

Darien's Ballot Guide to the California Ballot Propositions: November 2020

I provide this guide *much earlier than usual*, knowing that many will be voting quite early. (Please note that the Green Party has not yet posted any proposition endorsements on their website.)

Of course, if you're voting by mail, you do want to vote early; at the same time, please beware of "rushing to judgment". Take the time you need to inform yourself. Also, In California, we are fortunate to have both *early voting* options (in person!) as well as *ballot drop off* locations. So you don't have to rely on our long-time friend – currently much attacked – the US Postal Service.

If you do mail in (or drop off) your vote, be sure to read and follow the directions carefully. *Many mail-in votes in California are discarded for errors.* The USPS has promised to give mail-in ballots priority, so 15-20 days advance mailing *should be* secure. But consider in-person voting.

What is important now is to **confirm that you are registered to vote!** Check now at <https://voterstatus.sos.ca.gov/>. (But if you're not there, don't panic – *I wasn't!* They're not doing so well with the volume of info. You can check further with your county registrar of voters.) The last day to register to vote *for a standard ballot* is **October 19, 2020**. (After that date, you can register late, even on the day of the elections, to cast a *provisional* ballot – which may or may not be counted.)

Nothing about this years props. is *short*: Twelve props., long prop. titles (that I make up!), and – since many are complicated – longer than usual analyses. But, heck! – you're not commuting or going to parties this year, so you've go nothing but time, right? *But please* – **all of us** are dealing with *high stress levels*. **Exercise** is one healthy way to cope, along with **taking the time to phone people** you know, for some human connection.

The Short Version

- Prop. 14 **No** – More stem cell investment, now
- Prop. 15 **Yes** – Fund schools & counties by property tax on corps.
- Prop. 16 **Yes** – Allow affirmative action against discrimination
- Prop. 17 **Yes** – Out of prison, ready to vote
- Prop. 18 **Yes** – If you're 17 & will be 18 for the general election, vote in any primary
- Prop. 19 **No** – "Realtor relief" property tax-base scam
- Prop. 20 **No** – Turning back criminal justice reforms
- Prop. 21 **Yes** – Expanding *Local Rent Control Choice*
- Prop. 22 **No** – Give privileges to ride-sharing app. corps.
- Prop. 23 **No** – Again, a prop. inappropriate for gen'l voter consideration: **Dialysis Clinics II**
- Prop. 24 **Yes** – Complicated, on online consumer privacy
- Prop. 25 **Yes** – Let poor people go!

Once again, I'm troubled by the increasing complexity of the props. offered to voters. I've followed property taxes for years, so I can assess the benefits/weaknesses of 15 or the many "catches" – esp. long-term – in 19. What about other voters, struggling in COVID-19 times? And, while I seek to study this stuff at some depth, how much of the intricacies of rent control (21) or the benefits of being an *employee* (22) can I convey in a short space? Then there's 24, which is complicated because it deals with a wide variety of situations and contingencies.

Other measures present different challenges. People have plenty to be afraid of these days: illness, death, joblessness, eviction... will folks let *fear* drive their votes on 16, 17, and 20? Finally, there are quite a few this time that are *just plain hard*. Probably there's a lot *good* about stem cell research, but is *now* the right time? Which is more oppressive – the bail system for the poor or biased assessments for non-whites?

There are many factors driving the nature of the props. on our ballots, with *money and power* being big ones! But, also, as the entire planet spirals toward disaster and a global awareness *at the same time*, we are all pushed to make *big* decisions, *fast* – while also taking a holistic view of – yes! *complex* systems and situations. Feel free to email me for article and site links, on specific topics, if you want to deepn your understanding. (I’m Darien, at conjoin@sonic.net.)

I say (once again), do what you can to inform yourself and vote thoughtfully on as many issues and races as you feel able to, based on a reasonable degree of understanding. (Especially the "down ticket" – local and state – issues are important. For those local items, there are fewer voters, so your vote is a worth proportionally more. Also, you might have better access to or *personal* knowledge of the (local) issues.

If you don't vote, your voice goes unheard. *Also, write post cards, make calls, visit your representatives (virtually!), submit comments.* Democracy isn't only in November!

Standard Background Blurb and Disclaimer

This ballot guide is a summary and analysis of the statewide ballot measures with a listing of supporting and opposing organizations plus my recommendations. I independently research and produce this Guide as a volunteer service to the thinking, caring community. I read positions and writing on both sides as well as “nonpartisan” reports. “Darien’s Ballot Guide” endorses or opposes issues, not candidates.

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If you have other questions, you may contact me personally: email – conjoin AT Sonic DOT net. (Please interpret this as an email address, no spaces) or phone (no texts!): 916/739-0860.

Abbreviations Used for Organizational Endorsements Listed in the Proposition Info Below

(When one of these groups isn't listed as yes or a no, it did not take a position.)

CA Chamber of Commerce	CofC	Sierra Club (CA)	Sra
Howard Jarvis Taxpayers Assoc.	Jarv	CA Labor Federation	Lbr
CA Federation of Teacher	CFT	Peace and Freedom Party	P&F
CA League of Conservation Voters	LgC	Republican Party (CA)	Rep
Friends Comm. on Legislation (CA)*	FCL	Green Party (CA)	Grn
League of Women Voters of CA	Lge	Democratic Party (CA)	Dem
CA Council of Churches IMPACT	CChI	CA Nurses Association	CNA

(Occasionally, I use other widely recognized abbreviations, including CA = California)

* You may notice I often agree with FCL's analysis; see more in their newsletter (if available) at <http://fclca.org/>.

Proposition Analyses, Descriptions, and Recommendations

• **Prop. 14** – **More stem cell investment, now No** Back in 2004, I wrote in the Ballot Guide about

the predecessor of this prop., Prop. 71: “I don't see stem cells as the main issue here. What are we subsidizing, for what gain? The state would have a right to "financially benefit" from resulting discoveries, tho' the private parties would own the patents.” That all still holds, as does this *update* of the \$\$ wording from then: We tax payers would foot the \$7.8 billion bill for the \$5.5 billion in bonds.

However, the world has moved on since 2004. It's nonsense to say that the money was or will be *wasted*, but we haven't seen the level of breakthroughs hoped for in 2004. Also, this measure *is* a bond, and I've repeatedly written about both the risks of passing on debt to future generations and the benefits of making investments now that can benefit the future. Although Prop. 14, could produce new jobs in CA, so could a \$7.9 billion investment in the retrofitting of homes for energy savings – with real benefits, currently *and* in the future.

Prop. 14 has some new kinks, too. The prop. requires a minimum of \$1.5 billion go to research on brain and central nervous system conditions – nearly 1/3 of the total bond funds – even though such areas may not be the most promising. I imagine such a provision gains support from those conditions' patient-advocate organizations.

There's more on the issue of money. Can we afford this expenditure *now*? To help us get past the economic crisis of COVID-19, a provision in 14 postpones until 2026 the use of General Fund \$\$ to pay the bond interest. But, also, there's the matter of big-ticket funding. The *for* camp has spent nearly \$9 ½ *million* dollars since January 2020. The *for* people are worried about the uncertain nature of federal funding for this research, the *against* (who've raised \$250!) aren't. CA research will slow, at least, without state funding; however, thanks to the funding from Prop. 71, the *infrastructure* for research – labs, etc. – is now in place.

We're talking some big stakes here. Of course, over 70 patient-advocate organizations are in support. I am torn, but I believe Calif. has other, greater needs at this time.

No - Rep., FCL, Jarv, P&F,

Yes - Dem, CChI, AAUW of CA

Prop. 15 – Fund schools & counties by property tax on corps. Yes I want to be clear: I've been waiting for something like this to get on the ballot for a long time. Over *20 years ago* I circulated petitions for a “*split roll*”. With Prop. 15, we're talking about *separating* (splitting) **residential** (and, in this case, small business and agricultural land) property tax rolls from **big commercial and industrial** property tax rolls, so that these different kinds of property can be taxed differently.

The need for this split became an issue not long after the passage of the famous 1978 Proposition 13. At its best, Prop. 13 was an effort for more fairness for home owners; but, once in force, its *unfair* effects became obvious. But backing up – in the 70s, we had already started to see the *wild* increases in property values, including homes – but without a corresponding rate of increase in workers' salaries. Since property taxes are based on property value (not the owner's earnings!) skyrocketing taxes were threatening most home owners, especially those on limited incomes.

So Prop. 13 rules became law. A key premise was that property value would be *immune* from reassessment (even if it increased enormously) *until* the property was sold. This rule made no provision for the *big* difference between the turnover (sales) rate of *most* property compared to corporate and other big business property. The (mostly corporate) owners of much of the most valuable property in CA found ways to get *around* any “sale” that would trigger property tax reassessment. So, while many young families pay taxes based on the *high* price of their recently purchased modest homes, corporations manage to hold onto their *much lower* 20th century assessments – and taxes.

Meanwhile, most CA schools – funded substantially by property taxes – dropped from ranking nationally as 1st or 2nd in quality to a place in the 40s, with low dollar-allocations per child. Other

county services have also suffered under Prop. 13. After over 40 years, it's time to undue some of the damage. The real action in Prop. 15 is about *taxing commercial and industrial properties* (worth over \$3 million) at their **current market values**. Prop. 13 protections for homes won't end, and they'll also remain in effect for small businesses; only the *unfair* protections for *big businesses* will finally be lifted!

Yes, it's likely that as commercial property taxes go up, some prices, and the rents for small businesses that lease space, may increase. Yet schools and county services – parks, libraries, etc. – will mostly benefit. *Of course*, 15 won't solve today's budget deficits – ever! But, *after* its multi-year transition period, by 2025 it will bring in *billions* yearly. The ballot argument *against* this measure is filled with exaggeration and speculation, since it lacks much *factual* basis.

Yes - CFT, FCL, Lbr, CNA, Dem, Lge, P&F, Sra, CChI, LgC

No - Jarv, CoC, Rep, CA NAACP

• **Prop. 16 – Allow affirmative action against discrimination** Yes My hat is off to Pete Stahl, who puts it *so* well in his informative [Pete Rates the Propositions](#):

There are four measures on this ballot addressing systemic racism in our state laws. Prop 17 grants voting rights to felons who are reintegrating into society on parole. Prop 25 eliminates bail, ending a practice that disproportionately penalizes people of color. Prop 20, which I oppose, seeks a return to draconian mass incarceration. And this measure, Prop 16, restores affirmative action.

How far have we come since the 1996 passage of Prop. 209? For many whites in the US, the months since the killing of George Floyd have brought a new understanding of the realities of *the effects* and *pervasive influence* of racism. Other recent news stories remind us that many continue to be discriminated against due to sex, ethnicity, and – especially notable in the last year – country of origin. (I'm thinking China, Sudan, Somalia, others.) Bias, conscious and unconscious, around all these inborn characteristics *does* influence education and employment prospects.

To work toward fairness, our government-funded institutions *should* be able to exercise affirmative action, but the passage of Prop. 209 halted that. By overturning Prop. 209, we allow the state and local government – in contract, employment, and education – to have “policies and programs intended to increase opportunities and representation for people who faced inequalities”. Prop. 16 and affirmative action don't introduce quotas or any other new form of *discrimination*; they *address* it.

Yes - CoC, P&F, Lbr, Dem, CChI, CFT, FCL, CNA, Lge, Sra, CA NOW

No – Rep

• **Prop. 17 – Out of prison, ready to vote** Yes Please note the Pete Stahl quote above.

There are so many problems with our criminal justice system that it's hard to know where to begin – so why not with the unfairness of forbidding those on parole to vote? Parole is what follows being released from prison – typically continuing for at least three years. “Parole violations” – which can be simple actions that would be legal for those *not* on parole – frequently force parolees to return to prison, to await parole again. This cycle of imprisonment : parole : imprisonment : parole can go on for a long time – and, throughout, *no voting*.

Certain groups are very disproportionately imprisoned: low income, people of color, former foster youth. These are people who have suffered disadvantages that could give them understanding and insights valuable in informing their votes – if they could vote. Their experiences with the prison system could also affect how they vote – on something like Prop. 17, for example! But, disproportionately imprisoned, they are disproportionately disenfranchised, while on parole, even after they've “served their time”. Some 50,000 potential voters are excluded.

Being able to vote should not be seen as a *reward* but as a *responsibility*. While being in prison

or on parole generally has little to do with rehabilitation, the civic responsibility of *voting* certainly *does*. Voting can affirm your human worth, and it is a chance to be involved in the community, exercising intellectual consideration, individual judgment, and thoughtful, personal choice – all valuable steps toward rehabilitation. Let’s take a step in the direction.

Yes - CFT, Dem, P&F, Lge, FCL, Lbr, CChI, LgC

No - Rep

• **Prop. 18 – If you’re 17 & will be 18 for the general election, vote in any primary** Yes If voting is to be based on age-related brain development, then most of us should not vote before our mid-twenties! And *of course* we’d *like* voters have real-world experience, but the “real world” of a middle-class, suburban young person is likely to be very different from that of a blue-collar, inner-city youth.

My point here is that a primary consideration of 17-year-old voting is not just individual voting *judgment* but individual voting *habit*. Only about 20-25% of 20-year-olds vote, compared to 35-40% of 30-year-olds (and the % increases at about the same rate through age 65). Yet these are the young people who for many decades will be paying (literally and figuratively) for the decisions made by politicians (and older voters). School – where some of them still are at age 17 – is where they can very effectively be helped to register to vote and encouraged to actually vote. That can start the *habit* of voting – plus they can have a voice in the general election candidates they’ll be choosing between!

Yes - Lbr, LgC, CFT, FCL, Lge, P&F, Dem, CChI

No – Rep, Jarv

• **Prop. 19 – “Realtor relief” property tax-base scam** No This one may have sounded familiar to sharp voters, since it’s a “sweetened” version of Prop. 5, *defeated* in 2018. Much of what I wrote then still applies. I started with explaining about existing property tax injustices (due to “assessment immunity” – see Prop. 15, above – being lost upon sale), and then went on to explain that the prop. simply shifts such unfairness around some): This measure (Prop 5 then and, now, 19) “gives breaks for those over 55 or severely disabled... Seniors *already have* a special property tax deal on the sale of their homes [namely, limited re-assessment immunity], but *realtors want this one.*”

The realtors are trying again, because they *really* want this one, to boost home sales. This time, they’re joined by the firefighters (organization), who’ve been tossed the bone of additional funding – *if* any extra property taxes come in as a result of Prop. 19. To be clear, in our “CA of the Wild Fires”, I support *other* funding sources for fire fighting.

The top contributors on 19 have *already* put up **\$56,380,454** to pass this money-maker for them. It’s a proposal with many parts – too complicated for most votes to understand it well. But it gives *big* tax advantages to the 55-and-older folks, although many of them are doing much better financially than younger people (and who, as noted, already qualify for special treatment). But 19 is even worse than 5, allowing sellers, *even if* they buy a home of *greater* value, to take their (low) property tax assessments with them. (That’s a *prize* under the 1978 Prop. 13 – see Prop. 15 above.)

This is one of the **top four big money props**. (Compare P. 19’s almost \$60 million to what’s been raised for the other big ticket props.: It’s nearly **double** P. 15, but only 2/3 of the P. 23 money – dialysis is big business! – and *not even a third* of the huge \$\$ influx from Uber and Lyft on P. 22.) Those contributions should be a critical clue that the purpose of Prop. 19 is *to increase real estate sales*, not to help unfortunate fire victims.

The supporters of 19 do have some points on their side. It’s true, currently, that CA gives *some* unfair inheritance benefits on prop. tax, enabling some people to make \$\$, renting out inherited property *while benefitting* from reassessment immunity. But that’s a knotty problem which has already been nipped at by three CA Constitutional amendments. Adding *more benefits* for a *lucky few* is not

the way to address that. Also, wild fire victims *do* need help, but they're window dressing on Prop. 19. They deserve *thoughtful legislation*, not a duplicitous ballot measure. With as many home losses as we've seen this year, I expect the Leg. will come up with something *other than* an amendment to the California Constitution.

I'm surprised that so many reasonable organizations are persuaded on such grounds. (However the CA Assoc. of Realtors *is* a major source of fundraising for CA Democrats....) Don't you be fooled!

No - Jarv, FCL, Lge, Rep

Yes - CChI, Lbr, Dem, CNA

• **Prop. 20 – Turning back criminal justice reforms No** The realtors aren't the only ones pushing a prop. to protect their income. The CA Correctional Peace Officers Association has poured \$2 million into Prop. 20 to keep the prisons well filled, especially after the important reforms in 2014 (Prop. 47) and 2016 (Prop. 57). At this time of global stress and anxiety, they're counting on their fear-based campaign – scant on any basis of supporting studies – to pass the numerous draconian provisions of Prop. 20.

One troubling change makes certain kinds of thefts, though still misdemeanors, punishable by three years in county jail. County jail services vary *widely* among counties, but only a small fraction provide the kinds of (limited) rehabilitation functions present in state prisons, such as educational and training programs. Under current law, a misdemeanor sentence (in county jail) cannot exceed one year. Even more concerning are the changes in parole and probation, potentially adding years to convicts' time behind bars. We already have extensive requirements for making the decision to allow and, then, administer such post-release supervision. Especially, requiring the Parole Boards to consider such subjective factors as the inmates' *attitudes* about their crimes opens the door to unconscious bias.

As Pete Stahl noted (see Prop. 16), an important issue here is racism. The jail and prison systems disproportionately affects people of color; with Prop. 20 adding rules to increase time served and/or rules for post-release supervision, this prop. would only increase these racial disparities.

The millions of dollars of state and county expenditures that this prop. would require would be better spent on *preventive* programs.

Our legislators are ready enough to vote "tough on crime", and there's no powerful lobby group for convicts. If changes like these were *needed* – with evidence of their *effectiveness* – the Legislature could certainly have passed them into law. This prop. would be bad law, based on false premises, hurting real people.

No - P&F, FCL, Dem, CChI, CFT, Lbr, LgC, Lge, P&F

Yes – CoC, Rep

• **Prop. 21 – Expanding Local Rent Control Choice Yes** It's reasonable to look at the ballot arguments on props. and, when a side resorts to misrepresentations, to be skeptical about that side. The ballot arguments aren't "fact checked", and it's not so rare for them to be ... somewhat counterfactual; however, in this case, the opposition's use of questionable claims is striking. They suggest that Prop. 21 would "repeal California's rental housing protections". Nonsense! Rather than being repealed or undermined, the CA Tenant Protection Act (TPA) – which went into effect just this year – will be *extended* and *strengthened* (from a tenant's perspective!) by Prop. 21. And, as is often the case, the same *kinds* of "good guys" organizations that the Prop. 21 *opposition* claims as their supporters are *also* well represented among the supporters of the *other side*. (On this year's ballot measures, the CA NAACP repeatedly takes what I find to be ... surprising positions, apparently due to divisions among its members.)

This Guide would get too long if I were to address the many additional half-truths and

misleading statements from the opponents. I'll address only a few other egregious statements. It's clearly irrelevant to attack a *rent control* prop. for not planning "to build affordable and middle-class housing or deal with the increasing problem of homelessness". However, this prop. does exempt *new construction* from any rent control for 15 years, and many see that as a way to encourage new construction. Similarly, rent *control* is not about *reducing* rents or making *special* protections for seniors, veterans or the disabled; however, those populations, like all other renters, *will* be better protected by Prop. 21. Moreover, rents can be kept within limits, if local governments use Prop. 21 to pass protections. Finally, *no* individual with their *own* home and only *one* rental will be affected by this law.

A key point is that Prop. 21 is *not* the same as Prop. 10, defeated in 2018. Prop. 10 was far more sweeping. However, like Prop. 10, Prop. 21 *does* give local governments the *choice* on whether to enact rent control, and Prop. 21 *does* go beyond the recent TPA by addressing "vacancy control" – namely, 21 *allows* local governments to restrict the initial base rents for new tenants, once local laws are in effect. When rent control is in place (as under the TPA), landlords may seek to evict rent-controlled tenants in order to *jump up* the rent for a new tenant– beyond what rent control allows. Vacancy control helps *discourage* that by restricting the base rent.

The TPA was a real step forward for CA renters, but it *expires* in 2030! Especially now, with so many of the single-family homes scooped up by corporate landlords, following the 2008 mortgage crisis, renters need the additional and more lasting protections of Prop. 21.

Yes - CNA, CChI, CFT, Dem, LgC, FCL, P&F

No - Rep, CoC, Jarv

• Prop. 22 – **Give privileges to ride-sharing app. corps.** **No** Ah – now we get into the *big* money, pouring into the Prop. 22 campaign from Uber, Lyft, DoorDash, and others to protect their profits. The "Top Aggregated Contributions" (per the FPPC) – not *even* the *total* contributions – so far on 22 are **\$185,840,220**. That gives you a hint as to the cost of the *missing* benefits for folks who "work for" these companies. Under new state law, most ride-share and delivery company drivers were newly classified as *employees*, but Prop. 22 would make them back into *independent contractors*.

The new state law gives some reasonable guidelines for when to consider a worker an employee. Most importantly, *employees* are eligible for minimum wage, overtime, unemployment insurance, and workers' compensation – as well as the *employer contributions* toward Social Security and Medicare. Prop. 22 would reverse the state law for these drivers, making them independent contractors again, stripping away all these protections and payments. This prop. gives these workers *some* basic benefits; but, for example the health care subsidy is based on the very limited bronze insurance plans, and wait time would continue to be unpaid.

The *public safety* provisions of Prop. 22 *should* be requirements for any *public services* company. If 22 doesn't pass, public pressure can demand such protections, including criminal background checks.

Yes, *some* drivers might prefer to be independent contractors, giving them more choice about when to work. However, as I elaborate just below, *we tax payers* fund that flexibility. This prop. perpetuates the insecurities and lack of more comprehensive protections that characterize the gig economy. Organized labor and other social uplift movements worked long and at great sacrifice to get employee protections. Now, many companies that operate within the gig economy increase their profits by side-stepping those protections, offering only "independent contractor" status for their workers.

Ride-share prices could go up if Prop. 22 is defeated, because the new prices would reflect *the real costs* of such services. As with so many business models today, its often tax payers who foot the

bill for the difference between *real costs* and what companies pay for services. Old age minimum support, food stamps, county health care clinics, and other welfare programs become necessary when employment is under-compensated.

Oh, here's the *clincher*: Some have suggested that, even if Prop. 22 passes, *of course*, the Legislature could make needed changes to strengthen worker protections. *But Prop. 22 allows changes only if they pass by a 7/8 rollcall vote! Seven-eighths!* You *might* get that *big* majority in support of apple pie. This prop. is designed to be sure its provisions *never* change.

No - FCL, Lbr, Dem, CFT, P&F, CNA, Sra

Yes - Rep, CoC, CChI, Jarv

• Prop. 23 – **Again, a prop. inappropriate for general voter consideration: Dialysis Clinics II** No
This year's ballot sees multiple *repeat tries* on props. being renewed or that didn't make it through the first time. That can be good, as voters' responses shape measures into new and better versions. In some ways, Prop. 23 is better than the 2018 Prop. 8. But I continue to feel that the initiative process rarely results in *careful consideration* of all the issues involved – especially when the issues are technical, numerous, and complex!

I prefer to support union efforts, and I don't like that two private for-profit companies run nearly three-quarters of licensed dialysis clinics in CA, but that's not what this prop. is about. At the same time, it's clear that this measure threatens to bite into corporate profits, at least enough so that *opponents* contributions, at **\$93,070,250**, are the second runner-up for the most spending. (Well, I like to think that's *jobs* for someone – but those are mostly *unethical* jobs!)

The good news: One provision of this prop. – that clinics must accept all patients regardless of insurance – was *already* passed into CA law last year. I guess it's also good news that there doesn't seem to be much evidence to support the idea that clinics should have a physician on hand at all times – *besides* each patient's individual physician, who, already, is required periodically to check in with the patient about their dialysis.

So I'm against this technical prop. that would increase costs for questionable benefits.

No – FCL, Rep, CoC

Yes – Dem, CChI, Labr, P&F

• Prop. 24 - **Complicated, on online consumer privacy** Yes Eep! Wasn't I just complaining about ballot props. when the issues are technical, numerous, and complex? This one certainly qualifies! I was just pushing for *careful consideration* of the issues involved. Unfortunately – the legislative discussions leading to the recently enacted California Consumer Privacy Act (CCPA) *doesn't* qualify as such! Why not? No doubt, every such case has its particular reasons. With the CCPA, the Leg. was hurrying to deter an earlier ballot initiative proposal (not incidentally, by the backer of Prop. 24!) and seeking to get the work done before the armies of internet company lobbyists descended upon them.

So the CCPA ended up with some big loopholes, such as the insufficient penalties for violations and that *only* the State Attorney General – without *any* new funding – can bring lawsuits against violators. In these areas, Prop. 24 strengthens the CCPA, rather than overturning it.

Despite claims to the contrary, with these loopholes and other serious ones, I say we really don't *need* more time to see how badly the CCPA is failing consumers.

This situation illustrates another reason why we get ballot initiatives – including horribly complicated ones – rather than legislation: The political forces – lobbyists, moneyed interests – are sometimes too strong to allow good legislation. (But don't expect to see or hear from those powerful forces – in this case, internet companies collecting consumer information – in this campaign. Privacy is a *hot* issue, and they'll just wait in the shadows.)

So now we have Prop. 24 before the voters. We can see how complicated this prop. is from the curious situation in which the opponents of *a measure that provides numerous consumer privacy protections* include those advocating for... consumer privacy! (And they really *are* such advocates, not just a fake “astroturf” front!) It does appear that much of this opposition is based on differences in *interpretation* of this prop. That’s not too surprising, since it’s 52 pages of *dense* legal text. For one example, there is flat-out disagreement about whether or not posting a global opt-out on one’s browser or phone settings is functional. Also, there’s big concern about the “pay for privacy” provision – especially since, “Those who don’t pay more could get inferior service—bad connections, slower downloads and more pop up ads.” Well, not quite.

On “pay for privacy”, I’ll give only this single and long example, to illustrate the complex basis for differing understandings. In section (brace yourself!) 1798.125.(a)(1) we read that businesses *aren’t allowed to* discriminate, in any of multiple ways, against a consumer who chooses privacy – neither with different prices nor different level or quality of goods or services. *But* – further down in (a)(3) – business are allowed to offer “loyalty, rewards, premium features, discounts, or club card programs”. *Then* there can be differences **but only** “if that price or difference is reasonably related to the value provided to the business by the consumer’s data.” In other words, we customers can continue “paying” for the kinds of “free” services we currently have, by sharing our data (which we currently can’t easily prevent. **Or** we can choose (under Prop. 24) to withhold our data. Then we have to “pay” for that privacy: We end up having to deal with the difference, *based on the value of that data*. So, one way or another, we each “pay” since very little in this world is “free”.

Prop. 24 does have some problems, most of which the Lge analysis identifies. However, there’s **a decisive factor** for me in supporting this prop. Under Prop. 24 the Legislature can make changes *as long as they’re consistent* with “the purpose and intent of this Act”, and all it takes to makes such changes is a **majority vote**. (Contrast *that* with Prop. 22!)

Yes – P&F

No – CNA, Rep, FCL, Lge, CChI

• **Prop. 25 – Let poor people go! Yes** OK, here’s another tricky judgment call: Should SB 10, the CA law that would eliminate bail – in favor of an assessment of low, medium, or high risk to public safety – be upheld? CChI raises an important concern: “‘Risk assessment’ may be racially, culturally, and economically biased,” leading to some people being held in jail, without even the option of bail. However, in CA, low-income individuals, unable to raise bail, have already found themselves in that situation – an estimate of almost 46,000 of them, according to the Lge.

Also, unfortunately, the current bail system, which can involve bail hearings, has also been subject to racial bias.

Rather than *repealing* SB 10 due to assessment bias, as the bail bond industry wishes, SB 10 specifies a number of ways that the government will work to make risk assessment criteria more accurate and judges better informed. That includes including training judges on the use of pretrial risk assessment information when making pretrial release and detention decisions, and on the imposition of pretrial release conditions. Prop. 25 offers a significant improvement over the inequities of bail.

Yes – Lge, LgC, Dem, CNA, Lbr, CFT, Sra, FCL, P&F

No – CChI, Jarv, Rep

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