

# Bend the Arc's

## November 2022 Voter Guide

### California Propositions



#### Statewide Propositions

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**SUPPORT**

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POSITION**

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**OPPOSE**

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SUPPORT**

# November 2022 Voter Guide

## California Propositions Summaries

### Statewide Propositions

#### Prop 1 SUPPORT

Amends the California constitution to prohibit the state from interfering in or denying an individual's reproductive freedom, which is defined to include the right to an abortion and the right to contraceptives.

#### Prop 26 OPPOSE

Legalizes in-person sports betting at American Indian gaming casinos and licensed racetracks in California, taxes profits derived from sports betting at racetracks at 10%, and legalizes roulette and dice games, such as craps, at tribal casinos.

#### Prop 27 OPPOSE

Legalizes online and mobile sports betting for persons 21 years of age or older, establishes regulations for the mobile sports betting industry, imposes a 10% tax on sports betting revenues and licensing fees, and allocates tax revenue to an account for homelessness programs and to an account for tribes not operating sports betting.

#### Prop 28 SUPPORT

Requires an annual source of funding for K-12 public schools for arts and music education equal to, at minimum, 1% of the total state and local revenues that local education agencies receive under Proposition 98.

#### Prop 29 NO POSITION

Requires dialysis clinics to have at least one physician, nurse practitioner, or physician assistant while patients are being treated, to report data on dialysis-related infections, to not discriminate against patients based on the source of payment for care, and to obtain consent from the state for clinic closure.

#### Prop 30 NO POSITION

Increases the tax on personal income above \$2 million by 1.75% and dedicates revenue to zero-emission vehicle subsidies, zero-emission vehicle infrastructure, and wildfire suppression and prevention programs.

#### Prop 31 SUPPORT

Upholds contested legislation, Senate Bill 793 (SB 793), which bans the sale of flavored tobacco products.

### Local Measures

#### Los Angeles City

#### Measure ULA SUPPORT

Enacts a 4% tax on the sale or transfer of properties in the city of Los Angeles valued at more than \$5 million and a 5.5% tax on the sale or transfer of properties valued at more than \$10 million, establishes the House LA fund within the city treasury to collect this additional tax revenue, and allocates this revenue to projects that address housing availability at certain income thresholds and to projects that prevent homelessness.

#### Los Angeles County

#### Measure A SUPPORT

Amends the Los Angeles County Charter to authorize the removal of a sheriff for cause by a four-fifths vote of the Los Angeles County Board of Supervisors.

#### Oakland City

#### Measure W SUPPORT

Establishes public financing for elections of city and school board officials, increases transparency regarding independent spending on city elections, and further restricts the ability of former city officials and directors to act as lobbyists.

# INTRODUCTION

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Volunteer leaders of Bend the Arc: Jewish Action California are proud to provide this guide to the propositions and measures appearing on the state’s November 2022 ballot. Unlike many other guides, ours presents our underlying reasoning, so that voters can, in the time-honored Jewish way, engage in healthy argument and arrive at their own conclusions. And, unlike any other widely available guide that we are aware of, ours is explicitly grounded in Jewish values. For generations, American Jews have been part of the nation’s biggest struggles for justice, inspired by our ethical tradition and motivated by the stories and experiences of our ancestors, both ancient and recent.

Bend the Arc: Jewish Action is building the power and passion of the progressive Jewish movement in America by bringing together Jews from across the country to create a just and equitable country free from white supremacy, where Black liberation is realized, and where all people are thriving. Our members reflect the diversity of our community—rabbis and secularists; youth and seniors; activists and academics; Sephardi, Ashkenazi, Jews of Color, Black Jews and white Jews—all using the tools of community organizing, leadership development, and policy advocacy to continue the proud legacy of Jewish activism, bearing witness to discrimination, and building a better future. We organize and advocate in close partnership with communities most directly impacted by injustice. We work to change oppressive laws, policies, and practices, sowing unity while building a more just and equitable society.

Bend the Arc: Jewish Action leaders across California actively work for policy change on a range of issues, including mass incarceration, housing and homelessness, equitable taxation, immigration, workers’ rights, and voting rights. Our shared history and current work teach us that dismantling systems of oppression and white supremacy in order to realize a healthy and ethical society is both a personal duty and a communal obligation. As a people, our great successes, as well as our great persecution, remind us of this time-tested truth. From the ancient prophets, we hear the call to “seek the wellbeing of the city in which you dwell [...] For in its peace you shall find

peace” (Jeremiah 29:7). One of the first Jewish women elected to the House of Representatives, Bella Abzug, put it another way, “Jews believe you can’t have justice for yourself unless other people have justice as well.”

We have assessed the seven propositions appearing on the November ballot as well as three key local measures, conducting thorough analysis of their meaning and likely impact. In general, we remain wary of the prevailing use of ballot initiatives, which often espouse simplistic answers to complex societal issues. Ballot measure signature-gathering and campaigning is often limited to special interest groups with significant power and money. Moreover, propositions are not a healthy substitute for a well-functioning system of government committed to upholding and improving the common good. However, in the absence of bold and courageous leadership from our elected officials, ballot initiatives have been important vehicles for progressive legislation in recent years. The toll exacted on our communities by underfunded public schools, a bloated system of mass incarceration, climate change and environmental injustice, and the depletion of affordable housing, affordable healthcare, and living wage jobs demands urgent response. We must use our votes and our voices to call for transformation in the face of pervasive systems of oppression and injustice. The November 8th ballot provides many opportunities to do just that. We strongly encourage each and every voter to vote all the way down the ballot and to conduct supplemental research on local initiatives and races. We invite you to use this guide to engage others in conversation about public policy and politics.

Now, as ever, an engaged, informed, and representative electorate is crucial to our collective future. We encourage all who are eligible to [register to vote](#), to make a plan to vote, and to take advantage of opportunities to [vote by mail](#), and vote early! Join us and our partners in voting to build a California that better reflects our values. If you feel empowered to take action beyond the ballot box, [become a leader with Bend the Arc: Jewish Action](#). A better world is possible, and we will build it together!

# STATEWIDE PROPOSITION STATEMENTS

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## Proposition 1

Bend the Arc: Jewish Action strongly supports Proposition 1, the Right to Reproductive Freedom Amendment. By amending the California state constitution to enshrine a right to “reproductive freedom,” Proposition 1 affords Californians broad reproductive rights, including a fundamental right not only to have an abortion, but also to choose or refuse contraceptives or to choose not to have an abortion. This proposition was written in direct response to the June 2022 *Dobbs v. Jackson Women’s Health* decision handed down by the Supreme Court, effectively striking down *Roe v. Wade*, and therefore seeks to provide formal protection for reproductive freedom in the State of California.

Currently, abortion is legal in California until “fetal viability,” and after fetal viability, if the health or life of the pregnant person is at risk. Following the *Dobbs* decision, the right to abortion is at risk, and it is now up to states to pass explicit protections to the fundamental right to abortion within their own borders and protect people who can become pregnant.

Passing this protection would ensure that abortion, contraception, and control over reproductive choices remain in the hands of people who can become pregnant, rather than state legislators. It would particularly benefit those people who have the highest barriers to accessing health care and reproductive care, including Black, Indigenous, and People of Color (BIPOC), immigrants, and low-income communities. Access to full-scope reproductive healthcare, including abortions, enables people to make choices about their own bodies, make important economic decisions for themselves and their families, and have unfettered access to life-saving healthcare.

In addition, the inclusion of the fundamental

## SUPPORT

right to refuse contraception provides important protections for people whose rights to refuse contraception have frequently been denied: people in prisons and detention centers, people with disabilities, people living in poverty, and Black, Indigenous, and People of Color. This proposition reflects a reproductive justice framework that insists that all people should be able to choose if, when, and how they become parents.

Those who oppose Proposition 1 would prefer to focus on preventing the need for abortion in the first place, and opposition arguments largely reflect a Christian framework. Some critics note that amending the constitution to add a right does nothing to address issues like disparate access to healthcare or social safety nets, especially for poor and BIPOC communities. This point is well taken; however, we see it as a call for further action to expand access once Proposition 1 is passed rather than a suggestion that the measure not move forward.

Proposition 1 aligns naturally with the traditional acceptance of abortion in Jewish texts and resources, which reflects a position that the life of the mother takes precedence over the life of the fetus. Critically, in terms of reproductive freedom, whether to end a pregnancy is ultimately a decision made by the pregnant person in consultation with their healthcare provider. We can extend this understanding to mean that the use or non-use of contraceptives is also a choice to be made by the individual. Jewish values and beliefs around termination of pregnancy and bodily autonomy of pregnant people support the rights that Proposition 1 aims to protect.

Abortion is healthcare, and prohibitions on abortion are most dangerous for Black, Indigenous and People of Color, people living

in poverty, immigrants, women, and groups that face institutional oppression. By protecting the right to abortion and the right to choose and refuse contraceptives,

## Proposition 26

Bend the Arc: Jewish Action opposes Proposition 26, the first of two measures appearing on California ballots this fall to decide the fate of sports betting. California law limits gambling operations, currently banning sports betting, roulette, and dice games, but allowing for other types of gambling including the state lottery, cardrooms, horse racing, and tribal casinos. Although the Supreme Court ended the federal prohibition on sports wagering in 2018, the practice is still illegal at the state level, which has created an illicit market. Proposition 26 would regulate sports wagering, impose a tax on the practice, and implement consumer protections.

Proposition 26 would legalize in-person sports betting at tribal casinos and at the state's four private horse racing tracks, while also amending regulations to allow tribal casinos to offer roulette and dice games. The Proposition establishes a new California Sports Wagering Fund (CSWF). Ten percent of sports bets made at race tracks would go to this fund. Individual tribal-state compacts (federally required negotiations when tribes want to offer gambling on tribal land) would dictate whether revenue generated by sports betting at tribal casinos will go to the CSWF. The measure dictates that revenue from CSWF would first support required education spending levels and costs associated with regulation, and the remaining funds would then be earmarked for gambling addiction and mental health programs, coverage of gambling enforcement-associated costs, and the California State General Fund. While there are many unknowns in terms of revenue generation from Proposition 26, the [state's Legislative Analyst's Office \(LAO\) estimates that the state could earn up to tens of millions of dollars annually](#). The ballot measure would also add a new enforcement mechanism for certain state gambling laws by facilitating the filing of civil lawsuits in state trial courts if someone believes that gambling laws are violated.

Proposition 1 aligns with our progressive values of equity and dignity for all.

**Bend the Arc: Jewish Action strongly urges a YES vote on Proposition 1.**

## OPPOSE

A coalition of 24 of the over 100 California Indigenous tribes, the NAACP, various SURJ chapters, and the Baptist Ministers Conference of Los Angeles and SoCal have come out in support of Proposition 26. The coalition argues that sports wagering already occurs in California, but because it is illegal, unregulated, and untaxed, the state cannot reap any financial benefit, nor can it offer any protections, particularly with respect to underage gambling. Proponents also argue that the measure will enhance tribal self-sufficiency by increasing business at tribal casinos, spurring job creation, and generating funds to support community services.

While expansion of economic opportunity is something Bend the Arc supports, municipalities are concerned that it could come at the expense of economic opportunity for low-income communities and some BIPOC communities. Opponents claim that passage of the measure would result in the loss of jobs and harm local economies for cities that currently collect tax revenue from cardrooms. [It is estimated that the card club industry supports 32,000 jobs and generates \\$1.64 billion in wages and benefits, and \\$500 million in state and local taxes. While not expected to have a large impact, the LAO projects that cardrooms could generate less revenue if impacted by the new gambling law enforcement mechanism facilitating civil lawsuits.](#)

Opponents also claim that the measure's provision facilitating lawsuits exploits the Private Attorney General Act and could put these smaller gambling operations out of business. It is not a coincidence that unions who advocate for these workers have been some of the most outspoken opponents of Proposition 26. Others opposing the measure include the cities of Clovis, Commerce, Compton, and Huntington Park, the California Republican Party, the American Federation of State, County, and Municipal Employees -

California, the Society for the Prevention of Cruelty to Animals, and California's Black and Hispanic Chambers of Commerce.

There is a bit of debate about monopolies in the Talmud, but the general consensus is that one cannot harm the livelihood of another (Bava Batra 21). While this proposition is projected to increase resources for some

## Proposition 27

Bend the Arc: Jewish Action opposes Proposition 27. Currently, online gambling is neither permitted nor prohibited by California law. This proposition seeks to legalize and regulate online sports gambling in California and would create a tax on online gambling, with projected revenues of up to \$500 million for the State of California. This tax revenue would be earmarked for treatment and services for people with gambling addictions, for homeless services, and for mental health services.

This proposition is sponsored by DraftKings, FanDuel, and other multibillion-dollar online gambling companies, along with three indigenous tribes (these three tribes currently do not engage in gaming, but share gambling earnings with those tribes that do; the three would see an increase in their returns from the current revenue-sharing arrangement). The sponsoring coalition bills Proposition 27 as an easy way to raise money to fund homelessness services and mental health treatment programs. This alluring argument, however, is largely a façade: the Proposition has the effect of creating enormous hurdles to participation for smaller gambling companies, driving potential profits to the biggest market players. The \$100 million licensing fee and the requirement to be currently operating in ten other states outside California effectively creates an oligopoly that excludes smaller businesses. Additionally, Proposition 27 would allow large online betting corporations like DraftKings and FanDuel to write the regulations that govern their companies, which presents a significant conflict of interest, essentially allowing the industry to self-regulate. This is hardly the most forward-thinking way to create a regulatory regime for online gambling.

indigenous communities, particularly those engaged in tribal gaming, we are concerned about the potential negative financial impacts in communities that benefit from revenue generated by cardrooms. While the financial impacts of the proposed measure are still murky, our analysis prevents us from supporting this proposition and **Bend the Arc recommends a vote of NO on Proposition 26.**

## OPPOSE

The opposition to Proposition 27 is a diverse coalition of over 50 California tribes, unions, homelessness and housing advocates, and social justice organizations. Notably, both the Democratic and Republican parties of California are opposed to the Proposition. The tribes in opposition note that Proposition 27 would draw business away from the tribe-run casinos and gambling operations, thus taking away badly-needed jobs and revenue from historically marginalized communities and moving them into the hands of large, out-of-state corporations.

Finally, the measure would do little to address homelessness and mental health issues, despite its promises. According to [estimates from the Legislative Analyst's Office](#), the measure would generate a maximum of approximately \$300 million in funding for homelessness. This funding is needed and would be helpful in expanding access to housing assistance and mental health services, but falls well short of what is actually needed to develop a meaningful and sustainable response to California's current homelessness crisis. For reference, experts in California homelessness policy have recently [called on the state to provide at least \\$2.4 billion](#) in ongoing annual services and operations funding for local responses to homelessness.

Jewish values encourage a No vote on Prop 27 as well. While Jewish values are not particularly explicit on gambling, they do encourage equitable distribution of resources, which has generally steered Bend the Arc towards policies that support marginalized communities. In this case, tribal communities stand to lose out on resources that would be redistributed to large corporations. Given Bend the Arc's commitment to partners in BIPOC communities and the general

consensus of opposition to Prop 27 among tribal communities, the danger of letting large corporations essentially create their own regulatory regime, and the low likelihood of

the measure having significant impact on the homelessness and mental health crisis,

**Bend the Arc recommends voting No on Proposition 27.**

## Proposition 28

Bend the Arc: Jewish Action strongly supports Proposition 28, which aims to dramatically increase funding for California's PreK-12 public school arts education and also boost equitable access to arts programming, without raising taxes. The Proposition defines arts education as including, but not being limited to, training, supplies, materials for, and instruction in dance, media arts, music, theater, visual art, graphic design, animation, script writing, costume design, and film.

Though proven to have [positive impacts on children and youth's social-emotional development](#), art and music programs are often the first to have their funding cut when California reduces education spending. According to proponents of this measure, [90% of elementary schools, 96% of middle schools, and 72% of high schools currently fail to provide a high-quality course of study across arts disciplines, and barely one in five public schools in California currently has a full-time arts or music program](#). Furthermore, studies have shown that students in [marginalized communities are more likely to suffer negative impacts when funding for art and music is cut](#).

Proposition 28 would ensure dedicated, increased funding for arts education in the state budget equal to, at minimum, 1% of the total state and local revenue allocated to local education agencies under Proposition 98, which set a minimum school funding guarantee. The money would be allocated directly from the General Fund rather than from any new or increased taxes on Californians. If passed, the measure is [estimated to generate between \\$800 million and \\$1 billion annually](#) beginning with the 2023 - 2024 fiscal year. The Proposition requires that local education agencies with more than 500 students spend at least 80% of these additional funds to hire arts staff, with the remaining funding to be used for training, supplies and materials, and arts educational partnership programs. This is projected to

## SUPPORT

create an additional 15,000 full-time and part-time positions for arts and music teachers and aides over the next few years, doubling the current number.

While this proposition would increase arts funding for all students, school districts in economically disadvantaged communities will benefit most. Seventy percent of the guaranteed state spending would be allocated to school districts based on their enrollment in the prior fiscal year. The remaining 30% would be distributed to districts based on their share of economically disadvantaged students.

The measure includes stipulations designed to make sure the money will be spent as intended on arts education, while allowing school principals and program directors to determine how to best use it to expand their existing art programs. The Proposition requires schools to create expenditure plans and submit annual reports.

In Judaism, budgets are considered moral documents. Proverbs 14:31 reminds us that "One who withholds what is due to the poor affronts the Creator; one who cares for the needy honors God." Just and fair budgets provide for and protect the most marginalized among us, improving the lives of the collective. The way in which a society allocates funds is reflective of its values and priorities. Bend the Arc urges a Yes vote on California Proposition 28, because we believe it will equitably address the chronically underfunded public school arts programs in California.

## Proposition 29

Bend the Arc: Jewish Action is taking No Position on Proposition 29. This is the third dialysis-related ballot measure in four years. Very similar to 2020's Proposition 23, this proposition requires that clinics report dialysis-related infections to the state, obtain state approval before closing clinics, and institute non-discrimination based on source of payment. While 2020's proposition required a physician on site at all times, Proposition 29 instead requires an advanced practitioner, such as a physician, nurse practitioner, or physician's assistant, with six months of end-stage renal disease experience to be present at all times; it also allows for service provision via telehealth in the event of staffing shortages. This year's proposition also requires clinics to disclose when physicians have 5% or more ownership in the clinic.

California has about 650 licensed chronic dialysis clinics, which serve roughly 80,000 patients per month. Currently, patients' physicians oversee treatment and, pursuant to federal rules, must visit the patient once per month during treatment. Two for-profit companies, DaVita and Fresenius Medical Care, own and operate 75% of the state's clinics. These companies have long been criticized for prioritizing profits over patient access and care. For example, DaVita has faced lawsuits regarding [illegal kickbacks to physicians](#), [Medicare billing fraud](#), and the [overuse of medication over a 10-year period](#). [Research into business practices of these for-profit dialysis clinics](#) found that clinics push patients into individual market plans and finance plan premiums via donations to the American Kidney Fund (a nonprofit organization that receives 80% of its budget from DaVita and Fresenius) - a scheme that is lucrative for clinics but raises individual market premiums.

Beyond corporate greed, [high mortality and hospitalization rates for dialysis patients and documented issues regarding facility compliance with Medicare Quality Standards](#) are cause for grave concern and intervention. While opponents of the Proposition, led by DaVita and Fresenius, claim that the regulations proposed by Proposition 29 would not result in improved patient outcomes, there is evidence to support enhanced regulation.

## NO POSITION

For example, [research](#) has linked dialysis facility staffing levels to quality of care and patient outcomes.

While the need for commonsense oversight and regulation is clear, we also acknowledge that the process of putting these measures on the ballot may not be the most effective method to achieve that end. The tactics used by SEIU United Healthcare Workers West, the labor union behind all three of the dialysis-related California ballot measures since 2018, have been [criticized as an attempt to create leverage in their efforts to unionize dialysis clinic healthcare workers, rather than an effort to enhance patient care](#).

While Bend the Arc: Jewish Action supported an earlier version of this Proposition in 2020, the decision to move to a no-position stance for Proposition 29 is largely due to concerns that these regulations may have unintended consequences that may not alter patient conditions for the better. [An analysis conducted by the consulting firm Berkeley Research Group concluded that the measure will increase annual clinic costs by up to \\$731,000 per clinic. The analysis projects that the impacts to clinic operating margins could worsen staffing shortages and result in closure of between 39% and 56% of clinics.](#) The potential impact of clinic closures and resulting access-to-care issues described in this report may be driving opposition from several patient advocacy organizations and many healthcare organizations, including the California Medical Association, American Nurses Association, and the American Academy of Nephrology PAs. While the Berkeley Research Group analysis is concerning, it is important to note that the [dialysis industry has made similar claims to fight state and federal regulations in the past, but the threatened closures have not occurred](#). It is also notable that the [State's Legislative Analyst's Office is less certain about impacts](#), projecting that some owners may seek consent from the California Department of Public Health to close clinics operating at a loss, but that others may continue to operate with lower profits or elect to negotiate increased rates with payers.

There is a well-established Jewish obligation

to intervene when we are witnesses to another person's crisis. Human life is so important, in fact, that its preservation overrides the compliance of other Jewish laws. Leviticus 19:16's commandment that "neither shalt thou stand idly by the blood of thy neighbor" applies strongly to ensuring that dialysis patients receive the best care possible. While the claim that powerful dialysis companies are not investing enough in patient care is cause for concern, and stronger regulation of this

## Proposition 30

Bend the Arc: Jewish Action is taking No Position on Proposition 30, which proposes a wealth tax that would generate funds to fight climate change, combat air pollution, and reduce carbon emissions from transportation and wildfires. The proposition would establish a 1.75% tax on Californians earning an annual income of more than \$2 million, and the estimated \$3.5-5 billion in annual revenue would be divided among three sub-funds: one fund to expand zero-emission vehicle (ZEV) rebates, one to invest in electric vehicle (EV) charging station infrastructure, and one to support wildfire prevention and firefighter training programs. While reducing emissions and improving air quality through progressive taxation is a laudable goal, we are not certain the proposed spending mechanisms are truly rooted in an environmental justice framework centering impact, equity, and efficacy.

The Climate Center, Coalition for Clean Air, California Environmental Voters, the State Association of Electrical Workers (IBEW), and the American Lung Association are part of a large coalition supporting Proposition 30. The coalition rightly identifies climate change and poor air quality as significant challenges requiring urgent intervention. Proponents also argue that this proposition is needed to achieve California's ZEV mandate, which outlines a path toward ZEVs comprising 100% of new car sales by 2035. Although the State has invested in EV market growth, environmental policy experts and auto industry leaders agree that more funding will be needed to make EVs more accessible and affordable and to sufficiently expand charging infrastructure.

Proposition 30 has been criticized by

largely for-profit industry is needed, we also take seriously the concerns that this proposition could have the unintended consequence of clinic closure. This potential outcome prevents us from offering support to the proposition.

**While we take No Position on this measure, we encourage you to carefully consider the arguments with a focus on patient health and cast your vote accordingly.**

## NO POSITION

opponents as a "greenwashing" measure that was mainly designed to benefit rideshare companies, which have been mandated to log 90% of their mileage in ZEVs by 2030. Indeed, Lyft has contributed nearly all of the funding for the Yes on 30 campaign. Governor Newsom has emerged as a major critic of Proposition 30, arguing that it amounts to a special interest corporate bailout at taxpayers' expense, and that California has already committed to fighting climate change through expanding ZEV rebates and infrastructure investments.

His opposition has put the Governor on the same side as California's Republican Party and the California Chamber of Commerce, who oppose the wealth tax proposed by this measure. The California Teachers Association also opposes Proposition 30, noting that this proposition is written in such a way as to circumvent an existing law requiring that a percentage of revenue from any new tax be earmarked for education; no new revenue generated by this proposition would be applied to education. Additionally, although air pollution impacts of the proposition are expected to be beneficial, the Sierra Club has taken a neutral stance, citing concerns about the ecological impact of the wildfire management programs proposed in this proposition.

It is also unclear how effective the proposition will be in achieving its stated goals around ZEV access for lower-income Californians. ZEVs are expensive, costing approximately \$10,000 more than comparable gas-powered vehicles, and current rebates fall short of making up this difference. Demand for ZEVs is expected to continue to increase regardless of rebate

incentives, due to California's ambitious goals regarding vehicle electrification by 2035. Regarding investment in charging infrastructure, while 50% of that fund's revenue would be earmarked for low- and moderate-income communities, a significant portion would be allocated for stations in single- and multi-family residences, where they would not be accessible to the general public.

Promoting clean air and fighting climate change and devastating wildfires are certainly aligned with the Jewish obligation to repair a broken world (tikun olam). Additionally, there is ample Talmudic text speaking to the fairness and appropriateness of assessing taxes

## Proposition 31

Bend the Arc: Jewish Action supports Proposition 31, which upholds SB 793, legislation passed in 2020 with bipartisan support that banned flavored tobacco products, including menthol cigarettes. Under this proposition, retailers would be fined \$250 for each sale violating the law, and there are exceptions for hookah, loose leaf tobacco, and premium cigars. The law does not impose criminal sanctions on individuals who purchase, use, or possess banned flavored tobacco products.

Confusingly, the principle architects behind Proposition 31 are the big tobacco companies, which are urging a "no" vote in an attempt to overturn the existing state ban on these products that went into effect with the passage of SB 793. A "yes" vote on Proposition 31 upholds SB 793, banning the sale of flavored tobacco. Supporters of Proposition 31, which include a broad coalition of professional health organizations, the California Teachers Association, and Governor Newsom, contend that the ban on flavored tobacco products is an [effective and proven method](#) for combating smoking among teens and communities of color and is California's way of fighting back against Big Tobacco's [targeted campaigns](#) to hook vulnerable populations on smoking. Indeed, a number of municipalities have enacted local bans on flavored tobacco products that have [significantly reduced rates of tobacco use among teens](#).

While rates of cigarette smoking have declined

according to wealth assets. However, there is also a principle of Jewish ethics and law that justice needs to be done justly. Even if the outcome is just and necessary, the means to that outcome must be equitable and just.

We recognize that Proposition 30 is complex. While there are progressive components in line with Bend the Arc's values, our concerns about the design, implementation, and expected environmental impact prevent us from offering support to the Proposition. As such, **we have adopted a stance of No Position on Proposition 30 and encourage voters to carefully weigh these considerations and cast your vote accordingly.**

## SUPPORT

sharply over the past several decades, [inequities in smoking and tobacco-related disease persist](#) across the country by race, ethnicity, education level, and socioeconomic status. These health inequities result in part from direct targeting by the tobacco industry, which spends billions of dollars to lobby, advertise, and market minty-menthol cigarettes, especially in Black communities. In the 1950s, fewer than 10% of Black Americans who smoked used [menthols](#), but now 85% do.

Promoting tobacco products with added flavors has been particularly [successful in building new generations of smokers](#) through marketing campaigns targeting young people. Flavored tobacco products mask the true flavor of tobacco, and 80% of youth who use tobacco reported starting with a flavored product. Among high school students who report currently using a tobacco product, [73% report using flavored products](#), and [teen vaping](#) and e-cigarette use has reached epidemic levels.

While the intent of SB 793 is to improve public health for all and prevent tobacco use initiation and addiction in vulnerable minors, it is important to note that the law does enact a blanket ban on the sale of flavored tobacco products to all, regardless of age, as federal law already prohibits the sale of any tobacco product to people under age 21. Those who oppose Proposition 31 (and are opposed to the ban) cite infringement on civil liberties of adults to smoke preferred products, as well as

lost tobacco tax revenues, as key arguments against the initial legislation; however, there is substantial evidence that it is the tobacco industry's intentional targeting of vulnerable communities with flavored products, rather than true free will, that is the major driver of use and addiction. Additionally, [some](#) worry that the law could lead to increased interaction with police and criminalization of smoking through racial profiling, even though the law, as written, penalizes retailers for the sale of banned products rather than individual users. This is certainly a concern, as transformation of the criminal legal system away from punitive systems is a core priority for Bend the Arc: Jewish Action. However, we are encouraged that enforcement at the individual level will be minimized, given that the law focuses on limiting supply of banned products through regulation of retailers rather than of users. We weigh these potential concerns against the known harms that targeted marketing of flavored tobacco products has posed to vulnerable communities.

Jewish law puts responsibility on sellers to refrain from selling hazardous products, such as tobacco. In keeping with this tradition, the legislation that this proposition seeks to overturn focuses on banning the tobacco products, while refraining from criminalizing the activities of individuals. Furthermore, Jewish law describes the concept of pikuach nefesh, the idea that the preservation of human life takes precedence over almost all other considerations. This obligation stems from the idea that all people are created in the divine image and that preservation of health is an undertaking for the community as well as the individual. Because smoking tobacco products causes disease and death, Jewish tradition suggests that we should do all that we can to prevent use of and exposure to tobacco products.

In keeping with the Jewish value of prioritizing personal and public health, **Bend the Arc: Jewish Action believes that the ban on flavored tobacco products should be upheld and recommends a YES vote on Proposition 31.**

## LOCAL MEASURE STATEMENTS

### Measure ULA (Los Angeles City)

Bend the Arc: Jewish Action strongly supports Measure ULA (the “United to House L.A.” initiative), which would provide permanent funding for affordable housing and support services for unhoused people and those facing eviction through a one-time real estate transfer tax on properties valued over \$5 million in L.A. City. The number of unhoused Angelenos has ballooned to over [40,000 in the past five years](#), and people living on the street are in crisis as they face relentless criminalization and trauma. Meanwhile, rents are higher than ever – about a third of L.A. City renters spend over half of their income on rent. Measure ULA would move us closer to the ideal of every Angeleno having a safe, stable, and affordable home.

If passed, ULA would create a progressive and robust funding stream to support programs that support affordability and stability for low-income residents. ULA is estimated to generate approximately \$875 million annually

### SUPPORT

and will be derived through a tax on real estate sales only of property valued at over \$5 million, exempting the vast majority of residential home sales and commercial property sales. The proposed tax is progressive, starting at 4% for properties whose value ranges from \$5 to \$10 million and escalating to a 5.5% tax for properties valued above \$10 million. These taxes are not likely to impact your typical Angeleno – ULA will generate revenue from transfers of celebrity mansions, large corporate office buildings, and shopping malls, rather than from people feeling the ill effects of the region's housing crisis.

The money will go towards a two-pronged effort to stem the region's housing crisis. 70% of funds will go towards long-term solutions to stabilize low-income households by building and preserving affordable housing that is deed-restricted and targeted at the lowest-income households, which is a key part of a sustainable, forward-looking strategy to

address the housing crisis. The remaining 30% of funds will help stem the inflow of vulnerable people into homelessness by providing at-risk tenants with immediate solutions to keep them in their homes by scaling up L.A. City's eviction defense programs, issuing cash assistance to people behind on their rent, and providing other supportive services. These programs would target communities at highest risk of homelessness, including seniors, people with disabilities, and BIPOC communities. Such programs are essential to addressing homelessness in Los Angeles, as, according to 2022 Homeless Count data, the homeless services system in Los Angeles has housed an average of 20,000 people per year in each of the last five years, but the inflow of people falling into homelessness continues to outpace the system.

Bend the Arc: Jewish Action has joined a racially, religiously, professionally, and geographically diverse coalition of over 140 nonprofit housing developers, community organizations, congregations, labor unions, service providers, and racial justice organizations endorsing [Measure ULA](#), because it utilizes policies proven to prevent homelessness and creates permanent housing solutions for those who are already unhoused.

## Measure A (Los Angeles County)

Bend the Arc: Jewish Action strongly supports Los Angeles County Measure A, which amends the Los Angeles County Charter to allow for the removal of the sheriff for serious violations of the public trust. Removal would require a four-fifths vote of the County Board of Supervisors.

Bend the Arc: Jewish Action's Southern California chapter joined a coalition of over 120 community, faith-based, labor, and civil rights organizations, including ACLU of Southern California, CLUE, Dignity and Power Now, Disability Rights California, LA Voice, and SEIU 2015 to urge the Los Angeles County Board of Supervisors to place this measure on the ballot. We believe this charter amendment is necessary due to the repeated disregard for the law demonstrated by current Sheriff Alex Villanueva, as well as the history of abuse of power, corruption, and violence within the Los Angeles County Sheriff's Department (LASD).

We have seen too many of our local politicians advocating for the criminalization and banishment of our unhoused neighbors rather than pursuing programs that would prevent homelessness or develop affordable, permanent housing. We need housing and services to end this crisis.

[As Rabbi Robin Podolsky articulates](#), Jews are commanded in Deuteronomy to provide a sufficient standard of living for those among the community that are lacking basic necessities; the Rabbis take it a step further in Talmud Bavli Ketuvot 67b and note that basic necessities include, among other things, 'a bed and a table.' In short, the Rabbis understood that housing is a basic human right and that our obligation as a community extends to the least among us, including the stranger.

This proposition protects at-risk tenants, creates more permanent and affordable housing, and places the financial responsibility of housing and services on the wealthiest property sellers. Measure ULA will effectively address one of the largest social crises of the past several decades.

**Bend the Arc: Jewish Action strongly urges a YES vote on Measure ULA.**

## SUPPORT

Los Angeles County has a [long history of sheriffs abusing their power](#), exemplified by former Sheriff Baca being [sent to federal prison after lying to FBI agents and obstructing a federal investigation](#). Villanueva has continued this pattern of corruption, and the evidence is overwhelming. Villanueva has [illegally rehired deputies previously fired for serious misconduct, terminated misconduct investigations in violation of department policy, defied lawful subpoenas and court orders, violated oversight and transparency laws, and created a secret police unit](#) to carry out politically motivated investigations to intimidate and harass oversight officials.

While Sheriff Villanueva dangerously flouts current systems of accountability, concerns about LASD are much bigger than one sheriff. Federal investigations and news reports have documented [LASD's extensive misconduct over five decades](#), including harassment,

beatings, and killings. Investigations uncovered over a dozen LASD deputy gangs, including the Compton “Executioners,” whose [tattoos depict a skull with a Nazi-style helmet](#), and the Lynwood “Vikings,” [a neo-Nazi, white supremacist gang](#). Sheriffs, including Villanueva, have [resisted meaningful actions](#) to stop deputy gang violence. Settlements related to deputy gang violence and harassment have cost county taxpayers at least \$55 million since 1990.

Opponents of the measure argue that the County should not create a precedent of allowing elected officials to remove other elected officials. This argument ignores the high bar that must be cleared for removal, which includes a vote of four out of five members of the Board of Supervisors, and it ignores the stipulation that removal can only occur for cause. The measure’s definition of cause includes violation of laws related to sheriff duties, repeated neglect of duties, misuse of public funds, willful falsification of documents, and obstruction of investigations. There is also established precedent for this type of measure – in 2005, [a California Court of Appeal declared the constitutionality of a](#)

## Measure W (Oakland City)

Bend the Arc: Jewish Action strongly supports Oakland Ballot Measure W (Fair Elections Act, aka “Democracy Dollars”), a measure that would increase transparency for money in politics, close the “revolving door” of top officials becoming lobbyists, amplify the voices of everyday Oaklanders, lower campaign contribution limits, and fight corruption.

Measure W would repeal and replace the Limited Public Financing Act, amend the Campaign Reform Act and Lobbyist Registration Act, and fund staff to implement the Fair Elections Act. Candidates, in theory, would be less reliant on donations from corporations and special interests, as each eligible resident would be given four \$25 vouchers to donate to qualifying political candidates of their choice. Putting vouchers into the hands of Oaklanders would make candidates accountable to their constituency rather than to these special interests.

[similar ordinance](#) passed in San Bernardino County.

In Mishneh Torah, The Sanhedrin and the Penalties within their Jurisdiction 25, Maimonides enumerates the qualifications of leadership, explaining that it is forbidden for leaders to “assert [themselves] in a lordly and haughty manner over [their] community. Instead, [they] should conduct [themselves] with humility and awe. Any leader who casts unnecessary fear upon the community not for the sake of heaven will be punished.” Jewish conceptions of quality leadership leave no room for oppression and abuse of power. Measure A will establish commonsense checks and balances to hold any sheriff accountable for corruption and flagrant disregard of the law.

**Bend the Arc: Jewish Action’s Southern California chapter is a proud member of the [Yes on A](#) coalition, because Measure A represents a critical opportunity to ensure real accountability. **Bend the Arc: Jewish Action strongly urges LA County voters to join us in declaring that no sheriff is above the law by voting YES on Measure A.****

## SUPPORT

[Oakland Fair Elections](#) is the broad and diverse coalition behind Measure W, including the ACLU of Northern California, California Common Cause, League of Women Voters Oakland, Oakland Rising, Bay Rising, Asian Americans Advancing Justice - Asian Law Caucus, MapLight, and more.

The Democracy Dollars program will be funded through Oakland’s General Fund and would not increase taxes. Oakland Fair Elections notes that the fund will represent roughly 0.3% of the General Fund, a tiny fraction of the city’s overall budget.

In 2020, the [Oakland Public Ethics Committee studied outcomes](#) of the city’s existing public financing program and also explored best practices for alternative campaign financing models, resulting in a recommendation to adopt a Democracy Dollars program. This measure seeks to address gaps in the existing financing model that lead to a lack of transparency. This measure would expand

transparency requirements, including mandatory Public Ethics Commission filings and reporting top campaign donors on advertisements.

Oakland currently has a public financing program for candidates, but supporters argue it is essentially toothless. It is under-funded and does not reduce fundraising pressure on candidates. Measure W would leverage the grassroots power of small donors, make local races more competitive, and create more transparency in the election system.

In our research, we uncovered little opposition to this ballot measure, though a similar program in San Antonio, Texas, raised First Amendment concerns and questions regarding effectiveness. However, in [Seattle, a similar Democracy Dollars program had the effect of increasing voter turnout among not only first-time voters, but also low-propensity voters.](#)

There are strong pro-democracy voices in the Jewish tradition, and the Talmud is full of support for amplifying and protecting the voice and the will of the people. In Deuteronomy, we glean that money and politics should not be mixed because “gifts blind the eyes of the discerning and upset the plea of the just.” Money in politics threatens the fundamental right of the community to have a say in selecting their leaders. Rabbi Yitzhak says that “a ruler is not to be appointed unless the community is first consulted” (Babylonian Talmud Berachot 55a). The Democracy Dollars program puts this decision-making power into the hands of the community.

Bend the Arc’s Bay Area chapter is proud to endorse this measure, because passage of [Measure W](#) would be a strike against money in politics and would return more power to the hands of citizens.

**Bend the Arc: Jewish Action strongly urges a YES vote on Oakland Ballot Measure W.**

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Learn more about Bend the Arc: Jewish Action and how you can get involved with local efforts across the country at [www.bendthearc.us](http://www.bendthearc.us).

More information about voting in California can be found online at <https://www.sos.ca.gov/elections/>.

Information about how to vote by mail can be found online at <https://www.sos.ca.gov/elections/voter-registration/vote-mail>.

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