



Capitol Update



Submitted by: GRETCHEN COX | CFRW LEGISLATIVE ANALYST

August 6, 2020

When It Comes to Ballot Measures, DON'T take the California Attorney General's Word For It!

https://ballotpedia.org/Laws_governing_the_initiative_process_in_California#Ballot_title_and_summary.

"A ballot title is the official, short, summary of a [ballot measure](#) that appears on the ballot. The goal of a good ballot title is to be a neutral summary that accurately conveys to voters the gist of what the proposed new law says or would do. The [National Conference of State Legislatures](#) says, "The ballot title and summary are arguably the most important part of an initiative in terms of voter education. Most voters never read more than the title and summary of the text of initiative proposals. Therefore, it is of critical importance that titles and summaries be concise, accurate and impartial."^[1] However, it is not always clear how one would neutrally describe the gist of what a new law would do. As a result, ballot titles are fertile grounds for conflict and lawsuits. (See [Ballot title litigation](#))".

The purpose of ballot initiatives and referendums is to give voters a way to correct the over-reach of legislator-passed laws or policies. Since a majority of voters never read beyond the title and summary of the initiatives, and sometimes not even the whole title, it is critical that they be written concisely, accurately, completely and neutrally.

Unfortunately, that's not the way our current Attorney General operates. Being fully aware that voters tend to be somewhat uninformed, Xavier Bacerra makes it a practice to engage in some creative writing, offering long, confusing and misleading titles and summaries on key issues to manipulate the vote whichever way his party and his major donors (labor unions) wants. This in spite of his fiduciary responsibility to be neutral.

Remember the deliberately confusing wording of Prop.6 in 2018, which would have rolled back gas taxes if it had passed? Or the confusion around Prop. 13 in the March 2020 Primaries? None of that confusion was accidental or unintended.

Bacerra has a history of ignoring the spirit of Ca. Election Code Section 9051, which states " in providing the ballot title and summary, the Attorney General shall give a true and impartial statement of the purpose of the measure in such language that the ballot title and summary shall

neither be an argument, nor be likely to increase prejudice, for or against the proposed measure”.

Take two of the hottest issues on the coming Nov. ballots, Props. 15 and 22 as examples:
Proposition 15 - INCREASES FUNDING FOR PUBLIC SCHOOLS, COMMUNITY COLLEGES, AND LOCAL GOVERNMENT SERVICES BY CHANGING TAX ASSESSMENT OF COMMERCIAL AND INDUSTRIAL PROPERTY. INITIATIVE CONSTITUTIONAL AMENDMENT.

It is also known as the “Schools and Community First” initiative. Well, who doesn’t want to help schools or their own community? Bacerra wants you to vote FOR this measure, so he front loads the “feel good” message and minimizes the truth.

This is, of course, a property tax increase on commercial and industrial real estate, and a partial undoing of our Prop. 13 protections, plain and simple. (Agricultural properties and commercial properties valued at less than \$3,000,000 would be exempt as well as residential properties and certain personal property).

As such, they want to “SPLIT” the property tax rolls. **But notice it never states the words “property” “tax” “increase”?** If you read the summary, it also suggests funding to schools and colleges first, and then local government. What they DON'T clarify is that the majority of the funding will go to local government FIRST to back-fill revenue lost from some of the changes this bill causes, and THEN a smaller percentage will go to schools. This school funding, by the way, is in addition to the 40% of the state budget they already get... so guess whose backing this measure and who AG Bacerra is beholden to? Yep, labor unions, especially CTA. Not to mention every major Democrat including Joe Biden, Kamala Harris, and others at the national level. **That list alone is reason enough NOT to support this measure.**

Proposition 22 - “CHANGES EMPLOYMENT CLASSIFICATION RULES FOR APP-BASED TRANSPORTATION AND DELIVERY DRIVERS”. This title is actually fairly accurate but the word is out (www.reason.com 072920; OC Register 072720) now that this has qualified for the ballot and the title will actually be: “Exempts app-based transportation and delivery companies from providing employee benefits to certain drivers and delivery workers”. **Do you see the difference?**

This is a case where Bacerra and Labor Unions want you to vote AGAINST the measure. So the second wording makes it sound like employee benefits will be taken away from this classification of workers. But these workers specifically chose “gig jobs” because they are more interested in flexibility and control of their own time, knowing there were no employee benefits offered to contract work. They won’t have anything taken away if this bill passes, and in fact will be allowed to continue working as free-lance contractors. In addition, they will actually get a few benefits they did not have before, such as minimum wage guarantees, healthcare subsidies based on time worked, vehicle insurance coverage, safety training and sexual harassment policies. The proponents of Prop. 22 have already filed a lawsuit for false and misleading wording against Bacerra for this ploy.

The Attorney General is supposed to be the top law enforcement official in the land. Unfortunately, AG Bacerra shows his lack of integrity every time an election rolls around. Perhaps it’s time to mount a concerted effort to change the way things are done here in Ca. How about we give the responsibility of writing ballot measures and their titles and summaries to the non-partisan Calif. Legislative Analyst office?

This would be hard to do with the Democrat super-majority in this state; one more reason we need to end it! Californians deserve better!!

Go to <https://www.sos.ca.gov/elections/ballot-measures/qualified-ballot-measures/> for more details on all propositions.