

How will you bring your Jewish values into the voting booth?



Prop 51: Support

Authorizes issuing bonds to fund crucial school maintenance and construction.



Prop 52: No Position

Continues funding of Medi-Cal through a matching program that cannot be changed without voter approval.



Prop 53: Oppose

Requires voter approval for bond measures currently approved through the legislative process.



Prop 54: Support

Changes legislative procedures to increase transparency and reduce “gut and amend” tactics.



Prop 55: Support

Extends Proposition 30 income taxes to continue funding public education and health care.



Prop 56: Support

Increases cigarette tax to fund tobacco-related prevention programs.



Prop 57: Support

Reforms criminal justice system to increase parole eligibility for adults and allows judges, not prosecutors, to decide whether juveniles should be tried as adults.



Prop 58: Support

Repeals racist and ineffective English immersion requirements in public schools created by 1998’s Proposition 227.



Prop 59: Support

Asks California’s elected officials to use their full constitutional authority to overturn the U.S. Supreme Court’s *Citizens United* decision.



Prop 60: Oppose

Requires condom use in adult films premised upon unsubstantiated health crisis claims, with potential harmful consequences for workers.



Prop 61: No Position

Seeks to reduce prescription drug prices for Medi-Cal patients, but with unclear and potentially adverse consequences.



Prop 62: Support

Repeals California’s death penalty, replacing it with sentences of life in prison without the possibility of parole.



Prop 63: Support

Prohibits possession of high-capacity ammunition magazines and enacts/affirms four other gun safety laws.



Prop 64: Support

Legalizes and taxes recreational marijuana sale, possession, and consumption.



Prop 65: Oppose

Deceptively-worded proposition that could void the existing state plastic bag ban, while creating a system unlikely to fund conservation efforts.



Prop 66: Oppose

Removes due process and other protections for death penalty cases in California, effectively fast-tracking executions at the expense of judicial process.



Prop 67: Support

Affirms existing state law banning single-use plastic bags.

Introduction

The Bay Area and Southern California leaders of Bend the Arc: A Jewish Partnership for Justice are proud to provide this guide to the seventeen propositions appearing on California's November ballot. Unlike many other guides, ours presents our underlying reasoning so that voters can, in the time-honored Jewish way, engage in healthy argument and arrive at their own conclusions. Unlike any other widely-available guide that we are aware of, ours provides a Jewish values connection to the issues.

Bend the Arc is building the power and passion of the progressive Jewish movement in America by bringing together Jews from across the country to advocate and organize for a more just and equal society. For generations, American Jews have been part of the nation's biggest struggles for justice, inspired by our ethical tradition and motivated by the stories and experiences of our ancestors, both ancient and recent.

In California, we work in partnership with communities most affected by injustice, using organizing and advocacy to change unfair or oppressive laws, policies, and practices. We offer leadership development opportunities and programs to support people in effectively taking on the work of creating a more just society. In California, we have been actively engaged in organizing and advocating for criminal justice reform, better public education, more equitable taxation, comprehensive immigration reform, racial justice, worker rights and dignity, protecting voting rights, and more.

Our members reflect the diversity of our community – rabbis and secularists; youth and seniors; activists and academics; Sephardi, Ashkenazi, Jews of Color and white Jews—all using the tools of community organizing, leadership development, and policy advocacy to continue the proud legacy of Jewish activism that bore witness to injustice and dreamed of a better future. Our shared history and current work teach us that building a healthy and ethical society is both a personal duty and a communal obligation. As a people, our great successes, as well as our great persecution, remind us of this time-tested truth. From the ancient prophets we hear the call to “seek the well-being of the city in which you dwell.... For in its peace you shall find peace” (Jeremiah 29:7). One of the first Jewish women elected to the House of Representatives, Bella Abzug, put it another way, “Jews believe you can't have justice for yourself unless other people have justice as well.”

We have assessed the seventeen propositions appearing on the November ballot, thoroughly studying their meaning and likely impact on all Californians. In general, we remain exceedingly wary of the pervasive use of ballot initiatives. Experience shows that ballot initiatives often espouse simplistic answers to complex societal issues, whether perceived or real. Moreover, propositions are not a substitute for a well-functioning system of government committed to upholding the common good. However, ballot measures have in recent years been important vehicles for progressive legislation. The toll exacted on our families and communities by underfunded public schools, a growing system of mass incarceration, and the depletion of affordable housing, affordable healthcare, and living wage jobs requires our response. We must use our votes and our voices to address pressing issues of justice.

The November 8th ballot provides opportunities for voters to correct serious problems in the criminal justice system, including ending the death penalty (Proposition 62), and significantly increasing opportunities for parole for nonviolent offenders and reforming the process by which children are tried as adults (Proposition 57). The ballot presents opportunities to proactively benefit our collective well-being, including extending the crucial and highly effective progressive tax reforms of Proposition 30, which fund our public schools and health programs (Proposition 55). It also presents measures that will end ineffective and racist practices currently mandated in “English only” public education (Proposition 58), decriminalize marijuana (Proposition 64), curtail the sale of high-capacity ammunition and firearms trafficking (Proposition 63), and affirm the ban on single-use plastic bags for the sake of our environment (Proposition 67).

The November ballot also includes several confusing and misleading propositions that require careful reading, propositions which we oppose. We urge “no” votes on propositions that are not what they appear, and would have significant negative impacts: Proposition 60, Proposition 66, and Proposition 65. Finally, though there are an overwhelming number of propositions this year, we strongly encourage each and every voter to vote all the way down the ballot, as well as research local initiatives and races.

Proposition 51

Authorizes issuing bonds to fund crucial school maintenance and construction.

Bend the Arc supports Proposition 51, which would authorize a state-issued bond to fund school facility construction, maintenance, and improvement. Currently, funding for such projects depends on the state and the city or district each providing a determined percentage of project funds. (School construction is funded 50% by state funds and 50% by local city/district funds, while school improvements are funded 60% by the state and 40% by local funds.)

Since 1998, the state portion of the funding has come almost exclusively from state-issued education bonds. California voters have approved state education bonds four times in the past twenty years: 1998, 2002, 2004, and 2006. The last round of school construction and improvement bonds, \$7.3 billion issued in 2006, ran out in 2010 for community colleges, and in 2012 for K-12 school facilities. Since then, without the necessary matching state funds, crucial maintenance and construction projects have been stalled.

Proposition 51 would authorize issuance of \$9 billion in new general obligation bonds, distributed as follows: \$3 billion for new K-12 school construction; \$3 billion for modernization of K-12 public school facilities; \$1 billion for charter schools and vocational education facilities; and \$2 billion for California Community Colleges facility construction and improvement. The final cost of these bonds is estimated to be \$17.6 billion over 35 years (\$9 billion in principal and \$8.6 billion in interest to the bondholders).

Bend the Arc supports Proposition 51 because of the urgent

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need to make significant improvements in school facilities around the state. Because state funding ran out in 2012, the state has built up a backlog of \$2 billion in projects whose purpose is compliance with safety requirements. Furthermore, the \$9 billion bond amount only meets about half the estimated need over the next decade. California is seeing the effects of years of deprioritizing school construction and maintenance. Proposition 51 is a good start on meeting basic school facilities needs.

Education is a cornerstone value within Jewish communities. The 12th century scholar Maimonides reminds us that “this obligation [to teach children] does not refer only to one’s child and grandchild, but it is a duty resting upon every Jewish scholar to teach all those who seek to be their students, even though they are not that scholar’s own children, for it is written: *You shall teach them diligently to your children.*” In short, Jewish teaching asserts that the community has a collective responsibility to ensure quality education for all. Maimonides also compellingly observed, “Elementary teachers are appointed to schools in each province, district and town. If a town is without an elementary school for children, its inhabitants are placed under a ban [shunned by the greater Jewish community] until they engage teachers for the young children... for the world is maintained only by the breath of schoolchildren.”

Unsafe and overcrowded school facilities are endangering students and compromising their education. Bend the Arc strongly encourages a YES vote on Proposition 51.

Proposition 52

Continues funding of Medi-Cal through a matching program that cannot be changed without voter approval.

Bend the Arc takes no position on Proposition 52. This initiative would amend the California Constitution to continue drawing down federal Medicaid funding to support California’s Medi-Cal program, and ensure that the state uses these funds to support hospital care.

To receive federal Medicaid funding to pay for health care services for low-income residents (including people with disabilities, older adults, and children), states must contribute matching funds. In 2009, California’s Legislature created a system for hospitals to pay fees to meet the federal funding match – at no cost to taxpayers – to fund the Medi-Cal program.

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In exchange, participating hospitals were made eligible to receive reimbursements for treating Medi-Cal patients, and additional lump-sum payments toward hospital improvement measures. This hospital fee program was expected to sunset on January 1, 2017, requiring passage of Proposition 52 in order for this program to continue. However, in August 2016, Governor Brown signed AB 1607 as part of the budget package, thus extending the sunset date for this hospital fee through January 1, 2018.

Bend the Arc strongly supports the continuance of this program, and sees Medi-Cal as a crucial part of the safety net. However, we are not convinced that a constitutional amendment is a required, or an advisable, vehicle for ensuring its continuance. Accordingly, we take no position on Proposition 52.

Bend the Arc sees this proposition as continuing the pattern of loading up the state constitution with inappropriately specific provisions which by rights belong in the legislative domain. If this becomes a constitutional amendment, then should the program need adjustment, another constitutional amendment would be required, and thus the matter would be returned to voters or would require a two-thirds majority of the legislature.

Proponents argue that a constitutional amendment would help ensure that the hospital funding match program will not be subject to political wrangling should the California legislature become more hostile to the Medi-Cal program. This position

merits consideration. On the other hand, this scenario appears unlikely, given California's historic support for the Medi-Cal program, and early adoption of Medicaid expansion under the Affordable Care Act.

We believe the newly-established 2018 sunset date should give the legislature time to continue this successful program via legislative means.

Whether you support or oppose Proposition 52, we urge you not to abdicate your responsibility to cast your vote. "Our traditions ... have not dictated specific answers but rather provided values to be applied to life... Our role as Jews is to test these human theories and policies to see if they advance or impede the universal moral values of Judaism." (Alan Vorspan and David Saperstein, *Jewish Dimensions of Social Justice*, UAHC Press: 1998).

While Bend the Arc takes no position on this measure, we encourage you to carefully consider the arguments and cast your vote accordingly.

Proposition 53

Requires voter approval for bond measures currently approved through the legislative process.

Bend the Arc opposes Proposition 53, a proposed constitutional amendment that would require statewide voter approval before any revenue bonds over \$2 billion could be issued or sold by the state for projects that are financed, owned, operated, or managed by the state or by any joint agency created by or including the state.

Currently, voters approve only the issuance of bonds that will be repaid with general fund revenues. By contrast, revenue bonds, which are repaid with defined revenue streams from the projects they fund, do not require statewide voter approval. For example, infrastructure projects that charge tolls (such as a bridge) and use the toll revenue to repay bonds do not require statewide voter approval.

There are several reasons to oppose Proposition 53. First, it will likely impede the state's ability to plan, design, and construct infrastructure projects, such as bridges and university facilities, that have their own revenue stream. Proposition 53 would therefore impose an onerous and unnecessary requirement. State revenue bonds do not place the general fund at risk, because they are serviced by stable revenue sources, and there is no need to subject them to a costly and inefficient statewide vote.

Second, Bend the Arc has consistently opposed laws that

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would further limit the Legislature's ability to address the state's critical needs.

Finally, Bend the Arc believes Proposition 53 is a prime example of the type of initiative that should be voted down and discouraged. Proposition 53 has received substantial funding from Dean Cortopassi, a multi-millionaire with substantial agricultural interests, and a particular agenda of stopping a water project supported by the Governor. The measure is opposed by a broad coalition that includes Governor Brown, the Chamber of Commerce, and the State Building and Construction Trades Council.

Jewish tradition suggests that the primary responsibility of public officials is to provide crucial infrastructure for the good of the entire community. "If [public officials] did not go forth and attend to all these [public needs], then if any blood be shed there [through] this neglect [Torah] lays [blame] on them, as if they themselves had shed it... From the text, 'And so blood be upon you' (Talmud Bavli, Moed Katan 5a). To hinder this primary legislative responsibility without a compelling reason runs counter to these teachings. In the case of Proposition 53, it appears that private interests, rather than the common good, are driving this effort.

Bend the Arc recommends a NO vote on Proposition 53.

Proposition 54

Changes legislative procedures to increase transparency and reduce “gut and amend” tactics.

Bend the Arc supports Proposition 54. Proposition 54 would prohibit the California legislature from voting on a bill in final form until it has been posted on the Internet and in print for 72 hours (with an exception for emergencies declared by the governor). The proposition also requires that audiovisual recordings of all public legislative proceedings appear on the Internet within 24 hours and be archived for 20 years, and allows private parties to likewise freely record public legislative sessions. The Legislative Analyst estimates one-time costs of \$1-2 million, and ongoing annual costs of \$1 million.

The proponents of this initiative, which include progressives and conservatives such as wealthy political donor Charles Munger, assert that Proposition 54 will improve legislative transparency while drastically curtailing the use of so-called “gut and amend” tactics that allow legislators to alter the substance of bills without allowing for the usual committee hearings. Supporters of the initiative include Common Cause, the League of Women Voters, and the NAACP – all of whom regard this as a “good government” measure.

Proposition 54’s opponents focus on the fact that the California Chamber of Commerce (which reportedly spent \$4.3 million to lobby the legislature last year) also supports this initiative. They express concern that such a powerful lobbying organization

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would use the 72-hour waiting period to mobilize opposition to any legislation that this interest group wants to kill. However, we believe that this measure will significantly increase access and transparency for grassroots groups, while not increasing the high levels of access of well-financed groups with paid lobbyists. These lobbyists already sit through all committee hearings of interest, and know in advance which bills are or are not likely to reach the floor of the State Senate and Assembly, whereas grassroots groups will benefit more from the change.

Jewish thinking also points towards support. One prominent strain of Judaism sees the free exchange of ideas as the foundation upon which the project of creating a more just society rests. From the Talmudic valorization of the give and take of the study hall as the way towards truth, to the twentieth century Rabbi Chayim Hirschensohn, who interpreted the Biblical command to appoint judges to mean that it is the people as a whole who must deliberate, and then choose their representatives, who will then further deliberate in order to legislate.

Accordingly, in hopes that this initiative will increase transparency and equity in the legislative process, Bend the Arc urges all Californians to vote YES on Proposition 54.

Proposition 55

Extends Proposition 30 income taxes to continue funding public education and health care.

Bend the Arc endorses Proposition 55, which extends Proposition 30 (passed in 2012), a progressive tax measure that funds public education and health care. Without this extension, Proposition 30’s income tax component will begin phasing out in 2018. Proposition 55 extends for twelve years Proposition 30’s personal income tax increases on individual incomes over \$250,000 for single filers, \$500,000 for joint filers, and \$340,000 for heads of households. The sales tax component of Proposition 30 will expire at the end of 2016; Proposition 55 does not extend that component.

Approximately 89% of the revenue collected through Proposition 55 would be directed to K-12 schools through constitutional formulas, and the remainder to state community college and healthcare programs (the latter capped at \$2 billion a year in certain years). Funds may not be used for educational administrative costs, and local school boards have the discretion to allocate revenues according to their

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needs. Thus far, Proposition 30 has resulted in about \$6 billion annually in funds for education and healthcare, and the state projects revenues of \$5-11 billion per year in future years. In a time of increasing concentrations of wealth and increasing inequality, tax fairness is an essential tool for preserving fairness, opportunity, and equity.

Proposition 55, by continuing existing taxes on California’s wealthiest 2%, would help educate the state’s 9 million children. In the wake of the Great Recession in 2008, California cut more than \$56 billion from education, healthcare, and other services, resulting in thousands of teachers being laid off, larger class sizes, higher college tuition, and fewer educational services. California’s public schools are the most crowded in the country, with sizes 80% larger than the United States average. The number of people training to be teachers has dropped by half in the past five years. Proposition 30 helped restore some of the services reduced by previous cuts, but the state continues

to feel the effects. Public education is a key building block for economic and racial equity, and for the overall well-being of Californians.

In health care funding, California ranks 48th out of 50 states. Inadequate health care funding reduces access to care, disproportionately impacts children and people of color, and also results in higher long-term medical costs. Also, federal funds automatically match new state funds spent on health care, effectively doubling the impact.

Education is a core focus of Judaism, as evidenced by Jewish community practice and numerous biblical and historic texts.

Our traditions place immense weight on the responsibility of providing education, such that a Jewish community was not considered complete without a functioning school system (“Any city which does not support a school will be destroyed.” Babylonian Talmud Shabbat 119b), or that the world, “only exists because of the breath of schoolchildren.” Healthcare access and equity are required by Jewish values, requiring caring for the sick (*bikkur cholim*) and the pre-eminent value of acts that save a life (*pikuach nefesh*).

For these reasons and more, Bend the Arc enthusiastically endorses Proposition 55 and strongly urges a YES vote.

Proposition 56

Increases cigarette tax to fund tobacco-related research and prevention and cessation programs.

Bend the Arc supports Proposition 56. This measure would increase the state sales tax on cigarettes and other tobacco products, and would invest resulting revenues in programs for tobacco-related prevention and cessation, tobacco law enforcement, early childhood education, and medical research on tobacco-related diseases. Tobacco taxation has proven to be effective at reducing smoking and reducing the burden of tobacco-related disease, especially among youth and low-income communities. If approved, the new tax would take effect April 1, 2017.

At \$0.87 per pack, California has the 36th lowest state tobacco tax in the country. If passed, this measure would be the first tobacco tax increase since 1998, and would bring the total cigarette tax to \$2.87 per pack. An equivalent tax increase also applies to other tobacco products, including electronic cigarettes that contain nicotine. Estimated net increases in tax revenues range from \$1.1 billion to \$1.6 billion annually for 2017-2018, with slight decreases projected in subsequent years.

While rates of cigarette smoking have declined sharply over the past several decades, inequities in smoking and tobacco-related disease persist across the country by race, ethnicity, education level, and socioeconomic status. For example, cigarette smoking disproportionately impacts the health of low-income families, with households earning less than \$12,500 experiencing higher incidents of lung cancer than those with incomes of \$50,000 or more. Additionally, tobacco use is strongly linked to heart disease, cancer, and stroke, three leading causes of death among African Americans. Cigarette smokers have a 30-40% higher risk of developing diabetes than nonsmokers, which are the fourth and fifth leading cause of death for African Americans and Latinos, respectively.

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These health inequities result in part from direct targeting by the tobacco industry. Analysis of internal tobacco industry documents and journals has revealed that tobacco companies have targeted people with mental illness and those experiencing homelessness. Research has demonstrated that there are more tobacco retailers in low-income neighborhoods than elsewhere. Electronic cigarette advertising has increased substantially in recent years, resulting in roughly 69% of middle and high school students being exposed to marketing in retail stores and in print and digital media as well as on television. In 2014, roughly 2.4 million middle and high school students reported using electronic cigarettes.

While sales taxes are regressive, tobacco products are non-essential items that have clear negative health impacts. Jewish law describes the concept of *pikuach nefesh*, the idea that the preservation of human life takes precedence over almost all other considerations. This obligation stems from the idea that all people are created in the divine image and that preservation of health is an undertaking for the community as well as the individual. Because smoking tobacco products can cause disease and death, Jewish tradition suggests that we should do all that we can to prevent use of and exposure to tobacco products. Tobacco taxation has historically been one of the most powerful tools legislators have at their disposal to decrease tobacco sales and smoking initiation, particularly among youth and other targeted communities.

By voting yes, Californians are supporting a well-tested public health intervention that will help prevent smoking-related disease, particularly among communities where smoking-related health impacts are highest. For these reasons, Bend the Arc strongly urges all Californians to vote YES on Proposition 56.

Proposition 57

Reforms criminal justice system to increase parole eligibility for adults, and allows judges, not prosecutors, to decide whether juveniles should be tried as adults.

Bend the Arc strongly endorses Proposition 57. Proposition 57 will help California remedy inhumane, overcrowded conditions in its prisons while incentivizing rehabilitation, and will correct an unjust process that has tremendous negative effects on young people who are charged with crimes. Proposition 57 offers one important step forward in reversing the phenomenon of mass incarceration, and its widespread and devastating effects.

Proposition 57 would allow adults with non-violent convictions to be eligible for parole hearings after they have completed full sentences for their primary conviction. The Department of Corrections and Rehabilitation, which runs California's state prison and parole system, would create a system to award credits for good behavior and for participating in approved rehabilitation and educational activities that would improve chances of being paroled. These measures would incentivize rehabilitation while reducing unnecessary spending. U.S. incarceration rates have skyrocketed in recent decades, quintupling over the last forty years, imprisoning Black Americans at six times the rate of whites, and resulting in judicial action to address overcrowded and inhumane prison conditions here in California.

The second major feature of Proposition 57 would substantially amend how California youth are prosecuted. Currently, prosecutors have discretion to transfer youth from the juvenile justice system to the adult system for certain specified offenses, without need for judicial review or approval. Youth transfers to the adult system can result in longer

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sentences and placement in more punitive institutions (e.g., state prisons) for children as young as 12. While the number of youth who are prosecuted as adults is relatively small (474 in 2014), youth of color are disproportionately prosecuted as adults (425 in 2014). Proposition 57 would fully restore this decision-making authority to juvenile court judges instead of prosecutors. The initiative would also shift the responsibility to the prosecutor for proving that this adult transfer should occur. This more closely aligns with the principle of “innocent until proven guilty,” which should underpin our criminal justice system. Finally, it would give justice-involved youth greater opportunities for rehabilitation, and mitigate the trauma and lifelong consequences they experience in the adult system.

Jewish teachings support releasing prisoners. Maimonides explains, “The release of prisoners takes priority over the maintenance of the poor. There is no greater commandment than the release of prisoners... and whoever abstains from ransoming them, transgresses the prohibitions of “thou shall not harden thy heart, nor shut thy hand (Deut. 15:7).” (*Mishneh Torah, Hilkhot Matanot Aniyim 8:10.*) Moreover, Proposition 57 aligns with the Jewish concept of *B'tzelem Elohim*, that all humans are created in the divine image and that all life is sacred. This Jewish value makes it imperative for us to work for criminal justice reform, address racism in all its forms, and work for equity and justice.

For these reasons, Bend the Arc strongly urges you to vote YES on Proposition 57.

Proposition 58

Repeals racist and ineffective English immersion requirements in public schools created by 1998's Proposition 227.

Bend the Arc supports Proposition 58, the measure titled Non-English Languages Allowed in Public Education. Proposition 58 would improve public education in California for the millions of English-language learners in our schools, and correct problems created by Proposition 227, which was passed in 1998.

English language learning is a critical function of California's public schools. More than 2.7 million students, or 43% of all enrollees, come from homes where a language other than English predominates. 1.7 million students are classified as

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not yet fluent in English. Under current law, students must be placed in an English-only program for one year unless they obtain a waiver. Proposition 58 will repeal this law (enacted as Proposition 227), and substitute it with a more flexible and effective method of teaching English. It would cause local educational agencies to solicit community input on instructional methods when developing local control and accountability plans, and families will face fewer restrictions around language acquisition programs for their children. There is significant empirical support for the change. Long-term studies show that

students in English-only programs do worse than their counterparts who participate in bilingual education. Statewide standardized test scores between 2003 and 2010 show a widening gap between the achievements of English-learners and those of all students, with English-learners falling behind especially in English and the language arts. Since 2014, the California Department of Education has been advising teachers working with recent immigrants to use students' primary or home language.

Jewish culture places a heavy emphasis on education. One of the great Jewish teachers, Maimonides, said, "Just as pupils are required to honor the teacher, so the teacher ought to be courteous and friendly towards their pupils." This echoes Proverbs 22: "Train a lad according to his manner; he will not swerve from it even in old age." These statements emphasize how teachers should be attuned to the needs of their

students, not be bound by a single and ineffective approach. Unfortunately, current law forces California teachers to abide by a discredited theory of language instruction, which makes it impossible for them to fulfill their obligations to English language learners. We are disturbed that current state law requires schools and teachers to employ teaching practices that are proven to disadvantage vulnerable students.

Bend the Arc joins a bipartisan group of supporters in education and government, including Governor Jerry Brown, Lieutenant Governor Gavin Newsom, a number of large school districts (including San Francisco and Los Angeles), the California Federation of Teachers, the California Teachers Association, the League of Women Voters, and many others in strongly urging a YES vote on Proposition 58.

Proposition 59

Asks California's elected officials to use their full constitutional authority to overturn the U.S. Supreme Court's Citizens United decision.

Bend the Arc supports Proposition 59. Proposition 59 is an advisory measure which, if approved, directs California's elected officials to use all of their constitutional authority to reduce the influence of corporations on elections, through methods such as proposing and ratifying one or more amendments to the United States Constitution to overturn *Citizens United v. Federal Election Commission* (2010) 558 U.S. 310, and other applicable judicial precedents. The bill would require the Secretary of State to communicate the results of this election to the United States Congress.

Citizens United is a United States Supreme Court decision which effectively equates corporate political spending with individual speech, treating corporations as people having First Amendment rights, and removing limits on their election spending. Specifically, the case found a 2002 federal law which prohibited corporations (including nonprofits and unions) from issuing or funding an "electioneering communication" (such as a television advertisement) that mentioned a candidate for federal office within 60 days of a general election or within 30 days of a primary election, to be an unconstitutional violation, on First Amendment grounds.

The *Citizens United* decision ushered in an explosion of independent corporate expenditures in federal elections. One study by the Brennan Center for Justice found that in the five years following the *Citizens United* decision, "Super PACs" spent over \$1 billion on federal elections, with \$600 million of this total donated by just 195 individuals. Further, this dramatic

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increase in independent expenditures has overwhelmingly financed interests antithetical to Bend the Arc's core mission and values, including efforts to disenfranchise voters and roll back civil rights. Bend the Arc strongly believes that *Citizens United* fundamentally misconstrues the First Amendment by equating corporate and Super PAC speech with individual speech.

An earlier iteration of Proposition 59 was kept off the ballot in 2014 due to a legal challenge by the Howard Jarvis Taxpayers Association. The State Supreme Court later ruled that the legislature has the authority to place advisory questions on the ballot, instructing that Proposition 59 is an appropriate use of the ballot measure process, thus preventing future litigation, should the measure pass.

While Proposition 59 is non-binding and limited in its ability to impact *Citizens United*, it provides an opportunity for California voters to send a clear message to Congress, urging lawmakers to right the wrongs inherent in the case and thus contributing to the growing national movement to limit the influence of money in politics. Proposition 59 is written in the spirit of Bend the Arc's values regarding participatory democracy.

Democracy creates a structure in which every person's voice, opinion and therefore vote matters. This belief, both secular and sacred, is grounded in the idea of the ultimate worth of every individual person—an idea that is articulated Jewishly by the claim that each person was created in the divine image.

The *Citizens United* decision allows the aggregated capital of shareholders in the form of a corporation to distort the democratic process by effectively reducing the influence that individuals can exert.

Bend the Arc supports efforts to ensure that our democracy is not distorted by equating corporate and individual speech, and urges a YES vote on Proposition 59.

Proposition 60

Requires condom use in adult films premised upon unsubstantiated health crisis claims, with potential harmful consequences for workers.

Bend the Arc opposes Proposition 60, the measure titled Condoms in Pornographic Films. Proposition 60 would require that condoms be used during production of all adult films produced in California. While this measure claims to advance public health and safety, particularly by reducing the risk of sexually transmitted infections, we have concluded that it would not do so, and would, in fact, have detrimental impacts.

Proponents of Proposition 60 say it is designed to protect performers in the adult film industry and reduce the spread of HIV and other sexually transmitted infections. The initiative would also impose liability on adult film producers, distributors, performers, and talent agents for violations. In addition, Proposition 60 would require pornography producers to pay for certain health requirements and checkups.

Unfortunately, there are many problems with Proposition 60, the foremost of which is the mismatch between its methods and its likely impact. In 2012, a similar proposal (Measure B) was approved by the voters in Los Angeles County. After its passage, the number of permits issued for X-rated productions in 2013 plummeted by 90%. Adult film producers said they took their productions to other counties, states, and countries (where there are fewer protections). There is also no way to know how many moved their productions underground, where conditions are unregulated and therefore have more potential to place workers at risk. The net result was that more performers may have been put at risk than before Measure B was passed. We believe Proposition 60 would create an environment in which HIV infections are more, not less, likely to occur. Under current law and industry standards, documented cases of transmission of HIV on-set are extremely rare, with only two occurrences in

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the last decade (according to AIDS Project LA). Moreover, laws regarding worker safety, regulated by OSHA, already prohibit workers from coming into contact with dangerous bodily fluids.

In addition to making conditions worse for performers by driving production out-of-state or underground, the Legislative Analyst's Office asserts that this proposition would result in potentially reduced state and local tax revenues of millions or tens of millions of dollars per year, as well as likely result in costs of a few million dollars annually to administer the law. California should put its resources toward HIV education, treatment, and counseling, and greater enforcement of existing workplace protections.

Additionally, the proposition requires that public records of performers and their health status be maintained, which threatens patient confidentiality. Rather than protecting performers, this measure could expose people to an array of additional risks. Jewish texts are clear that worker rights and safety are of utmost importance. If further regulations are needed, the workers themselves should have a say in the regulation of their own workplaces. Jewish texts allow for workers to set conditions in accordance with local custom, or in this case, according to the specific needs and considerations of the industry.

Bend the Arc values the safety and health of all workers. Because we have concluded that Proposition 60 will not advance worker safety and health and may cause harm, Bend the Arc urges all Californians to vote NO on Proposition 60.

Proposition 61

Seeks to reduce prescription drug prices for Medi-Cal patients, but with unclear and potentially adverse consequences.

Bend the Arc takes no position on Proposition 61, the Drug Price Relief Act. Voter Guide Committee members could not come to a consensus opinion on this measure, and therefore we

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present arguments on both sides to support voters in making their own decisions.

Proposition 61 is a measure that aims to bring down the exorbitant prices of prescription drugs. It would require California to pay no more for prescription drugs than is paid for the same medication by the U.S. Department of Veterans Affairs (V.A.), and it would allow California to negotiate for prices below the V.A. The measure would affect all drug purchases in which the state is the ultimate payer, whether it purchases the drugs directly from the pharmaceutical companies or not. California currently spends an estimated \$3.8 billion per year on prescriptions, and Medi-Cal and CalPERS account for the majority of these expenditures.

Supporters of Proposition 61 see it as a strategy to address the unreasonably high and increasing costs of medications. They argue that this measure could save billions of dollars on drug purchases and redirect those funds to other critical healthcare needs. Non-HMO participant in Medi-Cal, members of CalPERS and participants in the AIDS Drug Assistance program could benefit from lower co-pays and deductibles for drug purchases. The prices paid by the V.A. provide a meaningful benchmark because the V.A., which is empowered by law to negotiate the prices of drugs it provides for veterans, pays on average 20-24% less for drugs than other government agencies. Ultimately, this law could help push drug companies to pull back on drug prices across the board, due to public pressure which could result from the lowered prices of state-purchased drugs. Proposition 61 enjoys the support of the AARP-California, the California Nurses Association, former U.S. Secretary of Labor Robert Reich, and Senator Bernie Sanders among others. Its opponents include numerous pharmaceutical corporations – one of the country’s most powerful special interest lobbies – which, according to the California Secretary of State, has already spent more than \$60 million to defeat the measure.

Many Proposition 61 opponents agree that drug prices are too high, but are concerned that this proposition will be ineffective, or produce unintended negative consequences. Claims that this bill would lower drug prices and save money are based on a 2005 Congressional Budget Office report that suggests

that the V.A. on average pays just 42% of drug list prices, and that Medicaid pays 51%. However, V.A. prices are not publicly reported information, and as such an accurate comparison is impossible.

Some healthcare policy experts, patient advocates, veterans’ associations, and medical associations have expressed concern that this measure could actually harm patients and lead to higher drug prices. Even though it would place new restrictions on state drug spending, it would not impose price controls on the pharmaceutical industry. As a result, drug companies may raise prices for the V.A. in order to compensate for potential losses in revenue, driving additional growth in drug costs for both California and the V.A. system. Drug manufacturers could also decline to offer state payers certain prescriptions at V.A. prices. This could force California health care programs to exclude key medications from their formularies—depriving patients of the drugs they need, or effectively forcing the use of similar drugs that may have higher incidents of side-effects. Finally, those who oppose Proposition 61 believe the proposition system, with its inflexibility, is an inappropriate vehicle for this law, and that legislation would be more appropriate.

Jewish values clearly uphold the underlying principle of this proposition, affirming that healthcare accessibility and equity are essential. The *Shulchan Aruch, Yoreh Deah 249:16*, requires doctors to reduce rates for the poor, and when that is not sufficient to their care, requires that communal subsidies be established to allow for equitable and accessible healthcare. Jewish tradition places access to health care above the study of Torah or the construction of a synagogue (*Shulchan Aruch, Yoreh De’ah 239:16*).

The Voter Guide Committee is united in the goal of reducing exorbitant pharmaceutical prices, but is split on the possibility of unintended consequences and the efficacy of Proposition 61 to achieve this goal. For these reasons, Bend the Arc refrains from taking a position on Proposition 61.

Proposition 62

Repeals California’s death penalty, replacing it with sentences of life in prison without the possibility of parole.

Bend the Arc supports Proposition 62, which replaces the current death penalty with a sentence of life in prison without parole, both retroactively and in future cases, as the maximum punishment for a murder conviction. Our Jewish and progressive traditions are clear: the act of taking a life through state execution is wrong, and as a result Bend the Arc strongly supports Proposition 62.

SUPPORT

Jewish tradition guides us to focus on and value life above all else. Throughout Jewish texts, there are calls to honor life, most notably in 3rd century Mishna text: “Therefore, humans were created singly, to teach you that whoever destroys a single soul, Scripture accounts it as if he had destroyed a full world; and whoever saves one soul, Scripture accounts it as if she had saved a full world.” This text provides the moral framework for abhorring a criminal justice system that allows for capital

punishment. Each person's life is inherently valuable, and the Rabbis reminded themselves of this fact when they created a Jewish legal system that, from ancient times, included the potential for capital punishment, but as a matter of practice made it almost impossible to legally execute someone.

From a contemporary, progressive perspective, it is obvious that capital punishment is a deeply flawed and immoral system. Its flaws have become ever more apparent with the use of DNA evidence to demonstrate the prevalence of wrongful conviction and execution: since 1973, over 150 people have been exonerated from death row. Moreover, numerous studies have revealed the prevalence of racial disparities in the criminal justice system, and in particular the inequitable and arbitrary application of the death penalty. Mike Farrell, a prominent death penalty repeal advocate, stated, "California's death penalty law allows for 33 separately enumerated special circumstances... and their range allows almost any murder to qualify for death if an ambitious prosecutor feels it personally advantageous." The death penalty is applied arbitrarily. In addition to race and geography, juror misperceptions and local politics can play major roles in deciding how a person is sentenced. Some of the most heinous murders do not result in death sentences, while less heinous crimes are punished by death. Co-defendants charged with the same crime consistently receive disparate sentences.

The exorbitant cost of maintaining the death penalty is another strong argument in favor of its repeal. Since the death penalty was reinstated in 1978, California has spent more than \$4 billion on a death penalty system that has sentenced nearly one thousand people to death by execution and has executed 13 people. Though there are over 700 people currently on death row, California has not executed anyone since January 2006, because there is no legal way to do so. Passing Proposition 62 could remove the potential for wrongful execution and free up hundreds of millions of dollars for investments in the well-being of Californians.

But perhaps the most unsettling aspect of contemporary capital punishment is the racially discriminatory application of the law. African-Americans make up a disproportionate number of death row inmates, despite there being a higher percentage of white defendants in capital punishment cases overall. Additionally, while less than one-third of statewide murder victims are white, over three-fourths of the executions in California have been for those convicted of killing white people.

For all these reasons and more, Bend the Arc strongly urges a YES vote on Proposition 62.

Proposition 63

Prohibits possession of high-capacity ammunition magazines and enacts/affirms four other gun safety laws.

Bend the Arc strongly supports Proposition 63, a package of five gun safety provisions aimed at curbing deaths from gun violence. A combination of homicides, suicides, and accidents through the use of guns results in approximately 30,000 deaths every year in the United States. More than 1 million Americans were killed or seriously injured by guns from 2004-2014. And more than 300 Americans are shot each and every day, 80 of them fatally. In 2014 alone, California reported a total of 1,169 gun murders – the highest number of such incidents of any U.S. state, and 35% more than Texas, the next highest-ranked that year.

The first two provisions of Proposition 63 pertain to the use and sale of ammunition. One prohibits the possession of large-capacity magazines exceeding ten rounds and requires their disposal; the second treats ammunition sales like gun sales by requiring licensing of ammunition vendors and point-of-sale background checks for ammunition purchases. Two measures that parallel these provisions were signed by Governor Brown in early July. Should Proposition 63 fail, the two bills signed by the Governor are worded such that they will remain law.

SUPPORT

The third provision seeks to ensure that people who are prohibited from owning guns are also precluded from physically possessing them; these include people with felony convictions, people deemed a danger to themselves or others, and anyone prohibited by federal law from possessing firearms and ammunition. While California and federal law currently ban these groups from legally possessing firearms, they create no mechanism by which owners can lawfully relinquish these arms. This measure addresses this gap.

The fourth provision requires firearms owners to notify law enforcement if their weapon is lost or stolen, a requirement which is seen as vital in curbing trafficking and identifying illegal distribution channels. Finally, the fifth provision mandates that California coordinate with the FBI and share data with the National Instant Criminal Background Check System.

Proposition 63 is sponsored by Lt. Gov. Gavin Newsom, and supported by a variety of public figures, cities, and organizations, including the Law Center to Prevent Gun Violence, California Teachers Association, and the California

League of Women Voters.

Progressive Jewish values compel support of gun control measures. Outside of the fundamental Jewish value of prioritizing the preservation of human life above all else (*pikuach nefesh*), the Talmud also notes that people should not possess dangerous objects in their home for fear they might cause bloodshed (*Bava Kamma* 15b, 79a), and prohibits selling

weapons to those who might use them for criminal behavior (*Avodah Zarah* 15b).

Proposition 63, while far from the comprehensive action needed to radically reduce gun violence nationwide, will likely reduce the horrific number of gun deaths occurring every year in California. Bend the Arc urges all Californians to vote YES on Proposition 63.

Proposition 64

Legalizes and taxes recreational marijuana sales, possession, and consumption.

Bend the Arc supports Proposition 64, which would legalize marijuana for individuals over 21, and create systems of taxation and regulation, while simultaneously saving money on enforcement.

Bend the Arc views this measure as part of the movement away from punitive drug enforcement methods that have contributed to the crisis of mass incarceration, which has had particularly devastating impacts on families and communities of color. California's 2011 marijuana decriminalization does not appear to have negatively impacted public safety and youth outcomes according to reports from the Center on Juvenile and Criminal Justice. If this measure passes, marijuana, like alcohol, would be a controlled substance for use only by those over 21 years of age.

California's Proposition 64 would legalize consumption, possession, purchase, and transportation of specified amounts of marijuana for individuals 21 and older. This includes up to one ounce of marijuana, or eight grams of marijuana concentrates, or six living marijuana plants. Public consumption of marijuana would be illegal in designated spaces, as would driving while impaired. As of January 1, 2011, possessing less than one ounce of marijuana in California is currently treated as an infraction, subject to a maximum fine of \$100. The initiative would maintain this decriminalization approach for those under 21. Localities would also be able to limit the number of marijuana businesses in their jurisdiction through voter initiatives. Moreover, Proposition 64 would limit corporate marijuana production by delaying issuance of large-scale cultivation licenses for five years after the initiative passes.

Proposition 64 is expected to have a significant positive fiscal impact. While medical marijuana would not be taxed, the measure would allow the Legislature to place a 15% excise tax on all non-medical marijuana sales. The Legislative Analyst's Office (LAO) estimates annual state and local savings, from

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reductions in law enforcement and incarceration costs, in the range of tens of millions of dollars to over \$100 million. The LAO also projects that marijuana production and sale could generate annual local and state tax revenues of up to several hundred million dollars. This funding would be distributed accordingly:

- 60% of the fund would be directed into the Youth Education, Prevention, Early Intervention and Treatment Account for youth substance abuse education, prevention, and treatment programs.
- 20% of the fund would go to the Environmental Restoration and Protection Account, to support environmental cleanup and restoration.
- 20% of the fund would go to the State and Local Government Law Enforcement Account for supporting relevant state and local law enforcement efforts, including a grant program to reduce public health impacts of this measure on the most impacted communities.

The strong case to support marijuana legalization on the basis of Jewish values stems from the deeply harmful impacts of the war on drugs marked by discrimination, mass incarceration, and gross misdiagnosis of the solution to addiction. Jewish texts drive us to take responsibility for those around us. The Talmud (*Shabbat* 31a) states: "What is hateful to you, do not do to your neighbor." Jewish texts outline steps for a person who has committed a sin to reflect and ask for forgiveness, referred to as *teshuvah*, or return to the rightful path. Except in very rare instances, for grave offenses, imprisonment was never prescribed. Today's incarceration epidemic, where minor drug-related offenses may place someone in prison for many years, contradicts Jewish teaching.

For these reasons, Bend the Arc adds its voice to those calling for marijuana legalization by voting YES on Proposition 64.

Proposition 65

Deceptively-worded proposition that could void the existing state plastic bag ban, while creating a system unlikely to fund conservation efforts.

Bend the Arc opposes Proposition 65 which mandates that the ten cent carry-out bag fee collected by grocers as part of the plastic bag ban (see Proposition 67 below) be directed to a special fund for use by the Wildlife Conservation Board for environmental projects, including wildlife habitat restoration, wetland restoration, public parks, and beach cleanups. While we applaud those projects, the initiative has serious flaws, which lead us to oppose the measure.

Perhaps most concerning and perplexing is the language in Proposition 65 that would void Proposition 67 (which affirms the ban on plastic bags through which Proposition 65 would be funded) if Proposition 65 receives more “yes” votes. While a court might determine that the bag ban would still be in effect, determining how Propositions 65 and 67 would be implemented jointly will likely lead to protracted litigation, thus delaying implementation of the plastic bag ban.

Furthermore, Proposition 65 does not establish any system or funding for collecting the bag fees from grocers. Based on comparable costs for collecting e-waste, it is likely that collection costs would consume much of the fee revenue, and exceed the 2% administrative costs allowed by the measure.

Proposition 66

Removes due process and other protections for death penalty cases in California, effectively fast-tracking executions at the expense of judicial process.

Bend the Arc strongly opposes Proposition 66. Proposition 66 would remove important protections for the innocent in death penalty cases. If both Propositions 66 and 62 were to pass, the one with the most affirmative votes would nullify the other. Therefore, Bend the Arc emphatically urges YES on Proposition 62 and NO on Proposition 66.

Proposition 66 undermines due process, making it more difficult for potentially innocent and wrongfully convicted people on California’s death row to have their voices heard in court. The proposition would accomplish this in three primary ways: First, by leading to the appointment of unqualified counsel in death penalty appeals, it would reduce the quality of those appeals and increase the likelihood of costly errors. It also encourages former prosecutors, who may have previously advocated for death penalty cases, to be paid by the state to represent death row inmates in their appeals, creating dangerous conflicts of interest. Second, it would restrict the rights of individuals currently on death row to access the courts by slashing the

OPPOSE

Thus, even if passed, Proposition 65 would likely fail to generate revenue for environmental projects.

Proposition 65 also requires collection of monies from the sale of tote bags and other non-single use carryout bags, and expands the required bag fee to additional categories of bags not currently covered. These are new fees not required by current plastic bag bans and go beyond the effort to discourage the use of disposable carry-out bags. Opponents of Proposition 65 believe this expansion is an underhanded effort to create opposition from grocers, who currently support the bag ban.

Finally, Proposition 65 is sponsored by the Society of the Plastics Industry and the American Progressive Bag Alliance – which is also sponsoring the effort to defeat the plastic bag ban (Proposition 67) – as well as a plastics industry organization, Fight the Plastic Bag Ban.

We conclude that Proposition 65 is a misleading measure aimed at confusing voters and creating legal difficulties in implementing the carry-out bag ban and strongly urge all Californians to vote NO on Proposition 65.

OPPOSE

number of petitions they may file, limiting their ability to present new evidence of innocence, and drastically restricting the amount of time a judge can review their cases. Third, it would permit the California Department of Corrections and Rehabilitation to create lethal injection cocktails using any available drugs – in secret and at its discretion – without any public, medical, or scientific scrutiny as to which drugs are used in executions. This lax approach to drugs used for lethal injection could result in treatment amounting to cruel and unusual punishment of those being executed, as well as lengthy and costly litigation to determine the constitutionality of the drugs.

The ostensible purpose of Proposition 66 is to “mend a broken system.” In reality, however, Proposition 66 makes a mockery of due process where due process matters most – in those cases where mistakes are irreversible. Proposition 66 is a poorly drafted measure that purports to be a quick fix, but if passed, could result in years of litigation over the unenforceability of

its key provisions. Meanwhile, backlogs in the state's failed system will continue to cost taxpayers \$1 billion every five years.

Finally, Proposition 66 contradicts Jewish tradition, which provides a moral framework for a strict legal system that seeks to avoid the death penalty. Proposition 66 is opposed by the

Reform and Conservative Jewish movements, the California Catholic Bishops, the California Democratic Party and the ACLU. (For more on the Jewish view of the death penalty, please see our statement accompanying our support of Proposition 62.)

Bend the Arc strongly urges all Californians to vote NO on Proposition 66.

Proposition 67

Affirms existing state law banning single-use plastic bags.

Bend the Arc supports Proposition 67 which is a referendum on California's existing plastic bag ban and is an important step in protecting the state's marine environment by reducing pollution and litter. While confusingly titled the "Referendum to Repeal/Overturn Plastic Bag Ban," a vote in favor of this proposition is a vote in favor of maintaining the existing statewide ban on plastic bags.

In 2014, the California Legislature passed SB 270, which banned single-use plastic bags in grocery stores. Following a successful effort by the plastics industry, enough signatures were gathered to halt implementation of the law in 2015 and place SB 270 in the hands of the voters, in the form of this referendum.

The intent of this initiative is to reduce waste and litter from plastic bags, which have significant negative impact on our marine ecosystem. A number of cities, both in California and throughout the United States, have banned plastic bags and seen subsequent decreases in pollution and litter, as well as decreased costs from cleaning up discarded bags.

SUPPORT

Other organizations recommending a "YES" vote on Proposition 67 include Sierra Club California, Surfrider Foundation, and the California League of Conservation Voters, as well as seven county governments, fourteen municipal governments, and Governor Jerry Brown. Organizations recommending a NO vote include the American Progressive Bag Alliance and the conservative Howard Jarvis Taxpayers Association.

Jewish values support Bend the Arc's endorsement of Proposition 67 and laws to protect the environment. The Rabbis wrote that the divine presence led the first humans around the Garden of Eden and said: "Look at my works! See how beautiful they are—how excellent! For your sake I created them all. See to it that you do not spoil and destroy My world; for if you do, there will be no one else to repair it" (*Midrash Kohelet Rabbah*, 1 on Ecclesiastes 7:13).

Plastic bags create a massive amount of waste and harm fish and wildlife; Proposition 67 would help stem the problem. For these reasons, Bend the Arc urges a YES vote on Proposition 67.

Acknowledgements

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