key question is how do you apply the power you’ve gained from your community organizing without threatening the relationships with elected officials you and your coalition has worked so hard to create and maintain? How do you, as an LLA, tell someone who might be your boss’s boss that

they are wrong and if they don’t choose differently you will rally public awareness into public pressure?

You don’t - your separate campaign team does.

The Separate Campaign Team

The separate campaign team is a concept that we at The Center advocate to address the cross pressures affecting county staff and Prop 99 coalition leaders when it is time to get tough with the Board of Supervisors or City Council. We believe the campaign team needs to be free to act

independently of the LLA and Coalition leadership to take whatever steps are necessary in the pursuit of strong local policy. But how “separate” or “independent” does the campaign committee need to be?

Our answer is: separate enough so that when political resistance is encountered, appropriate community organizing pressure, such as a media or turnout event, can be applied without stressing relationships between LLAs and decision

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- Under the sales to minors prevision outlined above, a license would only be suspended after the fourth conviction within 12 months. A license would only be revoked after the eighth conviction within 24 months.
- Includes language to ensure that it would not preempt local tobacco control laws.

AB 846 (Vargas) Entryways of Public Buildings - Signed by Governor Davis: Prohibits smoking within 20 feet of main entrances, exits and operable windows of all public buildings in California.

Key Component(s):

- Public buildings include buildings owned and occupied or leased and occupied by the state, a county or a city as well as buildings on the campuses of the University of California, California State University and California

Community Colleges.

- AB 846 does not include funding for enforcement, education or signage.
- The law will go into effect on January 1, 2004.
- Strong anti-preemption language specifies that cities, counties, universities and college campuses may adopt and enforce more restrictive Smoking and tobacco control ordinances, regulations, or policies.

AB1666 (Campbell) Distributor Tax Payments: would reduce the amount of a security deposit required for tobacco distributors to defer tax payments to the state.

Key Component(s):

- Current law allows distributors to defer payments if they post a bond equal to 70% of their tax liability. The distributor must remit payment by the 25th day of

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the following month.

- This bill would allow distributors to post a bond equal to only 50% of their tax liability. However, they would then be required to remit payments twice a month - on the 5th and the 25th of the following month.
- Historically, it has been rare for a distributor to default on tax payments. However, under this bill the state if a distributor defaults on payments the state is likely to lose a greater amount of revenue due to Prop. 99 and the other tobacco tax funds than under current law.

AB 1762 (Committee on Budget) Budget Trailer Bill: This bill provides the Department of Health Services Tobacco Control Section and the California Department of Education with permanent “roll-over” spending authority.

Key Component(s)

- Prop. 99 funds appropriated to the departments will remain available for three years.
- The “roll-over” authority is retroactive to FY 2002-03.

SB 1016 (Bowen) Tobacco Taxes on Internet/Mail Purchases

Signed by Governor Davis: requires all cigarette sales to either be vendor-assisted, face-to-face sales or comply with the provisions of the federal Jenkins Act.

Key Component(s):

To ensure that all applicable California state taxes are paid for non-face-to-face cigarette sales (internet, phone, mail, etc.), sellers would be required to:

- Comply with the requirements of the federal Jenkins Act. The Jenkins Act require sellers, in every state they do business, to file a copy monthly of the invoice for every shipment of cigarettes made during the previous month in that state.
- Either pay all applicable state taxes due on a sale or include a prominent notice on the package indicating that the purchaser is responsible for any applicable taxes.

If you have any questions or would like additional information about these bills, please contact Julie Bradley-Hart, Policy Coordinator with The Center for Tobacco Policy & Organizing at (916) 442-4299 or jbhart@alac.org

Passing Policy, from page 2, makers. Separate enough so that the campaign committee can threaten to oppose a watered-down proposal without making the LLA or coalition chairs fear for their jobs, ongoing relationships with decision makers, or future tobacco control funding.

The separate campaign committee needs to have the participation and leadership of credible community organizations and will need to recruit members from outside the Prop 99 coalition. Some members of the Prop 99 coalition can become part of the campaign committee for the duration of the campaign, and the LLA and coalition leadership can lend as much help and guidance and they feel comfortable providing. But when it comes down to it, the campaign committee must have the freedom to aggressively pursue the best course for passing the policy.

At such times, the LLA and the Coalition leadership will actively support the same policy provisions as the separate campaign committee. Then, in meetings with elected officials, the LLA can honestly say they were not involved in the decision to call the press conference, oppose the measure proposed by the Supervisors or other such decisions.

The structure and membership of the separate campaign committee will be unique to each policy campaign, but the goals are common to all: improve recruitment of new allies into the policy campaign; protect the goals of the campaign from the bureaucratic pressures on LLAs and the coalitions; and allow for the more intense pace of work that a campaign requires.

The Center Team

Wherever you are in your campaign, don't hesitate to call any of the Center's team members for technical assistance at (916)442-4299. Or if you prefer email, here are our individual addresses.

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