

**LEAGUE OF WOMEN VOTERS OF CALIFORNIA****EDUCATION FUND**

801 12th Street, Suite 220, Sacramento, CA 95814

Press Date September 15, 2004

PROPOSITION**1A****PROTECTION OF LOCAL GOVERNMENT REVENUES****Legislative Constitutional Amendment.****THE QUESTION**

Should the California Constitution be amended to reduce the Legislature's authority over major local government revenue sources, including property taxes, sales taxes and vehicle license fees (VLF), and to require that local programs and services mandated by the state be suspended if state funding is not provided?

THE SITUATION

California cities, counties, and special districts provide services and programs paid for with property tax, local sales tax, and the vehicle license fee (VLF). The Legislature, however, has authority over these taxes.

The State Constitution requires California to reimburse local governments, schools, and community college districts when the state "mandates" new programs or higher service levels. Nevertheless, for several years the state has not provided reimbursements for many mandated costs.

THE PROPOSAL

If Proposition 1A passes, the state could not:

- Reduce local sales tax rates or alter the method of allocation
- Shift property taxes from local governments to schools or community colleges
- Decrease VLF revenues without providing replacement funding
- Enforce unreimbursed mandates.

This measure was placed on the ballot by the Legislature as part of the 2004-05 budget package. For fiscal years 2004-06, property tax revenues due to cities, counties, special districts and redevelopment agencies will be lowered by \$2.6 billion. Those funds will be

shifted to schools and community colleges, lowering state costs for the next two years.

Starting in 2008-09, in an emergency, by a vote of two-thirds of both houses of the Legislature and the approval of the Governor, property tax could be shifted to schools, but it must be repaid, with interest, within three years. The state could also approve voluntary exchanges of sales and property tax revenues among local governments within a county. These transfers of taxes and funds would not need voter approval.

If both Propositions 1A and 65 are approved, the provisions of the measure receiving the most votes will go into effect.

FISCAL EFFECT

Local governments would have greater and more stable revenues, resulting in increased spending on local programs or decreased local fees or taxes. The measure's effect on state finances would be the opposite.

WHAT A YES OR NO VOTE MEANS

A **YES** vote means the California Constitution would be amended to restrict the State Legislature's authority over major local government revenue sources and to require that local programs and services mandated by the state be suspended if state funding is not provided.

A **NO** vote means the California Constitution would not be amended.

SUPPORTERS SAY

Proposition 1A

- Would end state raids on local revenue and provide stability and predictability for future funding of local services.

- Would provide the Legislature with flexibility to deal with future state fiscal crises.

OPPONENTS SAY

Proposition 1A

- Would lock into the Constitution a flawed system of funding local governments.
- Would give local politicians a spending guarantee with no fiscal accountability or oversight.

For More Information:

Supporters: Yes on 1A Californians to Protect Local Taxpayers and Public Safety, (800) 827-9086, www.yesonprop1A.com

Opponents: Carole Migden, Chair, State Board of Equalization, (415) 557-3000

WHAT IS NEW THIS ELECTION

Many counties will have new voting equipment. Check with your county registrar to find out if you will be voting a new way.

If you are voting for the first time, you may have to show identification.

If you vote with a "provisional ballot" because your name was not on the list at your polling place, you will be able to find out if your vote was counted.

Reprinted from *Easy Voter Guide*

**Election Day is Tuesday,
November 2, 2004
Polls are open from
7 a.m. to 8 p.m.**

**October 18 is the last day to
register to vote for the
November 2 election**

PROPOSITION**59****PUBLIC RECORDS, OPEN MEETINGS**

Legislative Constitutional Amendment

THE QUESTION

Should the California Constitution be amended to give people the right to access information concerning meetings and writings of state and local government bodies, officials, and agencies as long as the constitutional rights of privacy and due process are protected?

THE SITUATION

Currently, the California Constitution does not address the public's access to government information. Two California laws, the California Public Records Act and the Legislative Open Records Act, relate to access to government information. Three laws, the Brown Act, the Bagley-Keene Open Meeting Act, and the Grimsky-Burton Open Meeting Act, regulate access to public meetings. These laws, however, allow some information to be exempt from disclosure; for example, information relating to individuals' personnel or medical privacy.

THE PROPOSAL

Proposition 59 adds a provision to the State

Constitution requiring that meetings and writings of government entities and officials be open to the public. It requires that statutes and government decisions be broadly interpreted to further the people's right to access. Future government actions that limit the right to access would have to be justified. Some exemptions still apply, such as law enforcement records and meetings of the State Legislature.

FISCAL EFFECT

The measure incurs only minor expense.

WHAT A YES OR NO VOTE MEANS

A YES vote means Californians would have a constitutional right to access government information. A government entity would have to demonstrate to a greater extent why information requested by the public should be withheld.

A NO vote means the public's rights to obtain government information would not be addressed in the California Constitution.

SUPPORTERS SAY

- People need open, reasonable, and accountable government.
- Courts have put the burden on the public to justify disclosure rather than the reverse.
- Proposition 59 ensures that private information about individuals will remain private.

OPPONENTS SAY

- Proposition 59 exempts from disclosure records deemed private by the courts and records of the Legislature and its employees.
- Proposition 59 does not go far enough and its passage may prevent a stronger law from being enacted.
- The current level of government information available to the public is acceptable and does not require a constitutional amendment.

For more information:

Supporters: Coalition for Open Government, (916) 327-9178, www.yesonprop59.org

Opponents: Gary Wesley, Attorney at Law, (408) 882-5070

PROPOSITION**60****ELECTION RIGHTS OF POLITICAL PARTIES**

Legislative Constitutional Amendment

THE QUESTION

Should the California Constitution be amended to include the right of a political party participating in a primary election to also participate in the general election for that office?

THE SITUATION

California generally holds two statewide elections to elect a candidate to public office, a primary election (in March) and a general election (in November). Some public offices, such as Governor and members of the Legislature, are partisan, which means that a candidate represents a political party in an election. For partisan offices, the primary election determines each political party's nominee for the office. The candidate receiving the most votes among a party's candidates is that party's nominee for the general election. In the general election,

voters then choose among the nominees for each party as well as any independent candidates.

THE PROPOSAL

Proposition 60 places into the State Constitution a requirement that all parties participating in a primary election be able to advance their top vote-getting candidate to the general election. This requirement is met by the current election process as described above.

Proposition 62 on this ballot also contains provisions affecting which primary candidates advance to the general election ballot. The State Constitution provides that if the provisions of two approved propositions are in conflict, only the provisions of the measure with the higher number of yes votes will take effect.

FISCAL EFFECT

This measure would not require any changes to election procedures. As a result, the measure would have no fiscal effect on state and local governments.

WHAT A YES OR NO VOTE MEANS

A YES vote means any political party that participates in a primary election would have the constitutional right to have its nominee on the subsequent general election ballot.

A NO vote means that the California Constitution would not address the right of political parties to appear on a general election ballot.

SUPPORTERS SAY

- Proposition 60 protects voter choice by guaranteeing that every political party that nominates a candidate for partisan office in a primary election will then be able to compete in the subsequent general election.

Local Leagues in California

For more information about ballot measures, available speakers and candidate forums, contact your local League of Women Voters listed below.

Alameda
Arcadia MAL Unit
Bakersfield
Beach Cities
Benicia MAL Unit
Berkeley, Albany, Emeryville
Beverly Hills
Butte County
Capistrano Bay Area
Central Orange County Area
Central San Mateo County
Claremont
Cupertino, Sunnyvale
Davis
Diablo Valley
Downey
East San Diego County
Eastern Sierra
East San Gabriel Valley
Eden Area
El Dorado County
Escondido
Fremont, Newark, Union City
Fresno
Glendale, Burbank
Humboldt County
Indian Wells Valley MAL Unit
Livermore, Amador Valley
Long Beach Area
Los Altos, Mountain View Area
Los Angeles
Marin County
Marysville, Yuba City
Mendocino County
Merced County
Modesto
Monterey Peninsula
North Coast San Diego County
North Orange County
North San Mateo County
Northwest Riverside County
Oakland
Orange Coast
Palo Alto
Palos Verdes Peninsula
Pasadena Area
Piedmont
Plumas County MAL Unit
Redding Area
Sacramento
Salinas Valley
San Bernardino
San Diego
San Francisco
San Joaquin County
San Jose, Santa Clara
San Luis Obispo
Santa Barbara
Santa Cruz County
Santa Maria Valley
Santa Monica
Sonoma County
South San Mateo County
Southwest Riverside County
Southwest Santa Clara Valley
Torrance
Tulare County
Ventura County
West Contra Costa County
Western Nevada County
Whittier
Woodland

Contact information is available at
<http://lwv.org/lwvc/aboutlwvc/dir11.html>

- Proposition 60 gives voters a simple, straightforward alternative to Proposition 62, which is a radical plan to eliminate the current primary election system.

OPPONENTS SAY

- Proposition 60 does not spell out what type of primary election California will have, leaving the door open for special interest changes that will harm our electoral system.

- Proposition 60 is a “poison pill” measure designed to kill Proposition 62’s open primary initiative by rendering it unconstitutional.

For more information:

Supporters: Committee to Preserve Voter Choice, Yes on 60, www.yeson60.com.

Opponents: No contact information available

PROPOSITION

60A

SURPLUS PROPERTY

Legislative Constitutional Amendment

THE QUESTION

Should the proceeds from the sale of surplus state property be used to pay off the Economic Recovery Bonds approved in March 2004?

THE SITUATION

Currently, when the state sells surplus property, the proceeds are usually deposited in the state’s General Fund and are available for expenditure on any state program.

THE PROPOSAL

This measure requires that the proceeds from the sale of surplus state property be used to repay the Proposition 57 bond debt. Once these bonds are repaid, proceeds from surplus property sales would again be deposited in the state’s General Fund.

FISCAL EFFECT

Because the interest payments on the Proposition 57 bonds would be reduced over time if surplus state property is sold, the savings could be in the low tens of millions of dollars.

WHAT A YES OR NO VOTE MEANS

A **YES** vote means that the proceeds from the sale of state surplus property would be dedicated to repaying the Proposition 57 bond debt.

A **NO** vote means that the proceeds from the sale of state surplus property would continue to go into the General Fund.

SUPPORTERS SAY

- Proposition 60A reduces the cost of bonds approved in March 2004 as part of the governor’s plan to ease the state’s budget crisis.

OPPONENTS SAY

- Proposition 60A fails to require the state to sell its surplus property.

For more information:

Supporters: No contact information available

Opponents: No contact information available

CRITERIA FOR EVALUATING BALLOT PROPOSITIONS

- Who are the real sponsors and opponents of the measure? Investigate the names of groups with which you are not familiar.
 - Does the measure deal with one issue which can be easily decided by a “yes” or “no”? Or is it a complex issue which should be thoroughly examined in the legislative arena?
 - Is it written well? Are there conflicts in the measure that may require court resolution or interpretation? Is it “good government” or will it cause more problems than it will resolve?
 - If the measure amends the Constitution, consider whether it really belongs in the Constitution. Amending the Constitution is cumbersome and costly and requires a vote of the people. Would a statute accomplish the same purpose?
 - Does the measure create its own revenue source? Does it earmark, restrict, or obligate a specific percentage of General Fund revenues? Consider the effect on the overall flexibility of the budget.
 - Examine the measure by its merits. During the campaign, be wary of distortion tactics and commercials that rely on image, but tell nothing of substance about the measure.
- Courtesy of Margaret Craig, LWV Orange Coast

PROPOSITION**61****CHILDREN'S HOSPITAL PROJECTS GRANT PROGRAM****Bond Act. Initiative Statute****THE QUESTION**

Should the state borrow \$750 million through the sale of general obligation bonds to be repaid from the state's General Fund for construction, remodeling, furnishing and equipping children's hospitals?

THE SITUATION

Children's hospitals provide diagnostic, therapeutic, and rehabilitative services to injured, disabled, and sick infants and children. Many children receiving services in these hospitals are from low-income families and have significant health care needs.

THE PROPOSAL

Proposition 61 authorizes the state to sell \$750 million in general obligation bonds for capital improvement projects at children's hospitals. The measure specifically identifies the five University of California children's hospitals as eligible recipients, which are Mattel Children's Hospital at UCLA, University Children's Hospital at UC Irvine, UC Davis Children's Hospital, UC San Diego

Children's Hospital, and UC San Francisco Children's Hospital. Other children's hospitals in California would also be eligible.

FISCAL EFFECT

If the \$750 million in bonds were sold at an interest rate of 5.25 percent and repaid over 30 years, the cost to the state General Fund would be about \$1.5 billion to pay off both the principal (\$750 million) and the interest (\$756 million). The average total payment would be about \$50 million per year. Administrative costs would be limited to 1 percent of the bond funds or less.

WHAT A YES OR NO VOTE MEANS

A YES vote means the state could issue \$750 million in general obligation bonds for construction, remodeling, furnishing and equipping children's hospitals.

A NO vote means the state would not be able to issue new general obligation bonds for construction, remodeling, furnishing and equipping children's hospitals.

SUPPORTERS SAY

- Proposition 61 will help make room in California's crowded children's hospitals to treat children with leukemia, cancer, sickle cell, and heart disease who need access to critical care.
- Children's hospitals will be able to purchase the latest medical technologies and special equipment needed.
- Children's hospitals will be able to increase bed capacity to ensure that sick and injured children have access to a regional facility with specialized equipment.

OPPONENTS SAY

- California bond voters have already approved billions of dollars in bond sales and have mortgaged the future. Additional borrowing is not responsible at this time of deficits and high debt.

For more information:

Supporters: Charity Bracy, California Children's Hospital Association, (858) 974-1644, www.savethechildrenshospital.com

Opponents: Gary B. Wesley, Attorney at Law, (408) 882-5070

PROPOSITION**62****ELECTIONS, PRIMARIES****Initiative Constitutional Amendment and Statute****THE QUESTION**

Should the State Constitution be amended to require primary elections that allow all voters to vote for any state or federal candidate (other than for President or party committee) regardless of party affiliation, and to require that the two candidates receiving the most votes for an office advance to the general election ballot?

THE SITUATION

California generally holds two statewide elections to elect candidates to public office, a primary and a general election. Voters affiliated with a particular political party receive their party's ballot. The primary election determines each political party's nominee for the general election. In the general election, voters then choose among all the parties' nominees, as well as any independent candidates, to elect a candidate

to office.

In 1996, Proposition 198 created a "blanket" primary system which allowed all voters, regardless of party registration, to vote for any candidate in a primary election. This system was used for the 1998 and 2000 primaries, but, subsequently, the U.S. Supreme Court ruled the system unconstitutional and the state returned to using party-specific primary ballots.

THE PROPOSAL

For most state and federal offices, all voters, including those not registered with a political party, would be allowed to vote for any candidate. The measure does not apply to the election of the U.S. President or political party committees' candidates. Only the top two vote-getters, regardless of political party, would advance to the general election. If approved, the new system would begin with the March 2006 primary.

FISCAL EFFECT

Because costs and savings would offset each other, there would be no significant fiscal effect on state or local government.

WHAT A YES OR NO VOTE MEANS

A YES vote means that, beginning in the primary election of 2006, voters can vote for state or federal candidates (except President and party committee) regardless of party affiliation and that the top two vote-getters appear on the general election ballot.

A NO vote means the provisions of the present system remain in effect.

No portion of the Pros & Cons may be reprinted without the express written permission of the League of Women Voters of California Education Fund

SUPPORTERS SAY

Proposition 62 will:

- Open up California's election process
- Expand voter choices
- Increase voter participation
- Create more competition in elections

OPPONENTS SAY

Proposition 62 will:

- Restrict voters to only two choices in the general election

- Force minor parties off the ballot
- Suppress voter turnout
- Decrease competition and opportunities for minority candidates

For more information:

Supporters: Californians for an Open Primary, (818) 843-1487, www.openprimary.org

Opponents: Californians for Election Accountability, (916) 443-6703, www.noon62.com

Absentee Ballot

The last day that your county elections official can accept an application by mail for an absentee ballot is October 26, but you may apply in person at the office of the county elections official through Election Day. Absentee ballots must be in the hands of the county elections official by 8:00 p.m. on Election Day, November 2, 2004.

PROPOSITION

63

THE QUESTION

Should an additional tax of 1 percent be imposed on taxpayers' personal income over \$1 million to provide dedicated funding for the expansion of mental health services and programs?

THE SITUATION

Counties are the primary providers of mental health care for Californians who lack private coverage for such care, which may include psychiatric counseling, hospitalization and other services. Some counties also arrange other types of assistance such as housing, substance abuse treatment and employment services. Mental health services are currently paid for with a mix of federal, state and local funds.

THE PROPOSAL

Proposition 63 provides funds to the state and counties to expand and develop programs and services for the mentally ill, including prevention, early intervention and education. It also creates a commission to approve certain county mental health programs and expenditures and imposes a 1 percent tax on taxpayers' personal income above \$1 million to provide dedicated funding for expansion of mental health programs. It prohibits the state from decreasing current funding levels for

MENTAL HEALTH SERVICES EXPANSION, FUNDING. TAX ON PERSONAL INCOMES ABOVE \$1 MILLION

Initiative Statute

mental health services.

FISCAL EFFECT

The Legislative Analyst projects the following fiscal effects:

- Additional revenues (approximately \$800 million by FY 2006-2007 and probably more annually thereafter), with corresponding annual increases in mental health expenditures by the state and counties.
- Unknown state and local savings, as the increase in mental health services decreases the need for other government services. This, together with increased availability of matching federal funds, could amount to as much as the low hundreds of millions of dollars annually.

WHAT A YES OR NO VOTE MEANS

A **YES** vote means that a surcharge on state personal income taxes would be enacted for taxpayers with annual taxable incomes of more than \$1 million to finance an expansion of county mental health programs.

A **NO** vote means that funding for county mental health programs would continue to depend largely on actions by the Legislature and Governor.

SUPPORTERS SAY

- Proposition 63 expands mental health care for children and adults using programs proven to be effective while requiring strict financial accountability.
- Prisons are crowded with mentally ill people who might not be there if they had been treated. We should provide care before people end up on the streets or behind bars, freeing our police officers to focus on criminals.

OPPONENTS SAY

- Proposition 63 is built on a shaky funding scheme. It will drive away the very taxpayers whose support is needed.
- Proposition 63 mandates funding existing mental health programs at their current levels, regardless of proven effectiveness or efficiency.

For more information:

Supporters: Campaign for Mental Health, (916) 557-1166, www.Yeson63.org

Opponents: Citizens for a Healthy California, (916) 491-1725, www.matsonian.com/chc/

Vote! Vote! Vote!

LIMITS ON PRIVATE ENFORCEMENT OF UNFAIR BUSINESS COMPETITION LAWS

Initiative Statute

THE QUESTION

Should California's unfair business competition laws be amended to: restrict the right to individual or class action lawsuits to those who have been actually injured or suffered financial or property loss; require those suing on behalf of others to meet class action lawsuit requirements; and require civil penalty revenue to be used for consumer protection enforcement?

THE SITUATION

Currently, California's unfair competition law prohibits unlawful or fraudulent business acts. This law may be acted on by the Attorney General, local prosecutors, or people acting on their own behalf or that of the public. Those bringing the action do not need to have suffered injury or lost money or property. Those bringing lawsuits do not have to meet the requirements for class action lawsuits. Violators may be required to pay a civil penalty of up to \$2,500 per violation, and state and local government may use these revenues for general purposes.

THE PROPOSAL

Proposition 64 would restrict those who could bring a lawsuit to the Attorney General, local prosecutors, and people who were injured and lost money or property. This measure would require that, other than

the Attorney General or local prosecutors, persons bringing an unfair competition lawsuit on behalf of others meet class action lawsuit requirements. Any civil penalties received by state and local governments could be used only for the enforcement of consumer protection laws.

FISCAL EFFECT

The fiscal impact of this measure is unknown. If the number of cases of unfair business practices declines, then a savings may be realized. If the number of class action lawsuits is increased, the court workload and costs will increase.

Civil penalties now directed to the General Fund would be received by the Attorney General's office for enforcement of consumer protection laws. Civil penalties due to local governments would be directed to local public prosecutors for enforcement of consumer protection laws and would be diverted from local governments.

WHAT A YES OR NO VOTE MEANS

A YES vote means that the unfair business competition laws would be amended to limit those who could bring an action to: the Attorney General, public prosecutors or those showing actual injury. It would require those who bring a suit on behalf of others to qualify for a class action lawsuit. It would require

that civil penalties be used for enforcement of consumer protection.

A NO vote would leave the current laws unchanged.

SUPPORTERS SAY

- Proposition 64 will stop frivolous lawsuits that harm small businesses, while protecting the right of those actually harmed.
- The measure will put settlement money into enforcement of consumer protection laws, not private pockets.

OPPONENTS SAY

- Large businesses have financed the Proposition 64 campaign because it will limit the rights of private citizens to bring consumer protection lawsuits.
- Corporations that profit from intentionally polluting our air and water or invading our privacy should be subject to lawsuits regardless of personal injury or loss.

For more information:

Supporters: Californians to Stop Shakedown Lawsuits, (916) 677-5595, www.stopshakedownlawsuits.com

Opponents: Foundation for Taxpayers and Consumer Rights, www.electionwatchdog.org

- Revised formulas used to distribute property taxes among local governments.

Proposition 65 also would suspend any law enacted after November 1, 2003 that would have required voter approval under the terms of this measure. Suspended laws would take effect only if approved at the next statewide election.

In addition, if the state does not provide timely reimbursement for a mandate's costs, local agencies could choose not to comply with that mandate.

FISCAL EFFECT

Since Proposition 65 would reduce state authority over local finances, local revenues would be higher and more stable. The effect on state finances would be the opposite of its effect on local finances. This reduction would affect state spending and/or taxes. The total

LOCAL GOVERNMENT FUNDS AND REVENUES. STATE MANDATES

Initiative Constitutional Amendment

THE QUESTION

Should the California Constitution be amended to require a vote of the people before the Legislature can make changes affecting local government's revenues from property taxes, sales taxes and the vehicle license fee (VLF)?

THE SITUATION

California's more than 5000 local governments (cities, counties, special districts, and redevelopment agencies) fund programs and services with money from local taxes, fees, and user charges, state and federal aid and other sources. The State Constitution and existing statutes allow the Legislature to take over funds from three

major taxes: property tax, sales tax and the VLF. In addition, the state has not reimbursed local governments for mandated programs although it is required to do so by the state constitution.

THE PROPOSAL

This measure amends the state constitution to reduce the state's authority over local government, school, and community college programs. Voters would have to approve any:

- Shift in property taxes from local governments to schools and community colleges;
- Change in how sales taxes are distributed among cities and counties;
- Exchange of city sales taxes for increased property taxes;

fiscal effect could be in the billions of dollars annually.

WHAT A YES OR NO VOTE MEANS

A YES vote means that the California Constitution would be amended to require voter approval for any shift in the property tax, sales tax, or vehicle license fees away from local governments. Local governments could choose not to comply with unreimbursed state mandates.

A NO vote would leave the situation as it is.

SUPPORTERS SAY

- Proposition 65 would stop the state from balancing their budget on the backs of local governments.
- Proposition 65 would not raise taxes or increase funding for local governments.

OPPONENTS SAY

- Proposition 65 would rob the state of budgeting flexibility.

- Proposition 65 has been supplanted by Proposition 1A, which is supported by the governor, the Legislature and earlier proponents of Proposition 65.

For more information:

Supporters: No supporters listed on the ballot pamphlet

Opponents: Californians to Protect Local Taxpayers and Public Safety, (800) 827-9086. www.protectlocalservices.com

66

LIMITATIONS ON “THREE STRIKES” LAW. SEX CRIMES. PUNISHMENT Initiative Statute

THE QUESTION

Should California’s “Three Strikes” law be amended to require increased sentences for repeat offenders only when the new conviction is for a violent or serious felony, and should punishment be increased for specific sex crimes against children?

THE SITUATION

Existing law classifies some felonies, as “violent” or “serious.” The “Three Strikes and You’re Out” law mandates that if a person has two or more previous serious or violent felony convictions, the sentence for any additional felony conviction (not just serious or violent) is 25 years to life. Regarding sex offenses against children, current law requires a prison sentence of 3, 6, or 8 years.

THE PROPOSAL

Proposition 66 requires that a repeat offender be subject to a longer sentence only if the new crime is a violent and serious felony instead of any felony. Certain felony offenses currently designated as serious or violent would no longer be so classified. The state would be required to resentence offenders currently serving 25 years to life if their third strike resulted from a conviction for a nonviolent and nonserious offense.

A first conviction for specified child sex offenses would require a sentence of 6, 8, or 12 years. If the victim were under 10 years old, the district attorney could seek a 25 years to life sentence. A second conviction would mandate a sentence of 25 years to life. The state would be required to provide counseling for offenders while in prison and for one year following release.

FISCAL EFFECT

The state could ultimately save several hundreds of millions of dollars annually due to a reduced prison population. Local and state governments would incur increased annual costs of tens of millions of dollars for courts and county jails.

WHAT A YES OR NO VOTE MEANS

A YES vote means that an individual with two previous violent or serious felony convictions who is convicted for a third offense will be sentenced to 25 years to life only if the third conviction is for a violent or serious crime. A person convicted of specified sex crimes against children will receive a longer prison sentence for a first conviction or 25 years to life for a second.

A NO vote means that the Three Strikes Law will not be changed and prison sentences for persons convicted of specified sex crimes against children will not be increased.

SUPPORTERS SAY

- This measure would preserve the original intent of the Three Strikes law keeping violent, dangerous criminals in prison.
- Proposition 66 would make California’s Three Strikes law conform to those working well in 26 other states.
- Taxpayers would ultimately save as much as \$700 million a year in prison operating costs and more than \$1 billion for new prison construction.
- Proposition 66 would help protect our children by creating harsher penalties

for child molesters and removing repeat offenders from society for life.

OPPONENTS SAY

- Proposition 66 would allow the release of dangerous repeat offenders and weaken the definition of violent or serious crime.
- Judges already have the power to reduce sentences for nonviolent crimes if appropriate.
- Proposition 66 will cost the state millions to return thousands of state prison inmates to county jails for resentencing, and could cost billions to deal with added crime and violence after dangerous criminals are released.
- Proposition 66 could put some child molesters, now imprisoned for life, back on the street if their “third strike” conviction was not for a violent or serious felony.

For more information:

Supporters: Citizens Against Violent Crime, (714) 547-9842, www.amend3strikes.org

Opponents: Californians United for Public Safety, (916) 447-8186, www.keep3strikes.org

Qualifications for Voting

In order to vote in the November 2nd election, you must:

be a United States citizen;
be at least 18 years old;
be a resident of California;
not be in prison or on parole for a felony conviction;
not have been judged mentally incompetent by a court;
be registered to vote.

LOCAL GOVERNMENT FUNDS AND REVENUES. STATE MANDATES

Initiative Constitutional Amendment

THE QUESTION

Should the state increase telephone surcharges and allocate funds for emergency room physicians, emergency rooms, clinics, emergency personnel training/equipment, and the 911 telephone system?

THE SITUATION

Telephone customers in California pay a monthly surcharge of 0.72 percent with a cap of 0.75 percent on in-state calls to support the 911 emergency system. Revenues are deposited in the State Emergency Telephone Number 911 Account and appropriated by the Legislature for 911 operational costs. Increases in cellular phones have resulted in the 911 Account maintaining a reserve from \$15 to \$80 million a year. 2002-2003 revenues were \$139 million.

By law, persons seeking emergency medical care must receive it, regardless of ability to pay. The state compensates hospitals and physicians with about \$32 million a year, derived from the Tobacco Tax and Health Protection Act, which assessed a \$0.25 per pack tax on cigarettes. Due to the decline in tobacco users, funding is expected to decrease.

Each county may establish a Maddy Emergency Medical Service Fund with specified revenues from criminal fines and penalties. These funds go to physicians for uncompensated emergency and trauma care, hospitals, and other emergency medical services. Even with these funds, hospital and physician services are not fully compensated.

THE PROPOSAL

Proposition 67 would increase funding for reimbursement of uncompensated emergency medical care and other purposes by

imposing an additional 3 percent telephone surcharge on bills for in-state calls. The surcharge applies to each separate phone bill. Surcharges for residential customers would be limited to 50 cents per month. This limit does not apply to cellular or commercial telephone services.

Revenues would be deposited into a new 911 Emergency and Trauma Care Fund allowing specified state agencies to expend funds without appropriation by the Legislature. The measure requires counties to establish a Maddy Fund and to transfer a portion of those revenues to the state for reimbursement of county emergency physicians. The plan shifts financial administration from the county to the state.

FISCAL EFFECT

Proposition 67 would raise about \$500 million annually for reimbursement of emergency medical services and for other specified purposes. It would continue about \$32 million in funding from Proposition 99 and \$32 million from the county's Maddy Funds.

This measure would result in increased onetime and ongoing state administrative expenses of several million dollars and minor administrative expenses at the local level. The increased revenues would cover both types of expenses.

WHAT A YES OR NO VOTE MEANS

A YES vote means the state would impose an additional 3 percent emergency telephone surcharge on bills for phone calls within the state. Revenues would reimburse uncompensated emergency care and fund other specified programs.

A NO vote means the emergency telephone surcharge would continue to be limited to

0.75 percent on bills for calls made within the state.

SUPPORTERS SAY

- Experts predict that more emergency rooms and trauma centers will close if they are forced to continue to provide uncompensated care.
- Rapid response emergency treatment can make the difference between life and death.
- Proposition 67 will provide needed funds to equip and train firefighters and paramedics and upgrade our 911 system.

OPPONENTS SAY

- Proposition 67 is a \$540 million, or 400 percent, increase in phone taxes with no cap on small business or cell phone taxes.
- This increased tax could slow California's economic recovery.
- Ninety percent of the money will go to large health care corporations and special interests with less than 1 percent going to the 911 system.

For more information:

Supporters: Coalition to Preserve Emergency Care, (650) 306-0498, www.saveemergencycare.org

Opponents: No on 67 – Californians to stop the Phone Tax, (916) 930-0688, www.stopthephonetax.com

Election Information

If you are a registered voter, you will receive a notice of the election that includes the address of your polling place. The notice will also include a sample ballot, an application for an absentee ballot and information about the ballot measures.

When do you need to re-register to vote?

When you move
When you change your name
When you want to change your political party affiliation.

As part of its Voters Service program, the League of Women Voters of California Education Fund publishes the Pros & Cons of the State Ballot Measures, an explanation of the propositions on the state ballot and the main arguments of their proponents and opponents. The League does not judge the merits of the arguments nor guarantee their validity. Arguments come from many sources and are not limited to those found in the state ballot pamphlet.

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NON-TRIBAL COMMERCIAL GAMBLING EXPANSION. TRIBAL GAMING COMPACT AMENDMENTS. REVENUES, TAX EXEMPTIONS

Initiative Constitutional Amendment

THE QUESTION

Should the California Constitution be amended to permit up to 30,000 slot machines at 16 existing racetracks and card rooms not on Indian reservations unless all Indian tribes with existing tribal state gambling compacts agree to certain terms within 90 days?

THE SITUATION

Since 1999, 64 Indian tribes have signed compacts allowing them to operate gaming casinos on California Indian land. For this privilege, the tribes pay over \$100 million per year, supporting smaller tribes. Currently there are 53 casinos with over 54,000 slot machines. Slot machine casinos are not legal in California outside of Indian tribal lands.

In June 2004, the Governor signed compacts with five leading tribes promising to preserve their casino gambling monopoly and allowing unlimited slot machines. The five tribes are required to make annual payments to the state. The state can use these payments for any purpose. Other tribes are expected to sign compacts, with expected total payments in the hundreds of millions of dollars.

Both Propositions 68 and 70 affect the numbers of California slot machines. If the two approved provisions are in conflict, only the measure with more yes votes will take effect.

THE PROPOSAL

Proposition 68 sets up two scenarios.

1. The state government would, within 90 days of the proposition's passage, negotiate revised compacts with all tribes. The renegotiated compacts will require compliance with multiple state laws and payment to a state trust fund of 25 percent of slot machine revenues to support smaller tribes, public safety, firefighting and children's services.
2. If all tribes do not accept such revisions within 90 days, five existing non-tribal racetracks and eleven existing non-tribal card rooms may operate up to 30,000 slot machines, paying 30 percent of the slot machine revenues to the state fund, 2 percent to the city and 1 percent to the county in which they are located. Racetracks would pay an additional 20 percent to benefit the horse racing industry and increase purses.

FISCAL EFFECT

In the first scenario, potentially over \$1 billion a year would be provided to the trust fund, with the money going mainly to local governments for additional child protection and public safety services.

In the second scenario, payments by racetracks and card rooms to the trust fund could potentially be over \$1 billion. Cities and counties would receive additional unrestricted income. Also, any additional gambling-related activity would lead to an increase in state and local tax revenues.

WHAT A YES OR NO VOTE MEANS

A YES vote means that unless the state can renegotiate all existing Indian gaming compacts in 90 days, up to 30,000 slot machines can be established at 16 specific racetracks and card rooms.

A NO vote means that slot machines will continue to be confined to Indian casinos.

SUPPORTERS SAY

- California needs the billions of dollars that would be generated.
- Indian tribes in other states like New York and Connecticut pay their fair share of net revenues.
- If the Indian casinos won't pay their fair share, they deserve to lose the slot machine monopoly.

OPPONENTS SAY

- Proposition 68 would allow 5 casinos in urban areas in the San Francisco Bay Area, in Los Angeles, and in San Diego County.
- The revenues cannot be used to balance the state budget.
- This measure would end the compacts already made with the tribes.

For more information:

Supporters: A Fair Share for California, (916) 551-2538, www.fairshareforcalifornia.org

Opponents: Californians Against Deceptive Gambling Proposition, (800) 420-8202, www.stop68.com

DNA SAMPLES. COLLECTION. DATABASE. FUNDING

Initiative Statute

law requires collection of blood samples for DNA from felons convicted of sexual assault and other violent crimes such as murder and manslaughter.

Persons convicted of certain crimes in California may be ordered to pay fines, part of which support state programs and activities.

THE PROPOSAL

Proposition 69 would amend current law to

THE QUESTION

Should California change current law to expand mandatory collection of DNA retroactively to all convicted felons and some nonfelons and, in 2009, to individuals arrested on both nonviolent and violent felony charges?

THE SITUATION

Because of the effectiveness of DNA fingerprints in solving crimes, California

significantly expand the state's DNA database to include people convicted of nonviolent felonies and individuals arrested on any felony charge. On passage, the initiative would require:

- Immediate collection of DNA from
 1. adults and juveniles convicted of any felony offense who are in custody, on parole or probation;
 2. adults and juveniles convicted of any sex or arson offense, including misdemeanors;
 3. adults arrested for or charged with felony sex offenses, murder or voluntary manslaughter.

- Beginning in 2009, collection of DNA from adults arrested for any felony, violent or non-violent.
- Collection of DNA blood samples on request by the California Department of Justice.

It would also raise criminal financial penalties and make tampering with or misusing DNA evidence a crime.

FISCAL EFFECT

State costs would increase by nearly \$20 million annually by 2009-2010 due to costs of sampling and analyzing DNA. Local costs probably will be more than fully offset by the revenue from increased penalties.

WHAT A YES OR NO VOTE MEANS

A YES vote means that mandatory collection of DNA would be expanded retroactively to all convicted felons and some nonfelons

and in 2009 to individuals arrested on both nonviolent and violent felony charges.

A NO vote means that blood samples, from which DNA is obtained, would continue to be required only from persons who are convicted of serious felony offenses.

SUPPORTERS SAY

- California is behind other states when it comes to using DNA to solve and prevent crime.
- Taking a DNA sample at the same time as fingerprints is more efficient and helps police in their investigation.
- Proposition 69 protects privacy by prohibiting use of DNA for anything except identification.

OPPONENTS SAY

- Proposition 69 goes too far by including possibly innocent people in a criminal database.
- People wrongly accused no longer will have their DNA automatically expunged, and will face a complicated legal process without right of appeal.
- The minimal procedural safeguards do not protect people from misuse of their entire genetic blueprint.

For more information:

Supporters: Californians for the DNA Fingerprint, (916) 448-5802, www.DNAYES.org

Opponents: Protect My DNA, (415) 621-1192, www.protectmyDNA.com

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TRIBAL GAMING COMPACTS. EXCLUSIVE GAMING RIGHTS. CONTRIBUTIONS TO STATE

Initiative Constitutional Amendment and Statute

THE QUESTION

Should the California Constitution be amended to require the governor to offer to Indian tribes 99-year compacts for casinos with unlimited Nevada-style gaming, with a contribution to the state at normal business tax rates (currently 8.8 percent)?

THE SITUATION

Since 1999, 64 Indian tribes have signed compacts allowing them to operate gaming casinos on California Indian land. For this privilege, the tribes pay over \$100 million per year, supporting smaller tribes. Currently there are 53 casinos with over 54,000 slot machines. Slot machine casinos are not legal in California outside Indian tribal lands.

In June 2004, the Governor signed compacts with five leading tribes promising to preserve their casino gambling monopoly and allowing unlimited slot machines. The five tribes are required to make annual payments to the state. The state can use these payments for any purpose. Other tribes are expected to sign compacts, with expected total payments in the hundreds of millions of dollars.

Both Propositions 68 and 70 affect the numbers of California slot machines. If the two approved provisions are in conflict, only the measure with more yes votes will take effect.

THE PROPOSAL

If the tribes request, Proposition 70 requires

the governor to offer tribes renewable 99-year gaming compacts providing exclusive rights to Nevada-style gaming with no limit on numbers of slots or types of games. In return, the tribes would contribute a portion of net income based on the prevailing corporate tax rate, currently 8.8 percent, in addition to payments under 1999 compacts.

Environmental impact study requirements in the 1999 compacts would continue to be in effect, but tribes would not be required to negotiate with local governments.

FISCAL EFFECT

Because payments to the state would be based on income generated instead of number of machines, they would tend to be lower. Local governments would likely receive less money since tribes would not be required to negotiate with them.

WHAT A YES OR NO VOTE MEAN

A YES vote means tribes entering a new or amended tribal-state gambling compact would make payments to the state based on their gambling income. These compacts would last 99 years and place no limits on the types or number of casino games.

A NO vote means that tribes would continue to be subject to existing tribal-state gambling compacts.

SUPPORTERS SAY

- Profits of the casinos operated by the

Indian tribes offer California Indians a path out of poverty.

- Gaming would be operated as a normal business, subject to market forces, paying taxes equal to other California businesses, considering environmental problems, and consulting with public and local government agencies to solve matters of mutual concern.
- Casinos not on Indian land would continue to be banned.

OPPONENTS SAY

- Proposition 70 would invalidate the five recent compacts allowing additional slot machines in exchange for large payments to the state.
- Proposition 70 extends the Indian gaming monopoly for 99 years without forcing the tribes to pay their “fair share” in revenues to the state.
- Proposition 70 provides no funds to local law enforcement agencies to help fight crime in the communities surrounding Indian casinos.

For more information:

Supporters: Citizens for a Fair Share of Indian Gaming Revenues, (760) 778-7413, www.Indianfairshare.org.

Opponents: No on Proposition 68 and 70—Governor Schwarzenegger’s Committee for Fair Share Gaming Agreements, (916) 440-1505, www.noon68and70.org

THE QUESTION

Should California issue \$3 billion in general obligation bonds to fund stem cell research and research facilities in California; establish a new state institute to issue grants, loans, and regulate such research; and establish a constitutional right to conduct stem cell research?

THE SITUATION

A stem cell is an “unspecialized” cell that has the potential to develop into different types of specialized cells in the body. Researchers work with both embryonic and adult stem cells.

California law permits stem cell research and the University of California conducts such research. The federal government provides funding for stem cell research but limits funds for research on embryonic stem cells.

THE PROPOSAL

Proposition 71 would authorize the sale of \$3 billion in general obligation bonds to establish and finance the “California Institute for Regenerative Medicine” to issue grants and loans for stem cell research and research facilities, and to regulate such funded research. Consistent with current statute, this measure would establish a right to conduct stem cell research and would prohibit the Institute’s funding of human reproductive

cloning research. An Independent Citizen’s Oversight Committee would govern the Institute.

The measure would allocate bonds subject to an annual limit of \$350 million. Bonds would be repaid through the General Fund.

FISCAL EFFECT

After the initial five years when no General Fund payments on the bonds are permitted, a 30-year repayment schedule would result in a total cost of about \$6 billion, or an average of \$200 million per year in payments from the General Fund. Payment of administrative costs with bond funds is limited, and repayments of loans must be used to make new loans. Revenue potential for the General Fund and the UC is unknown. Significant research success could stimulate undeterminable general statewide economic activity.

WHAT A YES OR NO VOTE MEANS

A YES vote means that \$3 billion in general obligation bonds could be sold to fund stem cell research and research facilities in California and that, consistent with current statute, a constitutional right to conduct stem cell research would be established.

A NO vote means that \$3 billion in general obligation bonds could not be sold for these purposes; conducting stem cell research would not be a constitutional right.

SUPPORTERS SAY

- Stem cell research could lead to treatments and cures for many diseases and injuries, cutting California’s health care costs.
- Proposition 71 prohibits funding for human cloning, reinforcing existing state law.
- Proposition 71 will generate thousands of new jobs and millions of dollars in new state revenues.

OPPONENTS SAY

- California voters have already approved billions of dollars in bond debt this year. Additional borrowing now is not responsible.
- Big pharmaceutical companies and venture capitalists are using taxpayers to fund the very narrow field of stem cell research.
- Since Proposition 71 is a constitutional amendment, neither the governor nor the Legislature can control how this money is spent, even if stem cell research is not useful.

For more information:

Supporters: Californians for Stem Cell Research and Cures, (800) 931-CURE, www.curesforcalifornians.com

Opponents: Doctors, Patients and Taxpayers for Fiscal Responsibility, www.noon71.us

WHAT IS A BOND?

A bond is a form of borrowing often used by state and local governments, traditionally to pay for capital outlay projects that serve taxpayers over many years and would be too costly to pay for at one time. In effect, investors loan money to the government for a specific project and are repaid with interest over a specified number of years. In a new use of bond financing, California voters in March 2004 authorized \$15 billion in bonds to pay off the state’s accumulated budget deficit and other obligations.

HOW DOES REPAYMENT AFFECT THE STATE BUDGET AND MY TAXES?

The principal and interest payments on most general obligation bonds are made from the state’s General Fund, which comes primarily from state income taxes and sales taxes. The Legislative Analyst estimates that in 2004-05 traditional bond debt payments will be about \$3.5 billion; payments on deficit-related bonds will add \$1.3 billion for a total of \$4.8 billion debt.

Currently the state’s traditional bond debt is about 4.6 percent of the General Fund revenues. If the annual costs of the deficit-related bonds are included, the figure is about 6.2 percent.

HOW ARE BONDS REPAYED?

According to the Legislative Analyst, most general obligation bonds are paid off over a period of 20 to 30 years. Assuming an interest rate of 5.25 percent (the current rate for this type of bond), the cost of paying off bonds over 30 years is about \$2 for each dollar borrowed—\$1 for the dollar borrowed and \$1 for the interest. This cost, however, is spread over the entire period, so the cost after adjusting for inflation is considerably less—about \$1.25 in today’s dollars for each \$1 borrowed.

WHY ARE BONDS ON THE BALLOT? HOW DO THEY GET THERE?

In California, when the state wants to borrow money through a general obligation bond, this action must be approved by a majority of the voters. This ensures investors that the bonds are backed by the full faith and credit of the state.

They are put on the ballot by a two-thirds vote of both houses of the legislature with the signature of the Governor, or through a voter initiative.

HEALTH CARE COVERAGE REQUIREMENTS

Referendum

THE QUESTION

Should SB 2, the Health Insurance Act of 2003, become law?

THE SITUATION

In October 2003, the Governor signed SB 2. Proposition 72 will allow the provisions of SB 2 to go into effect.

THE PROPOSAL

These are the major provisions of SB 2:

- SB 2 will extend health care insurance coverage to many uninsured workers and families, including part-time and seasonal workers, under new employer requirements.
- Employers' requirements will depend on the number of their employees: with 200+ employees, coverage for employees and their dependents will start 1/01/06; with 50 to 199 employees, coverage for employees only will begin 1/01/07; with 20 to 49 employees, coverage for employees only if a tax credit is enacted.
- Coverage will be provided either by employers directly or by a state program funded by fees paid by employers ("pay or play").
- Employers' share of insurance premium costs must be at least 80% and workers' share no more than 20%. Lowest-wage workers' share can be no more than 5% of their income.

- Fees will be collected by the Employment Development Department, deposited into a new State Health Purchasing Fund, administered by the state Managed Risk Medical Insurance Board. The Board will establish a purchasing pool and negotiate contracts with health care insurers.

FISCAL EFFECT

Fiscal effects on individuals, businesses, and public agencies could be significant. They are complex, uncertain, and difficult to predict. Many costs will be offset by fees and tax revenues, but the amounts depend on responses of employers, employees, insurers, and the health care and insurance marketplace.

WHAT A YES OR NO VOTE MEANS

A YES vote means that SB 2 will go into effect.

A NO vote means that SB 2 is repealed.

SUPPORTERS SAY

- Too many people, including working people, are uninsured, and their numbers are growing as employers struggle to control costs. SB 2 will insure more than a million Californians.
- Uninsured workers and families are a costly burden on public agencies and a threat to public health.

- Rising costs are forcing businesses to reduce or eliminate health coverage for employees. SB 2 will give the state clout to bargain for cheaper insurance and health care costs.
- Opponents exaggerate SB 2's costs and other impacts on business and the state economy.

OPPONENTS SAY

- The cost of this bill is too high, at least \$5.7 billion for employers and \$1.5 billion for employees.
- SB 2 will severely impact businesses and their ability to compete. Workers compensation and pensions are already a heavy burden on them.
- With the state's finances in deep trouble, this is no time to take on a costly new program.
- Workers who are shifted to a government-run program could end up with lower coverage and fewer choices.

For more information:

Supporters: Yes on Prop 72, (916) 442-2308, www.yesonprop72.com

Opponents: Californians Against Government Run Healthcare, (916) 443-3354, www.stopthehealthtax.org

YES! I want to join the League of Women Voters

Name _____
Address _____
City _____

Membership in the League of Women Voters is open to all men and women of voting age who are U.S. Citizens. Others are welcome to join the League as associate members.

Yes, I'll join. Enclosed is my check for annual dues of \$50.00, payable to LWVC.

Please send me more information about the League and its publications.

Yes, I want to contribute. \$100 _____, \$50 _____, \$25 _____ other _____.

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