

PROP 1 REPRODUCTIVE FREEDOM

SUPPORT

A recent decision by the U.S. Supreme Court held that the U.S. Constitution does not protect the right to abortion. While access to abortion is no longer federally protected and is under attack across the country, we can safeguard access in California. Proposition 1 will amend the California Constitution to enshrine the fundamental right to choose an abortion, use or refuse contraceptives (birth control), and make individual decisions on reproductive health. These rights are consistent with existing state laws and our state constitutional rights to privacy and equal protection. Access to affordable, comprehensive reproductive health care, including abortion, allows people to plan their lives, protect their health, and achieve their dreams. Prop 1 protects access to the care that will give individuals and families the freedom to make those choices.

Vote YES on Proposition 1

League Analysis

[Article 1, Section 1 of the California Constitution](#) states that “All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possession, and protecting property, and pursuing and obtaining safety, happiness and privacy.” The right to privacy was added in 1972 by ballot initiative.

The California Supreme Court has interpreted this right to privacy to include the right to make reproductive choices on matters like abortion and contraceptives. Furthermore, state law expressly protects rights to reproductive freedom. [California’s Reproductive Privacy Act \(Sections 123464-123468\)](#), [Section 123462](#), states that:

The Legislature finds and declares that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions. Accordingly, it is the public policy of the state of California that:

- a. Every individual has the fundamental right to choose or refuse birth control.
- b. Every woman has the fundamental right to choose to bear a child or to choose and to obtain an abortion, except as specifically limited by this article.
- c. The state shall not deny or interfere with a woman’s fundamental right to choose to bear a child or choose to obtain an abortion, except as specifically permitted by this article.

While these protections are codified in state law, they are not enshrined as state constitutional rights. The California Legislature, motivated by the recent Supreme Court decision overturning *Roe v. Wade*, voted by a two-thirds majority to put Prop 1 before voters. It is intended to strengthen existing rights by adding reproductive freedom into the state’s Constitution. Prop 1

would add Section 1.1 to the text of Article 1 of the California Constitution. The proposed text reads:

The state shall not deny or interfere 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. This section is intended to further the constitutional right to privacy guaranteed by Section 1, and the constitutional right to not be denied equal protection guaranteed by Section 7. Nothing herein narrows or limits the right to privacy or equal protection.

California courts have interpreted the right to privacy to permit restrictions on abortions if necessary to protect the state's interest in public health and safety. Further, the California Reproductive Privacy Act limits abortions on viable fetuses to circumstances where the pregnancy puts the health or life of the pregnant person at risk. It defines viability in [Section 123464](#).

Proposition 1 would incorporate the fundamental concepts of the Reproductive Privacy Act and state court decisions on privacy into California's Constitution and is designed to reinforce the existing regulatory system. It expressly places the right to the choice of abortion and other reproductive health decisions into the Constitution. The League of Women Voters believes that "[P]ublic policy in a pluralistic society must affirm the constitutional right of privacy of the individual to make reproductive choices." Based on this position, the League of Women Voters has opposed unreasonable restrictions on abortion and over the years has supported legislation and engaged in litigation to protect reproductive rights. Based on our long-held position, we support Proposition 1. Enshrining reproductive rights in the California Constitution protects them against the vagaries of the legislature.

Relevant League Position(s)

[Reproductive Choices \(National\)](#)

[P]ublic policy in a pluralistic society must affirm the constitutional right of privacy of the individual to make reproductive choices.

PROP 31 BAN FLAVORED TOBACCO

SUPPORT

In 2020, California passed a law banning the in-person sale of flavored tobacco products, like candy-flavored e-cigarettes and menthol cigarettes, at stores and vending machines. Sellers violating the law would be subject to criminal misdemeanor prosecution. A YES vote on Prop 31 is a vote to keep the ban in place. [More than two million middle and high school students in the U.S. use e-cigarettes](#) which deliver large doses of addictive nicotine. In California, [96 percent of high school e-cigarette users choose flavored products](#). Nationally, [80 percent of kids who use tobacco started out with a flavored product](#). In addition to the well-known dangers

of tobacco-related disease and death, epidemic usage among youth poses risks to brain development, attention, mood, and impulse control. Furthermore, for many decades tobacco companies have targeted Black communities with well-funded campaigns to promote menthol-flavored tobacco. Now 85 percent of Black smokers using menthol cigarettes and [deaths caused by tobacco-related diseases](#) (including heart disease, lung cancer and stroke) among Black people exceeds deaths caused by AIDS, homicide and accidents combined. Prop 31 is an important step to protect the health and safety of Californians.

Vote YES on Proposition 31

League Analysis

A Note on League Positions

While the League of Women Voters does not have a specific position on flavored tobacco or tobacco delivery systems, we have strong social policy positions, including those related to health care and juvenile justice, along with an overarching commitment to equity, which allow us to support a YES vote on Prop 31. Details on the relevant positions and their applicability are discussed at the end of this analysis.

Tobacco

The [negative health consequences of tobacco](#) are well known to include heightened risk of cancer, heart disease, stroke, respiratory diseases, complications during pregnancy, and other illnesses. Federal, state, and local governments have implemented various laws to protect the public from its harmful effects. Tobacco can be delivered in many ways, including through Electronic Nicotine Delivery Systems (ENDS), such as e-cigarettes and vapes.

Federal Law

Under the [Family Smoking Prevention and Tobacco Control Act](#) (2009), the Food and Drug Administration (FDA) banned cigarettes with non-tobacco flavors, except menthol. Furthermore, to protect public health the FDA was provided with regulatory authority over sales of all other tobacco products. The law also created a fund for the FDA to research the health impacts of menthol and to administer awareness programs aimed at reducing the use of tobacco products in children. A [recent study](#) found the federal flavor ban led to a 43 percent decline in smoking among youth ages 12-17 and a 27 percent decline among young adults ages 18-25.

In 2020, the FDA issued a [policy prioritizing enforcement](#) against certain unauthorized flavored e-cigarette products that appeal to kids, including fruit and mint flavors, but exempted menthol products and certain other delivery systems. Inadequate federal action to tackle the dangers has led to state and local efforts to address the harms of flavored tobacco products and ENDS.

In April 2022, the FDA [proposed rules to prohibit menthol cigarettes and flavored cigars](#) to prevent youth initiation and significantly reduce tobacco-related disease and death. As of this writing, public comment for the rule was still open and it had not yet been adopted. The FDA has not ruled on ENDS products because none of those products have yet received FDA clearance to sell on the market. This means that all ENDS products currently on the market are considered illegally marketed and are subject to enforcement, at any time, at the FDA's discretion.

State Laws

Nationally, more than 250 local governments have banned the sale of ENDS products and flavored tobacco. More than 70 localities across California have enacted such bans (including San Francisco, Los Angeles County, Sacramento, Contra Costa County, Culver City, Long Beach, Richmond, Livermore, Beverly Hills, and San Mateo County).

In 2020, California became the second state, after Massachusetts, to pass [SB 793](#), a law prohibiting in-person stores and vending machines from selling most flavored tobacco products and flavor enhancers, including menthol cigarettes, flavored e-cigarettes and flavored non-cigarette tobacco products like smokeless tobacco and some cigars. The legislation exempts hookah, premium cigars, and pipe tobacco from the prohibitions. Implementation of the law was put on hold when the current referendum (Prop 31) qualified for the ballot. Prop 31 now offers voters the opportunity to determine whether to put the new law into effect.

Relevant League Position(s)

[Social Policy \(LWVUS Impact on Issues\)](#)

One of the overarching purposes of the League of Women Voters' social policy positions is to "promote the health and safety of all Americans." This purpose is furthered by Prop 31.

[Health Care \(National\)](#)

Our health care position supports equal access to disease prevention and equitable distribution of resources for that purpose. Tobacco companies have systematically targeted Black communities with menthol and children with candy-flavored tobacco products – both designed to promote addiction. Prop 31 works to counteract measures that have inequitably impacted the health and well-being of targeted communities.

[Juvenile Justice and Dependency \(State\)](#)

Our Juvenile Justice position emphasizes prevention and early intervention in the life of children and families in the least intrusive, least punitive, yet effective way. The flavored-tobacco ban supports the health and safety of juveniles, free from the influence of dangerous products marketed to them in candy-flavors. Because the ban is on the sale of

flavored tobacco products by vendors rather than its possession by youth, the goal is accomplished without criminalization or punishment of juveniles.

NO RECOMMENDATIONS ON THE OTHER NOVEMBER BALLOT PROPOSITIONS

When the LWVC has no [pre-existing position](#) relevant to a ballot measure we offer no analysis. When we are neutral, then we offer an explanation as to the reasons for our neutral stance. We are either neutral or have no position on the remaining November propositions.

PROP 26	IN-PERSON SPORTS BETTING IN TRIBAL CASINOS	NO POSITION
PROP 27	ONLINE SPORTS BETTING	NO POSITION
PROP 28	FUNDING ARTS AND MUSIC EDUCATION IN PUBLIC SCHOOLS	NEUTRAL

The League strongly supports a high-quality public education system in California. Because of a variety of voter-supported initiatives which limit and prescribe state and local spending, California does not provide the level of financial support for its schools that the League considers adequate. This proposition would provide additional financial resources (about \$1 billion per year), specifically for music and arts education. We recognize that arts and music education, which has been underfunded in California, is beneficial to student achievement, cognitive development, reading comprehension, attendance, and social emotional wellness. Furthermore, Prop 28 is designed to ensure that low-income schools and under-resourced students, who are often kept the farthest away from arts and music education opportunities, will benefit from the increased funding. Despite these advantages, we remain neutral on Prop 28 because making decisions about budget expenditures through ballot measures is not a good policy. It reduces the flexibility our legislators need to react to future needs and makes less revenue available to other important state priorities like climate change, health care, and housing. Earmarking funds in this way also limits the ability of local school boards to respond to local needs. Finally, we are concerned that Prop 28 has extensive reporting requirements paired with an unrealistically low cap (1 percent) on administrative expenses.

League Analysis

California schools are funded by local, state, and federal taxes. Proposition 98 provides a guarantee for the total amount of funding from the combination of state general fund and local property taxes that will be spent on K-12 education. The guarantee is a percentage of the general fund (approximately 40 percent) or the previous year's guarantee adjusted for inflation and changes in school enrollment.

These funds are distributed to school districts through the Local Control Funding Formula (LCFF), which allocates a fixed amount per student, depending on grade level, plus a supplemental grant for each student who is eligible because they are an English learner, eligible for free or reduced-price lunch, or in the foster care system. There is an additional

concentration grant for districts in which more than 55 percent of the students are identified as eligible. Local districts then have considerable flexibility as to how to spend these funds, based on an assessment of local needs.

This initiative proposes to automatically appropriate an amount equal to 1 percent of the previous year's Proposition 98 guarantee to fund arts and music education in California public schools and charter schools. Based on the LAO's estimate of \$1 billion in appropriations, and a school population of approximately 6 million, this would amount to an average allotment of \$166 per student. This money would be distributed to individual schools to be used to fund arts and music programs, based on a per pupil allotment. The distribution formula would allocate more funds per student identified as low-income, but would not be the same as the LCFF formula. 80 percent of the funds would have to be used to hire certified arts teachers; the balance could be used for supplies, aides, and materials. Audits would be required and no more than 1 percent could be spent on administrative costs. Individual schools would have to prepare a plan for how the money will be used and document how the money was spent, with results posted on each school district's website and a state website.

If this initiative passes, the minimum percentage of the state budget that is required to be spent as part of the Proposition 98 guarantee (Article XVI, Section 8) will be increased by the percentage that the first year's fiscal appropriation represents of the General Fund, so that the arts and music education funding is incorporated into the Prop 98 guarantee. The initiative then requires that roughly 1 percent of the Prop 98 funding be spent on arts and music education above and beyond current spending.

Relevant League Position(s)

[PreK-12 Education \(state\)](#)

- Support a comprehensive pre-kindergarten through twelfth grade public education system that meets the needs of each individual student; challenges all students to reach their highest potential.
- Provide sustainable, transparent, adequate, flexible, and timely funding derived from a combination of tax sources to ensure all students have the opportunity to achieve state standards.

[State and Local Finance \(state\)](#)

Ensure flexibility of revenue by:

- h. Each fund or tax "earmarked" for a specific purpose containing an automatic sunset date and provisions for mandatory government body review and reauthorization.
- i. Adoption of designated "earmarked" funds and taxes only in those situations where social benefit significantly outweighs the loss of flexibility.

PROP 29 KIDNEY DIALYSIS CLINICS

NEUTRAL

This measure would require operators of chronic dialysis clinics to have a minimum of one licensed physician, nurse practitioner, or physician's assistant at a clinic whenever patients are being treated, offer the same level of care to all patients regardless of how payment is being made, and make reports about dialysis-related infections to the state's health department, in addition to submitting federal agency reports containing the same information. Consent of the California Department of Public Health would be required prior to any clinic's closure or reduction of hours of operation. Prop 29 would also require that patients be informed if a physician owns five percent or more of a dialysis clinic. Under current law, clinics are required to have a medical director and are staffed with dialysis nurses and dialysis technicians. The patient's personal doctor is required to see each patient once a month during the time the patient receives dialysis. Reporting of dialysis related infections is currently made to the Centers for Disease Control and Prevention. There is disagreement about whether the presence of a doctor is always necessary and if requiring additional staff would exacerbate a medical provider shortage, and over whether costs are manageable or prohibitively high. Furthermore, the League of Women Voters of California questions why voters should be deciding questions of recordkeeping and medical staffing. The uncertainty of the costs and benefits of the measure leads us to take a neutral position.

League Analysis

Some of the provisions in Prop 29 are partially covered under current California licensing requirements. The California Department of Public Health (CDPH) is responsible for licensing CDCs to operate in California, using federal regulations as the basis for licensing. All chronic dialysis clinics must be licensed to receive Medicare and Medi-Cal payments. One of the current federal requirements is that a board-certified medical doctor must be affiliated with each CDC and be responsible for quality of care, staff training and clinic practices though there is no specific regulation about the number of hours the director must be present in the clinic. The subtext of Proposition 29 is a complex one about staffing of clinics and ownership of them.

Prop 29 imposes new regulatory responsibilities on CDPH. The annual cost to fulfill its new responsibilities is estimated to be in the low millions of dollars annually, but could be offset by higher licensing fees charged to clinics by CDPH. In addition, California's nonpartisan Legislative Analyst estimates that the measure would increase costs for state and local governments in the low tens of millions of dollars annually due to potential increases in MediCal reimbursements and employee health and retiree benefits.

However, some opponents of the new Prop 29 requirements claim that CDCs will incur higher operating expenses and that there is a potential for rural communities to have trouble meeting all of the newer requirements and therefore, will charge higher rates. According to the Legislative Analyst, having a physician on site at all times "would increase each (clinic's) costs by several hundred thousand dollars annually on average."

There is concern that rural dialysis clinics and clinics in under-resourced communities serving a high volume of Medi-Cal patients would be more likely to reduce services or close due to financial constraints.

Dialysis is a serious life-saving, life-sustaining treatment and should not be left to ballot box decision-making. The League supports quality healthcare, cost controls and equitable distribution of healthcare services. This measure looks simple and direct on its face, but looks can be deceiving. If passed, it can impact both thousands of vulnerable dialysis patients and clinic staff, who are caught between the clinics and the proponents of increased staffing. As with most multi-faceted issues, there is room for improvement on all sides. For this reason, the League takes a neutral position.

Relevant League Position(s)

[Health Care \(national\)](#)

Promote a health care system for the United States that provides access to a basic level of quality care for all U.S. residents and controls health care costs.

PROP 30 INCOME TAX ON MILLIONAIRES FOR ELECTRIC CARS NEUTRAL

Prop 30 would increase the income tax for very wealthy Californians, and use the proceeds on programs to reduce greenhouse gas emissions from transportation and wildfires in the state. The initiative includes thoughtful proposals for moving to electrify our transportation, including incentives and education, requirements for improving charging infrastructure for all road vehicles, and improving the electric grid to meet increased demand. The League supports these goals and proposals. The need to make significant reductions in greenhouse gas emissions is clear. However, making decisions about budget expenditures through ballot measures is not a good policy. It reduces the flexibility our legislators need to react to future needs. In this case, this problem is increased because the huge size of this program could force deep cuts in basic state programs like healthcare, child care, and housing assistance due to a previously enacted spending limit ("Gann Limit").

League Analysis

Currently California has a state Zero Emission Vehicle (ZEV) program in place. It has provided financial assistance to individuals, governments, and businesses to purchase ZEV and to increase availability of charging stations for ZEV. The 2021-2022 budget included \$3.1 billion for these purposes, to be spent over three years. In terms of wildfire prevention, the California Department of Forestry and Fire Protection (CalFire) is the primary agency charged with fighting wildfires in California. Its proposed budget for 2022-2023 is \$3.7 billion (\$2.7 billion from the General Fund).

Prop 30 would increase taxes on high income individuals to a total marginal tax rate of 15.05 percent, the highest in the country. The Legislative Analyst's office (LAO) [estimates](#) that this would bring in revenues of between \$3.5 billion and \$5 billion annually.

The money would be used to reduce greenhouse gas (GHG) emissions from two of the state's primary sources – transportation and wildfires. The money would be in addition to existing revenues. In addition to reducing GHG, these actions would dramatically improve air quality.

The proceeds would be appropriated automatically as follows:

- 45 percent to California Air Resources Board (CARB) to fund subsidies for ZEVs and other mobility options
- 35 percent to California Energy Commission to fund ZEV infrastructure – e.g., charging stations
- 20 percent to CalFire for fire suppression and prevention

The initiative specifies in more detail how the revenues are to be allocated within each category. The tax increase will remain in effect until 2043 or until greenhouse gas emissions have remained 80 percent less than 1990 levels for three years, whichever date comes sooner.

Details of the Proposal

Electrification of Transportation

The purpose is to improve infrastructure for fueling ZEVs and improve the electric grid to handle increased electricity demand, while ensuring grid reliability and increasing access for under-resourced and moderate-income communities. This would be done by requiring the California Energy Commission (CEC) to fund ZEV infrastructure (including passenger and medium and heavy-duty vehicles), and in coordination with the California Public Utilities Commission (CPUC) to enhance the electric grid. It would also require the California Air Resources Board (CARB) to fund rebates, loans, block grants, and other financial incentives, as well as public education, to advance the purpose.

Reducing Wildfire GHG Emissions

The purpose is to reduce wildfire impact by increasing firefighting capacity, improvements in wildfire suppression, prevention, mitigation, resilience and preparedness, to mitigate impacts on people, essential infrastructure, and communities, and to advance wildfire prevention implementation activities. The key agency is CalFIRE, with general implementation strategies outlined.

Discussion

The chief argument in favor of Prop 30 can be found in the latest information from the UN Intergovernmental Panel on Climate Change (IPCC), which states that global GHG emissions must peak by 2025 and then start to decline to prevent major climate impacts. We are not on track to get there. For California, the two largest contributors to GHG emissions are transportation – which is still very much fossil fuel dominated – and wildfires.

The chief argument against this measure is the League's general stance that budgetary decisions should be made by the legislature, not through the ballot box. The bill is structured so that the programs funded by the 1.75 percent tax increase cannot be cut by the legislature. Moreover, the revenues from this increase are prohibited from supplanting existing funding. What this means is that if budget cuts are necessary to meet the Gann spending cap, the legislature will be required to pass a budget in which all cuts are made from programs other than ZEV subsidy programs and CalFire. This initiative has the potential to cause significant budgetary problems.

For more about the Gann Limit, read [this](#) from the California Budget and Policy Center.

League Positions

[State and Local Finance \(state\)](#)

Ensure flexibility of revenue by:

- h. Each fund or tax "earmarked" for a specific purpose containing an automatic sunset date and provisions for mandatory government body review and reauthorization.
- i. Adoption of designated "earmarked" funds and taxes only in those situations where social benefit significantly outweighs the loss of flexibility.

[Climate Change \(national\)](#)

[Climate Change \(state\)](#)

Critical in our position is to reduce use of fossil fuels by moving to electrify everything. The ZEV portion of the initiative is very strong in support of the position.

[Air Quality \(state\)](#)

Having healthy air quality is a state and national position. ZEV measures, enhancing the electric grid, and reducing smoke from wildfires are aligned.

[Equality of Opportunity \(national\)](#)

Under-resourced and moderate-income communities are specifically flagged in the initiative to promote overall benefits to those communities.