

# CALIFORNIA GENERAL ELECTION TUESDAY, NOVEMBER 4, 2014

★ OFFICIAL VOTER INFORMATION GUIDE ★

## *Certificate of Correctness*

I, Debra Bowen, Secretary of State of the State of California,  
hereby certify that this guide has been prepared in accordance with the law.

Witness my hand and the Great Seal of the State in Sacramento, California, this 13th day of August, 2014.



A handwritten signature in black ink that reads "Debra Bowen".



Debra Bowen  
*Secretary of State*



## *Secretary of State*

Dear Fellow Voter:

By registering to vote, you have taken the first step in deciding California's future. To help you make your decisions, my team created this Official Voter Information Guide—just one of the useful tools for learning about what is on your ballot and how this election works.

Your county sample ballot booklet has information about candidates and measures unique to your region. For more election details such as how to check your voter registration, find your polling place, or confirm your vote-by-mail ballot was received, visit [www.sos.ca.gov/elections](http://www.sos.ca.gov/elections) or call my toll-free voter hotline at (800) 345-8683.

Every registered voter has a choice of voting by mail or voting in a local polling place. The last day to request a vote-by-mail ballot from your county elections office is October 28. On Election Day, polls will be open from 7:00 a.m. to 8:00 p.m.

There are more ways to participate in the electoral process.

- Be a poll worker on Election Day, helping to make voting easier for all eligible voters and protecting ballots until they are counted.
- Spread the word about voting rights through emails, phone calls, brochures, and posters.
- Educate other voters by organizing discussion groups or participating in debates with friends, family, and community leaders.

This voter guide contains titles and summaries of state ballot measures prepared by Attorney General Kamala D. Harris; impartial analyses of the ballot measures and potential costs to taxpayers prepared by Legislative Analyst Mac Taylor; ballot measure arguments prepared by proponents and opponents; text of the proposed laws prepared and proofed by Legislative Counsel Diane F. Boyer-Vine; and other useful information. The guide was printed under the supervision of State Printer David Gerald "Jerry" Hill.

It is a wonderful privilege in a democracy to have choices. Some contests really do come down to a narrow margin of just a few votes. I encourage you to take time to carefully read about each candidate and ballot measure, and to know your voting rights.

Thank you for taking your civic responsibility seriously and making your voice heard!

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**For more information about your voting rights, see page 79 of this guide.**

## Find Your Polling Place

Polling places are established by county elections officials. When you receive your county sample ballot booklet in the mail a few weeks before Election Day, look for your polling place address on the back cover.

If you moved to your new address after October 20, 2014, you may vote at your former polling place.

Many county elections offices offer polling place look-up assistance through websites or phone numbers. For more information, visit the Secretary of State's website at [www.sos.ca.gov/elections/find-polling-place.htm](http://www.sos.ca.gov/elections/find-polling-place.htm) or call the toll-free Voter Hotline at (800) 345-8683.

On Election Day, polls will be open from 7:00 a.m. to 8:00 p.m. If you are in line before 8:00 p.m., you will be able to vote.

If your name is not on the voter list at your polling place, you have the right to vote a provisional ballot. A provisional ballot looks like a regular ballot but you will place it in a special envelope. Your provisional ballot will be counted after elections officials have confirmed that you are registered to vote in that county and you did not already vote in that election.

You may vote a provisional ballot at any polling place in the county in which you are registered to vote.

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## How to Vote

You have two choices when voting. You may vote in person at a polling place in your county or you may vote by mail. You do not have to vote in every contest on your ballot. Your vote will be counted for each contest you vote in. For more information about your voting rights, see page 79 of this guide.

### Voting at the Polling Place on Election Day

When you arrive at your polling place, a poll worker will ask for your name and check the official list of registered voters for that polling place. After you sign next to your name on the list, the poll worker will give you a paper ballot, unique passcode, or computer memory card, depending on the voting system your county uses. Go to a private booth and start voting.

Poll workers are there to assist voters. If you are not familiar with how to mark a ballot, ask a poll worker for instructions. If you make a mistake in marking the ballot, ask a poll worker how to correct a mistake or ask for a new ballot and start over.

State and federal laws require polling places to be physically accessible to voters with disabilities. Every person who works in a polling place is trained in elections laws and voter rights, including the need to make reasonable modifications of policies and procedures to ensure equal access.

### Voting by Mail

After you mark your choices on your vote-by-mail ballot, put it in the official envelope provided by your county elections office and seal it. Sign the outside of the envelope where directed. To ensure it arrives by the deadline, return your ballot either:

- By mail, as long as your ballot is received by your county elections office by 8:00 p.m. on Election Day. Since postmarks do not count, mail your ballot a few days before Election Day.
- In person, to your county elections office or any polling place in your county before 8:00 p.m. on Election Day.

Even if you receive your vote-by-mail ballot, you can change your mind and vote at your polling place on Election Day. Bring your vote-by-mail ballot to the polling place and give it to a poll worker to exchange for a polling place ballot. If you do not have your vote-by-mail ballot, you will be allowed to vote on a provisional ballot.

## Voter Identification Laws

In most cases, California voters do not have to show identification before they vote. If you are voting for the first time after registering by mail and did not provide your California identification number, driver license number, or the last four digits of your social security number on your voter registration application, you may be asked to show one form of identification at your polling place.

Following are some of the acceptable types of identification according to state and federal laws. For the full list, contact your county elections office or read “Polling Place ID Requirements” at [www.sos.ca.gov/elections/hava.htm](http://www.sos.ca.gov/elections/hava.htm).

- Driver license or state-issued identification
  - Passport
  - Employee identification
  - Military identification
  - Student identification
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## Special Arrangements for California’s Military and Overseas Voters

If you are a military and overseas voter, you can fax or mail your ballot to your county elections office. If you fax your ballot, you must also include a signed Oath of Voter form that waives your right to cast a confidential vote.

However you return your ballot, it must be received by the county elections office before the polls close at 8:00 p.m. (Pacific Standard Time) on Election Day. Postmarks do not count.

You can register to vote and complete a special absentee ballot application at [www.fvap.gov](http://www.fvap.gov).

For more information about being a military and overseas voter, go to [www.sos.ca.gov/elections/elections\\_mov.htm](http://www.sos.ca.gov/elections/elections_mov.htm).

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## Earn Money and Make a Difference . . .

### Serve as a Poll Worker on Election Day

In addition to gaining first-hand experience with the tools of our democracy and helping to safeguard ballots until they are delivered to elections officials, poll workers can earn money for their valuable service.

Contact your county elections office (see page 78 of this voter guide or go to [www.sos.ca.gov/elections/elections\\_d.htm](http://www.sos.ca.gov/elections/elections_d.htm)) or call (800) 345-8683 for more information about being a poll worker.

# Quick-Reference Guide

## Prop 2 State Budget. Budget Stabilization Account. Legislative Constitutional Amendment.

### Summary

*Put on the Ballot by the Legislature*

Requires annual transfer of state general fund revenues to budget stabilization account. Requires half the revenues be used to repay state debts. Limits use of remaining funds to emergencies or budget deficits. Fiscal Impact: Long-term state savings from faster payment of existing debts. Different levels of state budget reserves, depending on economy and decisions by elected officials. Smaller local reserves for some school districts.

*On August 13, 2014, Proposition 43 was removed and Proposition 1 was added to the ballot by the State Legislature and Governor. Information on Proposition 1 will be provided in a Supplemental Voter Information Guide.*

### What Your Vote Means

**YES** A YES vote on this measure means: Existing state debts likely would be paid faster. There would be new rules for state budget reserves. Local school district budget reserves would be capped in some years.

**NO** A NO vote on this measure means: Rules for payment of state debts, state budget reserves, and local school district reserves would not change.

### Arguments

**PRO** Proposition 2 establishes a STRONG RAINY DAY FUND in the State Constitution that will force the Legislature and Governor to save money and pay down debts, which will shield TAXPAYERS from UNNECESSARY TAX INCREASES and PROTECT SCHOOLS from devastating cuts. BOTH Democrats and Republicans SUPPORT Proposition 2.

**CON** Vote NO on 2 to PROTECT SCHOOLS. Proposition 2 hides a DANGEROUS financial time bomb that will LIMIT districts' ability to save. Proposition 2 helps to keep California ranked 50th in the nation in per pupil spending. Don't trust Sacramento. Get facts from parents, not politicians at [www.2BadForKids.org](http://www.2BadForKids.org).

### For Additional Information

#### For

Tom Willis  
Yes on Proposition 2  
2355 Broadway #407  
Oakland, CA 94612  
(510) 210-5001  
[Info@CaliforniaRainyDayFund.com](mailto:Info@CaliforniaRainyDayFund.com)  
[www.CaliforniaRainyDayFund.com](http://www.CaliforniaRainyDayFund.com)

#### Against

Educate Our State  
6114 La Salle Avenue, #441  
Oakland, CA 94610  
(510) 500-5147  
[2BadForKids@EducateOurState.org](mailto:2BadForKids@EducateOurState.org)  
[www.2BadForKids.org](http://www.2BadForKids.org)

# Quick-Reference Guide

## Prop 45 Healthcare Insurance. Rate Changes. Initiative Statute.

### Summary

Put on the Ballot by Petition Signatures

Requires Insurance Commissioner's approval before health insurer can change its rates or anything else affecting the charges associated with health insurance. Provides for public notice, disclosure, and hearing, and subsequent judicial review. Exempts employer large group health plans. Fiscal Impact: Increased state administrative costs to regulate health insurance, likely not exceeding the low millions of dollars annually in most years, funded from fees paid by health insurance companies.

### What Your Vote Means

**YES** A YES vote on this measure means: Rates for individual and small group health insurance would need to be approved by the Insurance Commissioner before taking effect.

**NO** A NO vote on this measure means: State regulators would continue to have the authority to review, but not approve, rates for individual and small group health insurance.

### Arguments

**PRO** Californians are being overcharged for health insurance. Prop. 45 will stop the price gouging by requiring health insurance companies to be transparent and publicly justify rates *before* premiums can increase. The same regulation of auto insurance has saved drivers billions. Sponsors: Consumer Watchdog, California Nurses Association. Opponents: health insurance companies.

**CON** Prop. 45 is a power grab by special interests to take control over health care benefits and rates from California's successful new independent commission—and give it to one Sacramento politician instead. Higher costs, more bureaucracy. Political interference with treatment options. Exempts big corporations. Nurses, doctors, consumers say vote No!

### For Additional Information

**For**  
Consumer Watchdog Campaign  
2701 Ocean Park Blvd., Suite 112  
Santa Monica, CA 90405  
(310) 392-0522  
yeson45@consumerwatchdog.org  
www.yeson45.org

**Against**  
No on 45—Californians  
Against Higher Health Care  
Costs  
455 Capitol Mall, Suite 600  
Sacramento, CA 95814  
(866) 676-8156  
Info@StopHigherCosts.org  
www.StopHigherCosts.org

## Prop 46 Drug and Alcohol Testing of Doctors. Medical Negligence Lawsuits. Initiative Statute.

### Summary

Put on the Ballot by Petition Signatures

Requires drug testing of doctors. Requires review of statewide prescription database before prescribing controlled substances. Increases \$250,000 pain/suffering cap in medical negligence lawsuits for inflation. Fiscal Impact: State and local government costs from raising the cap on medical malpractice damages ranging from tens of millions to several hundred million dollars annually, offset to some extent by savings from requirements on health care providers.

### What Your Vote Means

**YES** A YES vote on this measure means: The cap on medical malpractice damages for such things as pain and suffering would be increased from \$250,000 to \$1.1 million and adjusted annually for future inflation. Health care providers would be required to check a statewide prescription drug database before prescribing or dispensing certain drugs to a patient for the first time. Hospitals would be required to test certain physicians for alcohol and drugs.

**NO** A NO vote on this measure means: The cap on medical malpractice damages for such things as pain and suffering would remain at \$250,000 and not be subject to annual inflation adjustments. Health care providers would not be required to check a statewide prescription database before prescribing or dispensing drugs. Hospitals would not be required to test physicians for alcohol and drugs.

### Arguments

**PRO** 46 saves lives. It prevents substance abuse by doctors and patients and holds negligent doctors accountable. Estimates show 18% of health professionals have an abuse problem in their lifetimes. Medical negligence is this country's third largest cause of death. Prescription drug overdoses are epidemic. A cure is overdue. Vote Yes.

**CON** Trial lawyers wrote Prop. 46 to make millions from medical malpractice lawsuits. We will pay, and could lose our trusted doctors—as many doctors and specialists are forced to leave California, moving to states with more affordable medical-liability insurance. Protect your wallet and access to healthcare. No on 46.

### For Additional Information

**For**  
Your Neighbors For Patient Safety  
969 Colorado Boulevard, Suite 103  
Los Angeles, CA 90041  
(310) 395-2544  
info@YesOn46.org  
www.yeson46.org

**Against**  
No on 46—Patients and  
Providers to Protect Access  
and Contain Health Costs  
1510 J Street, Suite 120  
Sacramento, CA 95814  
(916) 706-1001  
info@NoOn46.com  
www.NoOn46.com

# Quick-Reference Guide

## Prop 47 Criminal Sentences, Misdemeanor Penalties, Initiative Statute.

### Summary

Put on the Ballot by Petition Signatures

Requires misdemeanor sentence instead of felony for certain drug and property offenses. Inapplicable to persons with prior conviction for serious or violent crime and registered sex offenders. Fiscal Impact: State and county criminal justice savings potentially in the high hundreds of millions of dollars annually. State savings spent on school truancy and dropout prevention, mental health and substance abuse treatment, and victim services.

### What Your Vote Means

**YES** A YES vote on this measure means: Criminal offenders who commit certain nonserious and nonviolent drug and property crimes would be sentenced to reduced penalties (such as shorter terms in jail). State savings resulting from the measure would be used to support school truancy and dropout prevention, victim services, mental health and drug abuse treatment, and other programs designed to keep offenders out of prison and jail.

**NO** A NO vote on this measure means: Penalties for offenders who commit certain nonserious and nonviolent drug and property crimes would not be reduced.

### Arguments

**PRO** Changes low-level nonviolent crimes, such as simple drug possession and petty theft from felonies to misdemeanors. Authorizes felonies for registered sex offenders and anyone previously convicted of rape, murder or child molestation. Saves hundreds of millions of dollars every year and funds schools, crime victims, mental health and drug treatment.

**CON** Potentially releases 10,000 felons from state prison. Reduces penalties for stealing guns. Reduces penalties for possession of “date rape” drugs. Opposed by prosecutors, law enforcement, and the business community. Opposed by crime victims and sexual abuse victims. Vote NO on Proposition 47.

### For Additional Information

**For**  
Yes on 47  
(510) 550-5486  
campaign@safetyandschools.com  
VoteYes47.com

**Against**  
John Lovell  
California Police Chiefs  
Association  
1127 11th Street, Ste. 523  
Sacramento, CA 95814  
(916) 447-3820  
jlovell@johnlovell.com  
www.californiapolicechiefs.org

## Prop 48 Indian Gaming Compacts. Referendum.

### Summary

Put on the Ballot by Petition Signatures

A “Yes” vote approves, and a “No” vote rejects, tribal gaming compacts between the state and the North Fork Rancheria of Mono Indians and the Wiyot Tribe. Fiscal Impact: One-time payments (\$16 million to \$35 million) and for 20 years annual payments (\$10 million) from Indian tribes to state and local governments to address costs related to the operation of a new casino.

### What Your Vote Means

**YES** A YES vote on this measure means: The state’s compacts with the North Fork Rancheria of Mono Indians and the Wiyot Tribe would go into effect. As a result, North Fork would be able to construct and operate a new casino in Madera County and would be required to make various payments to state and local governments, Wiyot, and other tribes.

**NO** A NO vote on this measure means: The state’s compacts with North Fork and Wiyot would not go into effect. As a result, neither tribe could begin gaming unless new compacts were approved by the state and federal governments.

### Arguments

**PRO** Supported by GOVERNOR JERRY BROWN, a YES vote on 48 will create THOUSANDS OF JOBS, generate ECONOMIC OPPORTUNITIES in one of the state’s poorest regions, retain LOCAL CONTROL of a strongly-supported project, provide REVENUE TO STATE and LOCAL GOVERNMENTS, promote tribal self-sufficiency, and avoid development in environmentally sensitive regions.

**CON** *Opens floodgate for off-reservation gaming. Bad deal for California.* Breaks promise that Indian casinos would be on original tribal land. Authorizes massive off-reservation casino bringing more crime and pollution to Central Valley. No new money to the state general fund or schools. Vote NO on Prop. 48.

### For Additional Information

**For**  
Gary Gilbert, Former  
Chairman, Madera County  
Board of Supervisors  
Vote Yes 48 Campaign  
P.O. Box 155  
Oakhurst, CA 93644  
(559) 877-2740  
VoteYes48@gmail.com  
www.VoteYes48.com

**Against**  
No on Prop. 48—Keep  
Vegas-Style Casinos Out of  
Neighborhoods  
www.stopreservationsshopping.com

# Quick-Reference Guide

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*On August 11, 2014, Proposition 49 was removed from the ballot by order of the California Supreme Court.*

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## Supplemental Voter Information Guide

The deadline for ballot measures to qualify for this election was June 26, 2014. State law required this voter guide to be printed in August 2014. The Legislature and the Governor added a measure to the November ballot. The Secretary of State will prepare and mail a Supplemental Voter Information Guide to you. The Secretary of State will also post updated information at [www.voterguide.sos.ca.gov](http://www.voterguide.sos.ca.gov).

## Visit the Secretary of State's Website to:

- Research campaign contributions and lobbying activity  
<http://cal-access.sos.ca.gov>
- View this voter guide in other languages  
[www.voterguide.sos.ca.gov](http://www.voterguide.sos.ca.gov)
- Find your polling place on Election Day  
[www.sos.ca.gov/elections/find-polling-place.htm](http://www.sos.ca.gov/elections/find-polling-place.htm)
- Get vote-by-mail ballot information  
[www.sos.ca.gov/elections/elections\\_m.htm](http://www.sos.ca.gov/elections/elections_m.htm)
- Read helpful information for first-time voters  
[www.sos.ca.gov/elections/new-voter](http://www.sos.ca.gov/elections/new-voter)
- Watch live election results after polls close on Election Day  
<http://vote.sos.ca.gov>

## **Elections in California**

California law requires that all candidates for a voter-nominated office be listed on the same ballot. Voter-nominated offices are state legislative offices, U.S. congressional offices, and state constitutional offices.

In both the open primary and general elections, you can vote for any candidate, regardless of what party preference you indicated on your voter registration form. In the primary election, the two candidates receiving the most votes—regardless of party preference—move on to the general election regardless of vote totals. If a candidate receives a majority of the vote (50 percent + 1), a general election still must be held. Even if there are only two candidates for an office in the open primary, a general election for that office is still required.

California's open primary system does not apply to candidates running for U.S. President, county central committee, or local offices.

California law requires the following information to be printed in this notice.

### **Voter-Nominated Offices**

Political parties are not entitled to formally nominate candidates for voter-nominated offices at the primary election. A candidate nominated for a voter-nominated office at the primary election is the nominee of the people and not the official nominee of any party at the general election. A candidate for nomination to a voter-nominated office shall have his or her party preference, or lack of party preference, stated on the ballot, but the party preference designation is selected solely by the candidate and is shown for the information of the voters only. It does not mean the candidate is nominated or endorsed by the party designated, or that there is an affiliation between the party and candidate, and no candidate nominated by the voters shall be deemed to be the officially nominated candidate of any political party. In the county sample ballot booklet, parties may list the candidates for voter-nominated offices who have received the party's official endorsement.

Any voter may vote for any candidate for a voter-nominated office, if they meet the other qualifications required to vote for that office. The top two vote-getters at the primary election move on to the general election for the voter-nominated office even if both candidates have specified the same party preference designation. No party is entitled to have a candidate with its party preference designation move on to the general election, unless the candidate is one of the two highest vote-getters at the primary election.

### **Nonpartisan Offices**

Political parties are not entitled to nominate candidates for nonpartisan offices at the primary election, and a candidate at the primary election is not the official nominee of any party for the specific office at the general election. A candidate for nomination to a nonpartisan office may not designate his or her party preference, or lack of party preference, on the ballot. The top two vote-getters at the primary election move on to the general election for the nonpartisan office.

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*On August 13, 2014, Proposition 43 was removed  
and Proposition 1 was added to the ballot  
by the State Legislature and Governor.  
Information on Proposition 1 will be provided  
in a Supplemental Voter Information Guide.*

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**State Budget. Budget Stabilization Account. Legislative Constitutional Amendment.**

2

- Requires annual transfer of 1.5% of general fund revenues to state budget stabilization account.
- Requires additional transfer of personal capital gains tax revenues exceeding 8% of general fund revenues to budget stabilization account and, under certain conditions, a dedicated K–14 school reserve fund.
- Requires that half the budget stabilization account revenues be used to repay state debts and unfunded liabilities.
- Allows limited use of funds in case of emergency or if there is a state budget deficit.
- Caps budget stabilization account at 10% of general fund revenues, directs remainder to infrastructure.

**Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:**

- Some existing state debts would be paid down faster, resulting in long-term savings for the state.
- Changes in the level of state budget reserves, which would depend on the economy and future decisions by the Governor and the Legislature.
- Reserves kept by some school districts would be smaller.

**Final Votes Cast by the Legislature on ACAx2 1 (Proposition 2)  
(Res. Ch. 1, Stats. of 2013–14, 2nd Ex. Sess.)**

Senate:	Ayes 36	Noes 0
Assembly:	Ayes 78	Noes 0

**Analysis by the Legislative Analyst**

**Overview**

Proposition 2 amends the State Constitution to end the existing rules for a state budget reserve—the Budget Stabilization Account (BSA)—and replace them with new rules. The new rules would change how the state pays down debt and saves money in reserves. In addition, if Proposition 2 passes, a new state law would go into effect that sets the maximum budget reserves school districts can keep at the local level in some future years. Finally, the proposition places in the Constitution an existing requirement for the Governor’s budget staff to estimate future state General Fund revenues and spending. Figure 1 summarizes key changes that would occur if voters approve Proposition 2.

**Background**

**State Budget and Reserves**

**State Budget.** This year, the state plans to spend almost \$110 billion from its main account, the General

Fund. About half of this spending is for education—principally for schools and community colleges but also for public universities. Most of the rest is for health, social services, and criminal justice programs.

**Economy Affects State Budget.** Figure 2 shows state revenues from the personal income tax—the state’s biggest revenue source. As shown in the figure, when the economy is bad, these tax revenues go down. When the economy improves, these tax revenues go up. Because tax revenues and reserves determine how much the state can spend, the Legislature often must take actions in bad economic years to balance the budget. These actions include spending cuts and tax increases.

**“Rainy-Day” Reserves.** Governments use budget reserves to save money when the economy is doing well. This means that money is saved instead of being spent on public programs during these periods of time. When the economy gets worse and their revenues decline, governments use money that they saved to reduce the amount of spending cuts, tax increases, and other actions

Analysis by the Legislative Analyst

Continued

needed to balance their budgets. In other words, if a government saves more in reserves when the economy is doing well, it spends less during that time and has more money to spend when the economy is doing poorly.

**Proposition 58 of 2004.** The state has had budget reserve accounts for many years. In 2004, voters passed Proposition 58 to create a new reserve, the BSA. Currently, Proposition 58 requires the Governor each year to decide whether to let 3 percent of General Fund

revenues go into the BSA reserve. Right now, 3 percent of General Fund revenues equals a little over \$3 billion. Under Proposition 58, this 3 percent is the “basic” amount to be put in the BSA each year. In any year, the Governor can choose to reduce the basic amount and put less or nothing at all into the BSA. Under Proposition 58, these amounts continue to go into the BSA each year until the balance reaches a target maximum, which currently equals \$8 billion. (Therefore,

**Figure 1**  
**Summary of Key Changes That Would Occur If Proposition 2 Passes**

**State Debts**

- Requires state to spend minimum amount each year to pay down specified debts.<sup>a</sup>

**State Reserves**

- Changes amount that goes into a state budget reserve account (known as the Budget Stabilization Account, or BSA).<sup>a</sup>
- Increases maximum size of the BSA.
- Changes rules for when state can put less money into the BSA.
- Changes rules for taking money out of the BSA.

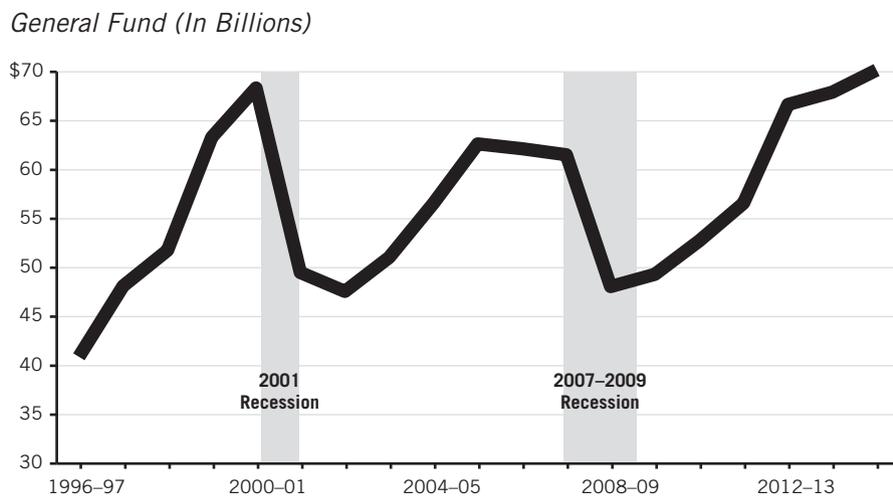
**School Reserves**

- Creates state reserve for schools and community colleges.
- Sets maximum reserves that school districts can keep at the local level in some future years.<sup>b</sup>

<sup>a</sup> After 15 years, debt spending under Proposition 2 becomes optional. Amounts that otherwise would have been spent on specified debts would instead be put into the BSA.

<sup>b</sup> This change would result from a related state law that takes effect if Proposition 2 passes.

**Figure 2**  
**Personal Income Tax Revenues Dip When Economy Is Bad**



Note: Adjusted for inflation. Reflects estimates in state's 2014-15 budget plan.

Analysis by the Legislative Analyst

Continued

it would take three years of the basic amount going into the account for the BSA to reach its maximum level.)

2 The state can take money out of the BSA with a majority vote of the Legislature. Right now, there is no limit on how much the state can take out of the BSA in a single year.

**Effects of Recession on State Budget Reserves.** The worst economic downturn since the 1930s began in 2007, resulting in a severe recession. For several years, the state had large budget problems and took many actions to balance the budget. Because of these budget problems, California’s governors decided not to put money into the BSA. California had no state budget reserves at all for several years. This year, for the first time since the recession, the Governor decided to put money into the BSA.

**Capital Gains Taxes.** As part of its personal income tax, the state taxes “capital gains.” Capital gains are profits earned when people sell stocks and other types of property. Figure 3 shows personal income tax revenues that the state has collected on capital gains. Because stock prices and property values can change a lot from year to year, these capital gains tax revenues vary significantly.

School Reserves

**State Spending on Schools and Community Colleges.** Earlier propositions passed by voters generally require the

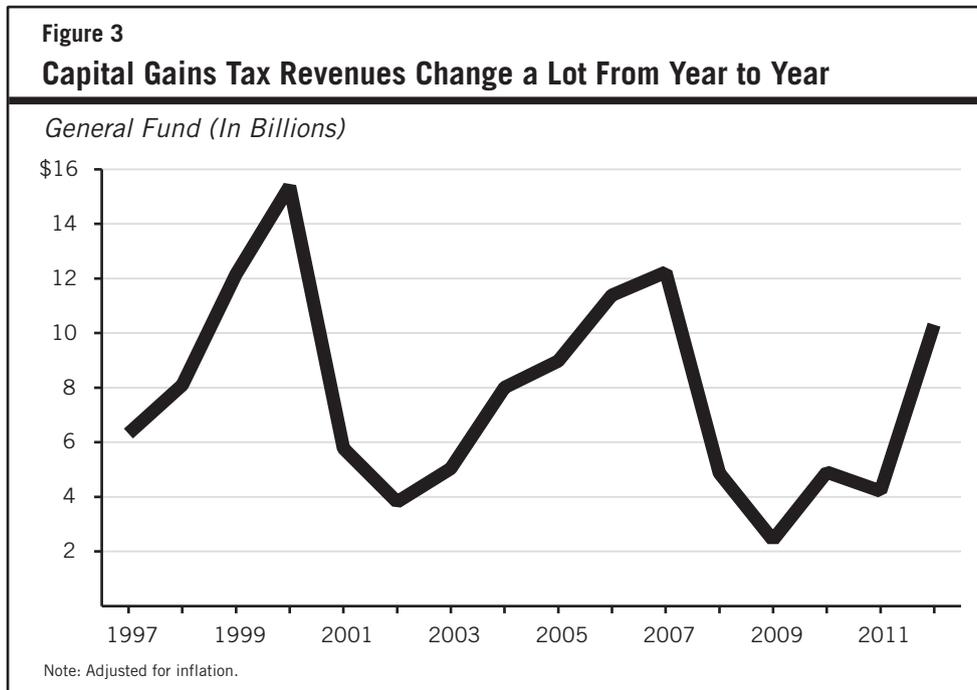
state to provide a minimum annual amount for schools and community colleges. This amount tends to grow with the economy and the number of students. In most cases, the money that schools and community colleges get from the state makes up a large share of their overall revenues. This means that decisions made by the state can have a big effect on them. The state does not have a reserve specifically for schools and community colleges.

**Local School District Reserves.** State law requires school districts to keep minimum reserves, though many districts keep reserves that are much bigger than these minimum levels. For most school districts, the minimum reserve ranges from 1 percent to 5 percent of their annual budget, depending on their size. School districts save money in reserves for several reasons, such as paying for large occasional expenses (like replacing textbooks) and addressing the uncertainty in future state funding.

State Debts

The state’s debts total around \$300 billion. This amount includes debt for infrastructure—such as highways, school buildings, and flood and water supply projects. It also includes the following debts:

- **Pension and Retiree Health Benefits.** Based on official estimates, the state owes around \$150 billion for pension and retiree health care benefits already earned by public employees. The



## Analysis by the Legislative Analyst

Continued

state already spends several billion dollars per year to pay these costs, which have to be paid off in full over the next several decades. The costs to pay for these benefits generally will get bigger the longer the state waits to make the payments.

- ***Debts to Local Governments and Other State Accounts.*** The state also owes several billion dollars to local governments (such as school districts, counties, and cities) and other state accounts.

## Proposal

Proposition 2 amends the State Constitution to change state debt and reserve practices. Figure 4 compares today's laws with the key changes that would be made if Proposition 2 passes.

### State Debts

***Requires Spending to Pay Down Existing State Debts.*** Proposition 2 requires the state to spend a minimum amount each year to pay down (1) debts for pension and retiree health benefits and (2) specified debts to local governments and other state accounts. (The funds spent on pension and retiree health costs must be in addition to payments already required under law.) Specifically, for the next 15 years, the proposition would require the state to spend at least 0.75 percent of General Fund revenues each year to pay down these debts. Right now, 0.75 percent of revenues is equal to about \$800 million—an amount that would grow over time.

In addition, when state tax revenues from capital gains are higher than average, Proposition 2 would require the state to spend some of these higher-than-average revenues on these state debts. Between 2001–02 and 2013–14, capital gains tax revenues were above this average roughly half of the time. The total amount that the state would spend on debts in any year could vary significantly. For instance, in years with weaker capital gains tax revenues, the state would spend \$800 million to pay down debts under this proposition. In years with stronger capital gains tax revenues, the total amount could be up to \$2 billion or more.

These debt payments would become optional after 15 years. If the Legislature chooses not to spend these amounts on debts after 15 years, Proposition 2 requires that they instead go into the state's BSA, as described below.

### State Reserves

#### ***Changes Basic Amount That Goes Into the BSA.***

Each year for the next 15 years, the basic amount going into the BSA would be the same as the amount the state must spend to pay down debt, as described above. Specifically, the basic amount would range from about \$800 million (in today's dollars) when revenues from capital gains tax revenues are weaker and up to \$2 billion or more when revenues from capital gains tax revenues are stronger. (It can take a couple of years after the state passes its annual budget to get good information about that budget's actual level of capital gains tax revenues. Under Proposition 2, the state would have to make sure that BSA deposits reflect the most updated information on capital gains.)

***Basic Amount Could Be Reduced in Some Situations.*** Proposition 2 changes the rules that allow the state to put less than the basic amount into the BSA. Specifically, the state could put less than the basic amount into the BSA only if the Governor calls a "budget emergency." The Legislature would have to agree to put less money into the BSA. The Governor could call a budget emergency only if:

- A natural disaster occurs, such as a flood or an earthquake.
- There is not enough money available to keep General Fund spending at the highest level of the past three years (adjusted for changes in the state population and the cost of living).

#### ***Changes Rules for Taking Money Out of the BSA.***

The state still could take money out of the BSA with a majority vote of the Legislature, but this could happen only when the Governor calls a budget emergency as described above. Proposition 2 also limits how much the state could take out of the BSA. Specifically, the state could take out only the amount needed for the natural disaster or to keep spending at the highest level of the past three years—adjusted for population and cost of living. In addition, if there was no budget emergency the year before, the state could take out no more than half of the money in the BSA. All of the money could be taken out of the BSA in the second straight year of a budget emergency.

***Increases Maximum Size of BSA.*** The state would put money into the BSA until the total reaches a maximum amount of about 10 percent of General Fund revenues—which now equals about \$11 billion. Once the money in the BSA reaches the maximum amount, money that

**Figure 4**

**Comparison of Today's Laws and Key Changes if Proposition 2 Passes**

	Today's Laws	Changes Made if Proposition 2 Passes
<b>State Debts</b>		
Required extra spending on existing state debts each year <sup>a</sup>	None. <sup>b</sup>	A minimum of \$800 million. Up to \$2 billion or more when capital gains tax revenues are strong. <sup>c</sup>
<b>State Reserves</b>		
Basic amount that goes into the Budget Stabilization Account (BSA) each year	A little over \$3 billion.	A minimum of \$800 million. Up to \$2 billion or more when capital gains tax revenues are strong. <sup>c</sup>
When can state put less than the basic amount into the BSA?	Any time the Governor chooses.	Only when the Governor calls a "budget emergency" and the Legislature agrees. <sup>d</sup>
How much can state take out of the BSA?	Any amount available.	Up to the amount needed for the budget emergency. Cannot be more than half of the money in the BSA if there was no budget emergency in the prior year.
Maximum size of the BSA	\$8 billion or 5 percent of General Fund revenues, whichever is greater (currently \$8 billion).	About 10 percent of General Fund revenues (currently about \$11 billion).
<b>School Reserves</b>		
State reserve for schools and community colleges	None.	Money would go into a new state reserve for schools and community colleges in some years when capital gains revenues are strong.
Limit on maximum size of school district reserves	None.	Sets maximum reserves that school districts can keep at the local level in some years.
<sup>a</sup> The term "state debts" includes debts for pension and retiree health benefits and specified debts owed to local governments and other state accounts. <sup>b</sup> Proposition 58 (2004) requires that half of the money put into the BSA be used to pay down certain state bonds faster. This year's budget is expected to pay off the rest of those bonds, meaning this requirement will no longer apply beginning with next year's budget. <sup>c</sup> After 15 years, debt spending under Proposition 2 becomes optional. Amounts that would otherwise be spent on debts after 15 years instead would be put into the BSA. <sup>d</sup> Governor could call a budget emergency for a natural disaster or to keep spending at the highest level of the past three years—adjusted for population and cost of living. Note: Dollar amounts listed are in today's dollars.		

otherwise would go into the BSA would instead be used to build and maintain infrastructure.

**School Reserves**

***Creates State Reserve for Schools.*** When state tax revenues from capital gains are higher than average and certain other conditions are met, some capital gains revenues would go into a new state reserve for schools created by Proposition 2. Before money would go into

this reserve, the state would have to make sure that the amount spent on schools and community colleges grows along with the number of students and the cost of living. The state could spend money out of this reserve to lessen the impact of difficult budgetary situations on schools and community colleges. Though Proposition 2 changes *when* the state would spend money on schools and community colleges, it does not directly change the *total*

## Analysis by the Legislative Analyst

Continued

amount of state spending for schools and community colleges over the long run.

***New Law Sets Maximum for School District Reserves.*** If this proposition passes, a new state law would go into effect that sets a maximum amount of reserves that school districts could keep at the local level. (This would not affect community colleges.) For most school districts, the maximum amount of local reserves under this new law would be between 3 percent and 10 percent of their annual budget, depending on their size. This new law would apply only in a year after money is put into the state reserve for schools described above. (The minimum school district reserve requirements that exist under today's law would still apply. Therefore, district reserves would have to be between the minimum and the maximum in these years.) County education officials could exempt school districts from these limits in special situations, including when districts face "extraordinary fiscal circumstances." Unlike the constitutional changes that would go into effect if Proposition 2 passes, this new law on local school district reserves could be changed in the future by the Legislature (without a vote of the people).

## Fiscal Effects

Proposition 2's fiscal effects would depend on several factors. These include choices that the Legislature, Governor, school districts, and county education officials would make in implementing the proposition. Many of the fiscal effects of the measure would also depend on what the economy and capital gains are like in the future.

## State Debts

***Faster Pay Down of Existing State Debts Likely.*** Under Proposition 2, the state likely would make extra payments to pay down existing debts somewhat faster. This means that there would be less money for other things in the state budget—including money for public programs, infrastructure, and lowering taxes—during at least the next 15 years. Paying down existing debts faster would lower the total cost of these debts over the long term. This means that the state could spend less on its debts in future decades, freeing up money for other things in the state budget over the long term.

## State Reserves

***Effect of New BSA Rules on State Budget.*** Whether Proposition 2 would cause state budget reserves to be higher or lower over the long run would depend on (1) the economy and capital gains tax revenues and (2) decisions made by the Legislature and the Governor

in implementing the measure. In some situations, for example, Proposition 2 could make it harder to take money out of the state's reserves, and this could lead to the reserves being larger over time. In other situations, this proposition could allow the state to put less in the BSA than the 3 percent basic amount specified in today's law. If Proposition 2 results in more money being put in the BSA in the future, it could lessen some of the "ups and downs" of state spending that occurred in the past.

## School Reserves

***Effects of State Reserve for Schools.*** As described earlier, certain conditions would have to be met before money would go into the state reserve for schools. Because of these conditions, money would be unlikely to go into the state reserve for schools in the next few years. In the future, money would go into this reserve only occasionally—likely in years when the economy is very good. State spending on schools and community colleges would be lower in the years when money goes into the state school reserve and higher in later years when money is taken out of this reserve.

***Effects on School District Reserves and Spending.*** As discussed above, money likely would not go into the state reserve for schools in the next few years. Once money does go into this reserve, a new state law then would set a maximum amount of reserves that school districts could keep at the local level. In the past, most school districts have kept reserve levels much higher than these maximum levels.

If Proposition 2 passes, school districts would respond to this new law in different ways. Some districts likely would spend more on teacher pay, books, and other costs in the few years after the proposition passes in order to bring their reserves closer to the future maximum levels. Other districts might wait until after money goes into the state reserve for schools and then either (1) spend large amounts all at once to bring their reserves down to the maximum levels or (2) seek exemptions from county education officials to keep their reserves above the maximum levels.

As a result of the new state law, some districts likely would have smaller reserves the next time the economy is bad. Those districts might have to make more difficult decisions to balance their budgets at that time. If money is available in the state reserve for schools, it could help districts avoid some of these difficult decisions.

Visit <http://cal-access.sos.ca.gov> for details about money contributed in this contest.

★ Argument in Favor of Proposition 2 ★

*VOTE YES ON PROPOSITION 2 TO CREATE A RAINY DAY FUND THAT PROTECTS TAXPAYERS AND SCHOOLS.*

Proposition 2 establishes a STRONG RAINY DAY FUND in the State Constitution that will force the Legislature and the Governor to save money when times are good, PAY DOWN DEBTS and PROTECT SCHOOLS from devastating cuts. Both Democrats and Republicans support Proposition 2.

By forcing the state to save money, Proposition 2 WILL REQUIRE POLITICIANS TO LIVE WITHIN THEIR MEANS AND PROTECT AGAINST UNNECESSARY TAX INCREASES. In good times, money will be placed in a constitutionally-protected reserve and used to pay down debt. In bad times, the Rainy Day Fund can be used to protect schools, public safety and other vital services.

California needs Proposition 2 because it prevents the state from spending more than it can afford. Only three years ago, California faced a \$26 billion budget deficit that required the Legislature to make painful cuts and voters to approve temporary tax increases. PROPOSITION 2 WILL MAKE SURE THAT WE DON'T REPEAT THIS CYCLE OF BOOM AND BUST BUDGETING.

VOTING YES ON PROPOSITION 2 WILL:

- Stabilize the state's budget by ensuring temporary revenues are set aside and not committed to ongoing spending we can't afford.

- Accelerate the state's debt payments.
- Create an education reserve to avoid future cuts to schools.

CREDIT RATING AGENCIES AND NEWSPAPERS SUPPORT A STRONG RAINY DAY FUND.

*SAN FRANCISCO CHRONICLE:* The Rainy Day Fund is the "prudent course."

*STANDARD AND POOR'S:* The Rainy Day Fund marks "another step in California's ongoing journey toward a more sustainable fiscal structure."

*LOS ANGELES TIMES:* The Rainy Day Fund "does more to promote a culture of savings in Sacramento."

*MOODY'S:* The Rainy Day Fund helps the state "cushion its finances from economic downturns."

*FRESNO BEE:* The Rainy Day Fund will "protect taxpayers against catastrophic budget deficits."

*SACRAMENTO BEE:* The Rainy Day Fund is "an important step toward fiscal discipline."

*VOTE YES ON PROPOSITION 2 AND PROTECT CALIFORNIA'S BALANCED BUDGET!*

[www.CaliforniaRainyDayFund.com](http://www.CaliforniaRainyDayFund.com)

**John A. Pérez**, Assembly Speaker Emeritus

**Edmund G. Brown Jr.**, Governor

**Allan Zaremberg**, President

California Chamber of Commerce

★ Rebuttal to Argument in Favor of Proposition 2 ★

**SAVE OUR SCHOOLS!**

Vote NO on 2 to PROTECT SCHOOLS AND TAXPAYERS. Democrats and Republicans oppose Proposition 2. Parents, grandparents and students oppose Proposition 2.

Why? A DANGEROUS financial time bomb that hurts schools was inserted into last-minute budget negotiations. What does it do? After even a penny goes into Prop. 2's "school rainy day fund," local school districts will only be allowed to save for—at most—a few weeks of expenses.

Why does it matter if Sacramento determines what districts can save? For the last seven years, Sacramento has delayed billions in payments to schools until after the end of each school year—funds needed to pay teachers, staff, and suppliers. Without locally-controlled reserves, districts would have faced higher borrowing costs and deeper cuts. Depending on Sacramento is a losing proposition for schools.

Get the facts from parents, not politicians, at [www.2BadForKids.org](http://www.2BadForKids.org).

Standard and Poor's reacted with "neutral to negative credit implications" for California schools if this passes (7/7/2014). Everyone supports a genuine rainy day fund—but ask newspapers and credit agencies if they support the SHELL GAME that Proposition 2 has become.

Sacramento does not have a track record of prioritizing public education, despite the rhetoric.

California is ranked 50th in the U.S. in per pupil spending (*Education Week*, January 2014).

Local communities, NOT Sacramento, know what is best for our children. Be heard. A NO vote on 2 is a vote FOR kids, schools and common sense.

VOTE NO ON 2!

**Cushon Bell**, Secretary

Educate Our State

**Cinnamon O'Neill**, Chapter Director

Educate Our State

**Kilty Belt-Vahle**, Parent Volunteer

Educate Our State

★ Argument Against Proposition 2 ★

Why does a so-called Rainy Day Fund get to soak California schoolchildren?

Parents and taxpayers often ask why California is one of the bottom ten states in school funding year after year—yet our tax rates are among the highest in the nation. Proposition 2 is a perfect example of how we keep “protecting” schoolchildren by putting them last.

Californians enacted Proposition 98 twenty-five years ago as a MINIMUM school-funding guarantee. This “guarantee” was an excuse in 2004 for state politicians to begin grabbing \$5+ billion a year of stable, reliable, local school-allocated property taxes to fund their own deficits and poor financial decisions. The State took the funds, promising that Proposition 98 would pay them back.

Unsurprisingly, this constitutional guarantee to California schoolchildren has not been steadfastly met. In recent bad years, California schools have had to suffer up to \$10 billion in deferred payments of their basic funding—forcing them to borrow, dip into their own local reserves, and cut programs.

And now, under Proposition 2, California schools are supposed to wait in good years as well? What does the “Local Control Funding Formula” mean if we don’t trust local school boards with even their minimum constitutionally guaranteed revenues?

Meanwhile, the small print allows the State Controller to utilize these withheld educational funds to help manage General Fund daily cash flow needs and allows the Legislature, by declaring a budget emergency, to move this money into the General Fund.

*But wait, there’s more!*

In the waning hours of this year’s budget negotiations, a requirement was added to force school districts to reduce their local reserves whenever *anything* is paid into Proposition 2’s “Public School System Stabilization Account.” In the following year, school districts are allowed only twice the bare minimum of reserves. For most districts, this means forcing them to hold just 6% of annual operating expenses in reserve—just three weeks spending!

For districts across California, local reserves have been all that’s protected children from State-inflicted borrowing costs or program cuts. (The State hasn’t paid schools on time in the past *seven* years! Up to 20% of the money it owed schools was paid after the end of the school year in June 2012.) Built up over decades, these reserves would have to be dumped just because one good capital-gains year moved educational funds away from funding schools and into the State-controlled stabilization account.

Please join us—a bipartisan statewide grassroots volunteer non-profit parent-led organization uniting tens of thousands of Californians committed to improving public education—and say NO to politicians who keep pushing kids to the back of the bus. Visit [www.2BadForKids.org](http://www.2BadForKids.org) and vote NO on 2!

**Katherine Welch**, Director  
Educate Our State

**Hope Salzer**, Chapter Director  
Educate Our State

**Jennifer Bestor**, Research Director  
Educate Our State

★ Rebuttal to Argument Against Proposition 2 ★

Proposition 2 opponents have it wrong; it’s precisely that kind of thinking that led to a \$26 billion budget deficit and devastating cuts to our schools.

The current state budget is the best in years for schools—providing more than \$10 billion in new funding. Proposition 2 PROTECTS SCHOOLS by stabilizing the state budget and preventing future cuts to our classrooms. Without a strong Rainy Day Fund and continued fiscal restraint, the state will face future deficits and could be forced to cut funding for schools, public safety and other critical services. That is why every Democrat and Republican in the Legislature voted to support Proposition 2.

Proposition 2 makes no changes to the funding level required by Proposition 98. In fact, this year’s budget funds

schools under Proposition 98 at the highest level ever, \$60.9 billion. That is \$1,954 more for each student than just three years ago when California faced huge budget deficits. By putting some money away during good times, California can STOP FUTURE CUTS TO SCHOOL FUNDING AND STOP UNNECESSARY TAX INCREASES.

VOTE YES ON PROPOSITION 2 AND PROTECT SCHOOLS AND CALIFORNIA’S BALANCED BUDGET!

**Dr. Michael Kirst**, President  
California State Board of Education

**Healthcare Insurance. Rate Changes. Initiative Statute.**

- Requires changes to health insurance rates, or anything else affecting the charges associated with health insurance, to be approved by Insurance Commissioner before taking effect.
- Provides for public notice, disclosure, and hearing on health insurance rate changes, and subsequent judicial review.
- Requires sworn statement by health insurer as to accuracy of information submitted to Insurance Commissioner to justify rate changes.
- Does not apply to employer large group health plans.
- Prohibits health, auto, and homeowners insurers from determining policy eligibility or rates based on lack of prior coverage or credit history.

**Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:**

- Increased state administrative costs to regulate health insurance, likely not exceeding the low millions of dollars annually in most years, funded from fees paid by health insurance companies.

**Analysis by the Legislative Analyst**

**Background**

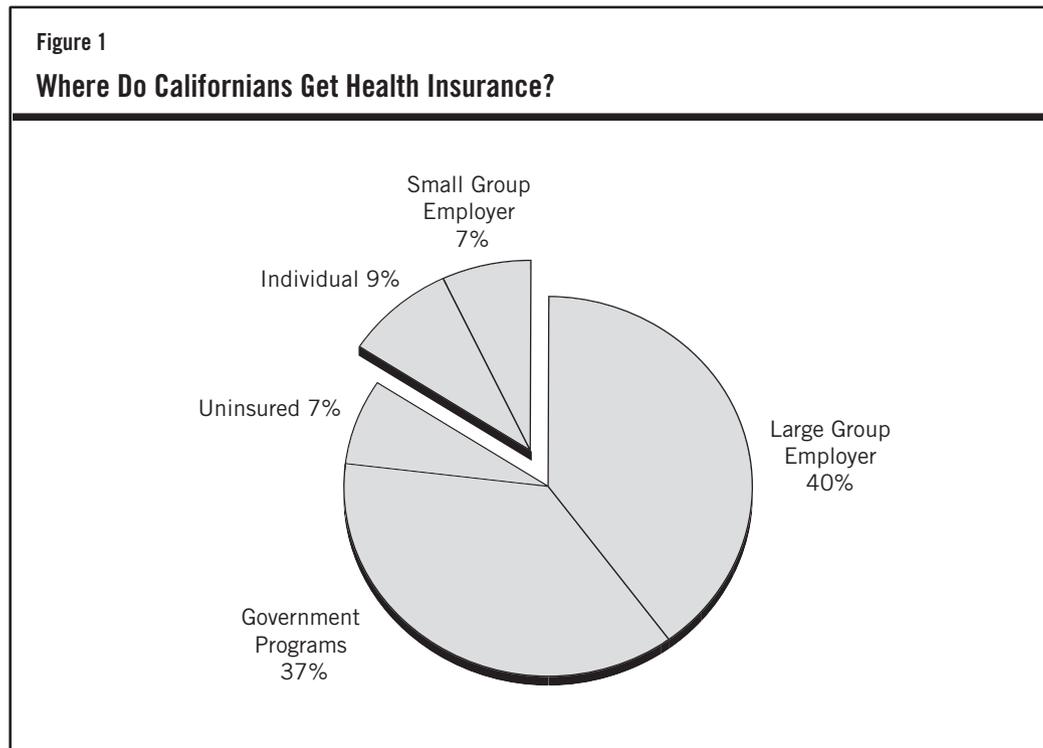
This measure requires the Insurance Commissioner (the Commissioner) to approve rates for certain types of health insurance. The rate approval process would be similar to a process that is currently used for other types of insurance, such as automobile and homeowner’s insurance. Below, we provide background information on health insurance in California and automobile and homeowner’s insurance rate regulation.

**Health Insurance in California**

**Sources of Health Insurance.** As shown in Figure 1, Californians obtain health insurance in many different ways. Some individuals and families obtain it from government programs, such as Medicare or Medicaid (known as Medi-Cal in California). Other individuals and families obtain job-based health insurance from their employers. Job-based coverage provided by companies with more than 50 employees is known as large group coverage. Coverage provided by companies with 50 or fewer employees is known as small group coverage. Still other individuals and families purchase health insurance directly from a health

insurance company (also known as individual health insurance). This measure mainly applies to individual and small group health insurance—which covers roughly 6 million Californians, or 16 percent of the population.

**Two State Departments Oversee Health Insurance in California.** Most health insurance products sold in California must be approved by state regulators to ensure they meet state requirements. For example, health insurance companies must provide basic benefits to enrollees—such as physician visits, hospitalizations, and prescription drugs—and have an adequate number of physicians available to provide care in a timely manner. These requirements are generally enforced by either the Department of Managed Health Care (DMHC) or the California Department of Insurance (CDI). The DMHC is run by a Governor-appointed director and it regulates some types of health insurance. The CDI is run by the elected Commissioner, and it regulates other types of health insurance. Most insured Californians have health insurance that is regulated by DMHC. The regulation of California’s individual or small group



health insurance is somewhat more evenly split between DMHC and CDI. The costs of each department’s activities are generally funded through fees on the regulated insurance companies. Some other types of health insurance, such as the federal Medicare program, are generally not subject to state requirements and therefore not regulated by either department.

**Review, but Not Approval, of Health Insurance Rates.** As of 2011, health insurance companies must file information on proposed rates for all individual and small group health insurance with either DMHC or CDI before those rates can go into effect. (Insurance companies are not required to file large group rate information.) Both DMHC and CDI review the rate information and say whether the rate increases are reasonable or not. When evaluating the reasonableness of health insurance rates, DMHC and CDI may consider a variety of factors, such as: (1) which medical benefits are covered, (2) what portion of the costs enrollees pay through copayments and deductibles, and (3) whether a company’s

administrative costs are reasonable. The departments are also required to make certain information from these reviews available to the public on their websites. However, DMHC and CDI currently have no authority to reject or approve the rates before they take effect.

**Federal Health Care Reform Creates Health Benefit Exchanges.** The federal Patient Protection and Affordable Care Act enacted in 2010, also referred to as federal health care reform, created marketplaces called health benefit exchanges. Insurance companies may sell health insurance products to individuals and small businesses on these exchanges. Certain low- to moderate-income individuals and families may receive federal subsidies to make their health insurance more affordable. These federal subsidies are not available for insurance purchased outside the exchange. California’s exchange—operational since October 2013—is known as Covered California, and it is governed by a five-member board (the Board) composed of individuals appointed by the Governor and the Legislature. Covered California

is currently funded by federal funds and fees assessed on participating health insurance companies.

***Covered California Board Negotiates With Health Insurers.*** Under state law, the Board has the authority to approve which health insurance products are sold through Covered California, subject to state and federal requirements. Thus, the Board negotiates certain plan characteristics—such as rates—with health insurance companies seeking to sell products through Covered California.

***Individual Market Health Insurance Sold During “Open Enrollment.”*** Generally, persons may enroll in individual market health insurance only during certain months, or open enrollment periods. Open enrollment generally begins in the fall and lasts a few months.

### **Automobile and Homeowner’s Insurance Rate Regulation**

***Automobile and Homeowner’s Insurance Rates Subject to Rate Approval Process.*** In 1988, California voters approved Proposition 103, which requires that rates for certain types of insurance—including automobile and homeowner’s insurance—not be excessive, inadequate, or unfairly discriminatory. (Health insurance is not currently subject to Proposition 103 requirements.) Proposition 103 requires the Commissioner to review and approve proposed rates before such rates take effect. The Commissioner may hold a public hearing on any proposed rate. In addition, a consumer or a consumer representative can challenge a proposed rate and request a public hearing. The Commissioner is required to grant a request for a public hearing when proposed rate changes exceed certain percentages. The Commissioner has the final authority to approve or reject proposed rates. The Commissioner’s rate decision can be appealed to the courts by consumers, consumer representatives, or insurance companies.

### **Proposal**

#### ***Individual and Small Group Health Insurance Rates Must Be Approved by the Commissioner.***

The measure makes current and future individual and small group health insurance rates—including rates for health insurance that is regulated by CDI or DMHC—subject to the rate approval process established under Proposition 103. The measure also states that rates proposed after November 6, 2012 must be approved by the Commissioner, and payments based on rates in effect on November 6, 2012 are subject to refund. There is some legal uncertainty about whether the Commissioner could require health insurance companies to issue refunds for health insurance no longer in effect.

The measure also broadly defines “rates” in a way that includes other factors beyond premiums, such as benefits, copayments, and deductibles. While there is some uncertainty regarding how this provision would be interpreted, it likely would not give the Commissioner any new authority to approve characteristics of health insurance products beyond premiums, such as the types of benefits covered.

***Existing DMHC Regulatory Authority Would Remain in Place.*** Under the measure, DMHC would continue to regulate certain types of health insurance and have the authority to *review* certain health insurance rates. However, the Commissioner would have the sole authority to *approve* the rates.

***Insurance Filing Fees Collected to Pay for State Administrative Costs.*** Any additional administrative costs to CDI resulting from the measure would be financed by increased fees paid by health insurance companies.

***Prohibition on Consideration of Credit History and Prior Insurance Coverage.*** The measure also prohibits the use of an individual’s credit history or the absence of prior insurance coverage for determining rates or eligibility for health, automobile, or homeowner’s insurance.

Current law already generally prohibits the use of such factors when determining rates or eligibility for health insurance. Current law allows some use of credit history or prior insurance coverage when determining rates or eligibility for automobile and homeowner's insurance. However, in practice, insurance companies generally have not used such factors.

## Fiscal Effects

The most significant fiscal effects of this measure on state and local governments, described in detail below, are on state administrative costs. The net additional state administrative costs from this measure would likely **not exceed the low millions of dollars annually, but could be higher in some years**. These costs would be funded from additional fee revenues collected from health insurance companies.

### *Increased State Administrative Costs for CDI.*

This measure would result in additional costs for CDI, including costs to review and approve health insurance rates and conduct public hearings on proposed rates. These ongoing costs would likely not exceed the low millions of dollars annually. The amount of additional costs would depend on several factors, including how often CDI or consumer representatives challenge proposed rates. The costs could be somewhat higher in the initial years after the measure takes effect. For example, there would be additional one-time costs if CDI reassessed rates that are currently in effect.

***Unclear Effects on DMHC's Administrative Costs.*** The measure does not directly impose new

duties on DMHC, but it could affect DMHC's administrative costs. The direction and extent of this potential effect is unclear. For example, over time, the degree to which DMHC would continue to review health insurance rates in light of the rate approval authority given to CDI under the measure is unclear. If DMHC reduced or eliminated its rate review activities, this would result in administrative savings of up to several hundred thousand dollars annually. On the other hand, some of DMHC's administrative costs could increase under the measure if actions taken by the Commissioner resulted in additional regulatory workload for DMHC.

***Potential Administrative Costs for Covered California.*** The measure does not impose new duties on Covered California, but it could result in additional administrative costs. The new rate approval process conducted by CDI would likely result in a longer approval process for some individual and small group health insurance products. To the extent there is a long delay in approval for a product, it could result in that product not being offered during an open enrollment period. This could, in turn, have fiscal effects on Covered California. For example, there could be additional costs to provide consumer assistance to individuals who switch to a different health insurance company. It is unclear whether long delays in rate approvals would occur under the measure or, if they do occur, how often they would occur.

Visit <http://cal-access.sos.ca.gov> for details about money contributed in this contest.

## ★ Argument in Favor of Proposition 45 ★

*Proposition 45 Will Stop Excessive Health Insurance Rate Hikes*  
Health insurance premiums have risen 185% since 2002, five times the rate of inflation.

Even when premium increases are found to be unreasonable, no one in California has the power to stop them!

That's why Californians recently faced \$250 million in rate hikes that state regulators found to be "unreasonable" but could not stop.

Proposition 45 requires health insurance companies to open their books and publicly justify rate hikes, under penalty of perjury, *before* they can raise premiums for 5.8 million individual consumers and small business owners.

Proposition 45 will:

- Require disclosure by making public the documents filed by insurers to justify rate increases.
- Promote transparency by allowing public hearings and the right to challenge unjustified premium increases.
- Create accountability by giving the insurance commissioner authority to reject excessive rate increases and order refunds.

Proposition 45 protects patients from health insurance company profiteering. Unaffordable insurance leads to unpaid medical bills, the leading cause of personal bankruptcy. Nearly 40% of Americans skip doctor visits or recommended care due to the cost.

Proposition 45 will stop health insurance company price gouging and lower health insurance premiums.

How do we know?

*Proposition 45 Extends The Protections Of Another Voter Approved Initiative That Has Saved Consumers Billions*

California auto and home insurance companies have been required to justify rate hikes and get permission to raise premiums since 1988.

Since voters enacted these insurance protections (Proposition 103), California is the only state in the nation where auto insurance rates went down over two decades! The Consumer Federation of America reported in November 2013 that

California's auto insurance rate regulations have saved California consumers \$102 billion by preventing excessive rate increases. Proposition 45 applies these rules to health insurers.

A nationally recognized actuary, who has reviewed health insurance rates in other states, and Consumer Watchdog estimate that Proposition 45 could save Californians \$200 million or more per year.

*Proposition 45 Is Needed Even More Now That Everyone Is Required To Have Health Insurance*

The federal healthcare law does not give regulators the power to stop excessive rate hikes.

As the *Los Angeles Times* editorial board said, "As of 2014, the healthcare reform law will require all adult Americans to obtain health coverage. Regulators ought to have the power to stop insurers from gouging that captive market."

The *San Jose Mercury News* editorialized: "California should join the majority of states across the nation, 36 of 50, that have authority to control health insurance rate hikes."

California's big health insurance companies have already contributed \$25.4 million to stop Proposition 45. They blocked legislation for greater transparency and accountability like Proposition 45 for a decade. They want to continue charging you as much as they want. Don't be misled.

Proposition 45 will lower healthcare costs by preventing health insurance companies from jacking up rates and passing on unreasonable costs to consumers.

Join us in support of Proposition 45 to save money on health insurance. Learn more: [www.yeson45.org](http://www.yeson45.org).

Thank you.

**Deborah Burger**, President  
California Nurses Association

**Jamie Court**, President  
Consumer Watchdog

**Dolores Huerta**, Civil Rights Leader

## ★ Rebuttal to Argument in Favor of Proposition 45 ★

Prop. 45 isn't about controlling health insurance rates—because California just launched a new independent commission this year responsible for controlling health insurance rates and expanding coverage.

Instead, Prop. 45 is really about who has power over health care: the independent commission, or one politician who can take campaign contributions from special interests like insurance companies and trial lawyers.

*Prop. 45—Undermines California's New Independent Commission*

The independent commission is working to control costs, providing what the *Los Angeles Times* described as "Good News About Health Costs."

But the special interests backing Prop. 45 have a different agenda: GIVE ENORMOUS POWER over health insurance benefits and rates to a single Sacramento politician.

This power grab would sabotage the independent commission with bureaucratic conflicts, lengthy delays and higher costs for consumers—and give powerful special interests more influence over health care.

*Prop. 45—Another flawed, costly, deceptive initiative*

- Under Prop. 45, ONE POLITICIAN COULD CONTROL

THE BENEFITS AND TREATMENT OPTIONS our insurance covers. We shouldn't expose treatment decisions to some politician's political agenda.

- Increases State Administrative COSTS TENS OF MILLIONS EVERY YEAR to fund costly, duplicative bureaucracy and resolve legal questions caused by sponsor's failure to qualify initiative for 2012, as intended.
- HIDDEN AGENDA—COSTLY NEW LAWSUITS. The sponsors made \$11 million off legal fees under their last sponsored Proposition; now they're back to make millions more off the costly new health care lawsuits Prop. 45 allows.
- Exempts big corporations.

Join doctors, nurses, patients, clinics and small businesses: VOTE NO on 45.

**Gail Nickerson**, President  
California Association of Rural Health Clinics

**Robert A. Moss, MD**, President  
Medical Oncology Association of Southern California

**Kim Stone**, President  
Civil Justice Association of California

★ **Argument Against Proposition 45** ★

We all want to improve our health care system, but Prop. 45 isn't the reform we need.

Instead, Prop. 45 is a flawed, costly and deceptive initiative drafted to benefit its sponsors and special interest backers—while patients, consumers and taxpayers face higher rates, more costly bureaucracy and new barriers to health care.

Prop. 45 makes things *worse*, not better. That's why California doctors, nurses, patients, clinics, hospitals, taxpayers and small businesses all oppose Prop. 45.

**GIVES ONE POLITICIAN TOO MUCH POWER—**  
Proposed Section 1861.17(g)(2)

Prop. 45 gives sweeping control over health care coverage to one elected politician—the insurance commissioner—who can take campaign contributions from trial lawyers, insurance companies and other powerful special interests.

Under Prop. 45, this single politician could **CONTROL WHAT BENEFITS AND TREATMENT OPTIONS YOUR INSURANCE COVERS**—with virtually no checks and balances to ensure decisions are made to benefit patients and consumers instead of special interests in Sacramento.

*“Prop. 45 gives one politician too much power over health care. Treatment decisions should be made by doctors and patients, not someone with a political agenda.”*—Dr. Jeanne Conry, MD, OB/GYN—Immediate Past President, American College of Obstetrics and Gynecology, District IX

**CREATES MORE DUPLICATIVE, COSTLY BUREAUCRACY—**Proposed Section 1861.17(e)

Prop. 45 creates even more expensive state bureaucracy, duplicating two other bureaucracies that oversee health insurance rates, causing costly confusion with other regulations and adding more red tape to the health care system.

The non-partisan Legislative Analyst's Office projects the measure could **INCREASE STATE ADMINISTRATIVE COSTS TENS OF MILLIONS OF DOLLARS PER YEAR**—costs ultimately paid by consumers.

We shouldn't create a costly new, duplicative state bureaucracy when we can't adequately fund our schools, children's health care

programs, or other priorities.

**CALIFORNIA ALREADY HAS A NEW INDEPENDENT HEALTH CARE COMMISSION**

California just established a new independent commission responsible for negotiating health plan rates on behalf of consumers and rejecting health plans if they're too expensive.

This independent commission is working successfully to control costs and expand coverage. We shouldn't allow a politician who can take campaign contributions from special interests to interfere with the commission's work.

**EXEMPTS BIG CORPORATIONS—**Proposed Section 1861.17(g)(3)

Prop. 45 exempts large corporations, even as it burdens small businesses with costly new regulations and bureaucracy. If we're going to reform health care, it should apply to everyone, not just small businesses and individuals.

**FINE PRINT HIDES FRIVOLOUS LAWSUITS—**Proposed Section 1861.17(a)

Prop. 45's sponsors are lawyers who made millions profiteering off legal challenges allowed by the last proposition they sponsored, according to the *San Diego Union-Tribune*. They've hidden the same provision in Prop. 45, allowing them to charge up to \$675/hour and make millions more off costly health care lawsuits.

The sponsors will get rich—consumers will pay.

Our health care system is too complex to make major changes through a proposition pushed by one special interest. If we're going to make changes, patients, doctors and hospitals should all be part of the solution.

Vote NO on Prop. 45.

[www.StopHigherCosts.org](http://www.StopHigherCosts.org)

**Monica Weisbrich, R.N.**, President  
American Nurses Association of California  
**Dr. José Arévalo, M.D.**, Chair  
Latino Physicians of California  
**Allan Zaremborg**, President  
California Chamber of Commerce

★ **Rebuttal to Argument Against Proposition 45** ★

Californians are being overcharged by the health insurance industry. Proposition 45 will protect consumers and help stop the insurance industry's price gouging. It applies California's existing auto insurance protections, which have saved consumers billions, to health insurance.

*Five health insurance companies that control 88% of California's insurance market have raised \$25,300,000 against Prop. 45:* Blue Cross and parent company Wellpoint, Kaiser, Blue Shield, Health Net and United Healthcare. They want to keep charging you as much as possible without accountability, transparency or disclosure.

When did health insurance companies ever spend \$25 million to save you money on your health insurance or to make your healthcare better?

Here are the facts:

- Prop. 45 will not limit your benefits or treatment options, only how much you pay for health insurance. That's why the California Nurses Association, representing 85,000 Registered Nurses, supports Prop. 45.

- There is no “commission” in California, or federally, that has the power to stop unreasonable health insurance rates. That's why Prop. 45 authorizes our elected insurance commissioner to reject excessive rate hikes. No insurance commissioner has accepted campaign contributions from insurance companies since 2000. No wonder health insurers are worried!
- Prop. 45 won't create a new bureaucracy. It requires health insurance companies to pay for its implementation and obey the same rules, from voter-approved Prop. 103, that apply to other insurance companies. The insurance companies fear these rules and the consumer challenges to excessive rates that have cancelled billions in overcharges by auto, home and business insurers. [www.yeson45.org](http://www.yeson45.org)

**Dr. Paul Song**, Co-Chair  
Campaign For A Healthy California  
**Henry L. “Hank” Lacayo**, State President  
Congress of California Seniors  
**Harvey Rosenfield**, Author of 1988 insurance reform Proposition 103

**Drug and Alcohol Testing of Doctors. Medical Negligence Lawsuits. Initiative Statute.**

- Requires drug and alcohol testing of doctors and reporting of positive test to the California Medical Board.
- Requires Board to suspend doctor pending investigation of positive test and take disciplinary action if doctor was impaired while on duty.
- Requires doctors to report any other doctor suspected of drug or alcohol impairment or medical negligence.
- Requires health care practitioners to consult state prescription drug history database before prescribing certain controlled substances.
- Increases \$250,000 cap on pain and suffering damages in medical negligence lawsuits to account for inflation.

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**Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:**

- Increased state and local government health care costs from raising the cap on medical malpractice damages, likely ranging from the tens of millions of dollars to several hundred million dollars annually.
- Uncertain, but potentially significant, state and local government savings from new requirements on health care providers, such as provisions related to prescription drug monitoring and alcohol and drug testing of physicians. These savings would offset to some extent the health care costs noted above.

**Analysis by the Legislative Analyst**

**Background**

This measure has several provisions that relate to health care provider conduct and patient safety. Specifically, the measure’s primary provisions relate to medical malpractice, prescription drug monitoring, and alcohol and drug testing for physicians. Below, we provide background information on some of these topics and describe the major role state and local governments have in paying for health care services in California.

**State and Local Governments Pay for a Substantial Amount of Health Care**

The state and local governments in California spend tens of billions of dollars annually on health care services. These costs include purchasing services directly from health care providers (such as physicians and pharmacies), operating health care facilities (such as hospitals and clinics), and

paying premiums to health insurance companies. The major types of public health care spending are:

- **Health Coverage for Government Employees and Retirees.** The state, public universities, cities, counties, school districts, and other local governments in California pay for a significant portion of health costs for their employees and their families and for some retirees. Together, state and local governments pay about \$20 billion annually for employee and retiree health benefits.
- **Medi-Cal.** In California, the federal-state Medicaid program is known as Medi-Cal. Medi-Cal pays about \$17 billion annually from the state General Fund to provide health care to over 10 million low-income persons.

- **State-Operated Mental Hospitals and Prisons.** The state operates facilities, such as mental hospitals and prisons, that provide direct health care services.
- **Local Government Health Programs.** Local governments—primarily counties—pay for many health care services, mainly for low-income individuals. Some counties operate hospitals and clinics that provide health care services.

### Medical Malpractice

**Persons Injured While Receiving Health Care May Sue for Medical Malpractice.** Persons injured while receiving health care may sue health care providers—typically physicians—for medical malpractice. In a medical malpractice case, the person suing must prove that he or she was injured as a result of the health care provider’s negligence—a failure to follow an appropriate standard of care. The person must also prove some harm resulted from the provider’s negligence. Damages awarded in medical malpractice cases include:

- **Economic Damages**—payments to a person for the financial costs of an injury, such as medical bills or loss of income.
- **Noneconomic Damages**—payments to a person for items other than financial losses, such as pain and suffering.

Attorneys working malpractice cases are typically paid a fee that is based on the damages received by the injured person—also known as a contingency fee. Most medical malpractice claims—as with lawsuits in general—are settled outside of court.

**How Health Care Providers Cover Malpractice Costs.** Health care providers usually pay the costs of medical malpractice claims—including damages and legal costs—in one of two ways:

- **Purchasing Medical Malpractice Insurance.** The provider pays a monthly premium to an insurance company and, in

turn, the company pays the costs of malpractice claims.

- **Self-Insurance.** Sometimes the organization a provider works for or with—such as a hospital or physician group—directly pays the costs of malpractice claims. This is often referred to as self-insurance.

These malpractice costs are roughly 2 percent of total annual health care spending in California.

**Medical Injury Compensation Reform Act (MICRA).** In 1975, the Legislature enacted MICRA in response to a concern that high medical malpractice costs would limit the number of doctors practicing medicine in California. The act made several changes intended to limit malpractice liability, including limiting the size of medical malpractice claims. For example, it established a \$250,000 cap on noneconomic damages that may be awarded to an injured person. (There is no cap on economic damages.)

The act also established a cap on fees going to attorneys representing injured persons in malpractice cases. The percentage that can go to these attorneys depends on the amount of damages awarded, with the percentage declining as the amount of the award grows. For example, attorneys cannot receive more than 40 percent of the first \$50,000 recovered or more than 15 percent of the amount recovered greater than \$600,000.

### Prescription Drug Abuse and Monitoring

**Prescription Drug Monitoring Programs.** Use of prescription drugs for nonmedical purposes (such as for recreational use) is often referred to as prescription drug abuse. Largely in response to a growing concern about prescription drug abuse, almost all states—including California—have a prescription drug monitoring program. Such a program typically involves an electronic database that gathers information about the prescribing and dispensing of certain drugs. This information is used to reduce prescription drug abuse, among

Analysis by the Legislative Analyst

Continued

other things. For example, it is used to identify potential “doctor shoppers”—persons obtaining prescriptions from many different physicians over a short period of time with the intent to abuse or resell the drugs for profit.

**California’s Prescription Drug Monitoring Program.** The state Department of Justice (DOJ) administers California’s prescription drug monitoring program, which is known as the Controlled Substance Utilization Review and Evaluation System (CURES). For certain types of prescription drugs, a pharmacy is required to provide specified information to DOJ on the patient—including name, address, and date of birth. The types of prescription drugs that are subject to reporting are generally those that have potential for abuse.

**Health Care Providers Required to Register for, but Not Check, CURES Beginning in 2016.** Certain health care providers—such as physicians and pharmacists—are allowed to review a patient’s prescription drug history in CURES. (Some other persons—such as certain law enforcement officials—also have access to CURES.) In some cases, checking the system prior to prescribing or dispensing drugs can prevent prescription drug abuse or improve clinical care.

In order to review a patient’s drug history in CURES, a user must first register to use the system. Providers, however, are not currently required to register. (About 12 percent of all eligible providers are now registered.) Beginning January 1, 2016, providers will be required to register. Even then, as currently, providers will not be required to check the database prior to prescribing or dispensing drugs.

**CURES Upgrades Scheduled to Be Complete in Summer 2015.** Currently, CURES does not have sufficient capacity to handle the higher level of use that is expected to occur when providers are required to register beginning in 2016. The state is currently in the process of upgrading CURES.

These upgrades are scheduled to be complete in the summer of 2015.

### **The Medical Board of California Regulates Physician Conduct**

The Medical Board of California (Board) licenses and regulates physicians, surgeons, and certain other health care professionals. The Board is also responsible for investigating complaints and disciplining physicians and certain other health professionals who violate the laws that apply to the practice of medicine. Such violations include failure to follow an appropriate standard of care, illegally prescribing drugs, and drug abuse.

### **Proposal**

**Raises Cap on Noneconomic Damages for Medical Malpractice.** Beginning January 1, 2015, this measure adjusts the current \$250,000 cap on noneconomic damages in medical malpractice cases to reflect the increase in inflation since the cap was established—effectively raising the cap to \$1.1 million. The cap on the amount of damages would be adjusted annually thereafter to reflect any increase in inflation.

**Requires Health Care Providers to Check CURES.** This measure requires health care providers, including physicians and pharmacists, to check CURES prior to prescribing or dispensing certain drugs to a patient for the first time. Providers would be required to check the database for drugs that have a higher potential for abuse, including such drugs as OxyContin, Vicodin, and Adderall. If the check of CURES finds that the patient already has an existing prescription for one of these drugs, the health care provider must determine if there is a legitimate need for another one.

**Requires Hospitals to Conduct Alcohol and Drug Testing on Physicians.** This measure requires hospitals to conduct testing for drugs and alcohol on physicians who are affiliated with the hospital. There are currently no requirements for

hospitals to test physicians for alcohol and drugs. The measure requires that testing be done randomly and in two specific instances:

- When a physician was responsible for the care and treatment of a patient within 24 hours prior to an adverse event. (Adverse events include such things as mistakes made during surgery, injuries associated with medication errors, or any event that causes the death or serious disability of a patient.)
- When a physician is the subject of a report of possible drug or alcohol use while on duty or failure to follow the appropriate standard of care (discussed below).

The hospital would be required to bill the physician for the cost of the test. The hospital would also be required to report any positive test results, or the willful failure or refusal of a physician to submit to the test, to the Board.

***Requires Medical Board to Discipline Physicians Found to Be Impaired.*** If the Board finds that a physician was impaired by drugs or alcohol while on duty or during an adverse event, or that a physician refused or failed to comply with drug and alcohol testing, the Board must take specified disciplinary action against the physician. This action may include suspension of the physician's license. The measure requires the Board to assess an annual fee on physicians to pay the costs of administering the measure and taking enforcement actions.

***Requires Reporting of Suspected Physician Misconduct to the Medical Board.*** The measure requires physicians to report to the Board any information known to them that appears to show another physician was impaired by drugs or alcohol while on duty, or that a physician who treated a patient during an adverse event failed to follow the appropriate standard of care. In most cases, individual physicians are not currently required to report this information.

## Fiscal Effects

This measure would likely have a wide variety of fiscal effects on state and local governments—many of which are subject to substantial uncertainty. We describe the major potential fiscal effects below.

### Effects of Raising Cap on Noneconomic Damages in Medical Malpractice Cases

Raising the cap on noneconomic damages would likely increase overall health care spending in California (both governmental and nongovernmental) by: (1) increasing direct medical malpractice costs and (2) changing the amount and types of health care services provided.

#### ***Higher Direct Medical Malpractice Costs.***

Raising the cap on noneconomic damages would likely affect direct medical malpractice costs in the following ways:

- ***Higher Damages.*** A higher cap would increase the amount of damages in many malpractice claims.
- ***Change in the Number of Malpractice Claims.*** Raising the cap would also change the total number of malpractice claims, although it is unclear whether the total number of claims would increase or decrease. For example, raising the cap would likely encourage health care providers to practice medicine in a way that decreases the number of medical malpractice claims. (We discuss this change in behavior further below.) On the other hand, raising the cap would increase the amount of damages—thereby increasing the amount that could potentially go to an attorney representing an injured party on a contingency-fee basis. This, in turn, makes it more likely that an attorney would be willing to represent an injured party, thereby increasing the number of claims.

On net, these changes would likely result in higher medical malpractice costs, and thus higher total health care spending, in California. Based on studies looking at other states' experience, we estimate that the increase in medical malpractice costs could range from 5 percent to 25 percent. Since medical malpractice costs are currently about 2 percent of total health care spending, raising the cap would likely increase total health care spending by 0.1 percent to 0.5 percent.

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**Costs Due to Changes in Health Care Services Provided.** Raising the cap would also affect the amount and types of health care services provided in California. As discussed earlier, raising the cap on noneconomic damages would likely encourage health care providers to change how they practice medicine in an effort to avoid medical malpractice claims. Such changes in behavior would increase health care costs in some instances and decrease health care costs in other instances. For example, a physician may order a test or procedure for a patient that he or she would not have otherwise ordered. This could affect health care costs in different ways:

- The additional test or procedure could reduce future health care costs by preventing a future illness.
- The additional test or procedure could simply increase the total costs of health care services, with little or no future offsetting savings.

Based on studies looking at other states' experience, we estimate that this would result in a net increase in total health care spending. We estimate this spending would increase by 0.1 percent to 1 percent.

**Annual Government Costs Likely Ranging From Tens of Millions to Several Hundred Million Dollars.** As noted earlier, state and local governments pay for tens of billions of dollars of health care services annually. Our analysis assumes additional costs for health care providers—such as higher direct medical malpractice costs—are

generally passed along to purchasers of health care services, such as governments. In addition, we assume state and local governments will have net costs associated with changes in the amount and types of health care services.

There would likely be a very small percentage increase in health care costs in the economy overall as a result of raising the cap. However, even a small percentage change in health care costs could have a significant effect on government health care spending. For example, a 0.5 percent increase in state and local government health care costs in California as a result of raising the cap (which is within the range of potential cost increases discussed above) would increase government costs by roughly a couple hundred million dollars annually. Given the range of potential effects on health care spending, we estimate that state and local government health care costs associated with raising the cap would likely range from **the tens of millions of dollars to several hundred million dollars annually**. The state portion of these costs would be less than 0.5 percent of the state's annual General Fund budget.

### **Effects of Requirement to Check CURES and Physician Alcohol and Drug Testing**

The other provisions of the measure that could have significant fiscal effects on state and local governments are: (1) the requirement that certain health care providers check CURES and (2) the requirement that hospitals conduct physician alcohol and drug testing.

**Effects of Requirement to Check CURES.** Many providers will not be able to check CURES until at least the summer of 2015, when the system upgrades are scheduled to be complete. Once the CURES upgrades are complete, this measure would result in health care providers checking CURES more often because of the measure's requirement that they do so. Checking CURES more often could have many fiscal effects, including:

- **Lower Prescription Drug Costs.** Providers checking CURES would be more likely to identify potential doctor shoppers and, in turn, reduce the number of prescription drugs dispensed. Fewer prescriptions being dispensed would result in lower prescription drug costs.
- **Lower Costs Related to Prescription Drug Abuse.** Fewer prescriptions being dispensed would likely reduce the amount of prescription drug abuse. This, in turn, would result in lower governmental costs associated with prescription drug abuse, such as law enforcement, social services, and other health care costs. These savings could be lessened due to other behavioral changes as a result of the measure. For example, drug abusers may find other ways to obtain prescription drugs.
- **Additional Costs Related to Checking CURES.** Certain health care providers would be required to take additional time to check CURES. As a result, they would have less time for other patient care activities. This could result in additional costs for hospitals or pharmacies needing to hire additional staff to provide care to the same number of patients. Some of these cost increases would eventually be passed on to government purchasers of health care services in the form of higher prices.

**Effects of Physician Alcohol and Drug Testing.** The requirement to test physicians for alcohol and drugs could have several different fiscal effects, including:

- **Savings From Fewer Medical Errors.** Physician testing would likely prevent some medical errors. For example, alcohol and drug testing would deter some physicians from using alcohol or drugs while on duty and, in turn, result in fewer medical errors. Fewer medical errors would decrease overall health care spending.
- **Costs of Performing Tests.** The measure requires hospitals to bill physicians for the cost of alcohol or drug testing. This would increase costs for providers and some of these costs would be passed along to state and local governments in the form of higher prices for health care services provided by physicians.
- **State Administrative Costs.** The measure's alcohol and drug test requirements would create state administrative costs, including costs for the Board to enforce the measure. These administrative costs would likely be less than a million dollars annually, to be paid for by a fee assessed on physicians.

**Uncertain, but Potentially Significant, Net Savings to State and Local Governments.** On net, the requirements to check CURES and test physicians for alcohol and drugs would likely result in annual savings to state and local governments. The amount of annual savings is highly uncertain, but potentially significant. These savings would offset to some extent the increased governmental costs from raising the cap on noneconomic damages (discussed above).

Visit <http://cal-access.sos.ca.gov> for details about money contributed in this contest.

★ Argument in Favor of Proposition 46 ★

*PROPOSITION 46 WILL SAVE LIVES.*

Preventable medical errors kill up to 440,000 people each year, making medical negligence the third leading cause of death in this country behind only heart disease and cancer.

Bob Pack is sponsoring Proposition 46 because a drugged driver killed Bob's children after multiple doctors recklessly prescribed narcotics to her. Bob wants to prevent such a tragedy from happening to other families. Proposition 46 will save lives in three ways:

*1. PROPOSITION 46 WILL DETER NEGLIGENCE BY HOLDING DOCTORS ACCOUNTABLE FOR MEDICAL ERRORS.*

- It holds doctors accountable when they commit negligence, including while impaired by drugs or alcohol, by adjusting for inflation the current cap of \$250,000 on pain and suffering damages for victims of medical negligence like Troy and Alana Pack.
- The Legislature set the cap in 1975 and has never adjusted it for inflation. While the cost of everything else has increased significantly since then, the value of a life has not increased one penny in 39 years.
- Proposition 46 retains the current limit on attorneys' fees in medical negligence cases.

*2. PROPOSITION 46 WILL SAVE LIVES BY CRACKING DOWN ON PRESCRIPTION DRUG ABUSE.*

- A recent *LA Times* investigation showed that drugs prescribed by doctors caused or contributed to nearly half of the accidental prescription overdose deaths in four Southern California counties.
- Proposition 46 requires doctors to check the existing statewide database before prescribing addictive painkillers and other narcotics to a first time patient.

*3. PROPOSITION 46 WILL SAVE LIVES BY PROTECTING PATIENTS FROM IMPAIRED DOCTORS.*

- The California Medical Board reported that experts estimate nearly one in five health professionals suffers from substance abuse during their lifetimes.

- Doctors under the influence of drugs and alcohol cause medical errors, but most substance abuse goes undetected because doctors are not tested.

*PROPOSITION 46 REQUIRES:*

- Random drug and alcohol testing of doctors using the same proven federal testing program that works with pilots.
- Suspension of a doctor who tests positive and disciplinary action if the doctor was impaired on duty.

*THE FACTS:*

- Millions of Californians are drug tested at work yet California doesn't require doctors to be tested.
- Drug testing is required for pilots, bus drivers, and other safety workers—but not doctors.
- Drug testing can save lives. That's why random drug testing of doctors is supported by leading medical safety experts, consumer advocates, the Inspector General of the federal agency responsible for overseeing health care, and by doctors who themselves have abused drugs.
- Dr. Stephen Loyd, an internist who practiced medicine while abusing drugs and who is now recovering, said: "I worked impaired every day; looking back, it scares me to death, what I could have done. My patients and my colleagues never knew I was using."

Join Bob Pack, consumer groups, health care professionals and victims of medical negligence in voting YES on Proposition 46 ([www.yeson46.org](http://www.yeson46.org)) so we can improve patient safety, hold doctors accountable, and save lives by making sure no one has an intoxicated doctor treating them or a loved one.

**Bob Pack**, Father of victims of preventable medical error, Troy and Alana Pack

**Carmen Balber**, Executive Director  
Consumer Watchdog

**Henry L. "Hank" Lacayo**, State President  
Congress of California Seniors

★ Rebuttal to Argument in Favor of Proposition 46 ★

Prop. 46 is before you for one reason—to make it easier for trial lawyers to sue doctors and profit from these lawsuits. It's simple. When you increase the cap, you automatically increase trial lawyer profits.

46's sponsors claim this is about drug testing doctors . . . but the lawyers who wrote and funded this measure have NEVER gone to the State Legislature to propose drug testing of doctors.

They have, however, sponsored 3 different proposals to get the State Legislature to raise the cap on lawsuits and make it easier to sue our family doctors. All 3 times the Legislature rejected them. And no less than 10 times, trial lawyers have asked the courts to strike down the cap. Each time, the courts, including the California Supreme Court, found the cap serves its purpose by keeping costs contained, which preserves your access to affordable healthcare.

Lawyers paid to put this on the ballot, making the bold claim it will "save lives." They cite false statistics to defend this political

rhetoric. Much as we wish a ballot initiative could actually save lives, this one will not.

But doctors and nurses DO save lives. They take a solemn oath to care for their patients. They believe 46 would force many California doctors, specialists and healthcare professionals to close their practices. How can that benefit anyone?

Please go to [www.NoOn46.com](http://www.NoOn46.com) to see why over 500 different community based groups throughout the state, concerned about access to healthcare for everyone, say VOTE NO on 46.

**Tricia Hunter, RN**, Executive Director  
American Nurses Association, California

**Tom Scott**  
California Citizens Against Lawsuit Abuse

**Betty Jo Toccoli**, President  
California Small Business Association

★ **Argument Against Proposition 46** ★

California special interests have a history of qualifying ballot propositions that appear to be about one thing but are really about another. Here's another one.

Proposition 46 uses alcohol and drug testing of doctors to disguise the real intent—to increase a limit on the amount of medical malpractice lawsuit awards.

This measure does three things:

- Quadruples the limit on medical malpractice awards in California, which will cost taxpayers hundreds of millions of dollars every year, and cause many doctors and other medical care professionals to quit their practice or move to places with lower medical malpractice insurance premiums.
- Threatens your privacy by requiring a massive expansion of the use of a personal prescription drug database.
- Requires alcohol and drug testing of doctors, which was only added to this initiative to distract from the main purpose.

*Vote No on Prop. 46*

This measure is not on the ballot because someone thinks we need to drug test doctors. Prop. 46 was written and paid for exclusively by trial lawyers who will profit from its passage. If they get their way, malpractice lawsuits and trial attorney awards will skyrocket. And we will pay the costs.

*Raising the Limit on Medical Malpractice Awards*

Lawyers want to quadruple the limit of awards that the state allows for medical malpractice lawsuits. Here are the consequences:

- *Increased Health Insurance Costs:* If medical malpractice awards go up, health insurance companies will raise their rates to cover their increased costs. When health care insurance companies raise their rates, we all pay more in health care premiums.
- *Increased Taxes and Fees:* State and county hospitals pay their own medical malpractice insurance premiums. When

health insurance companies raise their rates, state and county governments will have to find a way to cover the new costs. They will either cut services or raise taxes and fees. In fact, the independent Legislative Analyst estimates the increased state and local costs to be “hundreds of millions of dollars . . .” We will pay either way.

- *Access to Health Care Reduced:* If California raises their cap, many doctors and other health care professionals will move to states with lower malpractice insurance rates. Some will give up their practice. This could cause you to lose your doctor. Which is why the California Association of Rural Health Clinics opposes Prop. 46.

*Prescription Drug Database*

Prop. 46 mandates that doctors consult an online database of Californians' personal prescription drug history. This database is controlled by the state government in an age when it's already too easy for government to violate our privacy.

Government websites, including the DMV and the Pentagon, have a history of being hacked. Vote No to prevent reliance on another computer database that no one can assure will be secure.

*In Summary*

The consequences of Prop. 46 far outweigh any benefits: higher costs of health care, higher taxes, lost access to doctors, loss of privacy, and risking that our personal prescription drug history will be compromised and made available for anyone to see.

Please vote no.

- Donna Emanuele, RN**, President  
California Association of Nurse Practitioners
- Ann-Louise Kuhns**, President  
California Children's Hospital Association
- Stuart Cohen, MD**, Chair  
American Academy of Pediatrics, California

★ **Rebuttal to Argument Against Proposition 46** ★

As mothers who lost children to medical negligence, we want to prevent our tragedies from happening to others, but insurance companies are spending millions against Proposition 46's reforms.

Please consider the facts:

Requiring random drug and alcohol testing of doctors will address a serious problem reported by *USA Today*: 103,000 U.S. medical professionals annually abuse illicit drugs.

That's why Mothers Against Drunk Driving Founder Candace Lightner supports Proposition 46.

The U.S. Health and Human Services Department's Inspector General has called for testing doctors.

Pilots, hospital workers, and millions of Californians are tested, but California doesn't require doctors to be tested.

Requiring doctors to check California's drug database before prescribing new patients narcotics will:

*Protect privacy:* The existing Department of Justice database is secure. That's why Consumer Watchdog supports 46.

*Save money:* The U.S. Health and Human Services Department's former insurance oversight director estimates it can save California hundreds of millions annually.

Adjusting the \$250,000 cap on compensation for human suffering in medical negligence cases for 39 years of inflation will fairly value lives and hold doctors accountable.

Barbara Boxer, Nancy Pelosi and Erin Brockovich support 46 because the cap disproportionately harms women and children.

Proposition 46 *won't limit access to health care*: statistics show that people in most states *without* caps have better access to doctors than Californians do.

California's Insurance Commissioner *holds down doctors' insurance costs* by regulating rates.

Up to 440,000 people die annually from preventable medical errors. *Help us save lives—VOTE YES.*

- Sarah Hitchcock-Glover, R.N.**, Mother of victim of preventable medical error, Adam Glover
- Alejandra Gonzalez**, Mother of victim of preventable medical error, Mia Chavez
- Jennifer Westhoff**, Mother of victim of preventable medical error, Morgan Westhoff

### **Criminal Sentences. Misdemeanor Penalties. Initiative Statute.**

- Requires misdemeanor sentence instead of felony for certain drug possession offenses.
- Requires misdemeanor sentence instead of felony for the following crimes when amount involved is \$950 or less: petty theft, receiving stolen property, and forging/writing bad checks.
- Allows felony sentence for these offenses if person has previous conviction for crimes such as rape, murder, or child molestation or is registered sex offender.
- Requires resentencing for persons serving felony sentences for these offenses unless court finds unreasonable public safety risk.
- Applies savings to mental health and drug treatment programs, K–12 schools, and crime victims.

### **Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:**

- Net state criminal justice system savings that could reach the low hundreds of millions of dollars annually. These savings would be spent on school truancy and dropout prevention, mental health and substance abuse treatment, and victim services.
- Net county criminal justice system savings that could reach several hundred million dollars annually.

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### **Analysis by the Legislative Analyst**

#### **Background**

There are three types of crimes: felonies, misdemeanors, and infractions. A felony is the most serious type of crime. Existing law classifies some felonies as “violent” or “serious,” or both. Examples of felonies currently defined as both violent and serious include murder, robbery, and rape. Felonies that are not classified as violent or serious include grand theft (not involving a gun) and possession of illegal drugs. A misdemeanor is a less serious crime. Misdemeanors include crimes such as assault and public drunkenness. An infraction is the least serious crime and is usually punished with a fine. For example, possession of less than one ounce of marijuana for personal use is an infraction.

**Felony Sentencing.** In recent years, there has been an average of about 220,000 annual felony convictions in California. Offenders convicted of felonies can be sentenced as follows:

- **State Prison.** Felony offenders who have current or prior convictions for serious, violent, or sex crimes can be sentenced to state prison. Offenders who are released from prison after serving a sentence for a serious or violent crime are supervised in the community by state parole agents. Offenders who are released from prison

after serving a sentence for a crime that is not a serious or violent crime are usually supervised in the community by county probation officers. Offenders who break the rules that they are required to follow while supervised in the community can be sent to county jail or state prison, depending on their criminal history and the seriousness of the violation.

- **County Jail and Community Supervision.** Felony offenders who have no current or prior convictions for serious, violent, or sex offenses are typically sentenced to county jail or the supervision of a county probation officer in the community, or both. In addition, depending on the discretion of the judge and what crime was committed, some offenders who have current or prior convictions for serious, violent, or sex offenses can receive similar sentences. Offenders who break the rules that they are required to follow while supervised in the community can be sent to county jail or state prison, depending on their criminal history and the seriousness of the violation.

**Misdemeanor Sentencing.** Under current law, offenders convicted of misdemeanors may be sentenced to county jail, county community

## Analysis by the Legislative Analyst

Continued

supervision, a fine, or some combination of the three. Offenders on county community supervision for a misdemeanor crime may be placed in jail if they break the rules that they are required to follow while supervised in the community.

In general, offenders convicted of misdemeanor crimes are punished less severely than felony offenders. For example, misdemeanor crimes carry a maximum sentence of up to one year in jail while felony offenders can spend much longer periods in prison or jail. In addition, offenders who are convicted of a misdemeanor are usually supervised in the community for fewer years and may not be supervised as closely by probation officers.

**Wobbler Sentencing.** Under current law, some crimes—such as check forgery and being found in possession of stolen property—can be charged as either a felony or a misdemeanor. These crimes are known as “wobblers.” Courts decide how to charge wobbler crimes based on the details of the crime and the criminal history of the offender.

## Proposal

This measure reduces penalties for certain offenders convicted of nonserious and nonviolent property and drug crimes. The measure also allows certain offenders who have been previously convicted of such crimes to apply for reduced sentences. In addition, the measure requires any state savings that result from the measure be spent to support truancy (unexcused absences) prevention, mental health and substance abuse treatment, and victim services. These changes are described in more detail below.

### Reduction of Existing Penalties

This measure reduces certain nonserious and nonviolent property and drug offenses from wobblers or felonies to misdemeanors. The measure limits these reduced penalties to offenders who have not committed certain severe crimes listed in the measure—including murder and certain sex and gun crimes. Specifically, the measure reduces the penalties for the following crimes:

- **Grand Theft.** Under current law, theft of property worth \$950 or less is often charged as petty theft, which is a misdemeanor or an infraction. However, such crimes can sometimes be charged as grand theft, which is generally a wobbler. For example, a wobbler

charge can occur if the crime involves the theft of certain property (such as cars) or if the offender has previously committed certain theft-related crimes. This measure would limit when theft of property of \$950 or less can be charged as grand theft. Specifically, such crimes would no longer be charged as grand theft solely because of the type of property involved or because the defendant had previously committed certain theft-related crimes.

- **Shoplifting.** Under current law, shoplifting property worth \$950 or less (a type of petty theft) is often a misdemeanor. However, such crimes can also be charged as burglary, which is a wobbler. Under this measure, shoplifting property worth \$950 or less would always be a misdemeanor and could not be charged as burglary.
- **Receiving Stolen Property.** Under current law, individuals found with stolen property may be charged with receiving stolen property, which is a wobbler crime. Under this measure, receiving stolen property worth \$950 or less would always be a misdemeanor.
- **Writing Bad Checks.** Under current law, writing a bad check is generally a misdemeanor. However, if the check is worth more than \$450, or if the offender has previously committed a crime related to forgery, it is a wobbler crime. Under this measure, it would be a misdemeanor to write a bad check unless the check is worth more than \$950 or the offender had previously committed three forgery related crimes, in which case it would remain a wobbler crime.
- **Check Forgery.** Under current law, it is a wobbler crime to forge a check of any amount. Under this measure, forging a check worth \$950 or less would always be a misdemeanor, except that it would remain a wobbler crime if the offender commits identity theft in connection with forging a check.
- **Drug Possession.** Under current law, possession for personal use of most illegal drugs (such as cocaine or heroin) is a misdemeanor, a wobbler, or a felony—depending on the amount and type of drug. Under this measure, such crimes would always be misdemeanors. The measure would not change the penalty for possession of

## Analysis by the Legislative Analyst

Continued

marijuana, which is currently either an infraction or a misdemeanor.

We estimate that about 40,000 offenders annually are convicted of the above crimes and would be affected by the measure. However, this estimate is based on the limited available data and the actual number could be thousands of offenders higher or lower.

***Change in Penalties for These Offenders.*** As the above crimes are nonserious and nonviolent, most offenders are currently being handled at the county level. Under this measure, that would continue to be the case. However, the length of sentences—jail time and/or community supervision—would be less. A relatively small portion—about one-tenth—of offenders of the above crimes are currently sent to state prison (generally, because they had a prior serious or violent conviction). Under this measure, none of these offenders would be sent to state prison. Instead, they would serve lesser sentences at the county level.

### Resentencing of Previously Convicted Offenders

This measure allows offenders currently serving felony sentences for the above crimes to apply to have their felony sentences reduced to misdemeanor sentences. In addition, certain offenders who have already completed a sentence for a felony that the measure changes could apply to the court to have their felony conviction changed to a misdemeanor. However, no offender who has committed a specified severe crime could be resentenced or have their conviction changed. In addition, the measure states that a court is not required to resentence an offender currently serving a felony sentence if the court finds it likely that the offender will commit a specified severe crime. Offenders who are resentenced would be required to be on state parole for one year, unless the judge chooses to remove that requirement.

### Funding for Truancy Prevention, Treatment, and Victim Services

The measure requires that the annual savings to the state from the measure, as estimated by the Governor's administration, be annually transferred from the General Fund into a new state fund, the Safe Neighborhoods and Schools Fund. Under the measure, monies in the fund would be divided as follows:

- 25 percent for grants aimed at reducing truancy and drop-outs among K–12 students in public schools.
- 10 percent for victim services grants.
- 65 percent to support mental health and drug abuse treatment services that are designed to help keep individuals out of prison and jail.

### Fiscal Effects

This measure would have a number of fiscal effects on the state and local governments. The size of these effects would depend on several key factors. In particular, it would depend on the way individuals are currently being sentenced for the felony crimes changed by this measure. Currently, there is limited data available on this, particularly at the county level. The fiscal effects would also depend on how certain provisions in the measure are implemented, including how offenders would be sentenced for crimes changed by the measure. For example, it is uncertain whether such offenders would be sentenced to jail or community supervision and for how long. In addition, the fiscal effects would depend heavily on the number of crimes affected by the measure that are committed in the future. Thus, the fiscal effects of the measure described below are subject to significant uncertainty.

### State Effects of Reduced Penalties

The proposed reduction in penalties would affect state prison, parole, and court costs.

***State Prison and Parole.*** This measure makes two changes that would reduce the state prison population and associated costs. First, changing future crimes from felonies and wobblers to misdemeanors would make fewer offenders eligible for state prison sentences. We estimate that this could result in an ongoing reduction to the state prison population of several thousand inmates within a few years. Second, the resentencing of inmates currently in state prison could result in the release of several thousand inmates, temporarily reducing the state prison population for a few years after the measure becomes law.

In addition, the resentencing of individuals currently serving sentences for felonies that are changed to misdemeanors would temporarily increase the state parole population by a couple thousand parolees over a three-year period. The costs associated with this

**Analysis by the Legislative Analyst**

**Continued**

increase in the parole population would temporarily offset a portion of the above prison savings.

**State Courts.** Under the measure, the courts would experience a one-time increase in costs resulting from the resentencing of offenders and from changing the sentences of those who have already completed their sentences. However, the above costs to the courts would be partly offset by savings in other areas. First, because misdemeanors generally take less court time to process than felonies, the proposed reduction in penalties would reduce the amount of resources needed for such cases. Second, the measure would reduce the amount of time offenders spend on county community supervision, resulting in fewer offenders being supervised at any given time. This would likely reduce the number of court hearings for offenders who break the rules that they are required to follow while supervised in the community. Overall, we estimate that the measure could result in a net increase in court costs for a few years with net annual savings thereafter.

**Summary of State Fiscal Effects.** In total, we estimate that the effects described above could eventually result in net state criminal justice system savings in the low hundreds of millions of dollars annually, primarily from an ongoing reduction in the prison population of several thousand inmates. As noted earlier, any state savings would be deposited in the Safe Neighborhoods and Schools Fund to support various purposes.

**County Effects of Reduced Penalties**

The proposed reduction in penalties would also affect county jail and community supervision operations, as well as those of various other county agencies (such as public defenders and district attorneys' offices).

**County Jail and Community Supervision.** The proposed reduction in penalties would have various effects on the number of individuals in county jails. Most significantly, the measure would reduce the jail population as most offenders whose sentence currently includes a jail term would stay in jail for a shorter time period. In addition, some offenders currently serving sentences in jail for certain felonies could be eligible for release. These reductions would be slightly offset by an increase in the jail population as offenders who would otherwise have been sentenced to state prison would now be placed in jail. On balance, we estimate that the total number of statewide county jail beds

freed up by these changes could reach into the low tens of thousands annually within a few years. We note, however, that this would not necessarily result in a reduction in the county jail population of a similar size. This is because many county jails are currently overcrowded and, therefore, release inmates early. Such jails could use the available jail space created by the measure to reduce such early releases.

We also estimate that county community supervision populations would decline. This is because offenders would likely spend less time under such supervision if they were sentenced for a misdemeanor instead of a felony. Thus, county probation departments could experience a reduction in their caseloads of tens of thousands of offenders within a few years after the measure becomes law.

**Other County Criminal Justice System Effects.** As discussed above, the reduction in penalties would increase workload associated with resentencing in the short run. However, the changes would reduce workload associated with both felony filings and other court hearings (such as for offenders who break the rules of their community supervision) in the long run. As a result, while county district attorneys' and public defenders' offices (who participate in these hearings) and county sheriffs (who provide court security) could experience an increase in workload in the first few years, their workload would be reduced on an ongoing basis in the long run.

**Summary of County Fiscal Effects.** We estimate that the effects described above could result in net criminal justice system savings to the counties of several hundred million dollars annually, primarily from freeing jail capacity.

**Effects of Increased Services Funded by the Measure**

Under the measure, the above savings would be used to provide additional funding for truancy prevention, mental health and drug abuse treatment, and other programs designed to keep offenders out of prison and jail. If such funding increased participation in these programs and made participants less likely to commit future crimes, the measure could result in future additional savings to the state and counties.

Visit <http://cal-access.sos.ca.gov> for details about money contributed in this contest.

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## ★ Argument in Favor of Proposition 47 ★

## PROPOSITION 47 IS SUPPORTED BY LAW ENFORCEMENT, CRIME VICTIMS AND TEACHERS.

We in the law enforcement community have come together in support of Proposition 47 because it will:

- Improve public safety.
- Reduce prison spending and government waste.
- Dedicate hundreds of millions of dollars to K–12 schools, crime victim assistance, mental health treatment and drug treatment.

Proposition 47 is sensible. It focuses law enforcement dollars on violent and serious crime while providing new funding for education and crime prevention programs that will make us all safer.

Here's how Proposition 47 works:

- *Prioritizes Serious and Violent Crime:* Stops wasting prison space on petty crimes and focuses law enforcement resources on violent and serious crime by changing low-level nonviolent crimes such as simple drug possession and petty theft from felonies to misdemeanors.
- *Keeps Dangerous Criminals Locked Up:* Authorizes felonies for registered sex offenders and anyone with a prior conviction for rape, murder or child molestation.
- *Saves Hundreds of Millions of Dollars:* Stops wasting money on warehousing people in prisons for nonviolent petty crimes, saving hundreds of millions of taxpayer funds every year.
- *Funds Schools and Crime Prevention:* Dedicates the massive savings to crime prevention strategies in K–12 schools, assistance for victims of crime, and mental health treatment and drug treatment to stop the cycle of crime.

For too long, California's overcrowded prisons have been disproportionately draining taxpayer dollars and law enforcement resources, and incarcerating too many people convicted of low-level, nonviolent offenses.

The objective, nonpartisan Legislative Analyst's Office

carefully studied Proposition 47 and concluded that it could save “hundreds of millions of dollars annually, which would be spent on truancy prevention, mental health and substance abuse treatment, and victim services.”

The state spends more than \$9,000,000,000 per year on the prison system. In the last 30 years California has built 22 new prisons but only one university.

Proposition 47 invests in solutions supported by the best criminal justice science, which will increase safety and make better use of taxpayer dollars.

We are:

- The District Attorney of San Francisco, former Assistant Police Chief for the Los Angeles Police Department, and former Chief of Police for San Francisco.
- The former Chief of Police for the cities of San Diego, San Jose, and Richmond.
- A crime survivor, crime victims' advocate, and widow of a San Leandro police officer killed in the line of duty.

*We support Proposition 47 because it means safer schools and neighborhoods.*

Joining us in our support of Proposition 47 are other law enforcement leaders and crime victims, teachers, rehabilitation experts, business leaders, civil rights organizations, faith leaders, conservatives and liberals, Democrats, Republicans and independents.

Please join us, and VOTE YES ON PROPOSITION 47.

For more information or to ask questions about Proposition 47 we invite you to visit [VoteYes47.com](http://VoteYes47.com).

**George Gascon**, District Attorney  
City and County of San Francisco  
**William Lansdowne**, Former Chief of Police  
San Diego, San Jose, Richmond  
**Dionne Wilson**, Victims' Advocate  
Crime Survivors for Safety & Justice

## ★ Rebuttal to Argument in Favor of Proposition 47 ★

This isn't just a poorly written initiative. It is an invitation for disaster. Prosecutors and those concerned about protecting the innocent from violent sexual abuse, identity theft and other serious crimes overwhelmingly oppose Prop. 47. Some opponents include:

- California Coalition Against Sexual Assault
- California District Attorneys Association
- California Fraternal Order of Police
- California Peace Officers Association
- California Police Chiefs Association
- California Retailers Association
- California State Sheriffs' Association
- Crime Victim Action Alliance
- Crime Victims United of California

*Regardless of what Prop. 47 supporters intend or say, these respected law enforcement and victims' rights groups want you to know these hard, cold facts:*

1. Prop. 47 supporters admit that 10,000 inmates will be eligible for early release. They wrote this measure so that judges will not be able to block the early release of these

- prison inmates, many of whom have prior convictions for serious crimes, such as assault, robbery and home burglary.
  2. It's so poorly drafted that illegal possession of “date-rape” drugs will be reduced to a “slap on the wrist.”
  3. Stealing any handgun valued at less than \$950 will no longer be a felony.
  4. California Retailers Association President Bill Dombrowski says “reducing penalties for theft, receiving stolen property and forgery could cost retailers and consumers millions of dollars.”
  5. There are no “petty” criminals in our prisons any more. First-time, low-level drug offenders are already sent to diversion programs, not prison.
- Protect our communities. Vote NO on Prop. 47.

**Sandra Henriquez**, Executive Director  
California Coalition Against Sexual Assault  
**Adam Christianson**, President  
California State Sheriffs' Association  
**Roger Mayberry**, President  
California Fraternal Order of Police

★ **Argument Against Proposition 47** ★

California law enforcement, business leaders, and crime-victim advocates all urge you to vote NO on Proposition 47.

Proposition 47 is a dangerous and radical package of ill-conceived policies wrapped in a poorly drafted initiative, which will endanger Californians.

The proponents of this dangerous measure have already admitted that Proposition 47 will make 10,000 felons eligible for early release. *According to independent analysis, many of those 10,000 felons have violent criminal histories.*

Here is what Prop. 47's backers aren't telling you:

- *Prop. 47 will require the release of thousands of dangerous inmates.* Felons with prior convictions for armed robbery, kidnapping, carjacking, child abuse, residential burglary, arson, assault with a deadly weapon, and many other serious crimes will be eligible for early release under Proposition 47. These early releases will be virtually mandated by Proposition 47. While Prop. 47's backers say judges will be able to keep dangerous offenders from being released early, this is simply not true. Prop. 47 prevents judges from blocking the early release of prisoners except in very rare cases. For example, even if the judge finds that the inmate poses a risk of committing crimes like kidnapping, robbery, assault, spousal abuse, torture of small animals, carjacking or felonies committed on behalf of a criminal street gang, Proposition 47 requires their release.
- *Prop. 47 would eliminate automatic felony prosecution for stealing a gun.* Under current law, stealing a gun is a felony, period. Prop. 47 would redefine grand theft in such a way that theft of a firearm could only be considered a felony if the value of the gun is greater than \$950. Almost all handguns (which are the most stolen kind of firearm) retail

for well below \$950. People don't steal guns just so they can add to their gun collection. They steal guns to commit another crime. People stealing guns are protected under Proposition 47.

- *Prop. 47 undermines laws against sex-crimes.* Proposition 47 will reduce the penalty for possession of drugs used to facilitate date-rape to a simple misdemeanor. *No matter how many times the suspected sexual predator has been charged with possession of date-rape drugs, it will only be a misdemeanor, and the judge will be forced to sentence them as if it were their very first time in court.*
- *Prop. 47 will burden our criminal justice system.* This measure will overcrowd jails with dangerous felons who should be in state prison and jam California's courts with hearings to provide "Get Out of Prison Free" cards.

California has plenty of laws and programs that allow judges and prosecutors to keep first-time, low-level offenders out of jail if it is appropriate. Prop. 47 would strip judges and prosecutors of that discretion. When a career criminal steals a firearm, or a suspected sexual predator possesses date rape drugs, or a carjacker steals yet another vehicle, there needs to be an option besides a misdemeanor slap on the wrist.

Proposition 47 is bad for public safety. Please vote NO.

**Christopher W. Boyd**, President  
California Police Chiefs Association

**Harriet Salarno**, President  
Crime Victims United

**Gilbert G. Otero**, President  
California District Attorneys Association

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★ **Rebuttal to Argument Against Proposition 47** ★

Don't be fooled by the opposition's deceptive scare tactics:

*Proposition 47 does not require automatic release of anyone.* There is no automatic release. It includes strict protections to protect public safety and make sure rapists, murderers, molesters and the most dangerous criminals cannot benefit.

*Proposition 47 maintains penalties for gun crimes.* Under Prop. 47, possessing a stolen concealed gun remains a felony. Additional felony penalties to prevent felons and gang members from obtaining guns also apply.

*Proposition 47 does not reduce penalties for any sex crime.* Under Prop. 47, using or attempting to use any kind of drug to commit date rape or other felony crimes remains a felony.

We have been on the frontlines fighting crime, as police chiefs of major cities, a top prosecutor, and a victims' advocate working with thousands of victims across California. We support Proposition 47 because it will:

- Improve public safety.
- Reduce prison spending and government waste.
- Dedicate hundreds of millions of dollars to K-12 schools, victims and mental health treatment.

Don't believe the scare tactics. Proposition 47:

- *Keeps Dangerous Criminals Locked Up.* Authorizes felonies for sex offenders and anyone with a prior conviction for rape, murder or child molestation.
- *Prioritizes Serious and Violent Crime.* Stops wasting prison space on petty crimes and focuses resources on violent and serious crime.
- *Provides new funding for education and crime prevention.*

*Proposition 47 is sensible.* That is why it is supported by law enforcement, crime victims, teachers, rehabilitation experts, business leaders, and faith leaders.

**George Gascon**, District Attorney  
City and County of San Francisco

**William Lansdowne**, Former Chief of Police  
San Diego, San Jose, Richmond

**Dionne Wilson**, Victims' Advocate  
Crime Survivors for Safety & Justice

**Indian Gaming Compacts. Referendum.**

A “Yes” vote approves, and a “No” vote rejects, a statute that:

- Ratifies tribal gaming compacts between the state and the North Fork Rancheria of Mono Indians and the Wiyot Tribe.
- Omits certain projects related to executing the compacts or amendments to the compacts from scope of the California Environmental Quality Act.

**Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:**

- One-time payments between \$16 million and \$35 million from the North Fork tribe to local governments in the Madera County area to address costs related to the operation of a new casino.
- Annual payments over a 20-year period averaging around \$10 million from the North Fork tribe to the state and local governments in the Madera County area to address costs related to the operation of a new casino.
- Increased revenue from economic growth in the Madera County area generally offset by revenue losses from decreased economic activity in surrounding areas.

**Analysis by the Legislative Analyst****Background**

In June 2013, the Legislature passed AB 277, which approves gaming compacts between the state and the North Fork Rancheria of Mono Indians and the Wiyot Tribe. Under the State Constitution, enacted legislation can generally be placed before voters as a referendum to determine whether it can go into effect. This proposition is a referendum on AB 277. If voters approve Proposition 48, the gaming compacts between the state and the two tribes would go into effect.

**Indian Gaming in California**

**Federal Authorization.** Indian tribes possess special status under federal law. Specifically, tribes have certain rights to govern themselves without interference from states. As a result, state regulation of tribal casinos and other activities is generally limited to what is authorized under (1) federal law and (2) federally approved agreements between tribes and a state. For example, federal law permits federally recognized tribes to operate casinos that offer certain types of games (such as slot machines) on Indian land in

states that allow such games. The federal government generally defines Indian lands as reservation lands or lands held in trust by the U.S. for the benefit of an Indian tribe. However, federal law generally prohibits gaming on land that was obtained and put into trust for an Indian tribe after October 17, 1988. There are some exceptions to this rule. For example, gaming on newly obtained land is allowed if the federal government determines that gaming on the land is in the best interest of the tribe and would not be harmful to the surrounding community. The Governor of the state where the land is located must formally agree with the federal government’s decision.

When a tribe wants to offer gaming on its land, federal law requires that the state negotiate a contract (known as a “tribal-state compact”) with the tribe that specifies how gaming will be conducted and regulated. This compact must be approved by the federal government.

**State Authorization and Regulation.** Proposition 1A, approved by California voters in 2000, amended the State Constitution to allow Indian tribes to offer slot machines, lottery games,

## Analysis by the Legislative Analyst

Continued

and certain types of card games on Indian land. Under Proposition 1A, a tribe can open a casino that offers these games if (1) the Governor and the tribe reach agreement on a compact, (2) the Legislature approves the compact, and (3) the federal government approves the compact. To date, the Governor, Legislature, and federal government have approved compacts with 72 of the state's 109 federally recognized tribes. Currently, 58 tribes operate 59 casinos.

Compacts between the state and tribes specify how the state may regulate tribal casinos. For example, compacts typically allow state officials to visit casino facilities, inspect casino records, and verify that tribes are meeting the requirements of their compacts. In addition, the compacts generally require tribes to make certain payments to the state for specific purposes. These payments are primarily made to two state government funds:

- **Revenue Sharing Trust Fund (RSTF).** Funds deposited into the RSTF do not support any state programs. Rather, the funds are currently distributed to the 73 federally recognized Indian tribes in the state that either do not operate casinos or operate casinos with less than 350 slot machines. Each of these tribes can receive \$1.1 million annually from the fund.
- **Special Distribution Fund (SDF).** Funds deposited into the SDF are used for various purposes related to gaming, including: (1) ensuring that the required payments from the RSTF are made, (2) funding programs to assist people with gambling problems, (3) paying the state's costs to regulate tribal casinos, and (4) making grants to local governments affected by tribal casinos.

### Recent North Fork and Wiyot Compacts

The state recently negotiated compacts with two tribes. The compact with North Fork allows them to begin gaming in Madera County. The compact

with Wiyot prevents gaming on their tribal land in Humboldt County, but allows the tribe to receive a portion of the revenue generated by North Fork's casino.

**Approval of Gaming on North Fork Site.** In 2005, North Fork submitted a request to the federal government to acquire and put into trust approximately 305 acres of land in Madera County for the purpose of gaming. (This land is located approximately 38 miles from the tribe's reservation.) In 2011, the federal government determined that gaming on this proposed site would be in the best interest of the tribe and would not be harmful to the surrounding community. The Governor formally agreed with the decision of the federal government in August of 2012. The land was placed into federal trust later that year.

**Governor and Legislature Approved Compacts.** As required under federal law, the Governor negotiated and signed tribal-state compacts with (1) North Fork on August 31, 2012 and (2) Wiyot on March 20, 2013. Each compact would be in effect for 20 years—until December 31, 2033. In June 2013, the Legislature passed AB 277, which approves both compacts as well as various memoranda of understanding (MOUs) between North Fork and the state and local governments. The Governor signed the bill in July 2013.

**Federal Government Approved Compacts.** Upon approval of AB 277, the federal government issued final approval of the North Fork compact on October 22, 2013 and the Wiyot compact on September 6, 2013.

**Compacts and MOUs Put on Hold by Referendum.** Assembly Bill 277 would have taken effect on January 1, 2014. However, because of this proposition, a referendum on AB 277, the bill was put "on hold" prior to becoming effective. If voters approve Proposition 48, the gaming compacts between the state and the two tribes would go into effect.

## Proposal

If approved, this proposition would allow AB 277, the tribal-state compacts with North Fork and Wiyot and the MOUs between the tribe and various governmental agencies, to go into effect. This would allow North Fork to move forward with the construction and operation of a new casino. Wiyot would also be prohibited from conducting gaming on their tribal lands. Additionally, any state or local governmental agency that assists in the construction of the North Fork casino (such as through the construction of a road to the casino) would be exempt from certain state environmental regulations.

If this proposition is rejected by voters, North Fork would not be able to move forward with the construction and operation of a new casino unless a new compact was approved by the state and federal governments. Wiyot would be free to negotiate a new compact with the state for gaming activities on its tribal lands.

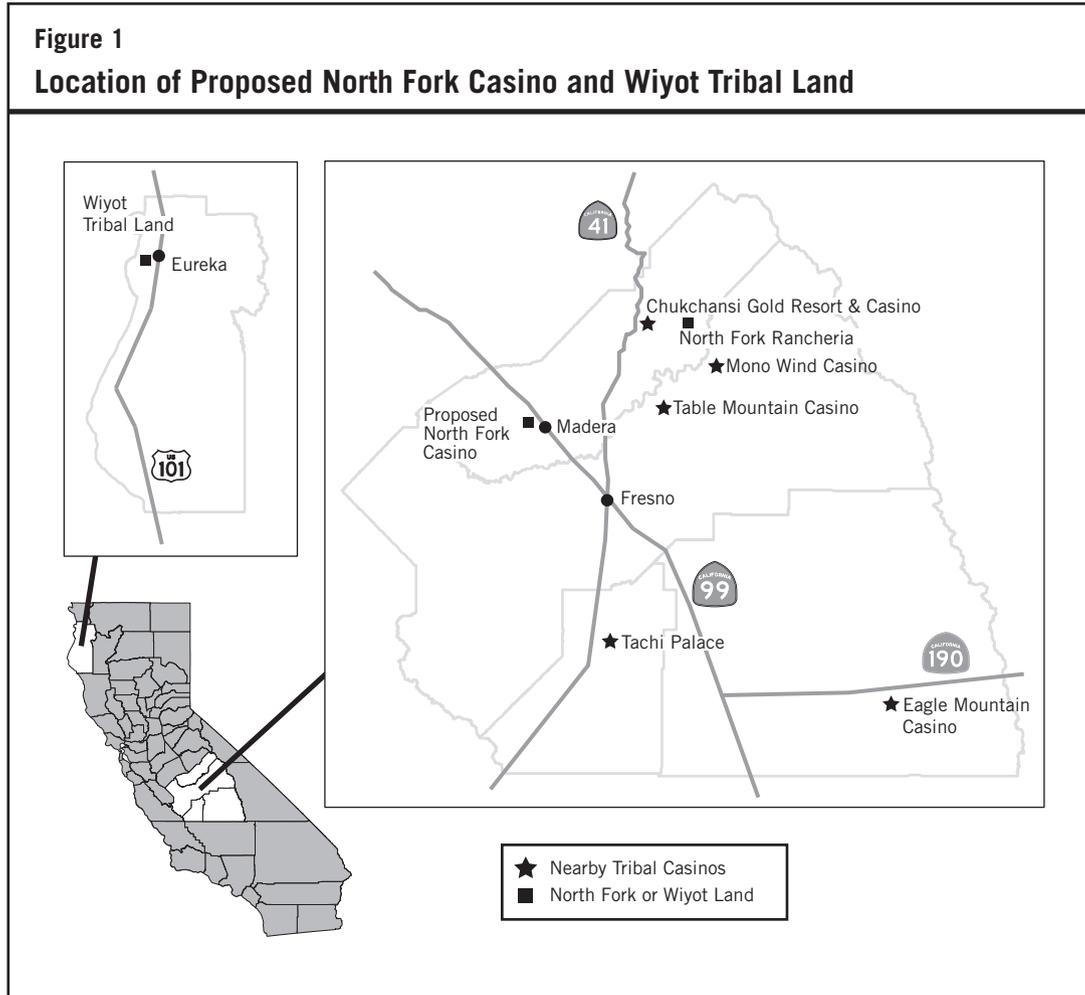
Below, we discuss the major provisions of the specific compacts and the related MOUs.

***North Fork Tribe May Build and Operate Casino.*** The North Fork compact allows the tribe to build and operate a casino with up to 2,000 slot machines on the land that was accepted into federal trust for gaming. The casino would be located west of State Highway 99 in Madera County, as shown in Figure 1. There are a number of other tribal casinos and non-tribal cardrooms near the proposed site. Of the nearby tribal casinos, three of them operate a similar number of slot machines as planned for the North Fork casino. If in the future the state allows another Indian tribe within a 60-mile radius of the North Fork site to operate more than 2,000 slot machines, the North Fork tribe would be permitted to operate this higher number of slot machines.

***Wiyot Tribe May Not Build a Casino.*** Wiyot owns land near the Humboldt Bay National Wildlife Refuge. The state expressed concern in the Wiyot compact that a casino on this land would have a negative environmental impact. Accordingly, the compact prohibits gaming activities on the tribe's land. In exchange, Wiyot would receive 2.5 percent to 3.5 percent of annual slot machine net revenue from the North Fork casino. (The actual percentage would depend on the amount of slot machine net revenue created by the casino.) North Fork estimates that it would pay Wiyot on average around \$6 million annually over the 20 years of the compact. The Wiyot compact also includes various administrative and legal provisions related to payments made to the tribe.

***Payments to the State.*** The North Fork compact requires the tribe to make annual payments to the RSTF. The actual payments would depend on the casino's annual slot machine net revenue and the total amount of payments made by North Fork to other state entities, local governments, and tribes. North Fork estimates that total payments to the RSTF would average about \$15 million annually over the life of the compact. All of this funding would be allocated directly to other California tribes. The compact also requires North Fork to make payments to the SDF, primarily to cover increased state regulatory and problem gambling costs. In addition, upon the negotiation of an agreement with North Fork, the California Department of Transportation (Caltrans) would also receive payment for any transportation-related services provided. North Fork estimates that payments to the SDF and Caltrans would average about \$1.5 million a year over the life of the compact.

***Payments to Local Governments.*** The compact and the associated MOUs require North Fork to make one-time and annual payments to local governments in the Madera County area to offset potential impacts of the casino on the local



community. (For more detailed information regarding these payments, please see the nearby box.)

**Payments to Other Tribes.** As discussed above, the North Fork compact specifies that Wiyot would receive a portion of North Fork’s net slot machine revenue. In addition, in recognition of a potential economic impact of the new casino upon the nearby Chukchansi Gold Resort and Casino, the compact requires (1) payments to the Picayune Rancheria of the Chukchansi Indians through June 30, 2020 (estimated by North Fork to total around \$25 million), and (2) North Fork to delay the opening of any hotel at the casino until after July 1, 2018. However, North Fork would only have to comply with these requirements if

Chukchansi does not challenge (such as through lobbying or through the courts) North Fork’s ability to open a casino on the proposed site. Given that Chukchansi has challenged the compact in various ways, it appears that these requirements will not apply.

**Other Requirements.** The North Fork compact includes numerous requirements concerning casino operations. For example, there are requirements for licensing employees and suppliers, testing gaming devices, and having programs that help individuals gamble responsibly. In addition, the compact allows the tribe to take one of two actions if the state authorizes non-tribal entities to operate slot machines. Specifically, the tribe could (1) stop gaming and making the

### Local Government Payments

The North Fork Rancheria of Mono Indians negotiated and signed memoranda of understanding (MOUs) with three local governmental entities. These MOUs require the tribe to make payments after construction of the casino to (1) offset potential impacts from the casino on the community (such as increased costs for additional law enforcement or for transportation improvements) and (2) support various services or programs (such as the maintenance of parks or job training programs). These agreements are with:

- **County of Madera.** This MOU requires one-time payments to the county ranging between \$6.9 million and \$17.9 million and annual payments over the life of the compact of \$3.8 million once the casino opens. These payments would be adjusted each year for inflation until paid. The MOU also includes a goal for the tribe of hiring 50 percent of casino employees from residents of the county.
- **City of Madera.** This MOU requires one-time payments to the city ranging between \$6.3 million and \$10.3 million and annual payments over the life of the compact of \$1.1 million once the casino opens. Similar to the county MOU, the one-time and ongoing payments would be adjusted for inflation. The MOU also includes a goal for the tribe to hire 33 percent of casino employees from residents of the city.
- **Madera Irrigation District.** This MOU requires annual payments of \$47,500. The MOU also includes provisions for additional payment if more water is used by the casino than expected.

In addition, the North Fork compact requires the tribe to either (1) make annual payments to other local governments within 25 miles of the North Fork casino that are negatively impacted or (2) deposit these funds into the Revenue Sharing Trust Fund. North Fork estimates that these payments would average about \$3.5 million a year over the life of the compact.

specific payments discussed above or (2) continue gaming and negotiate reduced payments.

### Fiscal Effects

The fiscal effects of the compacts and associated MOUs on the state and local governments would depend on several factors, including:

- The size and type of casino opened in Madera County.
- The extent to which the new casino impacts other California tribal and non-tribal businesses—including other gaming facilities.
- The way certain requirements in the compact and MOUs are implemented.

Thus, there is some uncertainty regarding the fiscal effects on the state and local governments discussed below.

### State and Local Government Impacts

As described earlier, North Fork would make various payments to the state and specified local governments. These revenues generally would be used to address costs related to the operation of the new casino in Madera County.

**State Impacts.** Under the North Fork compact, the tribe would make annual payments into the SDF that are expected to cover its share of actual state regulatory, problem gambling, and other costs. In addition, North Fork would pay Caltrans for any transportation-related services provided

under agreement with the tribe. These payments would average about \$1.5 million annually over the life of the compact.

**Local Government Impacts.** After adjusting for inflation, we estimate that Madera County and the City of Madera would likely receive between \$16 million and \$35 million in one-time payments from North Fork for specified services. Similarly, Madera County, the City of Madera, and the Madera Irrigation District would receive about \$5 million in annual payments once the casino opens through the end of the compact. In addition, other local governments could receive \$3.5 million annually over the life of the compact.

### State and Local Government Revenues

**Impact on Revenues.** The spending on gaming at a new casino generally comes at the expense of: (1) other spending on gaming (for example, at nearby casinos or cardrooms or on the state lottery) or (2) other discretionary sources of spending (such as on movies and eating out). These shifts in spending can result in reduced revenues received by the state and local governments.

- **Reduced Gaming-Related Revenues.** The state and local governments currently receive revenues from other forms of gaming—such as the California Lottery, horse racing, and cardrooms. Expanded gaming on tribal lands could reduce these other sources of state and local revenues. In addition, the new North Fork casino would

attract customers who otherwise would go to other California tribal casinos. These other tribes would receive fewer revenues from their casinos and could pay less to the state under the terms of their compacts.

- **Effects on Taxable Economic Activity.** Californians would spend more of their income at tribal facilities, which are exempt from most types of state and local taxes. This means Californians would spend less at other businesses that *are* subject to state and local taxes—for example, hotel, restaurant, and entertainment businesses off tribal lands. This would result in reduced tax revenues for the state and local governments.

These potential revenue reductions would not be significant.

**Local Economic Effects.** The opening of North Fork's new casino would result in people coming to Madera County from outside the area to gamble and purchase goods and services. This spending would occur both on tribal lands and in surrounding communities. Additionally, the tribe would likely hire employees for the facility who would also purchase goods and services within the county. As a result, local governments in Madera County would likely experience a growth in revenues from increased economic activity. These increased revenues would generally be offset by revenue losses from decreased economic activity in surrounding counties.

Visit <http://cal-access.sos.ca.gov> for details about money contributed in this contest.

★ Argument in Favor of Proposition 48 ★

VOTE YES ON PROPOSITION 48—HELP CREATE THOUSANDS OF JOBS, GENERATE STATE AND LOCAL REVENUES, RESPECT LOCAL CONTROL, AND PROTECT SCENIC WILDLIFE AREAS—AT NO COST TO STATE TAXPAYERS.

Proposition 48 affirms two Compacts negotiated by the Governor, ratified by a bipartisan majority of the State Legislature, and supported by local, state, and federal officials that allow the North Fork Tribe near Yosemite and the Wiyot Tribe near Humboldt Bay to create a single project on Indian land in the Central Valley that will:

- Create thousands of jobs • Generate business opportunities and economic growth in high unemployment areas • Retain local control for a strongly-supported community project • Share revenues with state and local governments and non-gaming tribes • Promote tribal self-sufficiency • Avoid potential development in environmentally sensitive regions • Be located on North Fork Tribe's federally-held historical land

VOTE YES—HELP CREATE THOUSANDS OF GOOD-PAYING JOBS

The project will create over 4,000 jobs as the result of hundreds of millions of dollars in private investment, boosting state and local economies.

*"Voting YES guarantees good jobs for Californians and new economic opportunities for one of our state's poorest regions."*—Robbie Hunter, President, California State Building & Construction Trades Council

*"We support the North Fork gaming compact to help bring jobs and business to Madera, Fresno, and the entire San Joaquin Valley."*—Central California Hispanic Chamber of Commerce

VOTE YES—SUPPORT LOCAL CONTROL, PUBLIC SAFETY, AND OPPORTUNITY FOR THE CENTRAL VALLEY

Voting YES provides crucial funding for public safety, schools, parks, roads and other public services.

*"This project will fund local sheriff, police, fire, and other first responders."*—Sheriff John Anderson, Madera County

*"Our region will benefit economically from this project. We can't allow New York hedge-fund operators with financial ties to a competing casino to determine our economic future. Vote YES to protect local control."*—Tom Wheeler, Chairman, Madera County Board of Supervisors

VOTE YES—PROMOTE TRIBAL SELF-SUFFICIENCY

Voting YES helps California's tribes help themselves—without costing state taxpayers anything. It strengthens the State's budget by providing hundreds of millions of dollars in revenue sharing funds for non-gaming tribes, thereby reducing the State's potential financial liability.

*"Tribes throughout California support these agreements. They provide the state with much-needed revenues and provide smaller, non-gaming tribes funding to help Native people become self-reliant."*—Will Micklin, Executive Director, California Association of Tribal Governments

VOTE YES—PROTECT CALIFORNIA'S MOST SCENIC WILDLIFE AREAS

A YES vote avoids potential casino construction in the Sierra foothills near Yosemite and near the Humboldt Bay National Wildlife Refuge.

*"A yes vote on Proposition 48 protects two of California's most environmentally precious areas."*—Dan Cunning, Yosemite Sierra Visitors Bureau

THE PROPOSITION 48 COMPACTS ARE SUPPORTED BY A BROAD STATEWIDE COALITION, INCLUDING:

- Governor Edmund G. Brown Jr. • California State Building & Construction Trades Council • Central California Hispanic Chamber of Commerce • City of Madera Police Officers Association • California Association of Tribal Governments

For a complete list of supporters visit [www.VoteYES48.com](http://www.VoteYES48.com)

CREATE JOBS. GROW THE ECONOMY. RESPECT LOCAL CONTROL. GENERATE STATE AND LOCAL GOVERNMENT REVENUES. SAFEGUARD CALIFORNIA'S ENVIRONMENT.

VOTE YES ON PROPOSITION 48.

[www.VoteYES48.com](http://www.VoteYES48.com)

**Edmund G. Brown Jr.**, Governor  
State of California

**Tom Wheeler**, Chairman  
Board of Supervisors, Madera County

**Robbie Hunter**, President  
State Building & Construction Trades Council of California

48

★ Rebuttal to Argument in Favor of Proposition 48 ★

VOTE NO ON PROP. 48. It would allow the North Fork Tribe to build a massive off-reservation, Vegas-style casino in Madera County.

As a Madera County Supervisor, I oppose this casino in my community.

North Fork's reservation land is over an hour's drive from the proposed location, but they want to build a casino with 2,000 slot machines here because it is closer to major freeways and Central Valley communities. It won't create jobs; it will only siphon them from area businesses and existing casinos.

Years ago when Californians approved Indian gaming, we were told there would be a limited number of casinos built on original reservation land.

Prop. 48 breaks that promise.

Until now, dozens of tribes have played by these rules, but Prop. 48 would allow the first off-reservation casino and would start a wave of casino projects across California.

United States Senator Dianne Feinstein opposed this proposed off-reservation casino. In an opposition letter sent to Governor Jerry Brown she said:

*"... with the market already saturated, tribes from rural areas are 'reservation shopping' for casinos in more densely populated areas to obtain a better share of the market. This cannot be allowed to happen; enough is enough."*

I agree with Senator Feinstein. VOTE NO ON PROP. 48.

I love my community and building a mega-casino that will bring more traffic, pollution and crime is just wrong.

VOTE NO ON PROP. 48 to STOP off-reservation, Vegas-style casinos in all of our neighborhoods.

**David Rogers**, Madera County Supervisor

★ Argument Against Proposition 48 ★

VOTE NO ON PROP. 48. Keep Indian gaming on tribal reservation land only.

Years ago, California Indian Tribes asked voters to approve limited casino gaming on Indian reservation land. They promised Indian casinos would ONLY be located on the tribes' original reservation land. PROP. 48 BREAKS THIS PROMISE.

While most tribes played by the rules, building on their original reservation land and respecting the voters' wishes, other tribes are looking to break these rules and build casino projects in urban areas across California. VOTE NO ON PROP. 48 TO STOP RESERVATION SHOPPING. Prop. 48 would approve a controversial tribal gaming compact that would allow the North Fork Tribe to build an off-reservation, Vegas-style 2,000 slot-machine casino more than an hour's drive from the tribe's established reservation land, closer to major freeways and Central Valley communities.

PROP. 48 WILL START A NEW AVALANCHE OF OFF-RESERVATION CASINO PROJECTS. There are already over 60 casinos in California. Enough is enough. Vote No on Prop. 48.

Newspapers called for the rejection of this controversial Indian gaming compact:

"While most casinos are still in remote locations, a new push by tribes to purchase additional land at lucrative freeway locations threatens to kick off a whole new casino boom." *Fresno Bee*, 4/21/13

"This year, it's the North Fork tribe. Others are lined up in the wings to make their bids to build casinos in urban areas." *Bakersfield Californian*, 9/4/13

"Voters were assured (their approval of gaming) wouldn't trigger a casino boom and that casinos would only be built on recognized Indian territory." *San Diego Union-Tribune*, 8/11/13

"Now, two casino proposals could open the door to a new era of Indian gaming in the state . . . which would make these the state's

first Indian casinos located off existing reservations." *Los Angeles Times*, 8/19/12

PROP. 48 IS A BAD DEAL FOR CALIFORNIA. Unlike prior Indian gaming compacts this deal provides NO money for California's schools and NO additional money for our state general fund.

PROP. 48 DOESN'T CREATE NEW JOBS. The proposed new casino will simply take resources and jobs from nearby casinos and businesses.

Prop. 48 is a bad deal for California, but a great deal for the wealthy Las Vegas casino operator who will run the casino. It hired high-priced lobbyists and spent heavily on trying to build off-reservation casinos in California. It has been accused of unfair labor practices and fined by the Nevada Gaming Commission and the Missouri Gaming Commission.

PROP. 48 DOESN'T PROTECT THE ENVIRONMENT. It is opposed by Central Valley businesses, farmers, and community leaders because it means MORE air pollution, MORE traffic, and the loss of open space. It also creates a greater burden on an already limited water supply.

Vote No on Prop. 48. STOP Vegas-style casinos in our neighborhoods and STOP the avalanche of new off-reservation casinos. Join us and Vote NO on Prop. 48. Read more at [www.StopReservationShopping.com](http://www.StopReservationShopping.com)

Henry Perea, Fresno County Supervisor

Manuel Cunha, Jr., President  
Nisei Farmers League

Gary Archuleta, Tribal Chairman  
Mooretown Rancheria

★ Rebuttal to Argument Against Proposition 48 ★

DON'T BE MISLED BY OPPONENTS OF PROPOSITION 48! NO ON 48 WAS PAID FOR BY WALL STREET HEDGE FUNDS AND RICH GAMING TRIBES TRYING TO STOP LEGITIMATE COMPETITION.

Even Cheryl Schmit, who filed this referendum and now leads the NO ON 48 campaign, recognized the merits of this project site—BEFORE SHE STARTED WORKING FOR THE OPPONENTS:

"This is not reservation shopping . . . This is the state exercising its authority to locate gaming where it is wanted."—Cheryl Schmit, Stand Up For California!, *San Diego Union-Tribune*, 2/4/06.

VOTE YES ON PROPOSITION 48—UPHOLD TWO COMPACTS THAT PROVIDE SIGNIFICANT BENEFITS AND PROTECTIONS FOR CALIFORNIANS BY AUTHORIZING A SINGLE PROJECT ON FEDERALLY-HELD INDIAN LAND THAT WILL:

- CREATE THOUSANDS OF GOOD-PAYING JOBS • GENERATE ECONOMIC GROWTH FOR ONE OF CALIFORNIA'S POOREST REGIONS • RETAIN LOCAL CONTROL FOR A PROJECT WIDELY SUPPORTED BY THE COMMUNITY • PROMOTE TRIBAL SELF-RELIANCE FOR TWO OF CALIFORNIA'S LARGEST TRIBES
- HELP PROTECT TWO ENVIRONMENTALLY SENSITIVE AREAS

Governor Brown, a supporter of Yes on 48, agrees that the North Fork Tribe has a "significant historical connection with the land" and that the approval process which "lasted more than seven years" was "extremely thorough."

Governor Brown called the "No on 48" effort to overturn his compacts "unfortunate" and about "money and competition."

JOIN OTHERS SUPPORTING PROPOSITION 48 COMPACTS:

- California Democratic Party • Assemblyman Frank Bigelow, former President, California State Association of Counties • California Association of Tribal Governments • City of Madera Police Officers Association • UNITE HERE!, representing more than 49,000 California workers

VOTE YES ON PROPOSITION 48.  
[www.voteYes48.com](http://www.voteYes48.com)

Robbie Hunter, President

State Building & Construction Trades Council of California

John Anderson, Sheriff  
Madera County Sheriff's Office

Debi Bray, President  
Madera Chamber of Commerce

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*On August 11, 2014, Proposition 49 was removed from the ballot by order of the California Supreme Court.*

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## Legislative and Congressional Candidate Statements

This voter guide includes information about statewide ballot measures and state candidates. Each member of the State Senate, Assembly, and U.S. House of Representatives serves/represents voters in only one or a few counties, so candidate statements for those offices may be available in your county sample ballot booklet.

For the final certified list of candidates, which was due after this guide was published, go to [www.sos.ca.gov/elections/elections\\_cand.htm](http://www.sos.ca.gov/elections/elections_cand.htm).

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## Top Contributors to Statewide Candidates and Ballot Measures

When a committee supports or opposes a ballot measure or candidate and raises at least \$1 million, the committee must report its top 10 contributors to the California Fair Political Practices Commission (FPPC). The committee must update the top 10 list when there is any change. These lists are available on the FPPC website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

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## Voter Registration

You are responsible for updating your voter registration information if you change your name, change your home address, change your mailing address, or want to change or select a political party.

Registering to vote is easier than ever with the online form at [RegisterToVote.ca.gov](http://RegisterToVote.ca.gov). Voter registration applications are also available at most post offices, libraries, city and county government offices, and the California Secretary of State's office.

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## For Voters with Disabilities

The California Secretary of State produces audio and large-print versions of this voter guide to ensure voters who are blind or visually impaired have access to statewide ballot information. To order any version of this voter guide at no cost, call the Secretary of State's toll-free Voter Hotline at (800) 345-8683 or visit [www.sos.ca.gov](http://www.sos.ca.gov). A downloadable audio MP3 version is at [www.voterguide.sos.ca.gov/en/audio](http://www.voterguide.sos.ca.gov/en/audio).

# State Candidates List and Voluntary Campaign Spending Limits

California law includes voluntary spending limits for candidates running for state office (not federal office). Candidates for Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Insurance Commissioner, Superintendent of Public Instruction, and Board of Equalization who choose to keep their campaign expenses under specified dollar amounts may buy space for a candidate statement (up to 250 words) in this voter guide.

In the candidate list on this page, an asterisk (\*) designates a candidate who accepted California’s voluntary campaign spending limits and therefore has *the option* to buy space for a candidate statement in this voter guide. (Some eligible candidates choose not to buy space for a candidate statement.)

Candidate statements are on pages 51–61 of this voter guide.

The voluntary spending limit for candidates for Governor in the November 4, 2014, General Election is \$13,610,000.

The voluntary spending limit for candidates for Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Insurance Commissioner, and Superintendent of Public Instruction in the November 4, 2014, General Election is \$8,166,000.

The voluntary spending limit for candidates for the Board of Equalization in the November 4, 2014, General Election is \$2,041,000.

The following list of candidates for state office is current through August 11, 2014—the end of the public display period required for this voter guide. For the final certified list of candidates, which was due after this guide was published, go to [www.sos.ca.gov/elections/elections\\_cand.htm](http://www.sos.ca.gov/elections/elections_cand.htm).

## Governor

Edmund G. “Jerry” Brown	Democratic
Neel Kashkari	Republican

## Lieutenant Governor

* Ron Nehring	Republican
Gavin Newsom	Democratic

## Secretary of State

* Alex Padilla	Democratic
* Pete Peterson	Republican

## Controller

Ashley Swearengin	Republican
* Betty T. Yee	Democratic

## Treasurer

* John Chiang	Democratic
* Greg Conlon	Republican

## Attorney General

* Ronald Gold	Republican
Kamala D. Harris	Democratic

## Insurance Commissioner

* Ted Gaines	Republican
* Dave Jones	Democratic

## Board of Equalization

### District 1

* Chris Parker	Democratic
* George Runner	Republican

### Board of Equalization

#### District 2

* Fiona Ma	Democratic
* James E. Theis	Republican

### Board of Equalization

#### District 3

* Jerome E. Horton	Democratic
* G. Rick Marshall	Republican

### Board of Equalization

#### District 4

* Diane L. Harkey	Republican
* Nader Shahatit	Democratic

## Superintendent of Public Instruction

* Tom Torlakson	Nonpartisan
* Marshall Tuck	Nonpartisan

# Candidate Statements

## ★ Governor ★

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- As the state's chief executive officer, oversees most state departments and agencies, and appoints judges.
  - Proposes new laws, approves or vetoes legislation, and submits the annual state budget to the Legislature.
  - Mobilizes and directs state resources during emergencies.
- 

No statements were submitted by the candidates running for the office of Governor.

## ★ Lieutenant Governor ★

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- Assumes the office and duties of Governor in the case of impeachment, death, resignation, removal from office, or absence from the state.
  - Serves as president of the State Senate and has a tie-breaking vote.
  - Chairs the Economic Development Commission, is a member of the State Lands Commission, and sits on the boards of the California university systems.
- 

No statements were submitted by the candidates running for the office of Lieutenant Governor.

# Candidate Statements

## ★ Secretary of State ★

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- As the state's chief elections officer, oversees statewide elections and provides public access to campaign and lobbying financial information.
  - Maintains certain business filings, authenticates trademarks, regulates notaries public, and enables secured creditors to protect their financial interests.
  - Preserves California's history by acquiring, safeguarding, and sharing the state's historical treasures.
- 

Pete Peterson  
*Republican*

P.O. Box 662  
Camarillo, CA 93011

(323) 450-7536  
campaign@petesos.com  
www.petesos.com

I am running for Secretary of State because I know firsthand the office should be doing so much more to lead the fight in making California's government more transparent, less corrupt, and more accountable to voters and small businesses. *Experienced leader:* As the Executive Director of the non-partisan Davenport Institute for Public Engagement at Pepperdine University, I have travelled across this state training and consulting with local governments, making them more transparent and responsive to the public. *End the corrupt cycle:* Sacramento has become a merry-go-round for career politicians who use their power to move up the political ladder instead of helping Californians. I am not a politician, and my résumé uniquely prepares me to reform this particular office. I will bring my background in civic engagement and private sector experience to Sacramento to increase informed participation, while protecting the integrity of our ballot box. *Get jobs and businesses back:* California has lost more jobs than any other state since the beginning of the recession. It's one of the toughest states to start or grow a small business. As a former small business owner with technology experience, I will enable online business registration and filings, and fight to reduce the outrageous Business Franchise Tax. Government works when it's accountable to its citizens. I humbly ask for your vote so I can deliver this change.

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Alex Padilla  
*Democratic*

969 Colorado Blvd., Suite 103  
Los Angeles, CA 90041

(818) 253-9140  
ideas@alex-padilla.com  
www.alex-padilla.com

Alex Padilla knows how to *reach across party lines* to get things done, working with both parties to *pass 80 laws* from improving education to protecting patients. He *championed renewable energy*, so by 2020, one-third of California's electricity will come from renewables. *Firefighters, police officers and nurses support Padilla* because he's dedicated to keeping all our communities safe, passing a law to prohibit felons from buying body armor. As Secretary of State, Alex Padilla will be just as effective. *He'll help businesses create jobs.* Businesses have waited months for approval from the Secretary of State to begin operations. Padilla will ensure new businesses can file online and begin operating within 5 business days. He'll *modernize voting* so we can vote when and where it's convenient. Padilla will *inspire young people*, visiting high schools to encourage 18-year-olds to register and vote. Padilla supports *weekly reporting of campaign contributions*, so voters know who is funding campaigns. Padilla will *audit the Secretary of State's office* to ensure taxpayer money is being spent wisely, efficiently, and getting results. He'll work to *restore the Voting Rights Act* so every citizen can vote without intimidation. Padilla's parents were immigrants. His father worked as a cook and his mother cleaned houses, and they taught him that anything is possible. Alex earned a scholarship to the Massachusetts Institute of Technology, graduating with an engineering degree. Alex Padilla knows government doesn't have all the answers, and that's why he's visiting with voters in every California county.

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*The order of the statements was determined by lot. Statements on this page were supplied by the candidates and have not been checked for accuracy. Each statement was voluntarily submitted by the candidate and is printed at the expense of the candidate. Candidates who did not submit statements could otherwise be qualified to appear on the ballot.*

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# Candidate Statements

## ★ Controller ★

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- As the state's chief fiscal officer, serves as the state's accountant and bookkeeper of all public funds.
  - Administers the state payroll system and unclaimed property laws, and conducts audits and reviews of state operations.
  - Serves on the Board of Equalization, the Board of Control, and other boards and commissions.
- 

Betty T. Yee  
*Democratic*

381 Bush Street, Suite 300  
San Francisco, CA 94104

(415) 692-3556  
info@bettyyee.com  
www.bettyyee.com

California needs a Controller who has extensive finance experience, is tough yet fair, and serves with the highest degree of transparency and accountability. A recognized expert in state budgets and fiscal policy, Betty Yee has deep knowledge of tax policy, bond oversight, cash management, and financial audits of state programs. Betty Yee will bring tough-minded fiscal discipline to the office of Controller, California's independent watchdog over misspending and waste of public funds. As a Board of Equalization Member, Betty Yee safeguarded our tax dollars, called out wasteful spending, and cracked down on the underground economy where unscrupulous businesses harm law-abiding taxpayers. Betty Yee's proven record of fairness includes making online retailers pay taxes on sales in California just like local merchants do; providing tax equity for same-sex couples; and updating tax rules to promote good jobs in a green economy. Betty Yee increased transparency and accountability at the Board, making it more responsive to individual taxpayers, businesses, and constituents, and increasing public access to non-confidential tax information. Extraordinarily well qualified, Betty Yee holds a Master's Degree in Public Administration and served as Chief Deputy Director for Budget in the California Department of Finance. Betty Yee is proudly endorsed by California's classroom teachers, nurses, the Sierra Club, and the California National Organization for Women (NOW). Betty Yee will be a Controller who fights for California's families. California needs Betty Yee to serve as its next Controller. For more information: [www.bettyyee.com](http://www.bettyyee.com).

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# Candidate Statements

## ★ Treasurer ★

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- As the state's banker, manages the state's investments, and administers the sale of state bonds and notes.
  - Serves on several commissions, most of which are related to the marketing of bonds.
  - Pays out state funds when spent by the Controller and other state agencies.
- 

Greg Conlon  
*Republican*

3875 Bohannon Dr.  
P.O. Box 2600  
Menlo Park, CA 94026

(916) 850-2782  
greg@gregconlon.com  
www.gregconlon.com

As a businessman, CPA and veteran pilot of the United States Air Force, I will be the independent fiscal watchdog our state needs to manage its finances. Californians deserve better from their Sacramento government, a place desperately in need of fresh faces and bold ideas. In fact, just a few months ago a scathing audit of the State Controller's office revealed a shocking \$31 billion in errors, mistakes and miscalculations; a total greater than the combined GDB of Iceland and Jamaica. Accounting errors and lack of oversight could cost taxpayers severely, but with this election we have a chance to fight back. If elected State Treasurer, I'll fight to keep money, jobs and hard working families here in California, and finally get our fiscal house in order. I have extensive financial experience in both the public and private sectors, working as a Senior Partner in a Big 5 Accounting Firm, and serving as President of the California Public Utilities Commission, Commissioner on the California Transportation Commission and Chairman of the Finance Committee of the City of Atherton. My priorities include proposing and advocating for pro-growth tax policies to help attract individuals, families and businesses back to California after years of losing them to states with more favorable tax laws, improving California's credit rating which is now the second to last in the nation, and reducing the state's unfunded pension liabilities. Please join my fight for fiscal sanity and an improved economy by voting Greg Conlon for State Treasurer. [www.gregconlon.com](http://www.gregconlon.com)

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John Chiang  
*Democratic*

electjohnchiang@gmail.com  
www.electjohnchiang.com

State Controller John Chiang has been California's independent watchdog safeguarding our tax dollars. As our next State Treasurer, John Chiang will continue his work to make government spending more transparent and accountable. John Chiang has saved state taxpayers billions of dollars by weeding out waste, fraud and abuse. John Chiang used his auditing authority to identify more than \$8 billion in taxpayer dollars that were being wasted or mismanaged. After the scandals in the City of Bell, John Chiang placed salaries online, to help residents identify abuses. John Chiang has returned \$3 billion in cash and more than 235 million shares of stock to millions of residents owed money by banks and corporations. John Chiang initiated audits on 40 life insurance companies, and is leading the charge to end the industry-wide practice of failing to pay death benefits to policy holders and beneficiaries. His settlement with 18 insurance companies requires that they return \$267 million in unpaid benefits to Californians and \$2.4 billion nationwide. John Chiang is a leader on pension and ethics reform. He rooted out pension spiking and is working to solve the state's looming crisis with unfunded medical expenses for state retirees. John Chiang's office provides free tax assistance to seniors and working families, saving them millions in tax refunds and credits. He hosts free seminars to help small businesses and non-profits navigate complex tax regulations. John Chiang has been our champion in state government. Keep John Chiang fighting for us, as California's next State Treasurer. <http://www.electjohnchiang.com>

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# Candidate Statements

## ★ Attorney General ★

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- As the state's chief law officer, ensures that state laws are enforced and investigates fraudulent or illegal activities.
  - Heads the Department of Justice, which provides state government legal services and represents the state in civil and criminal court cases.
  - Oversees law enforcement agencies, including county district attorneys and sheriffs.
- 

Ron Gold  
*Republican*

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Woodland Hills, CA 91364

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rongoldlaw@gmail.com  
rongold.org

Join with your friends and neighbors to vote for Ron Gold for California Attorney General. Former Deputy Attorney General Ron Gold knows how to fight crime and corruption. California needs Republicans like Ron to guard against the corruption that comes with one party holding super-majorities in the Legislature and all the statewide offices. The Attorney General's office should do something for you. Ron will prosecute vigorously those sleazy nursing homes and dishonest care givers who abuse our elderly. Under Ron's California Consumer Protection Agency, those companies colluding on gas prices will be prosecuted. He'll fight for Californians to have honest products from honest companies. To ensure your privacy, Ron will enforce laws on unwanted telephone calls and spam while restricting the government from vacuuming up your emails and phone calls. Ron will toughen the laws on those who commit identity theft. Our undocumented immigrants, who have worked long and hard in our state, deserve the right to live without fear and have a chance to find a pathway to citizenship. But, we must maintain secure borders. Married for forty years, with two grown sons and a graduate from UCLA, Ron is committed to making California a better place to live and work. It's time for Californians to demand that the office of Attorney General not simply be a stepping stone to the governorship but a place where dedication and service should rule for the benefit of all Californians. Vote for a new kind of Republican. Vote for Ron Gold.

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# Candidate Statements

## ★ Insurance Commissioner ★

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- Heads the Department of Insurance, which enforces California insurance laws and adopts regulations to implement the laws.
  - Licenses, regulates, and examines insurance companies.
  - Answers public questions and complaints about the insurance industry.
- 

Ted Gaines  
*Republican*

ted@tedgaines.com  
www.tedgaines.com

The Department of Insurance is broken. Failed leadership is driving businesses out of California and leaving consumers with higher costs and fewer choices. Instead of working to create more jobs, they only want to expand their own political power—with all of us paying the price. *As an independent insurance agent, I've been the ultimate consumer advocate for more than 30 years.* As Insurance Commissioner, I'll protect consumers and create a stronger jobs climate. We can do better. I respectfully ask for your vote. For more information, please visit [www.tedgaines.com](http://www.tedgaines.com).

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Dave Jones  
*Democratic*

915 L Street #C124  
Sacramento, CA 95814

(916) 349-4236  
teamdavejones@gmail.com  
www.davejones2014.com

Four years ago, Californians elected Dave Jones as Insurance Commissioner to fight for consumers and hold insurance companies accountable. *Dave Jones has saved consumers \$1.67 billion by rejecting excessive auto and homeowners insurance rates.* We need an Insurance Commissioner with the courage, integrity, and independence to fight to protect consumers. We need Dave Jones. *Dave Jones refuses to accept contributions or gifts from insurance companies.* He worked to provide health insurance to millions of uninsured Californians. He issued regulations to stop health insurers from discriminating against people with pre-existing conditions. He required health insurers to cover autistic children. Jones is leading the fight to require health insurers to justify their rates and reject excessive health insurance premium increases. When life insurance companies failed to pay beneficiaries, Jones led a national investigation and recovered hundreds of millions. Californians pay more when fraudsters scam insurance companies. Since Jones took office, this department has made over 2,450 arrests for fraud. Jones enacted regulations to protect seniors from scams. And he has investigated and helped prosecute criminals who prey on elders. Jones insists that insurers buy goods and services from California's diverse businesses and disabled veterans. Insurers must also now consider climate change impacts, thanks to Dave Jones. Jones has helped over 260,000 consumers with complaints about their insurance companies. He recovered \$207 million for consumers. *The Consumer Federation of California named Dave Jones a "Consumer Champion."* Insurance Commissioner Dave Jones fights for us. Vote for Dave Jones for Insurance Commissioner. Visit [www.davejones2014.com](http://www.davejones2014.com).

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# Candidate Statements

## ★ Board of Equalization ★

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Serves on the Board of Equalization, the state's elected tax commission, which:

- Oversees the administration of many tax and fee programs including those for sales, fuels, alcohol, cigarettes and tobacco.
  - Serves as the appellate body for California income tax and franchise tax cases.
  - Oversees the administration of property tax.
- 

### District 1

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George Runner  
*Republican*

43759 15th St. W, PMB25  
Lancaster, CA 93534

(916) 790-6075  
info@georgerunner.com  
www.georgerunner.com

As your elected taxpayer advocate, I am working each and every day to protect the interests of you, the taxpayer. From defending Proposition 13 to fighting against tax increases on California families and businesses, I've stood firm against the special interests who want to take more of your money. That's why tax fighters like the *Howard Jarvis Taxpayers Association* and the *National Federation of Independent Business* support my re-election. We ended the government's requirement for a security deposit from new businesses, returning millions of dollars back to their rightful owners instead of tied up in a government account. We're also looking out for human rights by fighting the underground economy that undercuts legitimate business and promotes human trafficking. We're fighting the unfair and illegal "Fire Fee" tax targeting rural homeowners and senior citizens across California and when we win in court we'll return millions of dollars back to taxpayers. While in the Legislature, my accomplishments include Jessica's Law, which created the toughest sexual predator laws in the nation. I also authored California's Amber Alert, which has aided in more than 200 reunions of abducted children with their parents. Public safety is government's first duty to the public and I'm honored to have the endorsement of the California Association of Highway Patrolmen, the California State Sheriffs' Association and the CDF Firefighters. I would be honored to earn your support. Visit [www.georgerunner.com](http://www.georgerunner.com) to learn more about my mission to protect taxpayer rights and make California government more responsive and accountable to you.

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Chris Parker  
*Democratic*

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Sacramento, CA 95816-1527

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chris@parkerforboe1.com  
parkerforboe1.com

Californians need a fiscal watchdog on the Board of Equalization who will fight for accountability, protect our tax dollars, stand up to special interests, and fight tax cheats who game the system at the expense of working families. As a consumer advocate and tax professional, I fight for taxpayers and hold tax cheats accountable. I have settled over \$300 million in tax disputes for individuals, small businesses, and families quickly and efficiently, ensuring hard working taxpayers are treated fairly and corporations pay their share. As an educator, I teach business and employment law to aspiring entrepreneurs. I understand small businesses are the backbone of our economy and communities. On the Board of Equalization, I will make helping small businesses grow my top priority including cutting red tape and reducing filing costs. I will fight to level the playing field for working Californians. As a consumer advocate, I helped create a financial coaching program as a volunteer with United Way giving people the tools to achieve greater financial stability and elevate their station. I have dedicated my life to fighting for consumers and working families. As your Board Member, I will be a strong voice advocating for working families and small business owners—not powerful special interests. I will work to improve transparency, hold tax cheats accountable, and give small businesses tools to succeed. I will also work to phaseout the Fire Fee. Please join Doctors, Teachers, Nurses, and Small Business Owners in supporting my campaign for Board of Equalization.

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**District 2**

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Fiona Ma  
*Democratic*

1032 Irving Street #908  
San Francisco, CA 94122

(415) 845-5450  
fiona@fionama.com  
www.fionama.com

Each year, California fails to collect eight billion dollars from the underground economy. This lack of revenue hurts hard-working Californians by shortchanging vital public service programs and hindering our economic recovery. As your Board of Equalization Member, I will put to use my 20 years of auditing and tax experience including my service as an Assessment Appeals Board Commissioner, Member of the San Francisco Board of Supervisors and California State Assemblymember to knock out tax fraud and the under-reporting of taxes that cost California billions. I have authored many tax-related bills to help businesses prosper and keep California competitive with other states. I earned a B.S. in Accounting, Master's Degree in Taxation, along with an MBA, and have been licensed in California as a Certified Public Accountant (CPA) since 1992 where I worked for a large public accounting firm and then started my own small accounting practice. My goal as your State Board of Equalization representative is to ensure that our Golden State has a just and efficient tax collection system in which everyone is treated fairly and equally. I would be honored to have your vote on November 4, 2014. Thank you.

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James "Jim" Theis  
*Republican*

301 McCloskey Road  
Hollister, CA 95023

(831) 430-2053  
jim@jimtheis.com  
www.jimtheis.com

I was raised on a ranch in Montana, served honorably in the US Navy, and worked in law enforcement as a Deputy Sheriff. Currently, my wife and family live on an organic farm in rural San Benito County. I drive a pickup truck to work each day, and our children attend local public schools. We are just like most Americans that work hard, live clean and pay their taxes. *I am not a professional politician, and have never run for political office.* If elected, I promise to listen to your concerns and provide fair & equal treatment for all taxpayers. Please let me help you. I would appreciate your vote. Thank you.

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District 3

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G. Rick Marshall  
*Republican*

2390 Crenshaw Boulevard, Suite 423  
Torrance, CA 90501

(424) 217-7422  
ask@grickmarshall.com  
www.grickmarshall.com

*G. Rick Marshall* is a strong supporter of Proposition 13, a recognized taxpayer advocate and is endorsed by the Howard Jarvis Taxpayers Association. *G. Rick Marshall* knows the impact of taxes on family budgets having worked almost a decade for CCH Computax, a leader in the tax preparation software. *G. Rick Marshall* will fairly administrate tax law without favoritism, deliver efficient government services, eliminate wasteful spending, penalize tax cheats—not honest mistakes—and return tax surpluses to taxpayers. *G. Rick Marshall* will vote to repeal unfriendly policies like charging sales tax on the full retail cost of cell phones, regardless of the price charged the buyer. He will protect consumers by voting to reduce the excise tax on gasoline to offset expected price increases when the cap and trade mandate is imposed on refiners. *G. Rick Marshall* will not accept the new 2% pay raise while California's economy is recovering and temporary sales and income tax increases are in effect. He knows every dollar Government spends is taken from a hardworking taxpayer. *G. Rick Marshall* serves on the City of Torrance Water Commission, raised money for Muscular Dystrophy, mentored young men and women through Junior Achievement and delivered Christmas presents with Project Angel Tree to children of prisoners. *G. Rick Marshall* will help people retain more of what they earn by keeping taxes low and government restrained so that the Free Enterprise System can help the poor escape poverty, lower consumer prices, and increase our standard of living.

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Jerome E. Horton  
*Democratic*

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Los Angeles, CA 90009

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<http://boardofequalizationjehorton.com>

During these challenging times, it has been an incredible privilege to serve you as Chair of the Board of Equalization (BOE), and to be in position to use my 36 years of BOE, legislative, and financial experience—including 26 years with the Board of Equalization, to protect and serve Californians. I started with the Board as an 18-year-old intern and rapidly progressed to become an Executive Business Tax Law counselor, before joining the California State Legislature. I later served on the California Medical Assistance Commission and California Workforce Investment Board, fighting to improve access to health care, quality jobs, and educational opportunities. Elected to the BOE in 2010, as an architect of the Taxpayer's Bill of Rights, during my tenure we have helped 1.3 million entrepreneurs open, maintain, and grow their businesses and administered upwards of \$138 billion in revenue for state and local services. My anti-criminal business initiatives have helped to combat Human Trafficking, arrest 128 criminals operating illegally, and remove tons of illegal and unhealthy products off our streets. My Campaign Against Poverty has assisted thousands of California taxpayers recapture millions in tax refunds and credits and empowered nonprofits to help fight poverty. I am equally proud of my internship programs designed to provide our young people with training and employment opportunities. To learn about 32 additional Horton initiatives and other resources, please visit <http://boardofequalizationjehorton.com>. In closing, please join California Teachers, Firefighters, Nurses, Police, Taxpayers, and Small Businesses in supporting my re-election.

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# Candidate Statements

## ★ Board of Equalization ★

Continued

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### District 4

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Nader Shahatit  
*Democratic*

28793 Beattie St.  
Highland, CA 92346

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shahatitnader@yahoo.com  
electnadersshahatit.com

I will be your problem solver by using my tax *experience working in the Board of Equalization* to bring *solutions* to complex tax issues.

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Diane L. Harkey  
*Republican*

31878 Del Obispo #118; PMB106  
San Juan Capistrano, CA 92675

(949) 481-4477  
diane@dianeharkey.com  
www.dianeharkey.com

The Board of Equalization exists to help taxpayers resolve their differences with government agencies. As your elected representative, I will ensure your voice is heard and that you receive a fair hearing on matters relating to taxes and fees in the State of California. I will work to support individuals, families, and small business owners that need help due to complex and often confusing laws and regulations. Jobs and businesses are still fleeing to other states where it is easier to start up, grow, become profitable, and pay employees well. The Board of Equalization plays an important role in defining how taxes and regulations are implemented and enforced. I'll work with the other four members of the Board to develop a structure that creates a more competitive, user-friendly, and prosperous California that helps businesses thrive and create employment. With a healthy job market we can reduce your tax burden, California's "wall of debt," fund public safety, education, and services government should provide. In the Assembly, I led the fight against the wasteful high-speed rail plan, and developed a common sense approach to balancing the State budget, putting California back on a fiscally sustainable path. On the Board of Equalization, I'll work to get our economy moving and jobs returning to our State. Working together we can return the gold to California, and I would be honored to have your vote.

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# Candidate Statements

## ★ Superintendent of Public Instruction (Nonpartisan Office) ★

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- As the state’s chief of public schools, provides education policy direction to local school districts, and works with the educational community to improve academic performance.
  - Heads the Department of Education and carries out policies set by the State Board of Education.
  - Serves as an ex-officio member of governing boards of the state’s higher education system.
- 

Marshall Tuck

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Culver City, CA 90232

(323) 332-9859  
hello@marshalltuck.com  
marshalltuck.com

California public schools need major changes to prepare students to compete in the global economy. Our schools rank 45th in the nation in reading and math—but Sacramento politicians are failing to make the crucial changes students need. *The politicians make too many education decisions*, instead of experts. The education bureaucracy wastes too much money and has too much control. I’m an educator, not a politician. *I have a proven record of turning around failing schools*. Leading 17 public schools in some of LA’s toughest neighborhoods, we increased graduation rates by 60%. Our innovative “Parent College” became a national model for getting parents more involved. Over the last 5 years, *our schools ranked #1 in academic improvement* among California’s large school systems. Previously, I led efforts to establish *9 successful new public charter schools*—which all outperformed local schools. As State Superintendent, I’ll be an *independent advocate for parents and students*—not political insiders. I’ll work to: (1) Get the politicians out of our schools—so educators & parents can do what’s best for kids. (2) Cut the bureaucracy to get more money into classrooms and encourage innovation. (3) Get parents more involved. (4) Support public charter schools. (5) Make sure all students have effective teachers and principals and a college and career ready curriculum. Please read my plan at [www.marshalltuck.com](http://www.marshalltuck.com). See why parents, teachers, and California’s major newspapers—liberal and conservative—endorsed our campaign. We can’t accept mediocrity or failure. Vote for the change our students need.

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Tom Torlakson

P.O. Box 21636  
Concord, CA 94521

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tomtorlakson.com

As the *only California teacher and experienced superintendent* seeking this office, I know bold action is needed to strengthen our schools. My plan calls for *parents, teachers and schools themselves* to make education decisions rather than turning our schools over to Washington politicians or Wall Street speculators. It starts with *increasing parental involvement, expanding career and technical training, making college more affordable and investing in schools* to provide *smaller classes and strong academics*, including *art, music, drama* and the technology students need to graduate *ready for college*. Every student deserves great teachers, which is why we must improve teacher training and support, and remove—fairly—those not up to the job. I helped pass a law making it easier to dismiss teachers for misconduct or poor performance, and I made helping struggling teachers a priority. Because students also deserve safe schools, I helped pass laws to keep gangs, drugs and guns out of our schools. For more information, please read our Blueprint for Great Schools at [www.tomtorlakson.com](http://www.tomtorlakson.com), created with parents, teachers and school officials. After three years on the job, there’s still much work to do, but we’re seeing real progress—the *highest graduation rates ever* and *rising test scores statewide*. I’m the only candidate supported by classroom teachers, nurses, firefighters, police officers and Sierra Club California, along with Democrats like Senator Dianne Feinstein and Republicans like Richard Riordan. *Let’s keep working together to fulfill the promise of public education*, with a high-quality school in every neighborhood.

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## The Electoral Procedure

For more information about Supreme Court Justices and Appellate Court Justices, visit [www.courts.ca.gov](http://www.courts.ca.gov).

California law requires the following information to be printed in this notice.

Under the California Constitution, justices of the Supreme Court and the courts of appeal are subject to confirmation by the voters. The public votes “yes” or “no” on whether to retain each justice.

These judicial offices are nonpartisan.

Before a person can become an appellate justice, the Governor must submit the candidate’s name to the Judicial Nominees Evaluation Commission, which is comprised of public members and lawyers. The commission conducts a thorough review of the candidate’s background and qualifications, with community input, and then forwards its evaluation of the candidate to the Governor.

The Governor then reviews the commission’s evaluation and officially nominates the candidate, whose qualifications are subject to public comment before examination and review by the Commission on Judicial Appointments. That commission consists of the Chief Justice of California, the Attorney General of California, and a senior Presiding Justice of the Courts of Appeal. The Commission on Judicial Appointments must then confirm or reject the nomination. Only if confirmed does the nominee become a justice.

Following confirmation, the justice is sworn into office and is subject to voter approval at the next gubernatorial election, and thereafter at the conclusion of each term. The term prescribed by the California Constitution for justices of the Supreme Court and courts of appeal is 12 years. Justices are confirmed by the Commission on Judicial Appointments only until the next gubernatorial election, at which time they run for retention of the remainder of the term, if any, of their predecessor, which will be either four or eight years. (Elections Code section 9083)

**Goodwin Liu**, Associate Justice of the Supreme Court of California

**Bar Admission:** Admitted to California Bar in 1999.

**Education:** Yale Law School, J.D., 1998; Stanford University, B.S., 1991; Oxford University, M.A., 2002.

**Professional Legal Background:** Professor of Law, UC Berkeley School of Law, 2003–2011 (served as Associate Dean, 2008–2010); Litigation Associate, O’Melveny & Myers LLP, 2001–2003; Law Clerk to U.S. Supreme Court Justice Ruth Bader Ginsburg, 2000–2001; Special Assistant to the Deputy Secretary, U.S. Department of Education, 1999–2000; Law Clerk to U.S. Circuit Judge David S. Tatel, 1998–1999.

**Judicial Background:** Associate Justice, Supreme Court of California, 2011–present (appointed by Governor Jerry Brown and confirmed by the Commission on Judicial Appointments).

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**Kathryn Mickle Werdegar**, Associate Justice of the Supreme Court of California

**Bar Admission:** Admitted to California Bar in 1964.

**Education:** J.D. (With Distinction) George Washington University School of Law, 1962; B.A. University of California at Berkeley, 1957.

**Professional Legal Background:** Senior Staff Attorney California Supreme Court, 1985–1991; Senior Staff Attorney California First District Court of Appeal, 1981–1985; Associate Dean and Associate Professor, University of San Francisco School of Law, 1978–1981; Director, Criminal Law Division, California Continuing Education of the Bar, Berkeley, CA 1971–1978; Consultant and Author, California College of Trial Judges, Berkeley, CA 1968–1971; Associate, U.C. Berkeley Center for the Study of Law and Society, 1965–1967; United States Department of Justice, Civil Rights Division, 1962–1963.

**Judicial Background:** Associate Justice, Supreme Court of California, 1994 to present; Associate Justice, California Court of Appeal, First Appellate District, 1991–1994.

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On July 22, 2014, Professor Mariano-Florentino Cuéllar was nominated by Governor Jerry Brown to be an Associate Justice of the California Supreme Court. The California Constitution requires that Professor Cuéllar’s nomination be confirmed or rejected by the Commission on Judicial Appointments. If a nominated justice is confirmed by the Commission, the justice is subject to voter approval at the next gubernatorial election. This means Professor Cuéllar would be on the November 4, 2014, ballot. State law required this voter guide to be printed before the Commission’s meeting to consider the nomination of Professor Cuéllar. For more information about judicial retention elections, see page 62 of this voter guide. For updated information about California Supreme Court nominations, go to [www.courts.ca.gov](http://www.courts.ca.gov).

**Mariano-Florentino Cuéllar**, Stanford University Law Professor

**Bar Admission:** Admitted to California Bar in 1998.

**Education:** Harvard College, A.B. 1993; Yale Law School, J.D. 1997; Stanford University, A.M. 1996, Ph.D. 2000.

**Professional Legal Background:** Stanford University (2001–Present); Stanley Morrison Professor of Law (2012–Present); Professor (2007–2012); Associate/Assistant Professor (2001–2007); Director and Senior Fellow, Freeman Spogli Institute for International Studies, Stanford University, (2013–Present); Special Assistant to the President for Justice and Regulatory Policy, The White House, Domestic Policy Council (2009–2010); Co-Chair, Immigration Policy Working Group, Obama-Biden Transition Project (2008–2009); Law Clerk to Chief Judge Mary M. Schroeder, U.S. Court of Appeals, Ninth Circuit, (2000–2001); Senior Advisor, Under Secretary for Enforcement, U.S. Department of the Treasury, (1997–1999).

Proposition 2

This amendment proposed by Assembly Constitutional Amendment 1 of the 2013–2014 Second Extraordinary Session (Resolution Chapter 1, 2013–2014 Second Extraordinary Session) expressly amends the California Constitution by adding sections thereto and repealing and adding a section thereof; therefore, existing provisions proposed to be deleted are printed in strike-out type and new provisions proposed to be added are printed in italic type to indicate that they are new.

Proposed Amendments to Articles IV and XVI

First—That Section 12.5 is added to Article IV thereof, to read:

SEC. 12.5. Within 10 days following the submission of a budget pursuant to subdivision (a) of Section 12, following the proposed adjustments to the Governor’s Budget required by subdivision (e) of Section 13308 of the Government Code or a successor statute, and following the enactment of the budget bill, or as soon as feasible thereafter, the Director of Finance shall submit to the Legislature both of the following:

(a) Estimates of General Fund revenues for the ensuing fiscal year and for the three fiscal years thereafter.

(b) Estimates of General Fund expenditures for the ensuing fiscal year and for the three fiscal years thereafter.

Second—That Section 20 of Article XVI thereof is repealed.

SEC. 20. (a) The Budget Stabilization Account is hereby created in the General Fund.

(b) In each fiscal year as specified in paragraphs (1) to (3), inclusive, the Controller shall transfer from the General Fund to the Budget Stabilization Account the following amounts:

(1) No later than September 30, 2006, a sum equal to 1 percent of the estimated amount of General Fund revenues for the 2006–07 fiscal year.

(2) No later than September 30, 2007, a sum equal to 2 percent of the estimated amount of General Fund revenues for the 2007–08 fiscal year.

(3) No later than September 30, 2008, and annually thereafter, a sum equal to 3 percent of the estimated amount of General Fund revenues for the current fiscal year.

(c) The transfer of moneys shall not be required by subdivision (b) in any fiscal year to the extent that the resulting balance in the account would exceed 5 percent of the General Fund revenues estimate set forth in the budget bill for that fiscal year, as enacted, or eight billion dollars (\$8,000,000,000), whichever is greater. The Legislature may, by statute, direct the Controller, for one or more fiscal years, to transfer into the account amounts in excess of the levels prescribed by this subdivision.

(d) Subject to any restriction imposed by this section, funds transferred to the Budget Stabilization Account shall be deemed to be General Fund revenues for all purposes of this Constitution.

(e) The transfer of moneys from the General Fund to the Budget Stabilization Account may be suspended or reduced for a fiscal year as specified by an executive order issued by the Governor no later than June 1 of the preceding fiscal year.

(f) (1) Of the moneys transferred to the account in each fiscal year, 50 percent, up to the aggregate amount of five billion dollars (\$5,000,000,000) for all fiscal years, shall be deposited in the Deficit Recovery Bond Retirement Sinking Fund Subaccount, which is hereby created in the account for the purpose of retiring deficit recovery bonds authorized and issued as described in Section 1.3, in addition to any other payments provided for by law for the purpose of retiring those bonds. The moneys in the sinking fund subaccount are continuously appropriated to the Treasurer to be expended for that purpose in the amounts, at the times, and in the manner deemed appropriate by the Treasurer. Any funds remaining in the sinking fund subaccount after all of the deficit recovery bonds are retired

shall be transferred to the account, and may be transferred to the General Fund pursuant to paragraph (2).

(2) All other funds transferred to the account in a fiscal year shall not be deposited in the sinking fund subaccount and may, by statute, be transferred to the General Fund.

Third—That Section 20 is added to Article XVI thereof, to read:

SEC. 20. (a) (1) The Budget Stabilization Account is hereby created in the General Fund.

(2) For the 2015–16 fiscal year and each fiscal year thereafter, based on the Budget Act for the fiscal year, the Controller shall transfer from the General Fund to the Budget Stabilization Account, no later than October 1, a sum equal to 1.5 percent of the estimated amount of General Fund revenues for that fiscal year.

(b) (1) For the 2015–16 fiscal year and each fiscal year thereafter, based on the Budget Act for the fiscal year, the Department of Finance shall provide to the Legislature all of the following information:

(A) An estimate of the amount of General Fund proceeds of taxes that may be appropriated pursuant to Article XIII B for that fiscal year.

(B) (i) An estimate of that portion of the General Fund proceeds of taxes identified in subparagraph (A) that is derived from personal income taxes paid on net capital gains.

(ii) The portion of the estimate in clause (i) that exceeds 8 percent of the estimate made under subparagraph (A).

(C) That portion of the state’s funding obligation under Section 8 that results from including the amount calculated under clause (ii) of subparagraph (B), if any, as General Fund proceeds of taxes.

(D) The amount of any appropriations described in clause (ii) of subparagraph (B) of paragraph (1) of, or subparagraph (C) of paragraph (2) of, subdivision (c), that are made from the revenues described in clause (ii) of subparagraph (B) of this paragraph.

(E) The amount resulting from subtracting the combined values calculated under subparagraphs (C) and (D) from the value calculated under clause (ii) of subparagraph (B). If less than zero, the amount shall be considered zero for this purpose.

(F) The lesser of the amount calculated under subparagraph (E) or the amount of transfer resulting in the balance in the Budget Stabilization Account reaching the limit specified in subdivision (e).

(2) In the 2016–17 fiscal year, with respect to the 2015–16 fiscal year only, and in the 2017–18 fiscal year and each fiscal year thereafter, separately with respect to each of the two next preceding fiscal years, the Department of Finance shall calculate all of the following, using the same methodology used for the relevant fiscal year, and provide those calculations to the Legislature:

(A) An updated estimate of the amount of General Fund proceeds of taxes that may be appropriated pursuant to Article XIII B.

(B) (i) An updated estimate of that portion of the General Fund proceeds of taxes identified in subparagraph (A) that is derived from personal income taxes paid on net capital gains.

(ii) That portion of the updated estimate in clause (i) that exceeds 8 percent of the updated estimate made under subparagraph (A).

(C) The updated calculation of that portion of the state’s funding obligation under Section 8 that results from including the updated amount calculated under clause (ii) of subparagraph (B), if any, as General Fund proceeds of taxes.

(D) The amount of any appropriations described in clause (ii) of subparagraph (B) of paragraph (1) of, or subparagraph (C) of paragraph (2) of, subdivision (c), that are made from the revenues described in clause (ii) of subparagraph (B) of paragraph (1).

(E) The amount resulting from subtracting the combined values calculated under subparagraphs (C) and (D) from the value calculated under clause (ii) of subparagraph (B). If less than zero, the amount shall be considered zero for this purpose.

(F) The amount previously transferred for the fiscal year by the Controller from the General Fund to the Budget Stabilization Account pursuant to subdivisions (c) and (d).

(G) The lesser of (i) the amount, not less than zero, resulting from subtracting, from the amount calculated under subparagraph (E), the

value of any suspension or reduction of transfer pursuant to paragraph (1) of subdivision (a) of Section 22 previously approved by the Legislature for the relevant fiscal year, and the amount previously transferred for that fiscal year by the Controller as described in subparagraph (F), or (ii) the amount of transfer resulting in the balance in the Budget Stabilization Account reaching the limit as specified in subdivision (e).

(c) (1) (A) By October 1 of the 2015–16 fiscal year and each fiscal year thereafter to the 2029–30 fiscal year, inclusive, based on the estimates set forth in the annual Budget Act pursuant to paragraphs (2) and (3) of subdivision (h), and the sum identified in paragraph (2) of subdivision (a), the Controller shall transfer amounts from the General Fund and the Budget Stabilization Account, pursuant to a schedule provided by the Director of Finance, as provided in subparagraph (B).

(B) Notwithstanding any other provision of this section, in the fiscal year to which the Budget Act identified in subparagraph (A) applies:

(i) Fifty percent of both the amount identified in paragraph (2) of subdivision (a), and the amount resulting from subtracting the value calculated under subparagraph (C) of paragraph (1) of subdivision (b) from the value calculated under clause (ii) of subparagraph (B) of paragraph (1) of subdivision (b), shall be transferred from the General Fund to the Budget Stabilization Account.

(ii) The remaining 50 percent shall be appropriated by the Legislature for one or more of the following obligations and purposes:

(1) Unfunded prior fiscal year General Fund obligations pursuant to Section 8 that existed on July 1, 2014.

(II) Budgetary loans to the General Fund, from funds outside the General Fund, that had outstanding balances on January 1, 2014.

(III) Payable claims for mandated costs incurred prior to the 2004–05 fiscal year that have not yet been paid, and that pursuant to paragraph (2) of subdivision (b) of Section 6 of Article XIII B are permitted to be paid over a term of years, as prescribed by law.

(IV) Unfunded liabilities for state-level pension plans and prefunding other postemployment benefits, in excess of current base amounts as established for the fiscal year in which the funds would otherwise be transferred to the Budget Stabilization Account. For the purpose of this subclause, current base amounts are those required to be paid pursuant to law, an approved memorandum of understanding, benefit schedules established by the employer or entity authorized to establish those contributions for employees excluded or exempted from collective bargaining, or any combination of these. To qualify under this subclause, the appropriation shall supplement and not supplant funding that would otherwise be made available to pay for the obligations described in this subclause for the fiscal year or the subsequent fiscal year.

(2) (A) By October 1 of the 2030–31 fiscal year and each fiscal year thereafter, based on the estimates set forth in the annual Budget Act pursuant to paragraphs (2) and (3) of subdivision (h), the Controller shall transfer amounts from the General Fund to the Budget Stabilization Account, pursuant to a schedule provided by the Director of Finance, as provided in subparagraph (B).

(B) In the fiscal year to which the Budget Act identified in subparagraph (A) applies, both the amount identified in paragraph (2) of subdivision (a), and the amount resulting from subtracting the value calculated under subparagraph (C) of paragraph (1) of subdivision (b) from the value calculated under clause (ii) of subparagraph (B) of paragraph (1) of subdivision (b), shall be transferred from the General Fund to the Budget Stabilization Account.

(C) Notwithstanding any other provision of this section, the Legislature may appropriate up to 50 percent of both the amount identified in paragraph (2) of subdivision (a), and of the amount resulting from subtracting the value calculated under subparagraph (C) of paragraph (1) of subdivision (b) from the value calculated under clause (ii) of subparagraph (B) of paragraph (1) of subdivision (b), for one or more of the obligations and purposes described in clause (ii) of subparagraph (B) of paragraph (1).

(3) The transfers described in this subdivision are subject to suspension or reduction pursuant to paragraph (1) of subdivision (a) of Section 22.

(d) By October 1 of the 2016–17 fiscal year and each fiscal year thereafter, based on the estimates set forth in the annual Budget Act pursuant to paragraphs (4) and (5) of subdivision (h), the Controller shall transfer amounts between the General Fund and the Budget Stabilization Account pursuant to a schedule provided by the Director of Finance, as follows:

(1) If the amount in subparagraph (G) of paragraph (2) of subdivision (b) is greater than zero, transfer that amount from the General Fund to the Budget Stabilization Account, subject to any suspension or reduction of this transfer pursuant to paragraph (1) of subdivision (a) of Section 22.

(2) If the amount described in subparagraph (F) of paragraph (2) of subdivision (b) is greater than the amount calculated under subparagraph (E) of paragraph (2) of subdivision (b), transfer that excess amount from the Budget Stabilization Account back to the General Fund.

(e) Notwithstanding any other provision of this section, the amount of a transfer to the Budget Stabilization Account pursuant to paragraph (2) of subdivision (a) and subdivisions (c) and (d) for any fiscal year shall not exceed an amount that would result in a balance in the account that, when the transfer is made, exceeds 10 percent of the amount of General Fund proceeds of taxes for the fiscal year estimated pursuant to subdivision (b). For any fiscal year, General Fund proceeds of taxes that, but for this paragraph, would have been transferred to the Budget Stabilization Account may be expended only for infrastructure, as defined by Section 13101 of the Government Code, as that section read on January 1, 2014, including deferred maintenance thereon.

(f) The funds described in subdivision (b) as General Fund proceeds of taxes are General Fund proceeds of taxes for purposes of Section 8 for the fiscal year to which those proceeds are attributed, but are not deemed to be additional General Fund proceeds of taxes on the basis that the funds are thereafter transferred from the Budget Stabilization Account to the General Fund.

(g) The Controller may utilize funds in the Budget Stabilization Account, that he or she determines to currently be unnecessary for the purposes of this section, to help manage General Fund daily cashflow needs. Any use pursuant to this subdivision shall not interfere with the purposes of the Budget Stabilization Account.

(h) The annual Budget Act shall include the estimates described in all of the following:

(1) Paragraph (2) of subdivision (a).

(2) Clause (ii) of subparagraph (B) of paragraph (1) of subdivision (b).

(3) Subparagraph (F) of paragraph (1) of subdivision (b).

(4) Clause (ii) of subparagraph (B) of paragraph (2) of subdivision (b).

(5) Subparagraph (G) of paragraph (2) of subdivision (b).

Fourth—That Section 21 is added to Article XVI thereof, to read:  
SEC. 21. (a) The Public School System Stabilization Account is hereby created in the General Fund.

(b) On or before October 1 of each fiscal year, commencing with the 2015–16 fiscal year, based on the amounts identified in the annual Budget Act pursuant to subdivision (b) of Section 20, the Controller shall transfer, pursuant to a schedule provided by the Director of Finance, amounts from the General Fund to the Public School System Stabilization Account as follows:

(1) (A) For the 2015–16 fiscal year, and for each fiscal year thereafter, any positive amount identified in subparagraph (C) of paragraph (1) of subdivision (b) of Section 20 shall be transferred from the General Fund to the Public School System Stabilization Account in the amount calculated under subparagraph (B), subject to any reduction or suspension of this transfer pursuant to any other provision of this section or paragraph (3) of subdivision (a) of Section 22.

(B) The Director of Finance shall calculate the amount by which the positive amount identified in subparagraph (C) of paragraph (1) of subdivision (b) of Section 20, in combination with all other moneys required to be applied by the State for the support of school districts and community college districts for that fiscal year pursuant to Section 8,

exceeds the sum of the total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B and allocated local proceeds of taxes in the prior fiscal year, plus any allocations from the Public School System Stabilization Account in the prior fiscal year, less any transfers to the Public School System Stabilization Account pursuant to this section in the prior fiscal year and any revenues allocated pursuant to subdivision (a) of Section 8.5, adjusted for the percentage change in average daily attendance and adjusted for the higher of the change in the cost of living pursuant to paragraph (1) of subdivision (e) of Section 8 of Article XIII B or the cost of living adjustment applied to school district and community college district general purpose apportionments.

(2) (A) Commencing with the 2016–17 fiscal year, and for each fiscal year thereafter, to the extent the amount calculated under this paragraph exceeds the amounts previously transferred by the Controller from the General Fund to the Public School System Stabilization Account for a preceding fiscal year, any positive amount calculated pursuant to subparagraph (C) of paragraph (2) of subdivision (b) of Section 20 for that fiscal year shall be transferred from the General Fund to the Public School System Stabilization Account in the amount calculated under subparagraph (B), subject to any reduction or suspension of this transfer pursuant to any other provision of this section or paragraph (3) of subdivision (a) of Section 22.

(B) The Director of Finance shall calculate the amount by which the positive amount identified in subparagraph (C) of paragraph (2) of subdivision (b) of Section 20, in combination with all other moneys required to be applied by the State for the support of school districts and community college districts for that fiscal year pursuant to Section 8, exceeds the sum of the total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B and allocated local proceeds of taxes in the prior fiscal year, plus any allocations from the Public School System Stabilization Account in the prior fiscal year, less any transfers to the Public School System Stabilization Account pursuant to this section in the prior fiscal year and any revenues allocated pursuant to subdivision (a) of Section 8.5, adjusted for the percentage change in average daily attendance and adjusted for the higher of the change in the cost of living pursuant to the paragraph (1) of subdivision (e) of Section 8 of Article XIII B or the cost of living adjustment applied to school district and community college district general purpose apportionments.

(c) Commencing with the 2016–17 fiscal year, and for each fiscal year thereafter, if the amount calculated pursuant to subparagraph (C) of paragraph (2) of subdivision (b) of Section 20 for a fiscal year is less than the amounts previously transferred by the Controller from the General Fund to the Public School System Stabilization Account for that fiscal year, the amount of this difference shall be appropriated and allocated by the State from the Public School System Stabilization Account for the support of school districts and community college districts.

(d) Notwithstanding any other provision of this section, the amount transferred to the Public School System Stabilization Account pursuant to subdivision (b) for a fiscal year shall not exceed the amount by which the amount of state support calculated pursuant to paragraph (1) of subdivision (b) of Section 8 exceeds the amount of state support calculated pursuant to paragraph (2) of subdivision (b) of Section 8 for that fiscal year. If the amount of state support calculated pursuant to paragraph (1) of subdivision (b) of Section 8 does not exceed the amount of state support calculated pursuant to paragraph (2) of subdivision (b) of Section 8 for a fiscal year, no amount shall be transferred to the Public School System Stabilization Account pursuant to subdivision (b) for that fiscal year.

(e) Notwithstanding any other provision of this section, no amount shall be transferred to the Public School System Stabilization Account pursuant to subdivision (b) for a fiscal year for which a maintenance factor is determined pursuant to subdivision (d) of Section 8.

(f) Notwithstanding any other provision of this section, no amount shall be transferred to the Public School System Stabilization Account pursuant to subdivision (b) until the maintenance factor determined pursuant to subdivisions (d) and (e) of Section 8 for fiscal years prior to

the 2014–15 fiscal year has been fully allocated. Transfers may be made beginning in the fiscal year following the fiscal year in which it is determined, based on the Budget Act for that fiscal year, that this condition will be met. If a transfer is made for a fiscal year for which it is later determined that this condition has not been met, the amount of the transfer shall be appropriated and allocated from the Public School System Stabilization Account for the support of school districts and community college districts. No transfer shall be made for a year for which it was determined, based on the Budget Act for that fiscal year, that this condition would not be met but was subsequently determined to have been met in that year or a prior fiscal year.

(g) Notwithstanding any other provision of this section, no amount shall be transferred to the Public School System Stabilization Account for any fiscal year for which any of the provisions of subdivision (b) of Section 8 are suspended pursuant to subdivision (h) of Section 8.

(h) Notwithstanding any other provision of this section, for any fiscal year, the amount of a transfer to the Public School System Stabilization Account pursuant to subdivision (b) shall not exceed an amount that would result in a balance in the account that is in excess of 10 percent of the total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B and allocated local proceeds of taxes for that fiscal year pursuant to Section 8. For any fiscal year, General Fund proceeds of taxes that, but for this subdivision, would have been transferred to the Public School System Stabilization Account shall be applied by the State for the support of school districts and community colleges.

(i) In any fiscal year in which the amount required to be applied by the State for the support of school districts and community college districts for that fiscal year pursuant to Section 8 is less than the total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B and allocated local proceeds of taxes in the prior fiscal year, plus any allocations from the Public School System Stabilization Account in the prior fiscal year, less any transfers to the Public School System Stabilization Account in the prior fiscal year and any revenues allocated pursuant to subdivision (a) of Section 8.5, adjusted for the percentage change in average daily attendance and adjusted for the higher of the change in the cost of living pursuant to paragraph (1) of subdivision (e) of Section 8 of Article XIII B or the cost of living adjustment applied to school district and community college district general purpose apportionments, the amount of the deficiency shall be appropriated and allocated by the State from the Public School System Stabilization Account for the support of school districts and community college districts.

(j) Funds transferred to the Public School System Stabilization Account shall be deemed, for purposes of Section 8, to be moneys applied by the State for the support of school districts and community college districts in the fiscal year for which the transfer is made, and not in the fiscal year in which moneys are appropriated from the account.

(k) Nothing in this section shall be construed to reduce the amount of the moneys required to be applied by the State for the support of school districts and community college districts pursuant to Sections 8 and 8.5.

(l) The Controller may utilize funds in the Public School System Stabilization Account, that he or she determines to currently be unnecessary for the purposes of this section, to help manage General Fund daily cashflow needs. Any use of funds by the Controller pursuant to this subdivision shall not interfere with the purposes of the Public School System Stabilization Account.

Fifth—That Section 22 is added to Article XVI thereof, to read:

SEC. 22. (a) Upon the Governor's proclamation declaring a budget emergency and identifying the conditions constituting the emergency, the Legislature may pass a bill that does any of the following:

(1) Suspends or reduces by a specified dollar amount for one fiscal year the transfer of moneys from the General Fund to the Budget Stabilization Account required by Section 20.

(2) (A) Returns funds that have been transferred to the Budget Stabilization Account pursuant to Section 20 to the General Fund for appropriation to address the budget emergency.

(B) Not more than 50 percent of the balance in the Budget Stabilization Account may be returned to the General Fund for appropriation pursuant to subparagraph (A) in any fiscal year, unless funds in the Budget Stabilization Account have been returned to the General Fund for appropriation in the immediately preceding fiscal year.

(3) Suspends or reduces by a specified dollar amount for one fiscal year the transfer of moneys from the General Fund to the Public School System Stabilization Account required by Section 21.

(4) Appropriates funds transferred to the Public School System Stabilization Account pursuant to Section 21 and allocates those funds for the support of school districts and community college districts.

(b) For purposes of this section, "budget emergency" means any of the following:

(1) An emergency declared by the Governor, within the meaning of paragraph (2) of subdivision (c) of Section 3 of Article XIII B.

(2) (A) A determination by the Governor that estimated resources are inadequate to fund General Fund expenditures for the current or ensuing fiscal year, after setting aside funds for the reserve for liquidation of encumbrances, at a level equal to the highest amount of total General Fund expenditures estimated at the time of enactment of any of the three most recent Budget Acts, adjusted for both of the following:

(i) The annual percentage change in the cost of living for the State, as measured by the California Consumer Price Index.

(ii) The annual percentage growth in the civilian population of the State pursuant to subdivision (b) of Section 7901 of the Government Code.

(B) The maximum amount that may be withdrawn for a budget emergency determined under this paragraph shall not exceed either an amount that would result in a total General Fund expenditure level for a fiscal year that is greater than the highest amount of total General Fund expenditures estimated at the time of enactment of any of the three most recent Budget Acts, as calculated pursuant to subparagraph (A), or any limit imposed by subparagraph (B) of paragraph (2) of subdivision (a).

## Proposition 45

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure adds a section to the Insurance Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

### Proposed Law

#### Insurance Rate Public Justification and Accountability Act

##### SECTION 1. Findings and Purpose.

Health insurance, home insurance and auto insurance are mandatory for Californians due to economic necessity or the force of law. In such cases, government has an obligation to guarantee that the insurance is affordable, available, competitive and fair.

The purpose of this measure is to ensure fair and transparent rates for health, home and auto insurance by: (1) requiring health insurance companies to publicly disclose and justify their rates, under penalty of perjury, before the rates can take effect; (2) prohibiting unfair pricing for health, auto and home insurance based on prior coverage and credit history; and (3) requiring health insurance companies to pay a fee to cover the costs of administering these new laws so that this initiative will cost taxpayers nothing.

##### SEC. 2. Public Scrutiny and Review of Insurance Rates.

Section 1861.17 is added to the Insurance Code, to read:

1861.17. (a) Subdivisions (a) and (b) of Section 1861.03 and Sections 1861.04 to 1861.14, inclusive, shall apply to health insurance, notwithstanding subdivision (e) of Section 1851 and Sections 10181 to 10181.13, inclusive, Sections 1385.01 to 1385.13, inclusive, of the

Health and Safety Code, or any other provision of law. Health insurance rates proposed after November 6, 2012, shall be approved by the commissioner prior to their use, and health insurance rates in effect on November 6, 2012, are subject to refund under this section. Applications for health insurance rates shall be accompanied by a statement, sworn under penalty of perjury by the chief executive of the company, declaring that the contents are accurate and comply in all respects with California law.

(b) There shall be a transitional period during which the commissioner may permit, on a conditional basis and subject to refund as required by subdivision (c), rates for new health insurance that have not been approved pursuant to Section 1861.05, provided (1) that the rates have an implementation date on or before January 1, 2014, and (2) that the new health insurance has not previously been marketed in California and contains provisions mandated by federal law, or state law in effect as of January 1, 2012.

(c) In a proceeding pursuant to the authority of subdivision (a) of Section 1861.10, including a proceeding under Section 1861.03 or 1861.05, where it is determined that a company charged health insurance rates that are excessive or otherwise in violation of this article, the company shall be required to pay refunds with interest, notwithstanding any other provision of law and in addition to any other penalty permitted by law.

(d) With respect to health, automobile, and homeowners insurance, the absence of prior insurance coverage, or a person's credit history, shall not be a criterion for determining eligibility for a policy or contract, or generally for rates, premiums or insurability.

(e) Notwithstanding any other provision of law, the commissioner is granted the powers necessary to carry out the provisions of this section, including any and all authority for health care service plan rate review granted to the Department of Managed Health Care by Section 1385.01 and following of the Health and Safety Code.

(f) Health insurance companies shall pay the filing fees required by Section 12979, which, notwithstanding Section 13340 of the Government Code, are continuously appropriated to cover any operational or administrative costs arising from this section. The commissioner shall annually report to the public all such expenditures and the impact of this section.

(g) For purposes of this section:

(1) "Health insurance" means a policy or contract issued or delivered in California (A) as defined in subdivision (b) of Section 106, or (B) a health care service plan, as defined by subdivision (f) of Section 1345 of the Health and Safety Code.

(2) "Rate" means the charges assessed for health insurance or anything that affects the charges associated with health insurance, including, but not limited to, benefits, premiums, base rates, underwriting relativities, discounts, co-payments, coinsurance, deductibles, premium financing, installment fees, and any other out-of-pocket costs of the policyholder.

(3) The following shall not be subject to this section: A large group health insurance policy or contract as defined by subdivision (a) of Section 10181 or subdivision (a) of Section 1385.01 of the Health and Safety Code, or a policy or contract excluded under Section 10181.2 or 1385.02 of the Health and Safety Code, as those provisions were in effect on January 1, 2011.

##### SEC. 3. Technical Matters.

This act shall be liberally construed and applied in order to fully promote its underlying purposes, and shall not be amended, directly or indirectly, by the Legislature except to further its purposes by a statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electorate. If any provision of this act or the application thereof to any person or circumstances is held invalid or unenforceable, it shall not affect other provisions or applications of the act which can be given effect without the invalid or unenforceable provision or application, and to this end the provisions of this act are severable.

### Proposition 46

This initiative measure is submitted to the people of California in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure adds sections to the Business and Professions Code, amends and adds sections to the Civil Code, and adds a section to the Health and Safety Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

### Proposed Law

Troy and Alana Pack Patient Safety Act of 2014

#### SECTION 1. Title.

This measure shall be known as the Troy and Alana Pack Patient Safety Act of 2014.

#### SEC. 2. Findings and Declarations.

The people of California find and declare the following:

1. Protecting the safety of patients is of paramount interest to the public.

2. Substance abuse by doctors is a growing problem in California and harms more and more patients every year. Last year, the Medical Board of California reported that it had suspended more physicians than it had the year before and that “[t]his increase correlates to the observed trend in an increased number of physician impairment cases.”

3. Studies find that at least one in ten physicians suffers from drug or alcohol abuse during his or her career. According to an article in the *Annals of Internal Medicine*, one-third of physicians will, at some time in their careers, experience a condition, including alcohol or drug abuse, that impairs their ability to practice medicine safely. Nonetheless, no mandatory drug and alcohol testing exists for physicians, as it does for pilots, bus drivers, and others in safety-sensitive occupations, and no effective safeguards exist to stop physicians from practicing until a substance abuse problem is addressed.

4. Physicians who are impaired by drugs and alcohol while on the job pose a serious threat to patients and to the public at large. By one estimate cited in the *Journal of the American Medical Association*, one-third of all hospital admissions experience a medical error – and physician impairment may be a contributor to such patient harm. Doctors who are impaired while on duty may misdiagnose a communicable or life-threatening disease, perform surgery or other procedures in dangerous and unprofessional ways, and prescribe medication in ways that can cause permanent injury or death to their patients.

5. Studies show that a small percentage of doctors, including those who abuse drugs and alcohol, commit the vast majority of malpractice and go undeterred. Yet no law exists to require physicians to report peers they suspect of medical negligence or of practicing under the influence.

6. Patients are also being harmed by doctors who over-prescribe prescription drugs and fail to prevent prescription drug abuse. The Centers for Disease Control and Prevention report that drug overdose is the leading cause of fatal injury, and most of those deaths are caused by prescription drugs, yet too few California physicians check a patient’s prescription history in the state-run electronic database known as CURES before prescribing addictive and potentially harmful narcotics.

7. Patients who are harmed by doctors who are impaired by drugs or alcohol, who over-prescribe addictive narcotics, or who commit other negligent medical acts are entitled to recover compensation for such things as pain, suffering, physical impairment, disfigurement, and decline of quality of life. The surviving family of a person killed

by medical negligence should recover fair and reasonable compensation for the loss of their loved one.

8. In 1975, however, the Legislature set a cap of \$250,000 on compensation for these losses. That severe restriction on patients’ legal rights to hold dangerous doctors accountable was accompanied by a promise that a strong regulatory system would be created to protect patients from harm. Patient safety scandals over the last 38 years, however, have demonstrated that physicians have been unable to police themselves.

9. After 38 years, that \$250,000 cap has never been adjusted for inflation. Despite the rulings of juries, it limits the value of children’s lives, as well as the loss of quality of life for all people injured by medical negligence, to \$250,000, no matter how egregious the malpractice or serious the injury. As a result, negligent doctors are not held accountable and patients’ safety has suffered.

10. Research has found that by providing fair and adequate compensation to patients injured by medical negligence, malpractice litigation prods health care providers to be more open and honest about mistakes and then take corrective action to reduce the chances of repeated errors, thereby limiting the chances of future harm to patients and acting as a deterrent to bad practices.

#### SEC. 3. Purpose and Intent.

It is the intent of the people of California in enacting this measure to:

1. Protect patients and their families from injury caused by doctors who are impaired by alcohol or drugs by requiring hospitals to conduct random drug and alcohol testing of the doctors who practice there and requiring them to test physicians after an unexpected death or serious injury occurs.

2. Protect patients and their families from injury by requiring doctors to report other physicians who appear to be impaired by drugs or alcohol while on duty or if any physician who was responsible for the care and treatment of a patient during an adverse event failed to follow the appropriate standard of care.

3. Require hospitals to report any verified positive results of drug and alcohol testing to the Medical Board of California.

4. Require that any doctor who tests positive for alcohol or drugs while on duty or who willfully fails or refuses to submit to such testing be temporarily suspended from the practice of medicine pending an investigation.

5. Require the board to take disciplinary action against a doctor if the board finds that the doctor was impaired by drugs or alcohol while on duty or during an adverse event or that the doctor willfully refused to comply with drug and alcohol testing.

6. Require doctors to check the state’s Controlled Substance Utilization Review and Evaluation System (CURES) database prior to writing a prescription for a Schedule II or Schedule III controlled substance for a patient for the first time and, if the patient already has a prescription, determine that the patient has a legitimate need before prescribing the medication, in order to protect patients and others.

7. Adjust the \$250,000 cap on compensation for pain, suffering, physical impairment, disfigurement, decline of quality of life, and death in medical negligence lawsuits set by the Legislature in 1975 to account for inflation and to provide annual adjustments in the future in order to boost health care accountability, act as a deterrent, and ensure that patients, their families, and others who are injured by negligent doctors are entitled to be made whole for their loss.

8. Retain the cap on attorney’s fees in medical negligence cases.

SEC. 4. Article 14 (commencing with Section 2350.10) is added to Chapter 5 of Division 2 of the Business and Professions Code, to read:

#### *Article 14. Physician and Surgeon Alcohol or Drug Impairment Prevention*

*2350.10. The Medical Board of California shall administer this article, and shall adopt regulations necessary to implement this article within one year of its effective date. These regulations shall be consistent*

with the standards for drug and alcohol testing, including, but not limited to, the collection of specimens, the testing of specimens, the concentration levels of drugs and alcohol, the verification of test results, the retention of specimens and requests for testing of a sample of the specimen by the subject of the test, record keeping, due process, return to duty, and privacy and confidentiality, set forth in Title 49, Part 40, of the Code of Federal Regulations, as of the effective date of this act, to the extent that such standards do not conflict with the terms of this act or the California or United States Constitutions.

2350.15. For the purposes of this article, the following terms have the following meanings:

(a) "Test" or "testing" means examination of a physician for use of drugs or alcohol while on duty that may impair or may have impaired the physician's ability to practice medicine.

(b) "Adverse event" has the same meaning as set forth in Section 1279.1 of the Health and Safety Code.

(c) "Board" means the Medical Board of California.

(d) "Drug" means marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, and phencyclidine (PCP). "Drug" does not include drugs prescribed by a licensed third party for a specific medical condition if the manner in which the physician uses the drug is not known to cause impairment.

(e) "Physician" means a holder of a physician and surgeon's certificate under this chapter.

(f) "Hospital" means a general acute care hospital as defined in Section 1250 of the Health and Safety Code or any successor statute and an "outpatient setting" as defined in paragraph (1) of subdivision (b) of Section 1248 of the Health and Safety Code or any successor statute.

(g) "Verified positive test result" means a positive test result that has been verified through a process established by the board that includes a confirming test, an opportunity for the physician to offer an explanation, and review and determination by a medical review officer, and that satisfies the concentration levels for impairment specified by the board.

2350.20. Every physician shall, and any other person may, report to the board any information known to him or her which appears to show that any physician may be or has been impaired by drugs or alcohol while on duty, or that any physician who was responsible for the care and treatment of a patient during an adverse event failed to follow the appropriate standard of care. Notwithstanding any other provision of law, any physician or other person who in good faith makes such a report to the board shall not be liable under any law of this state for any statement or opinion made in such report.

2350.25. (a) Upon the effective date of the regulations adopted by the board to implement this article, hospitals shall conduct testing for drugs and alcohol on physicians as follows:

(1) On a random basis on physicians who are employees or contractors or who have the privilege to admit patients.

(2) Immediately upon the occurrence of an adverse event on physicians who were responsible for the care and treatment of the patient during the event or who treated the patient or prescribed medication for the patient within 24 hours prior to the event. Testing shall be the responsibility of the physician, who shall make himself or herself available for testing at the hospital as soon as possible, and failure to submit to testing at the hospital within 12 hours after the physician learns of the adverse event may be cause for suspension of the physician's license.

(3) At the direction of the board following a referral pursuant to Section 2350.20 on a physician who is the subject of a referral.

(b) The hospital shall bill the physician for the cost of his or her test and shall not pass on any of the costs of the test to patients or their insurers.

2350.30. Hospitals shall report any verified positive test results, or the willful failure or refusal of a physician to submit to a test, to the board, which shall do all of the following:

(a) Refer the matter to the Attorney General's Health Quality Enforcement Section for investigation and enforcement pursuant to Article 12 (commencing with Section 2220).

(b) Temporarily suspend the physician's license pending the board's investigation and hearing on the matter pursuant to Article 12 (commencing with Section 2220).

(c) Notify the physician and each of the health facilities at which the physician practices that the physician's license has been temporarily suspended pending the board's investigation and hearing on the matter.

2350.35. (a) If, after investigation and hearing, the board finds that a physician was impaired by drugs or alcohol while on duty or during an adverse event or that a physician has willfully refused or failed to comply with drug and alcohol testing, the board shall take disciplinary action against the physician, which may include treatment for addiction as a condition of licensure, additional drug and alcohol testing during a period of probation, and suspension of the physician's license until such time as the physician demonstrates to the board's satisfaction that he or she is fit to return to duty.

(b) If the board finds that a physician was impaired by drugs or alcohol during an adverse event, the board shall inform the patient or, in the case of the patient's death, the patient's family, of its determination.

2350.40. The board shall assess an annual fee on physicians sufficient to pay the reasonable costs of administering this article by the board and the Attorney General. Every physician shall pay the fee as a condition of licensure or license renewal. The board shall reimburse the Attorney General's office for its costs in conducting investigations and enforcement actions under this article.

SEC. 5. Section 3333.2 of the Civil Code is amended to read:

3333.2. (a) In any action for injury against a health care provider based on professional negligence, the injured plaintiff shall be entitled to recover noneconomic losses to compensate for pain, suffering, inconvenience, physical impairment, disfigurement and other nonpecuniary damage.

(b) In no action shall the amount of damages for noneconomic losses exceed two hundred fifty thousand dollars (\$250,000), as adjusted pursuant to subdivision (c).

(c) On January 1, 2015, the cap on the amount of damages specified in subdivision (b) shall be adjusted to reflect any increase in inflation as measured by the Consumer Price Index published by the United States Bureau of Labor Statistics since the cap was established. Annually thereafter, the cap on the amount of damages specified in this subdivision shall be adjusted to reflect any increase in inflation as measured by the Consumer Price Index published by the United States Bureau of Labor Statistics. The Department of Finance shall calculate and publish on its Internet Web site the adjustments required by this subdivision.

(d) For the purposes of this section:

(1) "Health care provider" means any person licensed or certified pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code, or licensed pursuant to the Osteopathic Initiative Act, or the Chiropractic Initiative Act, or licensed pursuant to Chapter 2.5 (commencing with Section 1440) of Division 2 of the Health and Safety Code; and any clinic, health dispensary, or health facility, licensed pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code. "Health care provider" includes the legal representatives of a health care provider;

(2) "Professional negligence" means a negligent act or omission to act by a health care provider in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death, provided that such services are within the scope of services for which the provider is licensed and which are not within any restriction imposed by the licensing agency or licensed hospital.

(e) The adjusted cap provided for in subdivision (c) shall apply to an award of noneconomic damages in any action which has not been resolved by way of a final settlement, judgment, or arbitration award as of January 1, 2015.

(f) The limitation on attorney's fees set forth in Section 6146 of the Business and Professions Code shall apply to an action for injury or damage against a health care provider based upon such person's alleged professional negligence, as defined in this section.

SEC. 6. Section 1714.85 is added to the Civil Code, to read:

1714.85. *There shall be a presumption of professional negligence in any action against a health care provider arising from an act or omission by a physician and surgeon who tested positive for drugs or alcohol or who refused or failed to comply with the testing requirements of Article 14 (commencing with Section 2350.10) of Chapter 5 of Division 2 of the Business and Professions Code following the act or omission and in any action arising from the failure of a licensed health care practitioner to comply with Section 11165.4 of the Health and Safety Code.*

SEC. 7. Section 11165.4 is added to the Health and Safety Code, to read:

11165.4. (a) *Licensed health care practitioners and pharmacists shall access and consult the electronic history maintained pursuant to this code of controlled substances dispensed to a patient under his or her care prior to prescribing or dispensing a Schedule II or Schedule III controlled substance for the first time to that patient. If the patient has an existing prescription for a Schedule II or Schedule III controlled substance, the health care practitioner shall not prescribe any additional controlled substances until the health care practitioner determines there is a legitimate need.*

(b) *Failure to consult a patient's electronic history as required in subdivision (a) shall be cause for disciplinary action by the health care practitioner's licensing board. The licensing boards of all health care practitioners authorized to write or issue prescriptions for controlled substances shall notify all authorized practitioners subject to the board's jurisdiction of the requirements of this section.*

SEC. 8. Amendment.

This act may be amended only to further its purpose of improving patient safety, including ensuring that patients, their families, and others who are injured by negligent doctors are made whole for their loss, by a statute approved by a two-thirds vote of each house of the Legislature and signed by the Governor.

SEC. 9. Conflicting Initiatives.

In the event that this measure and another initiative measure or measures that involve patient safety, including the fees charged by attorneys in medical negligence cases, shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure shall be null and void.

SEC. 10. Severability.

If any provision of this act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this act are severable.

## Proposition 47

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure adds sections to the Government Code, amends and adds sections to the Penal Code, and amends sections of the Health and Safety Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

### Proposed Law

THE SAFE NEIGHBORHOODS AND SCHOOLS ACT  
SECTION 1. Title.

This act shall be known as "the Safe Neighborhoods and Schools Act."

SEC. 2. Findings and Declarations.

The people of the State of California find and declare as follows:

The people enact the Safe Neighborhoods and Schools Act to ensure that prison spending is focused on violent and serious offenses, to maximize alternatives for nonserious, nonviolent crime, and to invest the savings generated from this act into prevention and support programs in K–12 schools, victim services, and mental health and drug treatment. This act ensures that sentences for people convicted of dangerous crimes like rape, murder, and child molestation are not changed.

SEC. 3. Purpose and Intent.

In enacting this act, it is the purpose and intent of the people of the State of California to:

(1) Ensure that people convicted of murder, rape, and child molestation will not benefit from this act.

(2) Create the Safe Neighborhoods and Schools Fund, with 25 percent of the funds to be provided to the State Department of Education for crime prevention and support programs in K–12 schools, 10 percent of the funds for trauma recovery services for crime victims, and 65 percent of the funds for mental health and substance abuse treatment programs to reduce recidivism of people in the justice system.

(3) Require misdemeanors instead of felonies for nonserious, nonviolent crimes like petty theft and drug possession, unless the defendant has prior convictions for specified violent or serious crimes.

(4) Authorize consideration of resentencing for anyone who is currently serving a sentence for any of the offenses listed herein that are now misdemeanors.

(5) Require a thorough review of criminal history and risk assessment of any individuals before resentencing to ensure that they do not pose a risk to public safety.

(6) This measure will save significant state corrections dollars on an annual basis. Preliminary estimates range from \$150 million to \$250 million per year. This measure will increase investments in programs that reduce crime and improve public safety, such as prevention programs in K–12 schools, victim services, and mental health and drug treatment, which will reduce future expenditures for corrections.

SEC. 4. Chapter 33 (commencing with Section 7599) is added to Division 7 of Title 1 of the Government Code, to read:

#### CHAPTER 33. CREATION OF SAFE NEIGHBORHOODS AND SCHOOLS FUND

7599. (a) *A fund to be known as the "Safe Neighborhoods and Schools Fund" is hereby created within the State Treasury and, notwithstanding Section 13340 of the Government Code, is continuously appropriated without regard to fiscal year for carrying out the purposes of this chapter.*

(b) *For purposes of the calculations required by Section 8 of Article XVI of the California Constitution, funds transferred to the Safe Neighborhoods and Schools Fund shall be considered General Fund revenues which may be appropriated pursuant to Article XIII B.*

7599.1. *Funding Appropriation.*

(a) *On or before July 31, 2016, and on or before July 31 of each fiscal year thereafter, the Director of Finance shall calculate the savings that accrued to the state from the implementation of the act adding this chapter ("this act") during the fiscal year ending June 30, as compared to the fiscal year preceding the enactment of this act. In making the calculation required by this subdivision, the Director of Finance shall use actual data or best available estimates where actual data is not available. The calculation shall be final and shall not be adjusted for any subsequent changes in the underlying data. The Director of Finance shall certify the results of the calculation to the Controller no later than August 1 of each fiscal year.*

(b) *Before August 15, 2016, and before August 15 of each fiscal year thereafter, the Controller shall transfer from the General Fund to the Safe Neighborhoods and Schools Fund the total amount calculated pursuant to subdivision (a).*

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(c) Moneys in the Safe Neighborhoods and Schools Fund shall be continuously appropriated for the purposes of this act. Funds transferred to the Safe Neighborhoods and Schools Fund shall be used exclusively for the purposes of this act and shall not be subject to appropriation or transfer by the Legislature for any other purpose. The funds in the Safe Neighborhoods and Schools Fund may be used without regard to fiscal year.

7599.2. Distribution of Moneys from the Safe Neighborhoods and Schools Fund.

(a) By August 15 of each fiscal year beginning in 2016, the Controller shall disburse moneys deposited in the Safe Neighborhoods and Schools Fund as follows:

(1) Twenty-five percent to the State Department of Education, to administer a grant program to public agencies aimed at improving outcomes for public school pupils in kindergarten and grades 1 to 12, inclusive, by reducing truancy and supporting students who are at risk of dropping out of school or are victims of crime.

(2) Ten percent to the California Victim Compensation and Government Claims Board, to make grants to trauma recovery centers to provide services to victims of crime pursuant to Section 13963.1 of the Government Code.

(3) Sixty-five percent to the Board of State and Community Corrections, to administer a grant program to public agencies aimed at supporting mental health treatment, substance abuse treatment, and diversion programs for people in the criminal justice system, with an emphasis on programs that reduce recidivism of people convicted of less serious crimes, such as those covered by this measure, and those who have substance abuse and mental health problems.

(b) For each program set forth in paragraphs (1) to (3), inclusive, of subdivision (a), the agency responsible for administering the programs shall not spend more than 5 percent of the total funds it receives from the Safe Neighborhoods and Schools Fund on an annual basis for administrative costs.

(c) Every two years, the Controller shall conduct an audit of the grant programs operated by the agencies specified in paragraphs (1) to (3), inclusive, of subdivision (a) to ensure the funds are disbursed and expended solely according to this chapter and shall report his or her findings to the Legislature and the public.

(d) Any costs incurred by the Controller and the Director of Finance in connection with the administration of the Safe Neighborhoods and Schools Fund, including the costs of the calculation required by Section 7599.1 and the audit required by subdivision (c), as determined by the Director of Finance, shall be deducted from the Safe Neighborhoods and Schools Fund before the funds are disbursed pursuant to subdivision (a).

(e) The funding established pursuant to this act shall be used to expand programs for public school pupils in kindergarten and grades 1 to 12, inclusive, victims of crime, and mental health and substance abuse treatment and diversion programs for people in the criminal justice system. These funds shall not be used to supplant existing state or local funds utilized for these purposes.

(f) Local agencies shall not be obligated to provide programs or levels of service described in this chapter above the level for which funding has been provided.

SEC. 5. Section 459.5 is added to the Penal Code, to read:

459.5. (a) Notwithstanding Section 459, shoplifting is defined as entering a commercial establishment with intent to commit larceny while that establishment is open during regular business hours, where the value of the property that is taken or intended to be taken does not exceed nine hundred fifty dollars (\$950). Any other entry into a commercial establishment with intent to commit larceny is burglary. Shoplifting shall be punished as a misdemeanor, except that a person with one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290 may be punished pursuant to subdivision (h) of Section 1170.

(b) Any act of shoplifting as defined in subdivision (a) shall be charged as shoplifting. No person who is charged with shoplifting may also be charged with burglary or theft of the same property.

SEC. 6. Section 473 of the Penal Code is amended to read:

473. (a) Forgery is punishable by imprisonment in a county jail for not more than one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(b) Notwithstanding subdivision (a), any person who is guilty of forgery relating to a check, bond, bank bill, note, cashier's check, traveler's check, or money order, where the value of the check, bond, bank bill, note, cashier's check, traveler's check, or money order does not exceed nine hundred fifty dollars (\$950), shall be punishable by imprisonment in a county jail for not more than one year, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290. This subdivision shall not be applicable to any person who is convicted both of forgery and of identity theft, as defined in Section 530.5.

SEC. 7. Section 476a of the Penal Code is amended to read:

476a. (a) Any person who, for himself or herself, as the agent or representative of another, or as an officer of a corporation, willfully, with intent to defraud, makes or draws or utters or delivers a check, draft, or order upon a bank or depository, a person, a firm, or a corporation, for the payment of money, knowing at the time of that making, drawing, uttering, or delivering that the maker or drawer or the corporation has not sufficient funds in, or credit with the bank or depository, person, firm, or corporation, for the payment of that check, draft, or order and all other checks, drafts, or orders upon funds then outstanding, in full upon its presentation, although no express representation is made with reference thereto, is punishable by imprisonment in a county jail for not more than one year, or pursuant to subdivision (h) of Section 1170.

(b) However, if the total amount of all checks, drafts, or orders that the defendant is charged with and convicted of making, drawing, or uttering does not exceed ~~four hundred fifty dollars~~ (\$450) ~~nine hundred fifty dollars~~ (\$950), the offense is punishable only by imprisonment in the county jail for not more than one year, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290. This subdivision shall not be applicable if the defendant has previously been convicted of a ~~three or more violation~~ ~~violations~~ of Section 470, 475, or 476, or of this section, or of the crime of petty theft in a case in which defendant's offense was a violation also of Section 470, 475, or 476 or of this section or if the defendant has previously been convicted of any offense under the laws of any other state or of the United States which, if committed in this state, would have been punishable as a violation of Section 470, 475 or 476 or of this section or if he has been so convicted of the crime of petty theft in a case in which, if defendant's offense had been committed in this state, it would have been a violation also of Section 470, 475, or 476, or of this section.

(c) Where the check, draft, or order is protested on the ground of insufficiency of funds or credit, the notice of protest shall be admissible as proof of presentation, nonpayment, and protest and shall be presumptive evidence of knowledge of insufficiency of funds or credit with the bank or depository, person, firm, or corporation.

(d) In any prosecution under this section involving two or more checks, drafts, or orders, it shall constitute prima facie evidence of the identity of the drawer of a check, draft, or order if both of the following occur:

(1) When the payee accepts the check, draft, or order from the drawer, he or she obtains from the drawer the following information: name and residence of the drawer, business or mailing address, either

a valid driver's license number or Department of Motor Vehicles identification card number, and the drawer's home or work phone number or place of employment. That information may be recorded on the check, draft, or order itself or may be retained on file by the payee and referred to on the check, draft, or order by identifying number or other similar means.

(2) The person receiving the check, draft, or order witnesses the drawer's signature or endorsement, and, as evidence of that, initials the check, draft, or order at the time of receipt.

(e) The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or depository, person, firm, or corporation for the payment of a check, draft, or order.

(f) If any of the preceding paragraphs, or parts thereof, shall be found unconstitutional or invalid, the remainder of this section shall not thereby be invalidated, but shall remain in full force and effect.

(g) A sheriff's department, police department, or other law enforcement agency may collect a fee from the defendant for investigation, collection, and processing of checks referred to their agency for investigation of alleged violations of this section or Section 476.

(h) The amount of the fee shall not exceed twenty-five dollars (\$25) for each bad check, in addition to the amount of any bank charges incurred by the victim as a result of the alleged offense. If the sheriff's department, police department, or other law enforcement agency collects a fee for bank charges incurred by the victim pursuant to this section, that fee shall be paid to the victim for any bank fees the victim may have been assessed. In no event shall reimbursement of the bank charge to the victim pursuant to this section exceed ten dollars (\$10) per check.

SEC. 8. Section 490.2 is added to the Penal Code, to read:

490.2. (a) *Notwithstanding Section 487 or any other provision of law defining grand theft, obtaining any property by theft where the value of the money, labor, real or personal property taken does not exceed nine hundred fifty dollars (\$950) shall be considered petty theft and shall be punished as a misdemeanor, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.*

(b) *This section shall not be applicable to any theft that may be charged as an infraction pursuant to any other provision of law.*

SEC. 9. Section 496 of the Penal Code is amended to read:

496. (a) Every person who buys or receives any property that has been stolen or that has been obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, or who conceals, sells, withholds, or aids in concealing, selling, or withholding any property from the owner, knowing the property to be so stolen or obtained, shall be punished by imprisonment in a county jail for not more than one year, or imprisonment pursuant to subdivision (h) of Section 1170. However, ~~if the district attorney or the grand jury determines that this action would be in the interests of justice, the district attorney or the grand jury, as the case may be, may, if the value of the property does not exceed nine hundred fifty dollars (\$950), specify in the accusatory pleading that the offense shall be a misdemeanor, punishable only by imprisonment in a county jail not exceeding one year, if such person has no prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.~~

A principal in the actual theft of the property may be convicted pursuant to this section. However, no person may be convicted both pursuant to this section and of the theft of the same property.

(b) Every swap meet vendor, as defined in Section 21661 of the Business and Professions Code, and every person whose principal business is dealing in, or collecting, merchandise or personal

property, and every agent, employee, or representative of that person, who buys or receives any property of a value in excess of nine hundred fifty dollars (\$950) that has been stolen or obtained in any manner constituting theft or extortion, under circumstances that should cause the person, agent, employee, or representative to make reasonable inquiry to ascertain that the person from whom the property was bought or received had the legal right to sell or deliver it, without making a reasonable inquiry, shall be punished by imprisonment in a county jail for not more than one year, or imprisonment pursuant to subdivision (h) of Section 1170.

Every swap meet vendor, as defined in Section 21661 of the Business and Professions Code, and every person whose principal business is dealing in, or collecting, merchandise or personal property, and every agent, employee, or representative of that person, who buys or receives any property of a value of nine hundred fifty dollars (\$950) or less that has been stolen or obtained in any manner constituting theft or extortion, under circumstances that should cause the person, agent, employee, or representative to make reasonable inquiry to ascertain that the person from whom the property was bought or received had the legal right to sell or deliver it, without making a reasonable inquiry, shall be guilty of a misdemeanor.

(c) Any person who has been injured by a violation of subdivision (a) or (b) may bring an action for three times the amount of actual damages, if any, sustained by the plaintiff, costs of suit, and reasonable attorney's fees.

(d) Notwithstanding Section 664, any attempt to commit any act prohibited by this section, except an offense specified in the accusatory pleading as a misdemeanor, is punishable by imprisonment in a county jail for not more than one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

SEC. 10. Section 666 of the Penal Code is amended to read:

666. (a) ~~Notwithstanding Section 490, every person who, having been convicted three or more times of petty theft, grand theft, a conviction pursuant to subdivision (d) or (e) of Section 368, auto theft under Section 10851 of the Vehicle Code, burglary, carjacking, robbery, or a felony violation of Section 496 and having served a term therefor in any penal institution or having been imprisoned therein as a condition of probation for that offense, and who is subsequently convicted of petty theft, is punishable by imprisonment in a county jail not exceeding one year, or imprisonment pursuant to subdivision (h) of Section 1170.~~

(b) (a) Notwithstanding Section 490, any person described in subdivision (b) ~~paragraph (1)~~ who, having been convicted of petty theft, grand theft, a conviction pursuant to subdivision (d) or (e) of Section 368, auto theft under Section 10851 of the Vehicle Code, burglary, carjacking, robbery, or a felony violation of Section 496, and having served a term of imprisonment therefor in any penal institution or having been imprisoned therein as a condition of probation for that offense, and who is subsequently convicted of petty theft, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison.

(1) (b) ~~This subdivision~~ Subdivision (a) shall apply to any person who is required to register pursuant to the Sex Offender Registration Act, or who has a prior violent or serious felony conviction, as specified in subdivision (e) of Section 667.5 or subdivision (e) of Section 1192.7 clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667, or has a conviction pursuant to subdivision (d) or (e) of Section 368.

(2) (c) ~~This subdivision section~~ shall not be construed to preclude prosecution or punishment pursuant to subdivisions (b) to (i), inclusive, of Section 667, or Section 1170.12.

SEC. 11. Section 11350 of the Health and Safety Code is amended to read:

11350. (a) Except as otherwise provided in this division, every person who possesses (1) any controlled substance specified in subdivision (b), ~~or~~ (c), (e), or paragraph (1) of subdivision (f) of

Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment *in a county jail for not more than one year, except that such person shall instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.*

~~(b) Except as otherwise provided in this division, every person who possesses any controlled substance specified in subdivision (e) of Section 11054 shall be punished by imprisonment in a county jail for not more than one year or pursuant to subdivision (h) of Section 1170 of the Penal Code.~~

~~(c) (b) Except as otherwise provided in this division, whenever a person who possesses any of the controlled substances specified in subdivision (a) or (b), the judge may, in addition to any punishment provided for pursuant to subdivision (a) or (b), assess against that person a fine not to exceed seventy dollars (\$70) with proceeds of this fine to be used in accordance with Section 1463.23 of the Penal Code. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.~~

~~(d) (c) Except in unusual cases in which it would not serve the interest of justice to do so, whenever a court grants probation pursuant to a felony conviction under this section, in addition to any other conditions of probation which may be imposed, the following conditions of probation shall be ordered:~~

~~(1) For a first offense under this section, a fine of at least one thousand dollars (\$1,000) or community service.~~

~~(2) For a second or subsequent offense under this section, a fine of at least two thousand dollars (\$2,000) or community service.~~

~~(3) If a defendant does not have the ability to pay the minimum fines specified in paragraphs (1) and (2), community service shall be ordered in lieu of the fine.~~

SEC. 12. Section 11357 of the Health and Safety Code is amended to read:

11357. (a) Except as authorized by law, every person who possesses any concentrated cannabis shall be punished by imprisonment in the county jail for a period of not more than one year or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment, ~~or shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code except that such person may instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.~~

(b) Except as authorized by law, every person who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of an infraction punishable by a fine of not more than one hundred dollars (\$100).

(c) Except as authorized by law, every person who possesses more than 28.5 grams of marijuana, other than concentrated cannabis, shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment.

(d) Except as authorized by law, every person 18 years of age or over who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1

through 12 during hours the school is open for classes or school-related programs is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500), or by imprisonment in a county jail for a period of not more than 10 days, or both.

(e) Except as authorized by law, every person under the age of 18 who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 through 12 during hours the school is open for classes or school-related programs is guilty of a misdemeanor and shall be subject to the following dispositions:

(1) A fine of not more than two hundred fifty dollars (\$250), upon a finding that a first offense has been committed.

(2) A fine of not more than five hundred dollars (\$500), or commitment to a juvenile hall, ranch, camp, forestry camp, or secure juvenile home for a period of not more than 10 days, or both, upon a finding that a second or subsequent offense has been committed.

SEC. 13. Section 11377 of the Health and Safety Code is amended to read:

11377. (a) Except as authorized by law and as otherwise provided in subdivision (b) or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year ~~or pursuant to subdivision (h) of Section 1170 of the Penal Code, except that such person may instead be punished pursuant to subdivision (b) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.~~

~~(b) (1) Any person who violates subdivision (a) by unlawfully possessing a controlled substance specified in subdivision (f) of Section 11056, and who has not previously been convicted of a violation involving a controlled substance specified in subdivision (f) of Section 11056, is guilty of a misdemeanor.~~

~~(2) Any person who violates subdivision (a) by unlawfully possessing a controlled substance specified in subdivision (g) of Section 11056 is guilty of a misdemeanor.~~

~~(3) Any person who violates subdivision (a) by unlawfully possessing a controlled substance specified in paragraph (7) or (8) of subdivision (d) of Section 11055 is guilty of a misdemeanor.~~

~~(4) Any person who violates subdivision (a) by unlawfully possessing a controlled substance specified in paragraph (8) of subdivision (f) of Section 11057 is guilty of a misdemeanor.~~

~~(c) (b) In addition to any fine assessed under subdivision (b), the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates subdivision (a), with the proceeds of this fine to be used in accordance with Section 1463.23 of the Penal Code. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.~~

SEC. 14. Section 1170.18 is added to the Penal Code, to read:

1170.18. (a) A person currently serving a sentence for a conviction, whether by trial or plea, of a felony or felonies who would have been guilty of a misdemeanor under the act that added this section ("this act") had this act been in effect at the time of the offense may petition for a recall of sentence before the trial court that entered the judgment of

conviction in his or her case to request resentencing in accordance with Sections 11350, 11357, or 11377 of the Health and Safety Code, or Section 459.5, 473, 476a, 490.2, 496, or 666 of the Penal Code, as those sections have been amended or added by this act.

(b) Upon receiving a petition under subdivision (a), the court shall determine whether the petitioner satisfies the criteria in subdivision (a). If the petitioner satisfies the criteria in subdivision (a), the petitioner's felony sentence shall be recalled and the petitioner resentenced to a misdemeanor pursuant to Sections 11350, 11357, or 11377 of the Health and Safety Code, or Section 459.5, 473, 476a, 490.2, 496, or 666 of the Penal Code, those sections have been amended or added by this act, unless the court, in its discretion, determines that resentencing the petitioner would pose an unreasonable risk of danger to public safety. In exercising its discretion, the court may consider all of the following:

(1) The petitioner's criminal conviction history, including the type of crimes committed, the extent of injury to victims, the length of prior prison commitments, and the remoteness of the crimes.

(2) The petitioner's disciplinary record and record of rehabilitation while incarcerated.

(3) Any other evidence the court, within its discretion, determines to be relevant in deciding whether a new sentence would result in an unreasonable risk of danger to public safety.

(c) As used throughout this Code, "unreasonable risk of danger to public safety" means an unreasonable risk that the petitioner will commit a new violent felony within the meaning of clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667.

(d) A person who is resentenced pursuant to subdivision (b) shall be given credit for time served and shall be subject to parole for one year following completion of his or her sentence, unless the court, in its discretion, as part of its resentencing order, releases the person from parole. Such person is subject to Section 3000.08 parole supervision by the Department of Corrections and Rehabilitation and the jurisdiction of the court in the county in which the parolee is released or resides, or in which an alleged violation of supervision has occurred, for the purpose of hearing petitions to revoke parole and impose a term of custody.

(e) Under no circumstances may resentencing under this section result in the imposition of a term longer than the original sentence.

(f) A person who has completed his or her sentence for a conviction, whether by trial or plea, of a felony or felonies who would have been guilty of a misdemeanor under this act had this act been in effect at the time of the offense, may file an application before the trial court that entered the judgment of conviction in his or her case to have the felony conviction or convictions designated as misdemeanors.

(g) If the application satisfies the criteria in subdivision (f), the court shall designate the felony offense or offenses as a misdemeanor.

(h) Unless requested by the applicant, no hearing is necessary to grant or deny an application filed under subsection (f).

(i) The provisions of this section shall not apply to persons who have one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.

(j) Any petition or application under this section shall be filed within three years after the effective date of the act that added this section or at a later date upon a showing of good cause.

(k) Any felony conviction that is recalled and resentenced under subdivision (b) or designated as a misdemeanor under subdivision (g) shall be considered a misdemeanor for all purposes, except that such resentencing shall not permit that person to own, possess, or have in his or her custody or control any firearm or prevent his or her conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6.

(l) If the court that originally sentenced the petitioner is not available, the presiding judge shall designate another judge to rule on the petition or application.

(m) Nothing in this section is intended to diminish or abrogate any rights or remedies otherwise available to the petitioner or applicant.

(n) Nothing in this and related sections is intended to diminish or abrogate the finality of judgments in any case not falling within the purview of this act.

(o) A resentencing hearing ordered under this act shall constitute a "post-conviction release proceeding" under paragraph (7) of subdivision (b) of Section 28 of Article I of the California Constitution (Marsy's Law).

SEC. 15. Amendment.

This act shall be broadly construed to accomplish its purposes. The provisions of this measure may be amended by a two-thirds vote of the members of each house of the Legislature and signed by the Governor so long as the amendments are consistent with and further the intent of this act. The Legislature may by majority vote amend, add, or repeal provisions to further reduce the penalties for any of the offenses addressed by this act.

SEC. 16. Severability.

If any provision of this measure, or part of this measure, or the application of any provision or part to any person or circumstances, is for any reason held to be invalid, the remaining provisions, or applications of provisions, shall not be affected, but shall remain in full force and effect, and to this end the provisions of this measure are severable.

SEC. 17. Conflicting Initiatives.

(a) This act changes the penalties associated with certain nonserious, nonviolent crimes. In the event that this measure and another initiative measure or measures relating to the same subject appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure shall be null and void. However, in the event that this measure and another measure or measures containing provisions that eliminate penalties for the possession of concentrated cannabis are approved at the same election, the voters intend such provisions relating to concentrated cannabis in the other measure or measures to prevail, regardless of which measure receives a greater number of affirmative votes. The voters also intend to give full force and effect to all other applications and provisions of this measure, and the other measure or measures, but only to the extent the other measure or measures are not inconsistent with the provisions of this act.

(b) If this measure is approved by the voters but superseded by law by any other conflicting measure approved by the voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.

SEC. 18. Liberal Construction.

This act shall be liberally construed to effectuate its purposes.

## Proposition 48

This law proposed by Assembly Bill 277 of the 2013–2014 Regular Session (Chapter 51, Statutes of 2013) is submitted to the people of California as a referendum in accordance with the provisions of Section 9 of Article II of the California Constitution.

This proposed law adds a section to the Government Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

### Proposed Law

SECTION 1. Section 12012.59 is added to the Government Code, to read:

12012.59. (a) (1) *The tribal-state gaming compact entered into in accordance with the federal Indian Gaming Regulatory Act of 1988 (18 U.S.C. Secs. 1166 to 1168, inclusive, and 25 U.S.C. Sec. 2701 et seq.) between the State of California and the North Fork Rancheria Band of Mono Indians, executed on August 31, 2012, is hereby ratified.*

(2) *The tribal-state gaming compact entered into in accordance with the federal Indian Gaming Regulatory Act of 1988 (18 U.S.C. Secs. 1166 to 1168, inclusive, and 25 U.S.C. Sec. 2701 et seq.) between the State of California and the Wiyot Tribe, executed on March 20, 2013, is hereby ratified.*

(b) (1) *In deference to tribal sovereignty, none of the following shall be deemed a project for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code):*

(A) *The execution of an amendment to the tribal-state gaming compacts ratified by this section.*

(B) *The execution of the tribal-state gaming compacts ratified by this section.*

(C) *The execution of an intergovernmental agreement between a tribe and a county or city government negotiated pursuant to the express*

*authority of, or as expressly referenced in, the tribal-state gaming compacts ratified by this section.*

(D) *The execution of an intergovernmental agreement between a tribe and the Department of Transportation negotiated pursuant to the express authority of, or as expressly referenced in, the tribal-state gaming compacts ratified by this section.*

(E) *The on-reservation impacts of compliance with the terms of the tribal-state gaming compacts ratified by this section.*

(F) *The sale of compact assets, as defined in subdivision (a) of Section 63048.6, or the creation of the special purpose trust established pursuant to Section 63048.65.*

(2) *Except as expressly provided herein, this subdivision does not exempt a city, county, or city and county, or the Department of Transportation, from the requirements of the California Environmental Quality Act.*

## Political Party Statements of Purpose

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### ★ Libertarian Party ★

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If you are socially tolerant and fiscally responsible, then you're a libertarian.

Libertarian solutions are the most practical, workable, and fair for strengthening our economy and governing our state. If they had been implemented during the last ten years, California would have a robust economy and desirable living conditions based on:

- Thriving private enterprises
- Parental choice in educating their children
- Competitive private healthcare insurance
- Public pensions that don't bankrupt local and district governments
- Laws that apply to all Californians equally, including California's elected officials

Libertarians work to:

- Shrink government operations, thus reducing government expenses and lowering taxes (there are over 300 tax-supported

**Libertarian Party of California**

**Kevin Takenaga, *Chairman***

770 L Street, Suite 950

Sacramento, CA 95814-3361

government agencies that can be closed without endangering government operation, public safety, education, healthcare, and retirement) • Reform public employee pensions that are bankrupting cities, counties and the state • Privatize government services that are best delivered by cost-effective providers • Promote private business development that creates jobs • Guarantee equal treatment under the law for all Californians • Regulate marijuana like wine for adults, making it less available to minors • Adopt a part-time Legislature

Libertarian Party candidates will make these reforms if you support and elect them.

(916) 446-1776

E-mail: [office@ca.lp.org](mailto:office@ca.lp.org)

Website: [www.ca.lp.org](http://www.ca.lp.org)

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### ★ Americans Elect Party ★

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No statement provided.

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### ★ Republican Party ★

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The California Republican Party seeks to end the status quo in Sacramento and restore our state as the nation's leader in economic growth and innovation by cutting taxes, eliminating red tape, and bringing business back to California.

We want to help build a California where people are once again secure because a vibrant economy is creating jobs and opportunities for everyone who is willing and able to work.

Republicans support reforming our bloated and wasteful government, protecting property rights, providing educational choices for every family, and reducing the burden on taxpayers to grow our economy and generate the jobs and opportunities families need.

**California Republican Party**

**Jim Brulte, *Chairman***

1121 L Street, Suite 207

Sacramento, CA 95814

The Republican Party is the advocate for everyday Californians—not the special interests or big government. We are fighting to protect personal freedom, to provide equality of opportunity, and to ensure that all Californians can work, save, and invest in their future.

Our democracy only works if good people decide to step up and get involved. Our doors are open to you and we hope you will make the personal decision today to protect, improve and build California by joining the California Republican Party. You can learn more by visiting our website at [cagop.org](http://cagop.org) today.

(916) 448-9496

Website: [www.cagop.org](http://www.cagop.org)

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### ★ Green Party ★

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The Green Party supports viable solutions to our planet's toughest problems, from climate change to historic income inequality. We put people and planet first.

Currently 53 California Greens hold elected office. Voting Green means rejection of austerity against the poor, and support for equity and sustainability. A Green Party government will mean:

#### ECONOMIC JUSTICE

- Ending poverty through green living wage jobs, affordable housing, single-payer health care, workers' rights and food security for all
- A publicly-owned state bank to invest in California instead of Wall Street
- Education instead of incarceration, and free public college/university tuition, by reforming Proposition 13 and progressive taxation

#### ELECTORAL REFORM

- Eliminating corporate money through publicly-financed

**Green Party of California**  
P.O. Box 160, Station A  
Richmond, CA 94808

- elections
- More democracy and fuller representation through proportional representation for state legislature and Congress, and ranked choice voting for statewide executive office
- Overturning Top Two

#### JUSTICE SYSTEM REFORM

- Abolishing the death penalty
- A moratorium on prison construction and an end to private prisons
- Legalizing marijuana

#### GREEN ENERGY FUTURE

- Closing Diablo Canyon nuclear power plant
- A Solar California, with energy efficiency, conservation and publicly-owned safe, clean renewable energy
- Fossil fuel taxes, public transit, eco-cities

Register Green. Vote Green.

(916) 448-3437

E-mail: [gpca@cagreens.org](mailto:gpca@cagreens.org)

Website: [www.cagreens.org](http://www.cagreens.org)

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### ★ Peace and Freedom Party ★

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The Peace and Freedom Party is a working-class party in a country run by and for the wealthy and their corporations. We should not have to sacrifice our health, our livelihoods and our planet for our bosses' profits. We can tax the rich, whose wealth is created by workers, to pay for society's needs. We favor:

- Decent jobs and labor rights for all
- Free education for all, preschool through university
- Free universal health care
- Comprehensive services for disabled people
- Bring the troops home
- End all discrimination. Marriage equality
- Full rights for immigrants
- Restore and protect the environment
- Real democracy and fair political representation. The "top two" law has

**Peace and Freedom Party**  
P.O. Box 24764  
Oakland, CA 94623

taken most parties off the general election ballot. We must end it. Please vote for Adam Shbeita for Congress in the 44th District.

While our system puts the wealthy first, we will suffer war, police brutality, low wages, unsafe workplaces and pollution. We advocate socialism, the ownership and democratic control of the economy by working people. If we join together to take back our industries and natural resources, we can work together for the common good, rather than being slaves to the rich and their corporations.

Register Peace and Freedom Party!

(510) 465-9414

E-mail: [info@peaceandfreedom.org](mailto:info@peaceandfreedom.org)

Website: [www.peaceandfreedom.org](http://www.peaceandfreedom.org)

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### ★ Democratic Party ★

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Democrats believe the success of California's economy is rooted in the well-being of working families, not with Wall Street banks.

In California, under the leadership of Governor Jerry Brown, Democratic policy solutions have delivered a balanced budget, stopped the cuts to education and expanded access to affordable health care for families.

Democrats are working to fight global warming, increase investment in renewable energy sources and to keep college affordable for the middle class.

**California Democratic Party**  
**John L. Burton, *Chairman***  
1830 9th Street  
Sacramento, CA 95811

We believe that schools and local public safety are important priorities that must be protected.

Democrats know that our state works best when all Californians are given the same opportunity to succeed, no matter their race, religion, ethnicity or sexual orientation.

With your help, Democrats will continue to develop bold, innovative solutions to meet both our state and our nation's challenges.

Please visit us at [www.cadem.org](http://www.cadem.org) to learn more.

E-mail: [info@cadem.org](mailto:info@cadem.org)

Website: [www.cadem.org](http://www.cadem.org)

Facebook: [facebook.com/cadems](https://www.facebook.com/cadems)

Twitter: @CA\_Dem

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### ★ American Independent Party ★

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No statement provided.

## County Elections Offices

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### **Alameda County**

(510) 272-6933 or (510) 272-6973  
[www.acgov.org/rov](http://www.acgov.org/rov)

### **Alpine County**

(530) 694-2281  
[www.alpinecountyca.gov](http://www.alpinecountyca.gov)

### **Amador County**

(209) 223-6465  
[www.amadorgov.org](http://www.amadorgov.org)

### **Butte County**

(530) 538-7761 or  
(800) 894-7761 (Butte County only)  
<http://buttevotes.net>

### **Calaveras County**

(209) 754-6376  
[www.elections.calaverasgov.us](http://www.elections.calaverasgov.us)

### **Colusa County**

(530) 458-0500 or (877) 458-0501  
[www.countyofcolusa.org/elections](http://www.countyofcolusa.org/elections)

### **Contra Costa County**

(925) 335-7800 or (925) 335-7874  
[www.cocovote.us](http://www.cocovote.us)

### **Del Norte County**

(707) 464-7216  
[www.co.del-norte.ca.us](http://www.co.del-norte.ca.us)

### **El Dorado County**

(530) 621-7480 or (800) 730-4322  
[www.edcgov.us/elections](http://www.edcgov.us/elections)

### **Fresno County**

(559) 600-VOTE (8683)  
[www.co.fresno.ca.us/elections](http://www.co.fresno.ca.us/elections)

### **Glenn County**

(530) 934-6414  
[www.countyofglenn.net/govt/departments/elections](http://www.countyofglenn.net/govt/departments/elections)

### **Humboldt County**

(707) 445-7481  
[www.co.humboldt.ca.us/election](http://www.co.humboldt.ca.us/election)

### **Imperial County**

(760) 482-4226 or (760) 482-4285  
[www.co.imperial.ca.us/elections](http://www.co.imperial.ca.us/elections)

### **Inyo County**

(760) 878-0224 or (760) 878-0410  
[www.inyocounty.us/Recorder/Clerk-Recorder.html](http://www.inyocounty.us/Recorder/Clerk-Recorder.html)

### **Kern County**

(661) 868-3590  
[www.co.kern.ca.us/elections](http://www.co.kern.ca.us/elections)

### **Kings County**

(559) 852-4401  
[www.countyofkings.com](http://www.countyofkings.com)

### **Lake County**

(707) 263-2372  
[www.co.lake.ca.us/Government/Directory/Rov.htm](http://www.co.lake.ca.us/Government/Directory/Rov.htm)

### **Lassen County**

(530) 251-8217 or (530) 251-8352  
[www.lassencounty.org](http://www.lassencounty.org)

### **Los Angeles County**

(800) 815-2666  
[www.lavote.net](http://www.lavote.net)

### **Madera County**

(559) 675-7720 or (800) 435-0509  
[www.madera-county.com](http://www.madera-county.com)

### **Marin County**

(415) 473-6456  
[www.marinvotes.org](http://www.marinvotes.org)

### **Mariposa County**

(209) 966-2007  
[www.mariposacounty.org](http://www.mariposacounty.org)

### **Mendocino County**

(707) 234-6819  
[www.co.mendocino.ca.us/acr](http://www.co.mendocino.ca.us/acr)

### **Merced County**

(209) 385-7541 or (800) 561-0619  
[www.mercedelections.org](http://www.mercedelections.org)

### **Modoc County**

(530) 233-6205  
[www.co.modoc.ca.us](http://www.co.modoc.ca.us)

### **Mono County**

(760) 932-5537 or (760) 932-5534  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

### **Monterey County**

(831) 796-1499 or (866) 887-9274  
[www.montereycountyelections.us](http://www.montereycountyelections.us)

### **Napa County**

(707) 253-4321 or (707) 253-4374  
[www.countyofnapa.org](http://www.countyofnapa.org)

### **Nevada County**

(530) 265-1298  
[www.mynevadacounty.com/nc/elections](http://www.mynevadacounty.com/nc/elections)

### **Orange County**

(714) 567-7600  
[www.ocvote.com](http://www.ocvote.com)

### **Placer County**

(530) 886-5650 or (800) 824-8683  
[www.placerelections.com](http://www.placerelections.com)

### **Plumas County**

(530) 283-6256  
[www.countyofplumas.com](http://www.countyofplumas.com)

### **Riverside County**

(951) 486-7200  
[www.voteinfo.net](http://www.voteinfo.net)

### **Sacramento County**

(916) 875-6451  
[www.elections.saccounty.net](http://www.elections.saccounty.net)

### **San Benito County**

(831) 636-4016 or (877) 777-4017  
[www.sbcvvote.us](http://www.sbcvvote.us)

### **San Bernardino County**

(909) 387-8300  
[www.sbcountyelections.com](http://www.sbcountyelections.com)

### **San Diego County**

(858) 565-5800 or (800) 696-0136  
[www.sdvote.com](http://www.sdvote.com)

### **San Francisco County**

(415) 554-4375  
[www.sfelections.org](http://www.sfelections.org)

### **San Joaquin County**

(209) 468-2885  
[www.sjcrov.org](http://www.sjcrov.org)

### **San Luis Obispo County**

(805) 781-5228 or (805) 781-5080  
[www.slovote.com](http://www.slovote.com)

### **San Mateo County**

(650) 312-5222  
[www.shapethefuture.org](http://www.shapethefuture.org)

### **Santa Barbara County**

(800) SBC-VOTE or (805) 568-2200  
[www.sbcvvote.com](http://www.sbcvvote.com)

### **Santa Clara County**

(408) 299-VOTE (8683)  
[www.sccvvote.org](http://www.sccvvote.org)

### **Santa Cruz County**

(831) 454-2060 or (866) 282-5900  
[www.votescount.com](http://www.votescount.com)

### **Shasta County**

(530) 225-5730  
[www.elections.co.shasta.ca.us](http://www.elections.co.shasta.ca.us)

### **Sierra County**

(530) 289-3295  
[www.sierracounty.ca.gov](http://www.sierracounty.ca.gov)

### **Siskiyou County**

(530) 842-8084 or  
(888) 854-2000 EXT. 8084  
[www.sisvotes.org](http://www.sisvotes.org)

### **Solano County**

(707) 784-6675  
[www.solanocounty.com/elections](http://www.solanocounty.com/elections)

### **Sonoma County**

(707) 565-6800 or (800) 750-VOTE (8683)  
[vote.sonoma-county.org](http://vote.sonoma-county.org)

### **Stanislaus County**

(209) 525-5200  
[www.stanvote.com](http://www.stanvote.com)

### **Sutter County**

(530) 822-7122  
[www.suttercounty.org/elections](http://www.suttercounty.org/elections)

### **Tehama County**

(530) 527-8190 or (530) 527-0454  
[www.co.tehama.ca.us](http://www.co.tehama.ca.us)

### **Trinity County**

(530) 623-1220  
[www.trinitycounty.org](http://www.trinitycounty.org)

### **Tulare County**

(559) 624-7300 or (559) 624-7302  
[www.tularecounty.ca.gov/registrarfvoeters](http://www.tularecounty.ca.gov/registrarfvoeters)

### **Tuolumne County**

(209) 533-5570  
[www.tuolumnecounty.ca.gov](http://www.tuolumnecounty.ca.gov)

### **Ventura County**

(805) 654-2664  
[venturavote.org](http://venturavote.org)

### **Yolo County**

(530) 666-8133 or (800) 649-9943  
[www.yoloelections.org](http://www.yoloelections.org)

### **Yuba County**

(530) 749-7855  
[www.yubaelections.org](http://www.yubaelections.org)

# Voter Bill of Rights

1. You have the right to cast a ballot if you are a valid registered voter.

A valid registered voter means a United States citizen who is a resident in this state, who is at least 18 years of age and not in prison or on parole for conviction of a felony, and who is registered to vote at his or her current residence address.

2. You have the right to cast a provisional ballot if your name is not listed on the voting rolls.
3. You have the right to cast a ballot if you are present and in line at the polling place prior to the close of the polls.
4. You have the right to cast a secret ballot free from intimidation.
5. You have the right to receive a new ballot if, prior to casting your ballot, you believe you made a mistake.

If at any time before you finally cast your ballot, you feel you have made a mistake, you have the right to exchange the spoiled ballot for a new ballot. Vote-by-mail voters may also request and receive a new ballot if they return their spoiled ballot to an elections official prior to the closing of the polls on election day.

6. You have the right to receive assistance in casting your ballot, if you are unable to vote without assistance.
7. You have the right to return a completed vote-by-mail ballot to any precinct in the county.
8. You have the right to election materials in another language, if there are sufficient residents in your precinct to warrant production.
9. You have the right to ask questions about election procedures and observe the election process.  
You have the right to ask questions of the precinct board and elections officials regarding election procedures and to receive an answer or be directed to the appropriate official for an answer. However, if persistent questioning disrupts the execution of their duties, the board or election officials may discontinue responding to questions.
10. You have the right to report any illegal or fraudulent activity to a local elections official or to the Secretary of State's Office.

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**If you believe you have been denied any of these rights,  
or you are aware of any election fraud or misconduct, please call the  
Secretary of State's confidential toll-free Voter Hotline at (800) 345-VOTE (8683).**

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Information on your voter registration affidavit will be used by elections officials to send you official information on the voting process, such as the location of your polling place and the issues and candidates that will appear on the ballot. Commercial use of voter registration information is prohibited by law and is a misdemeanor. Voter information may be provided to a candidate for office, a ballot measure committee, or other person for election, scholarly, journalistic, political, or governmental purposes, as determined by the Secretary of State. Driver license and social security numbers, or your signature as shown on your voter registration card, cannot be released for these purposes. If you have any questions about the use of voter information or wish to report suspected misuse of such information, please call the Secretary of State's Voter Hotline at (800) 345-VOTE (8683).

Certain voters facing life-threatening situations may qualify for confidential voter status. For more information, contact the Secretary of State's Safe at Home program toll-free at (877) 322-5227 or visit [www.sos.ca.gov](http://www.sos.ca.gov).

California Secretary of State  
Elections Division  
1500 11th Street  
Sacramento, CA 95814

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SECRETARY OF STATE



# CALIFORNIA GENERAL ELECTION

www.voterguide.sos.ca.gov

For additional copies of the Voter Information Guide in English, please contact your county elections office or call (800) 345-VOTE (8683). For TTY/TDD, call (800) 833-8683.

Para obtener copias adicionales de la Guía de Información para el Votante en español, póngase en contacto con la oficina electoral de su condado o llame al (800) 232-VOTA (8682).

如需索取額外的中文選民資訊指南，請與您的縣立選舉辦事處聯繫或致電(800) 339-2857。

हिन्दी में मतदाता जानकारी मार्गदर्शिका की अतिरिक्त प्रतियां प्राप्त करने के लिए, कृपया अपने काउंटी चुनाव कार्यालय से संपर्क करें या इस नंबर पर फ़ोन करें (888) 345-2692।

投票情報ガイドの日本語版をご希望の場合は、最寄の郡選挙事務所にお問い合わせになるか(800) 339-2865にお電話ください。

## OFFICIAL VOTER INFORMATION GUIDE

Last day to register to vote  
**Monday, October 20, 2014**

Remember to vote!  
**Tuesday, November 4, 2014**

Polls are open from 7:00 a.m. to 8:00 p.m.

សំរាប់សំណេរបន្ថែម នៃព័ត៌មានណែនាំអ្នកបោះឆ្នោត ជាភាសាខ្មែរ សូមទាក់ទងការិយាល័យបោះឆ្នោត ខេត្តធីរស័ក ឬទូរស័ព្ទ (888) 345-4917។

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Para sa mga karagdagang kopya ng Patnubay na Impormasyon Para sa Botante sa Tagalog, mangyaring makipag-ugnayan sa opisina sa mga halalan ng inyong county o tumawag sa (800) 339-2957.

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To reduce election costs, the State mails only one guide to each voting household.