

Pros & Cons

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The *Pros & Cons* is a nonpartisan explanation of state propositions, with supporting and opposing arguments. The arguments come from many sources and are not limited to those presented in the *Official Voter Information Guide*. The LWVCEF does not judge the merits of the arguments or guarantee their validity.

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League of Women Voters of California Education Fund

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General Election • November 8, 2022

In this election, California voters will choose a Governor, and other representatives for national, state, and local government. Voters will decide if judges on the state's Supreme Court should keep their positions.

California voters will also be deciding on seven state propositions that are explained in this Pros & Cons. One of them (Prop 1) was placed on the ballot by the state legislature, and the other six were placed on the ballot by supporters who gathered sufficient signatures and seek to make changes in state laws or the California Constitution. One of the six (Prop 31) is a referendum that seeks to overturn an existing law.

Visit Voter's Edge California to see everything on your ballot, your polling place, and unbiased information on all your voting choices.

How to Evaluate Ballot Propositions

- ★ Examine what the measure seeks to accomplish. Do you agree with those goals?
- ★ Is the measure consistent with your ideas about government? Do you think the proposed changes will make things better?
- ★ Who are the real sponsors and opponents of the measure? Check where the money is coming from on the Voter's Edge California website: votersedge.org
- ★ Is the measure written well? Will it create conflicts in law that may require court resolution or interpretation? Is it "good government," or will it cause more problems than it will resolve?
- ★ Does the measure create its own revenue source? Does it earmark, restrict, or obligate government revenues? If so, weigh the benefit of securing funding for this measure against the cost of reducing overall flexibility in the budget.
- ★ Does the measure mandate a government program or service without addressing how it will be funded?
- ★ Does the measure deal with one issue that can be easily decided by a YES or NO vote? Or, is it a complex issue that should be thoroughly examined in the legislative arena?
- ★ If the measure amends the Constitution, consider whether it really belongs in the Constitution. Would a statute accomplish the same purpose? All constitutional amendments require voter approval; what we put into the Constitution would have to come back to the ballot to be changed.
- ★ Be wary of distortion tactics and commercials that rely on image but tell nothing of substance about the measure. Beware of half truths.

Constitutional Right To Reproductive Freedom

THE QUESTION: Should the California Constitution expressly provide that the State of California shall not deny or interfere with an individual's reproductive freedom in their most intimate decisions, including the right to choose to have an abortion and their right to choose or refuse contraception?

THE SITUATION

The right to privacy, including the right to decide whether to give birth, has been largely eliminated at the Federal level by a recent U.S. Supreme Court decision. There is concern that the right to obtain and use contraceptives under the U.S. Constitution's implied right to privacy may also be under similar threat.

Currently the California Constitution provides that all people are by nature free and independent and have inalienable rights, including, among others, the right to privacy. It also provides that a person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws. There is a California Supreme Court case which holds that the state Constitution's express right to privacy extends to an individual's decision about whether or not to have an abortion.

Existing California statutory law also provides, under the Reproductive Privacy Act, that the Legislature finds and declares every individual possesses a fundamental right of privacy with respect to personal reproductive decisions; therefore, it is the public policy of the State of California that every individual has the fundamental right to choose or refuse birth control, and every individual has the fundamental right to choose to bear a child or to choose to obtain an abortion.

The State can only restrict abortions when needed to meet certain state interests such as public health and safety. State statute says abortions can only be performed on a viable fetus if the pregnancy puts the health or life of the pregnant person at risk. Under state law, a fetus is considered viable if the fetus likely would be able to survive outside the uterus.

However, in light of the above-mentioned U.S. Supreme Court's recent decision, concerns have been expressed as to whether a future California court might overturn existing case law or statutory law to eliminate the right to reproductive choice.

THE PROPOSAL

Prop 1:

- 1) Prohibits the State from denying or interfering with an individual's reproductive freedom in their most intimate decisions, which includes their fundamental right to choose to have an abortion and their fundamental right to choose or refuse contraceptives.
- 2) Specifies that this constitutional amendment is intended to further the constitutional right of privacy and the constitutional right to not be denied equal protection.
- 3) Specifies that nothing contained in the measure narrows or limits the right to privacy or to equal protection.

FISCAL EFFECTS

There are no estimated fiscal effects from the passage of Prop 1.

SUPPORTERS SAY

- ★ Prop 1 will enshrine the fundamental right to an abortion and a fundamental right to contraception in the California State Constitution.
- ★ Doctors, nurses, and health providers all agree that Yes on Prop 1 is necessary to keep reproductive medical decisions where they belong—with individuals and their health care providers based on scientific facts, not political arguments.

OPPONENTS SAY

- ★ Women already have the right to choose under current California law. The recent U.S. Supreme Court ruling did not and will not change this. Prop 1 is not needed to protect women's health or their reproductive rights.
- ★ Prop 1 is an extreme and costly proposal that punishes taxpayers; abortion seekers from outside California will swamp California resources.

FOR MORE INFORMATION

Supporters: Protect Constitutional Abortion Rights
protectabortionca.com/

Opponents: California Catholic Conference
<https://www.cacatholic.org/article/california-bishops-oppose-ca-constitutional-amendment-protect-abortion>

Allows In-Person Roulette, Dice Games, Sports Wagering on Tribal Lands

THE QUESTION: Should California (a) increase the allowable gambling activities at American Indian owned casinos and (b) allow betting on sports events at casinos and horse racing tracks?

THE SITUATION

The California Constitution and California statutes define what types of gambling are allowed in the State. Currently the California Lottery, card rooms, betting on horse racing, and gambling in American Indian owned casinos are allowed. No dice games or “Nevada casino” style gaming, or betting on sports events is legal in California.

The rules governing American Indian owned casinos are set by individual agreements between the owner tribe(s) and the State of California (“Compacts”).

THE PROPOSAL

If passed Prop 26 would:

- Allow tribal casinos to run roulette and dice games like craps.
- Allow tribal casinos and four horse racetracks to offer onsite betting on sports events like football games. No betting would be allowed on high school sports or on California college sports.
- Limit sports betting to those 21 or more years old.
- Impose a 10% tax on net sports betting at racetracks. The tax revenue would go to a new fund created by this Proposition.
- Allow negotiation of any tax coming from betting on sports in casinos and whether it would be directed to the new fund in the Compacts.
- Tax revenue left after deducting the costs of sports betting regulation would be divided to send 70% to the state General Fund, 15% for programs dealing with gaming, mental health research, and 15% to the Department of Justice for enforcing gaming laws.
- Allow a person or entity who is aware of violations of the gaming law to file a civil action if the California Attorney General declines to act. Any penalty assessed in a civil action goes to the new fund.
- Prop 26 and Prop 27 both legalize sports betting in some way. If both pass it is possible that both will take effect. It is also possible that some provisions conflict. If a court finds that parts of the propositions are in conflict the one that received the most yes votes will be law.

FISCAL EFFECTS

Predictions of the impact of this law on state and local revenue are difficult to determine because much depends on the terms of the agreements between the casinos and the State and on how much people who play the games or bet on sports will spend.

Prop 26 could increase state revenues from tax payments made on sports betting at racetracks and civil penalties for violations of the law, potentially reaching the tens of millions of dollars each year.

There will also be increased costs to enforce and regulate the new betting, potentially reaching the low tens of millions of dollars each year. This amount could be offset by increased revenue. There also would be increased state enforcement costs, not likely to exceed several million dollars each year related to a new civil enforcement tool for enforcing certain gaming laws.

SUPPORTERS SAY

- ★ Prop 26 would continue the 20 year legacy of allowing closely regulated gaming to support American Indian economies.
- ★ Prop 26 is the most responsible approach to authorizing sports wagering, and would promote American Indian self-reliance.

OPPONENTS SAY

- ★ Prop 26 would massively expand gambling in California for the benefit of large tribal casinos.
- ★ Prop 26 would leave casino workers unprotected from worker safety, wage-and-hour, harassment, and anti-discrimination laws.

FOR MORE INFORMATION

Supporters: Yes on 26 - No on 27 - Coalition for Safe, Responsible Gaming
yeson26.com

Opponents: No on 26 - Taxpayers Against Special Interest Monopolies
tasimcoalition.org

Allows Online And Mobile Sports Wagering Outside Tribal Lands

THE QUESTION: Should California allow online and mobile sports betting for people 21 years of age or older?

THE SITUATION

The California Constitution and California statutes define what types of gambling are allowed in the State. Currently the California Lottery, card rooms, betting on horse racing, and gambling in American Indian owned casinos are allowed. The casinos are allowed to operate slot machines, lottery games, and certain types of card games. The rules governing American Indian owned casinos are set by compacts that are agreements between the owner tribe(s) and the State. Betting on sports events is not legal in California.

THE PROPOSAL

Prop 27 would:

- Allow adults 21 or older to bet on adult sports events online. No betting could occur on events such as high school sports. The bettor need not be in a casino to make a bet.
- Allow tribes to offer online sports betting under the tribe's name and branding. Tribes would have to pay a one-time \$10 million licensing fee to the State and a renewal fee every five years.
- Allow gaming companies to offer online sports betting if they strike a deal with a tribe to operate in California and pay a one-time licensing fee of \$100 million plus a renewal fee every five years. Create a new division within the state's Justice Department to regulate online sports wagering.
- Impose a 10% tax on all companies or tribes offering sports betting. The tax is imposed on a gross amount minus how much money is paid out to winning bets, promotional bets, and federal gambling taxes.
- After paying the State's regulatory costs, revenue from the tax and the licensing fees would go into a new fund. Of the money in the fund 85% would be used for homelessness and related mental health programs. Fifteen percent of the fund would go to American Indian tribes that are not involved in sports betting.
- None of the revenue or licensing fees would be included in the state's General Fund for purposes of allocating money to programs such as public education.

Prop 26 and Prop 27 both legalize sports betting in some way. If both pass it is possible that both will take effect. If a court finds that parts of the propositions are in conflict, the one that received the most yes votes will be law.

FISCAL EFFECTS

The size of Prop 27's fiscal impacts depends on variables such as the number of entities that offer online betting, the renegotiation (if any) of compacts caused by offering online betting, and the number of people that engage in online betting.

There is a potential for increases in state revenue reaching from hundreds of millions up to \$500 million each year. There will be increased regulatory costs estimated to be in the mid tens of millions of dollars each year. Some or all of these costs would be offset by the payments sports betting operators must pay to the State for regulation.

SUPPORTERS SAY

- ★ Prop 27 will provide hundreds of millions of dollars to support programs that alleviate homelessness, mental health and addiction in California.
- ★ Prop 27 will benefit every California tribe—especially rural and economically disadvantaged tribes which don't own big casinos.

OPPONENTS SAY

- ★ Prop 27 is a deceptive measure promoted by out-of-state companies to legalize online and mobile sports gambling in California.
- ★ Online gambling is not a solution to homelessness or other social ills and will open more people to gambling addictions.

FOR MORE INFORMATION

Supporters: Yes on 27 - Solutions to Homelessness and Mental Health Support
yestoprop27.com

Opponents: No on 27 - Coalition for Safe and Responsible Gaming
noon27.com

No on 27 - Protect Tribal Sovereignty and Safe Gaming
noprop27.org

Provides Additional Funding for Arts and Music Education in Public Schools

THE QUESTION: Should the State provide specific funding for arts and music education in public schools, an amount higher than the existing constitutional minimum amount required for public education?

THE SITUATION

Because Prop 98 passed in 1988, the California Constitution requires a minimum percentage of the state budget to be spent on K-14 education (kindergarten through two-year community college). This minimum guarantee is calculated annually.

There is currently no guaranteed source of annual funding in the state budget for arts and music education in K-12 public schools. State law requires schools to provide arts and music instruction to all students in grades 1 through 6. In order to graduate, high school students must complete a year in one of three courses of study, one of which being arts and music education. Beyond these requirements, other specifics such as the amount of instruction or when courses are offered is determined by the local governing board.

THE PROPOSAL

Prop 28 would require the state to set aside a portion of the State's General Fund to pay for arts and music education in K-12 public schools. This funding would be in addition to the funding already guaranteed by Prop 98. Prop 28 would require the funding for arts and music education to be at least 1% of the funding received by schools the prior year under Prop 98.

To address equity issues, Prop 28 would allocate more funding to schools serving many low-income students. Schools would be required to report how funding was used to directly benefit students. Larger schools would be required to spend 80% of the funding to employ new staff and 20% on training and supplies.

FISCAL EFFECTS

Prop 28 would increase State expenditures by about \$1 billion per year, over and above existing constitutional requirements.

SUPPORTERS SAY

- ★ Arts and music education can improve a student's personal and academic life.
- ★ Only one in five schools have a dedicated teacher for arts and music programs.
- ★ Prop 28 does not raise taxes.

OPPONENTS SAY

At press time there is no organized campaign committee

FOR MORE INFORMATION

Supporters: Yes On 28 - Californians for Arts and Music in Schools
voteyeson28.org/

Opponents: As of press time there is no organized campaign committee.

Choosing YES or NO on a Proposition

A YES vote means that you approve of the change a proposition would make, and a NO vote means that you want to leave things as they are now.

Requires On-Site Licensed Medical Professional at Kidney Dialysis Clinics and Establishes Other State Requirements

THE QUESTION: Should outpatient dialysis clinics be required to have a physician, nurse practitioner or physician assistant on site at all hours when patients are being treated, and should they be required to provide various clinic-related information to patients and the State?

THE SITUATION

About 80,000 patients in California receive dialysis services from 650 Chronic Dialysis Clinics (CDCs). CDCs are licensed by the California Department of Public Health using federal standards. To serve more patients, CDCs often operate 6 days a week for extended hours. Federal law requires clinics to report infections related to treatment. All patients have their own physicians whom they must see once per month. All clinics have a medical director who is a physician.

Two for-profit companies, DaVita Inc. from Colorado and Fresenius Medical Care from Germany, operate almost three quarters of the CDCs in California. The remaining CDCs are operated by a variety of nonprofit and for-profit entities.

Most patients on dialysis are covered by Medicare and/or Medi-Cal, which pay a fixed rate for CDC services. About 10% of CDC patients are covered by group and individual health insurance plans. These plans often pay multiple times the amount for dialysis treatment than the amounts paid by government programs because their rates are negotiated with each insurance company. After a period of time all dialysis patients are covered by Medicare.

THE PROPOSAL

Proposition 29 would require that:

- A licensed physician, nurse practitioner or physician assistant, in each case with at least 6 months of experience in kidney care, must be on-site at all times when dialysis is being performed. Telehealth may be used for up to one year if no such person is available on-site.
- Clinics report to patients the name of any physician with more than a 5% interest in the clinic.
- Clinics do not discriminate among patients based on their source of payment.
- Clinics report information about dialysis-related infections among their patients.
- Clinics obtain permission from the State to close or reduce hours.

FISCAL EFFECTS

There are fiscal implications for both the clinics and state and local government if this passes. The clinics would probably have to pay hundreds of thousands of dollars more annually for staff salaries. State and local governments might have to pay tens of millions of dollars more annually if clinics close and patients must go to more expensive facilities such as emergency rooms, or if clinics negotiate higher reimbursement rates.

SUPPORTERS SAY

- ★ Requiring a physician, nurse practitioner or physician assistant to be present during a dangerous procedure like dialysis, is common sense and a matter of patient safety.
- ★ Dialysis clinics currently face fewer inspections than other health facilities and deficiencies are often uncovered.
- ★ The big corporations operating dialysis clinics can easily make the required staffing changes and still profit hundreds of millions of dollars a year.

OPPONENTS SAY

- ★ Clinics already use specially trained technicians and every patient is under the care of their own kidney doctor, so more oversight is unnecessary.
- ★ Prop 29 would take thousands of skilled medical staff from hospitals where they're needed and place them in administrative jobs.
- ★ On-site administrators who do not provide patient care would cost hundreds of millions every year, forcing clinics to reduce hours or close.

FOR MORE INFORMATION

Supporters: At press time there is no organized campaign committee.

SEIU-United Healthcare Workers, West

Opponents: No on 29: Stop Yet Another Dangerous Dialysis Proposition
noprop29.com

Provides Funding for Programs to Reduce Air Pollution and Prevent Wildfires by Increasing Tax on Personal Income over \$2 Million

THE QUESTION: Should the tax rate on personal income above \$2 million be increased by 1.75 percent and the revenue dedicated to zero-emission vehicle subsidies, zero-emission vehicle infrastructure, such as electric vehicle charging stations; and wildfire suppression and prevention programs?

THE SITUATION

California is currently experiencing severe drought, increasingly devastating wildfires, and poor air quality. Gas-powered cars and wildfire smoke are the two largest sources of greenhouse gas (GHG) emissions in the state. State law requires California to reduce its GHG emissions level to 40 percent below 1990 levels by 2030. State law also requires that ride-sharing companies like Lyft and Uber have 90% of their drivers using zero-emission vehicles (ZEVs) by 2030. But ZEVs, like electric or hydrogen-powered cars, are expensive and therefore unaffordable for many residents, and the state lacks sufficient charging and fueling stations to support increased use of ZEVs. The California Department of Forestry and Fire Protection (CalFire), the state agency responsible for wildfire suppression and, with other state agencies, prevention, is facing rising costs for its programs as fires become increasingly catastrophic.

The State recently committed to spending \$10 billion over the next five years on ZEVs, and on average it currently spends \$2–4 billion annually on wildfire response.

THE PROPOSAL

Prop 30 would increase the income tax rate by 1.75% on individual incomes above \$2 million. These funds, net of expenses, would be allocated as follows:

- 45 percent of funds would promote the purchase of ZEVs, including subsidies and rebates for passenger vehicles (cars) and medium- and heavy-duty vehicles like trucks and buses;
- 35 percent of funds would increase the availability of ZEV infrastructure, including electric charging stations close to single- and multifamily dwellings;
- 20 percent would help fund wildfire suppression and prevention.

Prop 30 stipulates that at least half of the funds allocated for ZEVs and ZEV charging must primarily benefit low-income and disadvantaged communities. It also requires that CalFire make hiring and training additional firefighters a top priority for its funds.

The tax increase would end on January 1, 2043; or, earlier if there are three consecutive calendar years in which statewide GHG emissions are 80 percent below 1990 levels.

FISCAL EFFECTS

Prop 30 would generate \$3.5–5 billion in revenue in most years, increasing over time. That would amount to \$2.8–4 billion annually in ZEV funding and \$700 million to \$1 billion annually for wildfire response. The measure could help decrease state and local costs for wildfire suppression and prevention, though the size of the fiscal effects is difficult to predict.

SUPPORTERS SAY

- ★ Existing programs are insufficient to address California's poor air quality, which is largely caused by automobile exhaust and wildfire smoke.
- ★ Prop 30 would make electric vehicles more affordable and would create well-paying green jobs.
- ★ Prop 30 would fund critically needed programs to prevent catastrophic wildfires and protect homes.
- ★ Strict accountability would ensure that these funds are spent as intended.

OPPONENTS SAY

- ★ California is already spending more than \$50 billion for a multiyear climate investment, including \$10 billion for ZEVs.
- ★ There is no guarantee that Prop 30 will make ZEVs affordable for most California families.
- ★ Prop 30 locks money from income taxes, normally a major source of school funding, into special interests.
- ★ Prop 30 is Lyft's attempt to get taxpayers to help foot the bill for the requirement to increase the number of ZEVs used.

FOR MORE INFORMATION

Supporters: Yes on 30: Clean Air California
yeson30.org

Opponents: At press time, there is no known campaign in opposition to this proposition.

Referendum on 2020 Law That Would Prohibit the Retail Sale of Certain Flavored Tobacco Products

THE QUESTION: Should the law enacted by the California Legislature to ban the sale of certain flavored tobacco products be approved?

THE SITUATION

The California State Legislature passed SB 793 in August 2020. The law as written bans the sale of all flavored tobacco products – from bubblegum to mango to menthol. The prohibition includes pods for vape pens, tank-based systems, menthol cigarettes and chewing tobacco. It does not include premium cigars and hookah tobacco. The ban applies to in store purchases and vending machine purchases.

SB 793 did not go into effect because a petition to demand a referendum on the law qualified for this ballot. When a referendum on a law qualifies for the ballot, the law does not go into effect until the voters decide to approve it.

THE PROPOSAL

A YES vote on this measure: In-person stores and vending machines could not sell most flavored tobacco products and tobacco product flavor enhancers including menthol cigarettes and adds a \$250 penalty per violation for store and vending machine owners.

A NO vote on this measure: In-person stores and vending machines could continue to sell flavored tobacco products and tobacco product flavor enhancers, as allowed under other federal, state, and local statutes and ordinances.

FISCAL EFFECTS

Last year, the State's tobacco taxes raised about \$2 billion. These funds are largely used for health care programs including Medi-Cal, tobacco control efforts, and early childhood development.

Overall, the impact of SB793 would decrease state tobacco tax revenues ranging from tens of millions of dollars annually to around \$100 million annually. The wide range in the estimate is because the response by tobacco consumers is uncertain. They may buy other forms of legal tobacco in which case tobacco revenue will not decrease much.

Any impact on state and local government health care programs is unknown. Reduced tobacco use may decrease the need for treatment for tobacco related illness but it could also increase life span leading to more health care costs in the long run.

SUPPORTERS SAY

- ★ Prop 31 will help decrease smoking rates especially among youth.
- ★ Prop 31 protects our youth by ending the sale of candy-flavored tobacco products that lures them into life-long addiction to nicotine.
- ★ Prop 31 prevents big tobacco from causing more harm to black communities that buy menthol flavored tobaccos.

OPPONENTS SAY

- ★ Prop 31 is simply prohibition of tobacco sales to adults.
- ★ Prop 31 will drive more tobacco sales into the illegal market that already exists.
- ★ Prop 31 goes too far in banning some products the FDA allows which will cause people to buy other tobacco products that are more harmful.

FOR MORE INFORMATION

Supporters: Yes on Proposition 31– Committee to Protect California Kids
voteyeson31.com

Opponents: No on Prop 31- Californians Against Prohibition (this campaign has no website as of publication date)

Looking for more information on the propositions?

Official Voter Information Guide

VoterGuide.sos.ca.gov

Read nonpartisan analysis, arguments for and against, and even the full text of the proposed law.

Voter's Edge

VotersEdge.org

Type in your address for comprehensive information about everything on your ballot.
Look up who is giving money to the YES and NO campaigns.