

# State Ballot Propositions, Nov 2016, PROGRESSIVE VIEW

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## Summary of Recommendations

P51 Yes	P54 Yes	P57 Yes	P60 No	P63 Yes	P66 No
P52 Yes	P55 Yes	P58 Yes	P61 Yes	P64 Yes	P67 Yes
P53 No	P56 Yes	P59 Yes	P62 Yes	P65 No	

## OVERVIEW

There are 17 propositions. The state voter guide is 222 pages. The LWV summary is 34 pages. The Secretary of State short summary is 15 pages. Mine is 7 pages, and more interesting.

My progressive view depends on who's paying, who benefits, and is there a long range progressive purpose. Three things to notice:

**A.** There are several pet projects financed by these millionaires.

Tom Steyer: Hedge fund manager (Farallon Capital). Favors progressive causes in P56 (cigarette tax), P59 (overturn Citizens United), P62 (repeal death penalty) and P67 (preserve plastic ban). He is also expected to run for governor in 2018.

Charles Munger Jr.: Son of Berkshire Hathaway billionaire Charlie Thomas Munger, partner of Warren Buffett. Favors GOP. Has funded P54 (print bills 72 hours before voting).

Sean Parker: Founded Napster, first President of Facebook. Focuses on life sciences, civic engagement and "challenging issues" in P63 (gun control) and P64 (recreational marijuana).

Dean Cortopassi: Self-made agri-businessman from Stockton. Opposes Gov Brown and state water decisions he feels impacts his world, which caused his P53 (require vote on state projects costing \$2 billion and up)

**B.** Dueling propositions: Death penalty in P62 and P66  
Plastic grocery bags in P65 and P67

**C.** P65 is the champion of misleading and deceptive intent.

Warning: Try to ignore TV ads. They all want you to put a Yes or No on a Prop number, based on emotional and visual shorthand. It's sound bite influence. Know how you want to vote, not how you remember a number.

## RECOMMENDATIONS

**YES on Prop 51.** School Construction Bond, \$9 Billion. For K-12 and community colleges. Unfortunately special interests (construction, finance, realty) can all too easily finance a campaign for public bonds that provide a public good and benefit a select range of business interests. But schools have suffered, need help, and this provides financing that is easier than individual school district bond measures. P51 will likely favor the more affluent school districts because they have the staff to pursue these funds. On the other hand, lower income school districts may not likely pass a local bond issue. Provides matching \$\$\$ for local districts.

Support: \$8 million, mainly from special interests, wide support, polls are high to pass.

Oppose: \$0, some media editorials.

**YES on Prop 52.** Continues Private Hospital Fees for Medi-Cal health services, uninsured patients, and children. First enacted in 2009 to help match Federal funds. This extension prevents future diversions by legislature, which happened recently. These fees go to the state, is matched with state and federal funds, then redistributed to public and private hospitals for services. The fees have allowed continued and stabilized financing for services to needy populations.

Support: \$60 million, mainly from health industry. Huge widespread support from political (Dem and GOP) and individuals, all sorts of health interests, and business.

Oppose: \$12 million. SEIU, but it recently declared itself neutral, no longer in opposition.

**NO on Prop 53** Require statewide voter approval for State Infrastructure Revenue Bonds over \$2 Billion. The problem is that it reads—on first glance—like a good idea. But it intends to prevent large infrastructure projects. This removes legislative accountability, ignores financing security, reduces major decisions to geographical manipulation (north vs south, coast vs interior), and interferes with jointly financed projects (federal & state).

Support: \$5.5 million. This is a pet project of Dean and Joan Cortopassi, a rich Central Valley farmer family, who are opposed to the bullet train and the delta tunnels. Having lost in the courts, Cortopassi has turned to the initiative process. There are no other donors. Backed by Howard Jarvis anti-tax groups.

Oppose: \$3.8million. Dems, many agriculture and business interests, unions.

**YES on Prop 54.** Prevent last minute law-making. This requires any proposed law be in print at least 72 hours before a legislative vote.

Good Government advocates say YES. Real Politick Democrat advocates say NO. Good Government thinks it is only fair, and allows a representative, or an interest group, to have time to act in their interest. Real Politick recognizes the controlling majority in CA is Democrat, and last minute ‘gut and amend’ is useful strategy, mainly to avoid the opposition launching attack ads.

This is ‘good government’ wrapped in partisan politics – it is entirely funded by GOP millionaire Charles Munger Jr, hoping to counter the Democratic majority.

Support: \$10.5 million, all from Charles Munger Jr. Includes LWV, Common Cause, GOP, many chambers of commerce, many newspaper editorials.

Oppose: Dems, unions. But there is no money and no campaign.

**YES on Prop 55.** Extend tax on wealthy for education and children’s health.

Extends by twelve years the temporary personal income tax increases enacted in 2012 on earnings over \$250,000, with revenues allocated to K-12 schools, California Community Colleges, and healthcare.

Raises \$4 to \$8 billion annually. Opposition mainly points to the fragmented CA tax code, and the problems created with continuing to use the initiative process to fragment it further. On the other hand, at least it reflects wide public sentiment.

Support: \$46 million (hospital - \$25M, and nurses - \$19M interests), also Dem Party, LWV.

Oppose: GOP, chambers, anti-tax groups. No money has been raised.

**YES on Prop 56.** New tax on cigarettes, including e-cigarettes. Adds \$2.00 per pack, with equivalent increase on other tobacco products and electronic cigarettes containing nicotine. Raises \$1 billion+ annually. Allocated to a variety of health related services, research and education. Revenue should decline as the price impact reduces sales, also an intent of P56.

A battle between large corporate interests. Big Tobacco (mainly Phillip Morris and R.J.Reynolds) with \$56 million is outspending “big health” with \$22 million.

Support: Many elected Dems, Dem Party, youth and ethnic groups, wide business support, cancer, heart and lung associations, Tom Steyer (\$3.5m).

Oppose: State GOP, few others outside of tobacco interests.

**YES on Prop 57.** Parole for non-violent criminals, revise Juvenile Court procedures.

Allows parole consideration for nonviolent felons; authorizes sentence credits for rehabilitation, good behavior, and education; and requires a juvenile court judge, not a prosecutor, to decide whether a juvenile will be prosecuted as adult.

This version of ‘compassionate release’ rewards prisoner performance, relieves overcrowding, reduces state costs. Will apply retroactively to eligible prisoners. Will likely increase county jail costs where recidivism shows up.

Support: \$8 million, ½ from Gov Brown fundraising. Backed by Dem Party, many civic orgs, LWV, unions (teachers, nurses, construction).

Oppose: \$250,000. GOP, many district attorneys and law enforcement orgs.

**YES on Prop 58.** LEARN Initiative Preserves requirement that public schools ensure students obtain English language proficiency as rapidly and effectively as possible. Requires school districts to solicit parent/community input in developing language acquisition programs. Authorizes school districts to establish dual-language immersion programs for both native and non-native English speakers. Approved by State Assembly and Senate. Repeals 1998 restriction on English language instruction. Allows return to local option.

Support: \$1 million. Widespread education, union, Dem Party, LWV, individual elected officials.

Oppose: No funding. GOP, little else.

**YES on Prop 59.** Overturn Citizens United

Advisory to California’s elected officials to use their authority to support an amendment to the federal Constitution overturning the United States Supreme Court decision in Citizens United v. Federal Election Commission (that declared placing limits on political spending by corporations and unions are unconstitutional). The decision reflected ‘free speech’ arguments that money was speech, and that speech cannot be limited. National research show that corporations outspend unions by about 10 to 1.

Massive national reaction led to a movement to overturn it via constitutional amendment. Prop 59 continues that movement. It is criticized for not addressing the complexity of a constitutional amendment, and not focusing on a new Supreme Court majority that could reverse the ruling.

Hardly any money has been raised by either side. The issue is not news.

Widely supported by Dem interests.

Widely opposed by GOP interests.

**NO on Prop 60.** Condoms in porn films. Requires adult film performers to use condoms during filming of sexual intercourse. Requires producers to pay for performer vaccinations, testing, and medical examinations. Requires producers to post condom requirement at film sites.

California in general, and San Fernando Valley specifically, are recognized as centers of the pornographic film industry. Prop 60 is unique, but this is California. The attack on the porn industry may be justified, this is an overly aggressive approach, with problems in the details. Any person who sees a violation can sue. It does not need to start with a criminal complaint. The proposed law specifies that an advocate of P60 will be appointed a state employee to defend this law, if it is passed.

Support: \$4 million, from mainly AIDS prevention and health orgs.

Oppose: \$400,000 mainly from porn film companies. Also Dem and GOP parties.

**YES on Prop 61:** Prescription Drug Pricing Standards. Prohibits state from buying any prescription drug at a price higher than that paid by United States Department of Veterans Affairs. Exempts managed care programs funded through Medi-Cal.

Recent skyrocketing drug prices have fanned this reaction. And it is turning Prop 61 into the most costly campaign this year, and maybe the most costly ever. Big Pharma is definitely scared. The VA has the best bulk priced drug agreement. Proponents believe the public is ready to stand up to any argument from Big Pharma. Opponents argue that drug pricing will be disrupted to such an extent that all agreements and insurances will have to be renegotiated. Veteran groups are opposed so as not to disrupt the VA deal. Nurses and consumer groups argue the opposite. It is time to change Big Pharma's lock on rising health care costs. Any large change will not be a smooth ride. There will be negotiations and litigation. But there would be no change without a push. This is the time for that push against Big Pharma.

When the U.S. Congress previously tried to extend VA pricing to Medicaid nationally, drug manufacturers responded by raising VA drug prices. Congress subsequently removed the linkage between VA and Medicaid pricing. Here we go again, and still on a very large stage.

Support: \$15 million, mainly by AIDS Healthcare Foundation. Includes nurses and AARP.

Oppose: \$87 million, and rising, from Big Pharma (Johnson & Johnson, Bristol-Myers-Squib, Amgen, Novartis, Eli Lilly, Merck, Pfizer, Glaxosmithkline). Other no's are Am Medical Assoc, CA Chamber, veterans groups, GOP.

(A strange piece of P61 is a requirement that if it passes, and if the state does not choose to defend a legal challenge, it must appoint and fund a P61 proponent as a new state employee with the right to fully fight for implementation. It is similar to a Prop 60 provision, which will likely be challenged.)

**Prop 62 and Prop 66 on the death penalty are not compatible measures. If both are approved by a majority of voters, then the one with the most "yes" votes would supersede the other. Prop 62 is based on humane treatment. Prop 66 demands quicker executions.**

**YES on Prop 62.** Repeals death penalty. Repeals death penalty and replaces it with life imprisonment without possibility of parole. Applies retroactively to existing death sentences. Increases the portion of life inmate wages that may be applied to victim restitution.

In 1972, the CA Supreme Court ruled the state's capital punishment system unconstitutional. However, in 1978, Prop 7 reinstated the death penalty. In 2012 voters rejected an initiative to ban capital punishment.

Many editorials refer to the ineffective death penalty and the dysfunctional system. It is time to abandon the death penalty. It is historically racially unjust. Time on death row is arguably cruel and unusual punishment. It has become the most expensive sentence in CA because of various appeal options. Life without parole accomplishes the same societal benefit or debt, however one sees it.

Support: \$6 million. Dems, many civic & religious groups, academics, unions, teachers, nurses, actors, many newspaper editorials.

Oppose: \$4 million. GOP, many district attorneys, police officers and sheriffs.

**YES on Prop 63.** Restricts gun and ammunition sales. Requires background check and Department of Justice authorization to purchase ammunition. Prohibits possession of large-capacity ammunition magazines. Establishes procedures for enforcing laws prohibiting firearm possession by specified persons. Requires Department of Justice's participation in federal National Instant Criminal Background Check System.

P63 requires permits for sale, and reporting of transactions. Sets procedures for prohibited ownership by felons and designated individuals. Does not affect current ownership.

Support: \$5 million. Dem Party, LWV, many elected officials, unions, civic orgs.

Oppose: \$1 million. GOP, NRA, sporting clubs.

**YES on Prop 64.** Legalizes recreational use of marijuana. Legalizes marijuana under state law, for use by adults 21 or older. Imposes state taxes on sales and cultivation. Provides for industry licensing and establishes standards for marijuana products. Allows local regulation and taxation.

Smoking would be permitted in a private home or at a business licensed for on-site marijuana consumption. Smoking would remain illegal while driving a vehicle, anywhere smoking tobacco is, and in all public places. Up to 28.5 grams of marijuana and 8 grams of concentrated marijuana would be legal to possess. However, possession on the grounds of a school, day care center, or youth center while children are present would remain illegal. An individual would be permitted to grow up to six plants within a private home, as long as the area is locked and not visible from a public place. It is also designed to prevent licenses for large-scale marijuana businesses for five years in order to prevent "unlawful monopoly power."

It would bring discipline and oversight to an industry already operating in the shadows. Net additional state and local tax revenues could range from high \$100s of millions of dollars to over \$1 billion

annually. These funds are required to be spent for medical research, law enforcement, services for substance abuse, youth programs, drug education and prevention and treatment. Reduced costs are in \$10s of millions annually related to a decline in the number of marijuana offenders held in state prisons and county jails.

Support: \$17 million (Sean Parker \$7.3M). Dem, ACLU, NAACP, CA Medical Assoc, CA Nurses Assoc.

Oppose: \$2 million. GOP, CA hospital Assoc, some public and law enforcement officials.

*There are 2 plastic bag Props – P65 and P67. Check the differences carefully. How you carry your groceries may seem like a trivial subject, but it's the focus of rival Props that pit environmentalists against the plastic industry. Flimsy plastic shopping bags are blamed for choking wildlife, vast littering, and damaging municipal waste systems. About 40% of CA residents living in 151 communities already have bans. But the variety led to problems with large retailers. State law in 2014 established standards, and many retailers agreed. The bag industry challenged the law. Now Prop 67, which is the legislative fix from 2014, is on the ballot for confirmation. It bans the flimsy plastic bags, and charges a dime for paper or heavy-duty plastic bags. The goal is to promote reusable bags. The plastics industry is countering with Prop 65 to eliminate the ban and protect profits.*

*In a clever ploy, both P65 and P67 were placed on the ballot by the American Progressive Bag Alliance. APBA was formed in 2005 to oppose bans and fees on plastic bags. The 4 main funders are in Texas, New Jersey and South Carolina. It spent \$3 million in 2014 in a petition against the CA ban, which halted the ban until these propositions are voted on. APBA hopes voters will favor their dime going for a public purpose (P65), rather than to the stores (P67). But the 'poison pill' is that P65 repeals the plastic bag ban, thus eliminating any need for the 'dime', and therefore the funding for the environmental fund. APBA has \$6+ million into promoting P65 and opposing P 67. It is a well devised plan to confuse voters and protect profits.*

**NO on Prop 65.** Directs charges for plastic bags to new environmental fund

**The most deceptive Prop this year.** Directs money collected by grocery and certain retail stores through mandated sale of carryout bags. Requires stores to deposit bag sale proceeds into a special fund for specified environmental projects.

But in the small print, it repeals the state ban on plastic bags. They want you to believe their motives are altruistic. The sinister pitch for a new environmental fund distracts from the underlying repeal! To the benefit of the plastic bag industry. It displays the worst aspects of the state's initiative process.

Support: \$6 million, all from plastic bag industry. Also GOP. (Also used to oppose Prop 67.)

Oppose: No \$\$\$. LWV, CA Nurses Assoc, environmental groups.

**NO on Prop 66.** Speeds up death penalty executions. Expedites procedures and sets time limits for appeals, exempts prison officials from existing protocols for execution methods.

It is what it is. The differences are stark. It's between P62 (eliminate executions, humane approach) and P66 (rapid executions, finish the debt to society). 19 other states have already abolished the death penalty. No other Western nation has capital punishment. But North Korea, Pakistan, Libya, Iran, Saudi Arabia and China do.

Support: \$5 million. GOP, many district attorneys, police officers and sheriffs.

Oppose: \$7 million. Dems, many civic & religious groups, academics, unions, teachers, nurses, actors, many newspaper editorials.

**YES on Prop 67.** Retain Plastic Bag Ban Statewide. A "Yes" vote approves 2014 state legislation that prohibits grocery and other stores from providing single-use plastic or paper carryout bags but permits sale of recycled paper bags and reusable bags.

State law in 2014 banned flimsy plastic bags, and authorized stores to charge 10 cents for an alternative. The plastic bag industry (dominantly in Texas and East Coast) is trying to repeal that law, urging a no vote here, and is heavily promoting Prop 65 as an alternative. The intent of the plastic industry is to confuse voters, and to promote a public good, and embarrass stores into abandoning the 10 cent charge that covers costs. Hopefully, voters will see the ploy, and vote YES.

Support: \$3.5 million. Dems, LWV, Many elected officials, CA Nurses Assoc, very many environmental groups, many print editorials.

Oppose: \$6 million, all from plastic bag industry. (Also used to support Prop 65.)

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### **For Monterey County:**

**YES on Measure Z** Ban fracking and other enhanced toxic extraction techniques, and protect ground water. This is the only ballot measure in the entire United States on this subject. It is attracting attention nationally, It is also attracting huge donations from Big Oil to defeat it. Big Oil is lying about the measure killing the industry, since Measure Z very specifically retains all current operations. Big Oil is lying about the details, but it has the money to pitch its misleading messages.

A community initiative against an established corporate interest must be based on detailed research and fact. Otherwise it would not pass its first test of credibility. Big Oil has not challenged the facts. But any large corporate interest has the money to promote any message it feels will work. Just look at the small print on any TV ad – paid for by oil interests. So it comes down to: Who do you trust? Then it becomes a no-brainer. Trust that your community initiative has pinned down its facts. I believe it has.

**YES on Z.**