



# 2016 CALIFORNIA PROPOSITIONS VOTER GUIDE

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# CALIFORNIA REPUBLIC

# Proposition 51

## California Public School Facility Bonds Initiative

### OUR RECOMMENDATION

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**NEUTRAL**

### SUMMARY

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Prop 51 would authorize the state to issue \$9 billion in general obligation bonds for educational facilities: \$7 billion would be allocated to K-12 public school facilities, \$2 billion for community college facilities; and \$1 billion for charter schools and vocational education facilities. These funds would not be available for use in hiring teachers or paying for educational programs; they would only be used for the purposes of improving and constructing education facilities.

### ANALYSIS

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Currently, California helps school districts and community college districts pay for certain construction projects. Districts can apply for state funds, but typically are required to contribute some of the money themselves. If Prop 51 passes, the total cost to pay-off these bonds (including interest) would be \$17.6 billion. Payments of about \$500 million would be made each year for about 35 years.

Those who support Prop 51 argue that this proposal provides much needed funds that will enable schools to make improvements and repairs to ensure the safety and wellbeing of students. Proponents also contend that Prop 51 will improve education overall and help expand space at community colleges so more students can attend.

Opponents argue that this would increase the state's debt, which is already more than \$400 billion. They also argue that bond measures should be passed locally, giving communities control of how money is spent, and that Prop 51 does not guarantee equitable distribution of the bond funds.

In our view, the pros and cons of this proposal are fairly balanced, so MPAC urges voters to use their best judgment in casting their vote.

# Proposition 52

## Voter Approval to Divert Hospital Fee Revenue Dedicated to Medi-Cal

### OUR RECOMMENDATION

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Yes

### SUMMARY

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Prop 52 would indefinitely extend an existing statute (set to expire in 2018) that imposes fees on hospitals to fund Medi-Cal healthcare services, care for uninsured patients, and children's health coverage. It would also make the fee that private hospitals pay toward Medi-Cal permanent, and it would make changing the hospital fee more difficult in the future. Future changes to the fee would require voter approval or support of 2/3 of the Legislature.

### ANALYSIS

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Medi-Cal provides healthcare benefits to more than 12 million low-income Californians. Private hospitals are required to pay a fee that helps cover the cost of Medi-Cal. Prop 52 would extend the current Medi-Cal hospital fee program, prevent the diversion of resources from patients and communities to special interests, and guarantee funding for Medi-Cal. It also would require that California lawmakers use these funds for Medi-Cal and not any other purpose without a statewide vote. The fiscal impact is uncertain because it depends upon whether the Legislature will extend the current fee, which expires in 2018. If lawmakers decide to extend the current fee on private hospitals, this proposal would have little to no effect on the state budget. If the fee is not extended, then the Prop 52 funds from hospitals would save the state about \$1 billion each year and allow the state to use less of its General Fund money to pay for Medi-Cal. Opposing Prop 52 would effectively give more than \$3 billion to hospitals without a guarantee that these funds will be used for healthcare directed towards low-income children and families. The proposal is sponsored by the California Hospital Association, is backed by a broad spectrum of healthcare-industry groups, and has bipartisan support.

Because Medi-Cal provides a vital safety net for California's most vulnerable, and given how underfunded the Medi-Cal program currently is, we support passage of Prop 52.

# Proposition 53

## California Voter Approval Requirement for Revenue Bonds above \$2 Billion

### OUR RECOMMENDATION

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**NEUTRAL**

### SUMMARY

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This proposition would require statewide voter approval for any revenue bond valued at over \$2 billion. The estimated fiscal impact is unknown and would depend on whether voters approve future bond measures.

### ANALYSIS

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Prop 53 attempts to insert more accountability to voters on large, statewide projects.

Measure supporters argue that Prop 53 will put a necessary check on when the state seeks to borrow large sums of money, and will force politicians to demonstrate that the purported benefits warrant the high costs to taxpayers regarding any large project. Supporters also claim that this proposal will have no impact on local projects, the UC system, or freeway spending, which means that core state funding would not be affected.

Opponents contend that local infrastructure projects that are funded at the state level should not require a statewide vote. They also state that Prop 53 is flawed because it does not include an exemption for emergencies or natural disasters, which could result in unnecessary delays in emergency funding.

# Proposition 54

## Public Display of Legislative Bills Prior to Vote

### OUR RECOMMENDATION

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Yes

### SUMMARY

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Prop 54 would prohibit the Legislature from passing any bill unless its language is first published on the internet for 72 hours before voting takes place. It also would guarantee the right to record public legislative proceedings and would permit use of those recordings for any purpose. Finally, it would require that all public meetings be captured on video, and that the recordings be posted and made available online for 20 years. Passage would entail a one-time cost of \$1 million to \$2 million, and ongoing costs of about \$1 million annually.

### ANALYSIS

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MPAC views this proposition favorably because it increases transparency, and provides increased opportunity for the general public to understand what is coming before our legislature for their upcoming vote. It eliminates the possibility that a bill can be introduced and rushed through the voting process. In addition, the proposition mandates an audio/video history be kept of all public meetings, which will promote a more informed citizenry. We find this a good aspect to have in our representative democracy.

# Proposition 55

## California Extension of the Proposition 30 Income Tax Increase Initiative

### OUR RECOMMENDATION

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Yes

### SUMMARY

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Prop 55 extends tax increases on incomes over \$250,000 made by Prop 30 in 2012 for another 12 years to help fund K-12 schools, community colleges, and health care initiatives. The increases in sales tax made in 2012 would be eliminated. The estimated fiscal impact would be an additional \$4-\$9 billion in tax revenue each year.

### ANALYSIS

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This proposition would impact wealthy Californians by keeping certain taxes on high earners in place, while eliminating certain sales tax increases that disproportionately impact poorer residents. By keeping the tax increases in place, it would help restore funding that was lost during the Great Recession that is needed to fund some of the state's key social programs.

Those opposed to the proposal contend that the tax increases made in 2012 were designed to be temporary for good reasons, and making them permanent is both unfair and unwise. Opponents also cite the potential harm that increased taxes could have on the economy and, specifically, job growth.

Although a close call, because Prop 55 would prevent up to \$4 billion in cuts to schools and would maintain funding that was cut during the recession, we believe it is worth passing.

# Proposition 56

## Cigarette Tax to Fund Healthcare, Tobacco Use Prevention, Research, and Law Enforcement. Initiative Constitutional Amendment and Statute Initiative

### OUR RECOMMENDATION

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Yes

### SUMMARY

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This proposition would increase the California cigarette tax by \$2.00 per pack, with equivalent increases on other tobacco products and electronic cigarettes containing nicotine. The estimated fiscal impact is an increase of \$1 billion to \$1.4 billion in 2017-2018, but the downward pressure on demand may lead to lower revenue in future years. Tax revenues would be used to treat low-income patients through California's Medi-Cal program, as well as bolstering existing tobacco-control and education programs.

### ANALYSIS

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According to the Los Angeles Times, "in California alone, some 40,000 adults die each year as a result of smoking or secondhand smoke, and the amount spent annually on healthcare directly related to tobacco exceeds \$13 billion." The current cigarette tax of 87 cents per pack is one of the lowest in the country. Increasing the costs of such products and expanded education will reduce consumer demand and thereby improve public health. Although increased sales taxes may disproportionately affect lower income smokers, those considerations are outweighed by the benefits of decreased smoking, which – in the aggregate – will provide a net benefit to society. Finally, opposing arguments concerning education funding are misleading. Prop 56 will not divert money away from education; it simply exempts the new tax revenue from existing laws that guarantee public schools a share of certain state revenue streams.

# Proposition 57

## California Parole for Non-Violent Criminals and Juvenile Court Trial Requirements Initiative

### OUR RECOMMENDATION

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Yes

### SUMMARY

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Currently, to be eligible for parole, individuals with felony convictions must serve a minimum sentence for their main crimes. Additionally, court procedures differ based on whether the person is under the age of 18; youth 14 to 17 may be tried either as juveniles or as adults by prosecutors. Prop 52, would make changes to both the California State Constitution and existing statutes. It authorizes adults convicted of non-violent felonies to be eligible for parole after serving time for their primary crimes; allows sentence credits for rehabilitation, good behavior, and education; and changes juvenile court procedures where the juvenile court judge, not prosecutors, decide whether a juvenile (14 to 17 years old) could be tried in adult court or not.

### ANALYSIS

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California has been making changes in sentencing and procedures to reduce prison overcrowding for the past few years. Among other things, it would make juvenile offenders subject to the state's juvenile court system. Accordingly, a prosecutor seeking to transfer a juvenile case transferred to adult court would have to present that request to a judge, who would have the final say on where the accused would be tried.

Supporters of Prop 57 argue that it would restore sensibility to the juvenile justice system and place a much-needed check on prosecutorial power. It also would encourage inmates to take advantage of educational and rehabilitation opportunities. It would reward good behavior and parole for felons convicted of nonviolent crimes. And it could potentially contribute to reduction in overcrowded state prisons while rehabilitating juvenile and adult inmates. The fiscal impact of reducing overcrowded prisons could save taxpayers millions of dollars. Prop 52 could further save money spent on non-violent

offenders. Although, Counties would need to spend additional money in the short term to supervise a larger number of felons on parole.

Opponents to Prop 57 argue that it would release a larger number of convicted felons into the public, thus resulting in higher crime rates. Critics also argue that Prop 52 would weaken crime laws and unwisely undermine criminal sentences issued by the judges who were in the best position to make those decisions.

Because this proposition would restore sensible balance to the juvenile justice system and increase the prospects for rehabilitation of convicted felons, MPAC supports its passage.

# Proposition 58

## Multi Lingual Public School Education Initiative

### OUR RECOMMENDATION

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Yes

### SUMMARY

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This proposal by the state Legislature repeals the English-only public school requirements enacted in Prop 227 (1998), thereby allowing public schools to offer instruction to non-English speakers in their native languages. Families may choose to accept or reject available language programs. This proposal provides multi lingual opportunities for English and foreign language proficiency while maintaining English language proficiency requirements. The California Secretary of State concluded that the proposal will have no significant fiscal impact.

### ANALYSIS

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1998's Prop 227 eliminated most bilingual education in California, and was the product of anti-immigrant resentment. Prop 58 would overturn Prop 227 by providing flexibility to schools and parents in choosing how to teach students who are learning English, all with no major fiscal impact.

The proposal requires school districts to solicit community input in developing language programs. The proposal will better serve children of diverse immigrant communities by ensuring a solid understanding of academic instruction in their native tongue while working towards English proficiency.

This proposition promotes justice through equal educational opportunities for recent immigrant families who are traditionally disadvantaged in public school due to language barriers.

Proposition 58 was authored by legislators and was supported by a majority of assemblymen and state senators. The California Teachers Association, the California Democratic Party, California Chamber of Commerce, and Service Employees International Union of California support the proposal. The California Republican Party opposes.

# Proposition 59

## Corporations. Political Spending. Federal Constitutional Protections. Legislative Advisory Question

### OUR RECOMMENDATION

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Yes

### SUMMARY

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Prop 59 is a symbolic proposal that asks California’s state lawmakers to do everything in their power to reverse the Supreme Court’s decision in Citizens United v. Federal Election Commission, which permits allows unions and corporations to spend unlimited money on political advertisements before an election. This action would have no impact on California’s spending or revenue.

### ANALYSIS

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The Citizens United decision held that independent expenditures by corporations and labor unions are protected as “free speech” under the First Amendment of the U.S. Constitution. That ruling expands certain constitutional protections beyond natural persons and restricts the ability of federal, state, and local governments to impose certain limits on political campaign contributions and spending. By passing Prop 59, voters would add California to the list of states whose ratification would be necessary for a Constitutional amendment that would render Citizens United moot and enable meaningful campaign finance reform. Although Prop 59 does not specify what the contemplated Constitutional amendment would say, it provides an important symbolic gesture about the sanctity of our democracy.

# Proposition 60

## Adult Films. Condoms. Health Requirements. Initiative Statute

### OUR RECOMMENDATION

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**NEUTRAL**

### SUMMARY

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This Proposition would require adult film performers to use condoms during filming of certain types of scenes, and for producers to pay for performer vaccinations, testing, and medical examinations. It also would enable California residents to sue film producers for violating certain provisions if the State fails to take enforcement action. The fiscal impact of this Proposition is unclear; it will decrease state revenue, but also will create enforcement costs that cannot be estimated at this time.

### ANALYSIS

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There is disputed evidence about whether the proposal would have the desired, positive impact on public health. While the resulting regulations would likely lead to a decrease in adult film production in California, it also carries a strong possibility of driving film production underground, which would be counter-productive from a public health perspective. The proposal also seems heavy handed and creates the risk of frivolous litigation by deputizing individual Californians with the ability to sue film producers and, if successful, recover monetary damages for themselves without incurring any harm. Notably, the Proposition is opposed by both the California Democratic Party and the California Republican Party.

# Proposition 61

## State Prescription Drug Purchases. Pricing Standards. Initiative Statute.

### OUR RECOMMENDATION

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Yes

### SUMMARY

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This Proposition would prevent state agencies from paying a higher price than the VA for prescription drugs. The fiscal impact is unclear as it is contingent on the response of drug makers.

### ANALYSIS

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Prop 61 tries to address price gouging by pharmaceutical companies that has prevented people from being able to afford prescription drugs. Making sure that people can access the medicine they need, regardless of their socioeconomic status, is a worthy goal. Currently, Americans pay some of the highest prices in the world for prescription drugs. This is largely because the government doesn't use its bargaining power to negotiate for better prices for consumers. By requiring state agencies to pay the same price as the VA, Prop 61 leverages the state's bargaining power to negotiate better prices. There is a concern that many pharmaceutical companies may respond to this proposition by merely raising their prices to the VA, resulting in little benefit to patients while increasing drug prices to veterans. The underlying problems concerning drug prices should be tackled in a comprehensive manner at the national level, and involvement by the States seems like a step in the right direction.

# Proposition 62

## Repealing the State Death Penalty

### OUR RECOMMENDATION

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Yes

### SUMMARY

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This proposition prohibits the death penalty and replaces it with life in prison without the possibility of release on parole. The new law would apply retroactively to anyone sentenced to death. All death sentences would convert to life sentences with no chance of parole. Life inmates will be required to work in prison as prescribed by the Department of Corrections and Rehabilitation and receive increased wages that will be applied to victim restitution. The anticipated fiscal impact of the proposed legislation is an estimated state savings of \$150 million annually. Supporters of the proposal include the California Democratic Party, Libertarian Party, Peace and Justice Party, ACLU, NAACP, as well as various human rights, civil rights and faith-based organizations throughout the state. The California Republican party opposes the proposal.

### ANALYSIS

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While there are opposing views regarding the morality and effectiveness of the death penalty, historical data reflects a bias against poor and minority defendants who are put to death at a disproportionately higher rate. In some documented cases, innocent defendants have been executed. These inequities represent serious injustices that will be addressed by this proposal. These issues counsel towards ending the death penalty, not making it faster or easier for criminals to be put to death. Prop 62 will not be enacted unless it receives more supporting votes than related Prop 66. If prop 66 receives more supporting votes, then 62 fails and capital punishment will be implemented more quickly and with a shorter appeal process as outlined in prop 66. We recommend a Yes vote on Prop 62, and a No vote on Prop 66.

# Proposition 63

## Background Checks for Ammunition and Prohibition on Large Capacity Firearm

### OUR RECOMMENDATION

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Yes

### SUMMARY

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Proposition 63 would require individuals who wish to purchase ammunition to obtain a permit while requiring dealers to check permits before selling ammunition. The proposal would eliminate certain exemptions to the large-capacity magazines ban and increase the penalty for possession of such magazines. Prop 63 would also enact a court-supervised process to ensure that ineligible individuals do not continue to possess firearms. The Proposition also increases any misdemeanor gun theft to a felony offense. In terms of its fiscal impact, the proposal would potentially create tens of millions of dollars in costs for administration by the courts and enforcement efforts. The potential increase in state costs related to regulating ammunition sales is estimated to be millions of dollars annually. Potential net increases in state and local correctional costs for changes in firearm and ammunition penalties are estimated to be in the low millions of dollars annually.

### ANALYSIS

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This proposal is another step towards meaningful and rational gun control policy in California. It effectively limits access to ammunition as a way to combat the gun violence epidemic in an attempt to promote public health and preserve life. Critics argue that the proposal limits gun rights and unfairly burdens law abiding gun owners, while creating additional fiscal burdens related to law enforcement and regulation costs. We choose the side of numerous faith-based organizations who support the proposal and believe that the price of life far outweighs any regulatory expense or infringement on civil liberties, especially given the dubious Constitutional analysis underlying the view that the Second Amendment grants individuals an absolute right to gun ownership..

# Proposition 64

## Marijuana Legalization. Initiative Statute

### OUR RECOMMENDATION

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**NEUTRAL**

### SUMMARY

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Prop 64 would legalize the growth, possession, use, and sale of marijuana (under state law) by adults 21 or older. It would impose state taxes on sales and cultivation, and create licensing and regulatory standards for marijuana and related products. The fiscal impact is unclear, but almost certain to be a net positive due to increased state and local revenue (likely hundreds of millions of dollars annually) and the elimination of enforcement costs (e.g., policing, criminal conviction, imprisonment).

### ANALYSIS

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MPAC is not in a position to advocate for the decriminalization of something that the majority of Muslims consider haram. Putting that aside, assessing the proposal's costs and benefits is challenging. For example, medical research indicates that regular, long-term cannabis usage has adverse impacts on health, but, as the California Medical Association argues, the most effective way to protect public health may be to control, track, and regulate the drug. Likewise, the social impact is difficult to gauge. Dispensaries are almost certain to concentrate in lower income neighborhoods. On the other hand, low income and minority communities often view the enforcement of existing marijuana laws as an important component of institutionalized racism (e.g., racial profiling, heavy-handed policing, and disproportionate imprisonment of non-white individuals). Furthermore, the criminalization of marijuana has prompted an international drug trade that has destroyed communities throughout the Americas and has cost many lives. Finally, insufficient time has passed to assess the costs and benefits of existing legislation concerning the medicinal use of marijuana, some components of which have not yet taken effect.

# Proposition 65

## Dedication of Revenue from Disposable Bag Sales to Wildlife Conservation Fund

### OUR RECOMMENDATION

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**NEUTRAL**

### SUMMARY

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Prop 65 would redirect money collected by grocery and other stores through the sale of carryout bags in the event that certain bags are banned. The revenue collected by the store would be administered by the Wildlife Conservation Board to support environmental protection projects. Prop 65 contains language that conflicts with Prop 67. Prop 67, which outlaws the sale of single use plastic or paper bags, allows stores to keep the revenue they make from the sale of carryout bags. If both Prop 67 and Prop 65 pass, the proposition with more votes would be enacted into law. The chart below, courtesy of Ballotpedia shows the interaction between these two propositions. The fiscal impact of Prop 65 is tens of millions of dollars raised by the Wildlife Conservation Board in service of environmental protection.

### ANALYSIS

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Supporters of Prop 65 argue that the money collected by the state could help in environmental protection efforts. We believe that protecting the environment is important, and that single use bags are harmful to the environment of the state and, therefore, support Prop 67.

Those opposed to Prop 65 worry about the allocation of funds by the Wildlife Conservation Board and question whether these funds would actually benefit the environment.

Also, Prop 65 serves as an effective tax on grocers, by requiring them to cede revenue from the sale of carryout bags.

# Proposition 66

## Speedy Death Penalty Initiative

### OUR RECOMMENDATION

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**NO**

### SUMMARY

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This proposal would shorten the lengthy appeals process to five years for capital cases so that felony convicts sentenced to death would be executed more quickly, thereby barring certain forms of appellate review and relief. This also requires death row inmates to work in custody and provides that 70% of that income is allocated to victim restitution. If passed, this proposition would negate prop 62 (repealing the death penalty), but only if Prop 66 passes by a larger margin than Prop 62. The net fiscal impact is unclear at this time.

### ANALYSIS

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Historically, DNA and scientific evidence has revealed that multiple individuals have been wrongfully convicted and executed in California and across the country. Historical data also indicates that minorities are more likely to receive the death penalty than white Americans. Shortening the appeals process would inevitably increase the risk of wrongful executions and racial injustice by reducing the time a person has to prove his or her innocence and speeding up the execution process.

This proposition is inconsistent with our Islamic values of mercy, compassion, and justice, and it runs contrary to global moral standards that have left the U.S. alone on the list of western nations that still sanction capital punishment. If Prop 66 receives more supporting votes than Prop 62, then this proposition will pass and 62 will fail.

# Proposition 67

## Plastic Bag Ban

### OUR RECOMMENDATION

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Yes

### SUMMARY

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In 2014, the Legislature passed a law that banned the sale of single-use plastic bags at certain stores across the whole state. The law also required stores to charge customers 10 cents for other types of carry-out bags made from paper or thicker plastic, and allowed stores to keep that money. Because Prop 67 qualified for the ballot, that 2014 law has never gone into effect. Prop 67 is a “referendum” that asks voters to decide if the state’s ban on single-use plastic bags should go into effect or not. If this measure passes, single-use plastic bags would not be allowed for sale at grocery stores, convenience stores, large pharmacies, etc. These stores would be required to charge for paper or thicker, plastic carry-out bags, and they would be permitted to keep that money. Voting “no” on Prop 67 would prevent the law from going into effect across the state.

### ANALYSIS

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A ban on single-use bags may not put an end to plastic waste, but it would be a worthy step in that direction. The overwhelming evidence indicates that single-use plastic bags have placed a terrible toll on the environment. Furthermore, arguments that retailers should not be able to keep the 10 cents they charge for permissible bags are misleading and overblown. There is no evidence that retailers are reaping unfair profits from their sale of paper bags.