



Summary

Proposition 1:	YES
Proposition 26:	YES
Proposition 27:	YES
Proposition 28:	YES
Proposition 29:	YES
Proposition 30:	YES
Proposition 31:	No Recommendation

Ballot Proposition Recommendations for the November 8, 2022 General Election

California Council of Churches IMPACT has long been well known for thoughtful deliberations on non-partisan ballot measures. We arrive at these decisions to recommend or oppose measures based on our existing Legislative Principles derived from many hours of discussion and discernment among our diverse denominational Board members. We try to interpret secular policy through the lens of our faith values with a devotion to democracy and our Constitutions, state and federal as well.

As with the medical profession, we begin with the premise, “First, do no harm.” We then proceed from that point to find the best reactions to thorny and often confusing measures, always keeping in mind our mission statement to be a prophetic witness to the Gospel by advocating in the public policy arena for justice, equity, and fairness in the treatment of all people, in particular those most vulnerable in our society.

This year there are seven propositions, fewer than in some years. They represent a wide range of topics but contain issues of concern for us all. We have done our best to find the most helpful, least harmful recommendations. We hope these are of help to you.

Proposition 1

Recommendation: Support

Constitutional Right to Reproductive Freedom. Legislative Constitutional Amendment.

Following the Supreme Court’s decision overturning what had been a federal constitutional right to abortion services, commonly known as the *Roe v Wade* decision of 1973, states inaugurated their individual versions for or against that right. In 2002 California passed the *Reproductive Privacy Act* to conform California law with the language in *Roe*. That was a statutory right but not a California Constitutional right.

This Proposition, submitted by the leadership of both houses in the state legislature, would take the 2002 language a step further and embed it in the California Constitution.

Obviously, abortion is a deeply personal issue. Women and their families arrive at the decision to have children in light of their own understandings of their individual values, morality, family situations, health, and obligations. In no way does this measure compel anyone to have an abortion nor to forbid it.

The standards in California law on abortion are consistent with the Common Law principles enshrined in *Roe*: the ages-old understanding that life begins at viability. In turn, Common Law was derived from faith standards that life begins at “first breath” so that viability — the capacity to take that breath — was our

historical norm. This means legally the state can have a compelling interest in the fetus in the third trimester with abortion legal only to save the life and health of the mother.

For many people, this standard is insufficient. Life is believed to begin at conception. Abortion is anathema to that belief. Thus the California law honors such beliefs with no mandates that would violate their choice to refrain from abortion in all cases affecting themselves.

We fear that rights taken away or insufficiently secured legally, could have dire consequences not only on abortion but on miscarriage, non-viable fetuses, and the health and well-being of the mother. Those women impacted are definitely living, thinking, loving human beings. The choice of that status for fetuses is individual and personal.

Our care is for the living, the present. Our affirmation of life is for women, children, men, and all families. We want to reduce the need for abortion by raising the supports for those children who are here. But we cannot sacrifice women's health and safety to engage in being merely pro birth, but not pro life. We trust women. We revere their many roles and how they create a positive, vibrant society. However they choose, let it be their choice, not that of government.

We at California Council of Churches IMPACT believe only individuals directly and immediately impacted by abortion decisions should make choices. No one can mandate abortion for another person. No one can forbid it for another person. We believe the *Reproductive Privacy Act* honors the law, tradition, and our collective faith principles. **We urge a YES vote on this measure.**

Propositions 26 and 27 are related. They both involve various forms of gambling. California Council of Churches IMPACT has long opposed gambling at all. We think it's a lure the outcomes of which are about the same as standing in your front room tearing up \$10 bills in the hope you will find a \$100 bill among them. Gambling can be an addiction as many things are. That said, it exists around us. Our challenge is not to resort to pietism and forbid it but to find ways to live with it so as to do some good and reduce the harm.

We also support indigenous Californians in the choices they make about how to best finance their economic, social, and cultural lives. As descendants of those colonized by predominantly white settlers, indigenous people have taken what opportunities they have been permitted and have built strengthened economic opportunities through them. Gambling is one such route to economic strength. It is not ours to criticize or condemn.

Legal gambling in California has mostly been confined to reservations and rancherias belonging to indigenous people. There are exceptions in horse tracks, card rooms, and a few others. In 2018 the Supreme Court of the United States struck down a ban prohibiting sports betting — wagering the outcome of sporting events — and now it exists everywhere. With the rise of the internet, it has become easy if not legal to bet on any team, anywhere, at any time. The question is how to deal with gambling in ways that minimize harm and especially to protect underage youth from this activity. **Propositions 26 and 27** address those issues.

Proposition 26**Recommendation: Support
Allows In-Person Roulette, Dice Games, and Sports Wagering on Tribal Lands.**

Initiative Constitutional Amendment and Statute.

This proposition expands the types of games allowed inside indigenous tribes' casinos as well as in-person sports wagering, now permitted by the Supreme Court of the United States. It also authorizes four privately owned racetracks to have in-person sports wagering as well.

The opposition fears this is a monopoly. The exceptions to reservation and rancheria based gambling are card rooms that often are within smaller, minority-dominant towns and small cities. They additionally posit the proposition "weaponizes" trial attorneys' ability to sue competitors, but the suits are possible against only illegally operating betting parlors.

Another concern is what the expansion of in-person sports wagering will have on those places such as the card parlors that are not authorized to have such betting. This is a source of jobs and revenue in some communities. So, it's important to determine whether gamblers would desert the card parlors for the casinos.

Some researchers from the University of Nevada, Las Vegas, did a study based on data and observations from the 1970s-2000s on the types of gaming pursued by different groups of gamblers. There are strong preferences for "table" v mechanical or "electronic" games. In other words, those who like card games will patronize the card parlors. Those who like electronic games will patronize the casinos with slots. Those preferences and patronage are not currently impacted by the existing arrangements and are not, it would seem, likely to change. (*UNLV Gaming Research & Review Journal • Volume 6, Issue 1*)

What about underage gamblers? The barriers to those under 21 are already in place, appear quite effective, and are also not likely to change. No one encourages underage wagering of any type. Neither the tribal casinos nor the racetracks will be marketing to underage youth.

What Proposition 26 does do is increase tribal jobs and revenues. It increases tribal self-sufficiency, and it will return, per the California Legislative Analyst, "tens of millions of dollars" to the state annually.

While, as noted, we think gambling is a waste of people's time and money, it is their time and money. We always will deal with addiction concerns, and we expect these changes will not alter, one way or the other, what people's personal experiences are, good or bad. Unless we are prepared to end all casinos and all wagering, which SCOTUS has said we cannot do, we look to mitigate harm and find as much that is positive in the choices before us. **We recommend a YES vote.**

Proposition 27.**Recommendation: Support
Allows Online and Mobile Sports Wagering Outside Tribal Lands.**

Initiative Constitutional Amendment and Statute.

Proposition 27 is a thornier issue in gambling. After the 2018 SCOTUS ruling permitting sports betting, it opened a floodgate of online and mobile sports betting options. So far thirty-five states have authorized sports wagering. Some of it is illegal for nonresidents and some is totally unregulated, illegal across the boards.

Proposition 27 connects online wagering companies to indigenous tribe to legalize sports betting in California. Such wagering would not be legal without those compacts overseen and ratified by the state. California would establish a Trust Fund to collect the 10% tax on all wagers, licensing fees, and many other

contributions. Of those revenues, 85% will go to fund homelessness solutions, mental health services, and addiction services. The remaining 15% would go to the nonaffiliated tribes and nations that do not have large casinos, are not part of the compacts, and thus are deprived of the revenues. These smaller tribes and bands are strongly in support of this measure.

Because there is no personal oversight as there would be in Prop. 26 casinos, solutions to prevent underage gambling need to be in place. There will be state of the art screening to prevent underage gambling, something that currently does not exist for unregulated online sites. There also is a major prohibition against wagering on high school sports. A new division in the state's Department of Justice would be created to oversee sports betting and impose controls both on underage access and on general compliance with this new law.

The cities with the largest homelessness crises are strongly in support of Proposition 27. Having access to extensive revenues to help solve their crises would be very desirable. Yes, gaming interests are very supportive of this proposition, of course. But the good these new revenues could do would be at their expense.

The 2018 SCOTUS ruling unleashed sports wagering upon the nation. This is a carefully crafted proposition that does a great deal to mitigate the potential harm and to offer our state significant new revenues to address major problems among us. It further seeks equity by including those tribes with scarce resources in the prosperity that has eluded them even as larger tribes with easily accessible casinos have flourished, Proposition 27 meets the test of doing no harm and offering us some genuine hope for solutions to very old problems. **We recommend a YES vote.**

Proposition 28. Recommendation: Support
Provides Additional Funding for Arts and Music Education in Public Schools.
Initiative Statute.

This proposition has no opposition. We know from careful analysis by reputable researchers that there are many forms of intelligence including artistic and musical. Not every child is capable of excelling in math, technology, and science and even those who do can profit well from exposure to the arts.

We have made the arts our sacrificial lamb of earlier budget shortfalls. They were not considered essential. But a well-rounded individual and a robust society as a whole benefit from exposure to various kinds of artistic expression. In this measure 1% of existing revenues will be directed to art and music programs. No new funding will be required. We therefore strongly support the right of artistically-inclined children to have access to these programs and for schools to offer the results of these programs to the student bodies as a whole. **We urge a YES vote on this measure.**

Proposition 29. Recommendation: Support
Requires On-Site Licensed Medical Professional at Kidney Dialysis Clinics and Establishes
Other State Requirements. Initiative Statute.

This is the third attempt at requiring at least one licensed medical practitioner (whether a doctor, nurse, LVN or Physicians Assistant with 6 months experience) to be present at clinics when dialysis is being given. Anecdotally, the experience of our Public Policy Analyst is a case in point. Her mother had no such personnel at her dialysis clinic and contracted a blood infection that went undetected and settled into her

bones. It was dismissed by clinic workers as arthritis. It was so painful the mother could not make her dialysis appointments and, despite hospitalization, was too weakened and died.

It seems imperative that medical personnel oversee routine blood screening and other medically necessary issues. There is a provision for exemption for the state's staffing shortage due to COVID. However, it is a necessary precaution for patients that will not raise the price and push patients on even Medi-Cal from access to the services.

The proposition also requires the private clinics to disclose ownership interests by participating physicians and others. Hence the opposition from those clinics.

Opponents further accuse SEIU-UHW West, the Proposition's union backer, of using this requirement to force unionization. For the life of us, we cannot see a link between the union's desire to organize and these requirements. Proposition 29 makes sound medical sense and puts patients first before private clinic profits. **We urge a YES vote on this measure.**

Proposition 30. Recommendation: Support
Provide Funding for Programs to Reduce Air Pollution and Prevent Wildfires by
Increasing Tax on Personal Income Over \$2 Million. Initiative Statute.

Proposition 30 would raise the tax on incomes over \$2 million by 1.75%. That would not apply to earnings less than \$2 million and would only affect 1% of our state's population.

The revenue so generated would be directed to electric vehicle subsidies, to the installation of EV infrastructure such as charging stations, and to wildfire prevention programs. It would be a significant contribution to reducing our production of greenhouse gasses and the heating up and drying out of our state's climate. EV subsidies are called for as we push to leave our oil-dependent forms of transportation but without inexpensive EV options available to lower and middle-income families.

It has been proposed that it will cause multi-millionaires to flee California, but those leaving are mostly poor and middle-income people faced with rising housing costs. Millionaires tend to stay where they generate their incomes. Since many of them like EV changes, they will equally qualify for EV subsidies and improved infrastructure for their vehicles. **We urge a YES vote on this measure.**

Proposition 31. No Recommendation
Referendum on 2020 Law That Would Prohibit the Retail Sale
of Certain Flavored Tobacco Products.

California has a tendency to address some concerns by overregulating personal behavior rather than reforming existing enforcement laws. Proposition 31 is a case in point. It is illegal for people under the age of 21 to purchase tobacco products at all. If there is truly an enticement to youth to want flavored tobacco, it's still illegal.

This measure addresses the continued operation of SB 793 passed in 2020 that bans the sale of flavored tobacco products entirely as if that, not improved enforcement of the existing laws, will stop young people from smoking.

There is not much to say about this one way or the other morally. No one wants kids to smoke. The idea that this measure, already a law, will prevent their nicotine habit from occurring is neither proven nor rebuttable.

Enforcement of the existing laws on prohibition of sales to underage people seems better, but this law is on the books and prohibits even grown adults from acquiring flavored products.

A recent study (2018) showed that enforcing ID laws changed both access to cigarettes by minors and changed their views on smoking to a normative non-smoking pattern of belief. (How can a ban on tobacco sales to minors be effective in changing smoking behaviour among youth? — A realist view — ScienceDirect).

Also in 2018, the National Library of Medicine published a study of 675 Southern California independent tobacco retailers. They found only 41% of the stores were fully compliant with the ID laws. 11% had no compliance at all. Another 41% had regulations in-store but were lax in their handling of the demand for ID. Clearly this has an impact on underage access.

It seems clear that flavored or unflavored tobacco has less to do with whether or not young people begin smoking than does effective implementation of the laws requiring ID.

A YES vote means you wish to uphold the existing law. A NO vote means you wish to overturn the ban on flavored tobacco products. **CCCI takes no position. To us it is better to enforce existing laws on sales to underage people.**

Spread the Word!

We encourage members and friends to distribute these ballot guides from now until the election through “IMPACT Sundays.” More information on IMPACT Sundays is available on our website. We thank you for your interest in encouraging active deliberation on these and all issues that affect our democratic process and our moral perspectives as people of faith. If you find these recommendations helpful, please help defray the cost with a contribution to California Council of Churches IMPACT. You can help us by making sure we have your email address! Because of the cost of postage, we must cut costs by sending our mailings electronically. Please sign up by clicking the “Join Our Mailing List” button on our website!

Please visit www.churchimpact.org for more information and to support our work. Thank you!

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