Ballot Propositions
November 2016 Election

Dr. Nadine Koch
October 2016
Agenda

- The Initiative Process in California
- Overview of the 17 Propositions (Props. 51-67)
  - A closer look at the most high profile propositions
Progressive reforms, c. 1910

- Initiative, referendum, recall – approved in CA October 10, 1911
- Primary elections
- The office block ballot
- Prohibition
- Women’s suffrage

- Federal income tax
- 17th amendment
  - Direct voting for Senators
History of Initiatives in CA

- 1911-2016: 381 ballot initiatives
- 1911-2014: passage rate 34%
- 1996-2016: 214 ballot initiatives
- 1996-2014: passage rate 50%
- New law (2014):
  - Filing fee increased from $200 to $2000
  - 30-day public review period begins when the initiative is first proposed
  - Secretary of State’s office must post online and update top ten donors contributing to both sides of an initiative
You got your voter guide?

- How nice!
  - Mailed 9/29 – takes 2 weeks to mail out
  - Does anyone read it?
  - 224 pages (longer than *The Great Gatsby*) and estimated it would take 14 hrs to read.
  - Cost $15 m to print and mail
    - It goes to all 18 m voters, but 1 copy per household
  - We’ve had more propositions in the past
    - But never a longer booklet
  - Be happy you don’t live in SF →
    - 25 extra local propositions!
Sources of information

- State propositions:
  - Ballotpedia – https://ballotpedia.org/California_2016_ballot_propositions
  - Secretary of State’s office – http://www.sos.ca.gov/elections/upcoming-elections/general-election-november-8-2016/
How do propositions get on the ballot?

1. Idea – write measure
   - A. Write it yourself
   - B. Use your lawyer
   - C. Office of Legislative Counsel will draft it, if:
     - You have 25 signatures requesting a draft
2. Submit to the AG

- AG posts it on their web site
  - You now have a 30 day public review period
  - Pay $2000 fee
  - Fiscal Estimate
  - Title and Summary
  - Assigned #
  - Legislature holds public hearings after 25% of required signatures are collected
3. Circulate petitions

- The race is on!
  - 180 days maximum from official filing date
    - Initiative must qualify 131 days before the next election
  - Initiative **statute** – 5% of votes in last governor’s election:
    - **365,880 from 2016-**. (Gubernatorial election, 2014)
  - Initiative **constitutional amendment** – 8% of votes in last governor’s election,
    - 585,407 from 2016-.
Petition circulators

- Can be volunteer or paid
- Only registered, qualified voters can sign
4. Turn petitions in

- In each of the 58 counties
  - All for each county must come in at the same time
  - Any transmittal time is part of the 180 days
5. Counting signatures

1. Within 8 days, counties report # of signatures
   - Each county must verify 500 signatures or 3% of the # filed in the county, whichever is greater
   - Less than 95% valid, it fails
Important

- Amending initiatives
  - Laws/statutes
    - Initiatives say in them whether the legislature may amend them
    - If the initiative statute says nothing, the legislature approves changes, and the voters must approve them
  - Constitutional amendments
    - Can only be changed with another constitutional amendment

- Point: initiatives are difficult to amend, inflexible
Competing Initiatives

- If 2+ initiatives on the same topic are approved,
  - The one with the highest # of votes prevails. The other is deemed “not approved,” even if it passed
    - From a court case in 1990
    - Once passed, a measure takes effect the next day
  - Unless the initiative says otherwise
<table>
<thead>
<tr>
<th>Proposition</th>
<th>Spent per signature</th>
<th>Pro/Anti $ millions Raised</th>
<th>LWV</th>
<th>Const. Amendment?</th>
<th>LA Times/Sac Bee</th>
</tr>
</thead>
<tbody>
<tr>
<td>51-School Bonds</td>
<td>$3.42</td>
<td>$8.4 m /0</td>
<td>Yes</td>
<td>No</td>
<td>No / No</td>
</tr>
<tr>
<td>52-Voter Approval to Change Hospital Fees Dedicated to Medi-Cal</td>
<td>$2.72</td>
<td>$8.4 m yes $0 no</td>
<td>x</td>
<td>Yes</td>
<td>Yes / Yes</td>
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<tr>
<td>53-Bonds over $2b</td>
<td>$4.56</td>
<td>$5.6 m yes $1.5-$2.3 m no</td>
<td>x</td>
<td>Yes</td>
<td>No / No</td>
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<tr>
<td>54-Public Display Bills Prior to Vote</td>
<td>$11.31</td>
<td>$9.1 m yes $0 no</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes / Yes</td>
</tr>
<tr>
<td>55-Extend Prop. 30 income taxes</td>
<td>$7.24</td>
<td>$42.0 m yes $0 no</td>
<td>Yes</td>
<td>Yes</td>
<td>No/Yes</td>
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<tr>
<td>56-Tobacco Tax</td>
<td>$7.73</td>
<td>22.3 yes 56.2 no</td>
<td>neutral</td>
<td>Yes</td>
<td>Yes/Yes</td>
</tr>
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<tr>
<td>57-Parole Non-Violent Felons</td>
<td>$8.23</td>
<td>$8.4 m /0</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes / Yes</td>
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<td>58-Bilingual Education</td>
<td>?</td>
<td>$1.1 m yes $0 no</td>
<td>Yes</td>
<td>No</td>
<td>Yes / Yes</td>
</tr>
<tr>
<td>59-Campaign Finance</td>
<td>?</td>
<td>$78,000yes</td>
<td>No</td>
<td>Advisory vote</td>
<td>No / Yes</td>
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<tr>
<td>60-Condoms in Pornographic Films</td>
<td>$3.85</td>
<td>$4.1 m yes $390,000 no</td>
<td>x</td>
<td>No</td>
<td>No / No</td>
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<tr>
<td>61-Drug Price Standards</td>
<td>$3.36</td>
<td>$14.5 m yes $87 m no</td>
<td>x</td>
<td>No</td>
<td>No/No</td>
</tr>
<tr>
<td>63-Background ChecksAmmo/Ban Large Capacity Magazines</td>
<td>$6.09</td>
<td>$4.7 m yes $650,000 no</td>
<td>Yes</td>
<td>No</td>
<td>Yes/Yes</td>
</tr>
<tr>
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<tr>
<td>64-Marijuana</td>
<td>$5.72</td>
<td>$17 m yes $2 m no</td>
<td>x</td>
<td>No</td>
<td>Yes / No</td>
</tr>
<tr>
<td>62-Repeal Death Penalty</td>
<td>$8.73</td>
<td>$6 m yes $4.2 no</td>
<td>Yes</td>
<td>No</td>
<td>Yes/ ?</td>
</tr>
<tr>
<td>66-Death Penalty Procedures</td>
<td>$8.38</td>
<td>$4.7 m yes $6.6 m no</td>
<td>No</td>
<td>No</td>
<td>No / ?</td>
</tr>
<tr>
<td>65-Carry Out Bags Revenue to Wildlife Conservation</td>
<td>$5.84</td>
<td>$6.1 m yes $0 no</td>
<td>No</td>
<td>No</td>
<td>No / No</td>
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<tr>
<td>67-Plastic Bag Ban Ratifies SB270</td>
<td>$5.77</td>
<td>$3.4 m yes $6.1 no</td>
<td>Yes</td>
<td>No</td>
<td>Yes/Yes</td>
</tr>
</tbody>
</table>
51: California Public Education Facilities Bond Initiative

- Initiative, Statute.

- Yes/No on whether California should issue:
  - $9 billion in bonds
  - To fund school facilities, K-12 and CCs
    - Not UC or CSU
    - Not a proposal from the state
  - A proposal from developers and contractors
Proposal

- This year’s proposal:
  - State pays for most of the buildings
  - Prevents sharp increases in new home construction fees
  - Preserves local development planning process
    - Favored by home builders

- $9 billion – allocated by 20 year old framework
  - Distribution to schools not need-based
In favor

- CA PTA, CA Chamber of Commerce, CA Building Industry Assn., CA Labor Federation
  - Teachers’ groups, business groups, unions, school districts

Against

- **Governor Brown:**
  - “I am against the developers' $9-billion bond. It's a blunderbuss effort that promotes sprawl and squanders money that would be far better spent in low-income communities.”

- **Howard Jarvis Taxpayers Assn., Gov. Brown, CA Taxpayers Action Network**
  - Libertarian party, Peace and Freedom party
Editorials

- At least 10 newspapers across the state follow the governor’s position – against
  - One in favor

$ 

- In favor: $9.8 m as of 10/02
- Against: $0 as of 10/02

Polls

- Early September – PPIC – 47% in favor, 43% against, 10% undecided

What should happen

- The gov. and legislature should fashion a smaller bond, update the formula. Will this happen?
52: Voter Approval to Divert Hospital Fee Revenue Dedicated to Medi-Cal (2016)


- Medicaid – Medi-Cal in California
  - A national program largely decentralized to states
  - States spend $ -
    - Feds reimburse according to formula
      - California gets matching $1 for 1 (50-50)
  - About $30 b is spent on Medi-Cal
    - Half federal, half state
    - State legislature diverted some of $2b provided by federal gov’t. to balance budget. This Proposition would prohibit that.
The initiative puts language in law and the constitution

- To extend the existing law indefinitely
- To prevent any of the $ from being diverted for any purpose – without a 2/3rds vote

Legislature agrees with the proposition

- Bipartisan support
- And hundreds of health care institutions
  - Some hospital groups have given up to $4 m each to support it
Supporters

- California Hospital Association
  - The originators
  - Plus business, labor, medical groups, everyone
  - They’ve raised $60 million

Opponents

- Almost no one, just part of the SEIU
  - The SEIU has since withdrawn their opposition
  - Still raised $11.5 million
Editorials

- At least 7 newspapers across the state are in favor of this proposition
  - None are opposed

What should happen:

- Why should funding formulas and guarantees that may well change over time be in the constitution?
  - There’s no problem with the legislature passing this as a law
- This is not the sort of thing that belongs in a constitution
60: Condoms in Pornographic Films

- Initiative. Statute.
- Yes/No on whether California should:
  - Require use of condoms during filming
  - Require producers to pay for certain health req’s and checkups
  - A proposal from For Adult Industry Responsibility (FAIR) which is solely supported by the AIDS Healthcare Foundation
Proposal

- Requires performers to use condoms
- Producers are responsible for implementation and costs
- Imposes liability on producers for violations, on certain distributors, on performers if they have a financial interest in the film involved, and on talent agents who knowingly refer performers to noncomplying producers.
- Regulations can be enforced by state, performers, OR ANY STATE RESIDENT
Supporters

- Aids Healthcare Foundation
  - The originator
  - Plus occupational health and sex health organizations

- Opponents
  - Coalition Against Worker Harassment
  - CA Democratic and Republican Parties
  - Various LGBT and AIDS organizations
Editorials

- At least 7 newspapers across the state are opposed
  - One is in support

Polls (9/8/16)

- 55% support
- 32% oppose

Issues with proposition:

- No need to create a new state paid position for initiative proponent to review films for violations. Only legislature permitted to vote him out of this position
- Any resident of CA could bring suit (and possibly demand access to worksites to view compliance)
- Already have Cal/OSHA to enforce compliance
61: Drug Price Standards

- Initiative. Statute.

- Yes/No on whether California should:
  - Regulate drug prices by requiring state agencies pay same prices as VA pays
  - Most expensive ballot measure in CA and possibly the nation (as of 10/02/16)
    - $14.5 m spent in support
    - $87 m spent in opposition
    - AIDS Healthcare Foundation v Drug companies
Proposal

- State agencies cannot buy drugs at any price over the lowest price paid by the VA.
- CA spent nearly $4b on drugs in 2014-2015.
  - 83% of this amount was for Medi-Cal and CalPERS.
- Covered (12% of Californians-4.4 m): low-income Medi-Cal’s Fee for Service program, inmates in state prisons, & state employees and retirees (includes UC and CSU campuses).
- Exempt: Medicaid managed care programs, private insurance, public school and school district employees/retirees, & 10.4 million covered Medi-Cal managed care.
Supporters

- Aids Healthcare Foundation
  - Bernie Sanders
  - AARP, CA Nurses Assoc, about 10 county Democratic Party

Opponents

- Drug companies
- CA Republican Party
- CA NAACP and other minority organizations
- CA Medical Associations, VA organizations, taxpayer groups, unions, chamber of commerce
Editorials

- At least 7 newspapers across the state are opposed
  - None are in support

Polls (9/8/16)

- 66% support
- 23% oppose

Issues:

- Voters are angry at drug companies for raising prices. EpiPens scandal (price raised 500%)
- Too many unknowns with this proposal
- Nothing to prevent drug companies from raising prices on drugs
- If passes, will be fought hard by Big Pharma
- This is a national problem that perhaps should be addressed by Congress
# Props. 62 & 66: Competing Props

<table>
<thead>
<tr>
<th>Proposition 62</th>
<th>Proposition 66</th>
</tr>
</thead>
<tbody>
<tr>
<td>Repeals death penalty</td>
<td>Keeps death penalty</td>
</tr>
<tr>
<td>Life in prison without possibility of parole as max. punishment for murder</td>
<td>Speeds up the appeals process. Trial courts review petitions challenging conviction, time frame for review, appointed attorneys must work on appeals</td>
</tr>
<tr>
<td>Retroactively applies to all death row prisoners</td>
<td>All effects occur once Prop. 66 is enacted</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Supporters

Many public officials:
- Bernie Sanders, Jimmy Carter, Willie Brown, etc.
- Democratic Party
- LWV, ACLU, NAACP, Amnesty Intl., Teachers, Labor, Nurses

Opponents
- Pete Wilson, G. Deukmejian
- CA Republican Party
- Law Enforcement organizations
- District Attorneys
Editorials

- At least 9 newspapers across the state in support
  - None are in opposition

Polls (9/8/16)

- 40% support
- 51% oppose

$-

- $6 m support
- $4.2 oppose

Interesting to note:

- Donald Heller authored the 1978 proposition that brought back the death penalty. He now supports Prop. 62.
- Cost more to keep prisoner on death row than to incarcerate for life.
- If Prop. 66 prevails it will most likely be challenged as to its constitutionality.
# Props. 65 & 67: Competing Props

<table>
<thead>
<tr>
<th>Proposition 65</th>
<th>Proposition 67</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Title:</strong> Dedication of Revenue from Disposable Bag Sales to Wildlife Conservation Fund</td>
<td><strong>Title:</strong> California Plastic Bag Veto Referendum</td>
</tr>
<tr>
<td><strong>Phony proposition sponsored by the American Progressive Bag Alliance.</strong></td>
<td><strong>Referendum sponsored by APBA. This group is working to defeat Prop. 67. NO vote would result in veto of SB 270.</strong></td>
</tr>
<tr>
<td>All revenue from carry out bag charges directed to a new environmental fund.</td>
<td>All revenue from carry out bags kept by grocers to cover costs of bags and for educational outreach</td>
</tr>
</tbody>
</table>
| **Supporters:** Rep Party, Taxpayer groups  
**Opponents:** LWV, Nurses, LWV | **Supporters:** gov, state officials, Dem Party, environmental groups, unions, Monterey Bay Aquarium  
**Opponents:** Plastic and bag companies, taxpayer associations |
# Figure 1

## Implementation of Referendum Would Be Affected by Outcome of Proposition 65

<table>
<thead>
<tr>
<th>Proposition 67 (SB 270 Referendum)</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Passes</strong></td>
<td><strong>Fails</strong></td>
</tr>
<tr>
<td><strong>Proposition 65 (Initiative)</strong></td>
<td><strong>Proposition 65 (Initiative)</strong></td>
</tr>
<tr>
<td><strong>Passes</strong></td>
<td><strong>Fails</strong></td>
</tr>
<tr>
<td>Statewide carryout bag law in effect. Use of revenues from sale of carryout bags depends on which proposition gets more votes:</td>
<td>No statewide carryout bag law. Revenue from any future statewide law similar to SB 270 would be used for environmental programs.</td>
</tr>
<tr>
<td>- If more “yes” votes for referendum, revenue is kept by stores.</td>
<td></td>
</tr>
<tr>
<td>- If more “yes” votes for initiative, revenue goes to state for environmental programs.</td>
<td></td>
</tr>
<tr>
<td>Statewide carryout bag law in effect and revenue from the sale of carryout bags is kept by stores.</td>
<td>No statewide carryout bag law.</td>
</tr>
</tbody>
</table>

*Alternatively, a provision of Proposition 65 could be interpreted by the courts as preventing Senate Bill (SB) 270 from going into effect at all.*
Editorials

- At least 10 newspapers across the state in support of Prop 67 and against Prop 65
  - One in opposition to Prop 67

$

- Prop 65
  - $6.1 support
  - $0 oppose

- Prop 67
  - $3.4 m support
  - $6.1 oppose
REMEMBER

DEADLINE TO REGISTER TO VOTE IS

OCTOBER 24

can register online at registertovote.ca.gov