

California 2020 Proposition guide

Proposition 20: Crackdown on crime

The basics

What would Proposition 20 do?

Increase penalties for certain property crimes and repeated parole violations — and make it more difficult for some convicted felons to qualify for early parole and release from prison.

Specifically, Prop. 20 would:

Give prosecutors new flexibility to charge some property crimes of more than \$250, such as “serial shoplifting” and car theft, as felonies rather than misdemeanors. Increase penalties for former inmates who violate the terms of their supervised release three times, making it more likely that they will be sent back to jail or prison.

Require law enforcement to collect DNA samples from people convicted of certain misdemeanors — including shoplifting, forgery and illegal drug possession — to be stored in a state database.

Double the number of felonies that disqualify prison inmates from being able to apply for early parole consideration.

Why am I voting on this?

Attitudes about crime and criminal justice have whipsawed over the last 40 years in California. In the 1980s and 90s, voters and elected leaders repeatedly enacted measures to crank up penalties. The “Three Strikes” law of 1994 is the most notable example.

But as mass incarceration led to prison overcrowding, Californians began to have second thoughts. Six years ago, Californians passed Prop. 47, knocking many felonies down to misdemeanors. Two years later they passed Prop. 57, creating new opportunities for inmates to apply and qualify for early release from prison. The pendulum has swung.

Law enforcement unions, conservative prosecutors, crime-minded legislators and

some retailers concerned about shoplifting say it’s swung too far and they’ve put Prop. 20 on the ballot.

Supporters say

Californians made a mistake when they rolled an array of property crimes from felonies down to misdemeanors. It’s triggered a predictable increase in car thefts and shoplifting. Prop. 20 would correct that mistake.

Likewise, Californians went too far when they voted to create opportunities for “non-violent felons” to apply for early release from prison. California law only specifies 23 offenses as “violent felonies” — and child abuse, domestic violence, hate crimes and aggravated assault are not on that list. They should be.

Opponents say

California already tried the “lock ‘em up and throw away the key” strategy. It didn’t cut crime, it exploded the state’s prisons budget and it tore apart countless families. That’s why voters have consistently backed reforms that give all but the most serious offenders a chance to rehabilitate themselves. This year, with more focus than ever before on how the penal system disproportionately harms Black and Latino Americans, is no time to revert back to a tired, failed approach.

Who’s for it:

Democratic Assemblymember Jim Cooper
Republican Assemblymember Vince Fong
California Retailers Association
Sacramento County District Attorney Anne Marie Schubert

Who’s against it:

Gov. Gavin Newsom and the California Democratic Party
ACLU of California
California Teachers Association
Chief Probation Officers of California

which co-sponsored the 2018 campaign and whose president Michael Weinstein has increasingly waded into California’s housing battles, has brought it back.

So what’s new this time? While the measure has been tweaked a bit, the context has changed drastically. Though Prop 21 won’t help people from being evicted because they’re late on rent due to the pandemic, advocates hope that the financial shock triggered by the coronavirus pandemic will make people more eager to protect renters.

Supporters say

This would let cities pass limits on rent increases to protect California families who are one rent hike away from being driven out of their neighborhoods by corporate landlords. This will stop more homelessness and gentrification.

Opponents say

It would make it less profitable for builders to construct more housing, affordable or not, at a time when California has a massive housing shortage. It would also decrease revenue for city and state governments, already cash-strapped by the pandemic. Plus, Californians already made up their mind in 2018.

Who’s for it:

Michael Weinstein, president of the AIDS Healthcare Foundation
California Democratic Party
Eviction Defense Network
Vermont Sen. Bernie Sanders

Who’s against it:

California Apartment Association
Gov. Gavin Newsom
Essex Property Trust and Prometheus Real Estate Group
California Seniors Advocates League

Proposition 21: Rent control

The basics

What would Proposition 21 do?

Allow cities to pass rent control measures on almost all rental housing, as long as it’s more than 15 years old.

Renters got a break last year, when the state enacted a law capping annual rent increases at around 8%. But another, older state law doesn’t let cities enact their own, stricter rent control laws for single-family homes or rental housing first occupied in the past 25 years. Nor can cities prevent landlords from raising the rent on new tenants to market rates.

There are still a few exemptions built into Prop. 21. For example, cities still wouldn’t be able to cap rent increases by “mom-and-pop landlords,” who own no more than two small properties such as single-family homes or condos.

If the measure passes, cities and states may lose revenue in the “high tens of millions per year,” according to an analysis by the Legislative Analyst’s office, because landlords will pay lower property taxes.

Why am I voting on this?

Prior to 1995, cities and counties could enact their own rent control laws — and several did. Then, state lawmakers passed the Costa-Hawkins Rental Housing Act to curb that power.

As the cost of rent in California has skyrocketed, tenant advocacy groups have now twice tried to roll back the Costa-Hawkins Rental Housing Act as a way to let cities protect their affordable housing stock.

You might remember voting on a very similar measure in 2018 — it went down in flames as 59% of Californians voted against it. But the AIDS Healthcare Foundation,

Proposition 22: Gig worker benefits

The basics

What would Proposition 22 do?

Exempt gig companies like Uber and Lyft from a new state law requiring them to treat workers as employees.

Since January, state law has required former contract workers in many industries to be classified as employees and offered benefits such as overtime pay, health care, paid sick leave, unemployment insurance and workers’ compensation. If this measure passes, companies that employ drivers through apps — among them, Lyft, Uber, Doordash and Instacart — would instead keep workers classified as contractors and be able to offer narrower benefits, including pay at least 120% of minimum wage, health care subsidies and accident insurance.

Benefits under Prop. 22 would be tied to drivers’ “engaged time” completing passenger routes, excluding any wait time on apps between rides. The measure also includes consumer safety changes such as more driver background checks and zero tolerance for drug or alcohol violations.

Why am I voting on this?

Gig companies were a primary political target of the new law, but they’ve fought state and city attorneys over whether they should have to comply. A Superior Court Judge ruled in August that Uber and Lyft must immediately switch to treating drivers as employees. That prompted the app companies to threaten “hundreds of thousands” of job cuts and the suspension of operations in California until voters decide the fate of Prop. 22. A shutdown was averted by an appellate court ruling, but that could change before Election Day with more court dates on the horizon.

The stakes are high in this bitter dispute between business and labor. If this proposition passes, any amendments would require a 7/8 supermajority — a longshot in the Legislature.

Supporters say

This is a business necessity for gig companies to continue offering drivers work on flexible schedules — and consumers on-demand rides at low prices. It’s also just a backdoor way for labor groups to try to unionize app drivers. Uber has said that up to 76% of its 209,000 California drivers could be cut if the company is forced to comply with the state’s stricter law, and that rider prices would increase 25-111% across the state.

Opponents say

Gig companies undermine job stability and exploit drivers, so their warnings about job cuts are overstated and designed to get regulators to back off. The pandemic is a prime example of why gig workers need the stricter state law, which gives them protections like paid sick leave and unemployment insurance. That’s a surer bet than relying on government intervention such as the Pandemic Unemployment Assistance program made available to drivers through federal relief measures.

Who’s for it:

Uber, Lyft, Instacart and Doordash
California Chamber of Commerce
California Police Chiefs Association
California NAACP

Who’s against it:

The Democratic presidential ticket: Joe Biden and Kamala Harris
Service Employees International Union
California Teachers Association
Gig Workers Rising, a driver advocacy organization

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Proposition 23: Kidney dialysis clinic rules

The basics

What would Proposition 23 do?

Require kidney dialysis clinics to have at least one physician present during all operating hours, and to report infection data to the state. It also would require that operators get approval from the state’s health department before closing a clinic, and prohibit clinics from discriminating against patients based on insurance type.

Why am I voting on this?

The number of people with kidney failure who require dialysis treatment continues to grow; about 80,000 Californians depend on it. That also means a boom in the dialysis industry.

A powerful labor union, Service Employees International Union-United Healthcare Workers West, has targeted these companies.

Two years ago, the union introduced a ballot initiative that would have essentially limited clinics’ profits. After a very expensive battle, voters ultimately sided with the dialysis companies. The union said it would be back, so this is round two.

Supporters say

Kidney patients deserve better treatment than what they receive from

many dialysis clinics, and these high profit companies haven’t invested enough in patient safety. The removal of people’s blood during dialysis treatment puts enormous strain on people’s bodies and leaves them vulnerable to medical crises. So having a licensed physician on site at all times —not just sometimes — means that during emergencies, a physician can respond immediately.

Opponents say

The proposition is unnecessary, as clinics already report infection data to the federal government. They also already have the necessary medical staff to keep patients safe, including a medical director. But adding physicians around the clock would only increase costs for clinics, pushing them to reduce hours or possibly close. What this is, at heart, is a union ploy to pressure clinics and organize dialysis workers.

Who’s for it:

Service Employees International Union
United Health Care Workers
California Labor Federation
California Democratic Party

Who’s against it:

DaVita
Fresenius Medical Care
California Medical Association
California State Conference NAACP

Proposition 24: More data privacy

The basics

What would Proposition 24 do?

Change California’s data privacy law: By letting you tell businesses to limit the use of sensitive data, such as your exact location, health information, race and religion

By prohibiting businesses from holding onto your data for longer than necessary

By allowing the government to fine companies up to \$7,500 for violating children’s privacy rights

By creating a new state agency to enforce the privacy law, investigate violations and assess penalties

By reducing the number of businesses that have to comply, making it apply only to companies that buy or sell data of at least 100,000 households a year

Why am I voting on this?

San Francisco real estate developer Alastair Mactaggart began advocating for consumer privacy a few years ago, after a Google engineer he met at a dinner party told him Americans would be shocked by how much the company knows about us. Mactaggart successfully pushed the Legislature to pass a landmark data privacy law in 2018. Now he says it needs some changes, so he drove the effort to put Prop. 24 on the ballot.

Supporters say

The existing privacy law doesn’t have enough teeth. Updates in Prop. 24 would create a system to enforce the privacy law and triple fines on companies that violate kids’ privacy. They would give consumers more control over their most personal data, allow you to shield your precise location from tracking, and give you more abil-

ity to sue companies if your email and password are stolen or hacked. Passing this proposition will make it harder for lobbyists to change privacy laws in the Legislature.

Opponents say

California’s data privacy law is very new — it just went into effect this year — so we should see how it plays out before changing it. Some of the updates in Prop. 24 would hurt consumers — delaying a rule that allows workers to find out what information employers collect about them, making it easier for businesses to charge you more if you don’t let them sell your data, and allowing tech companies to grab your data when you leave California. This proposition is the pet project of one man, and lacks backing from a broad coalition of privacy advocates. In fact, some of them oppose it. (Tech companies are surprisingly quiet about this measure; the Internet Association and California Chamber of Commerce criticized it in a legislative hearing but have no formal position on it.)

Who’s for it:

Alastair Mactaggart and his wife, Celine (creators of a group called Californians for Consumer Privacy)

Common Sense Media (a group that promotes safe use of media and technology for children)

Consumer Watchdog
Alice Huffman, president of the California NAACP

Rep. Ro Khanna, Democrat of Fremont

Who’s against it:

American Civil Liberties Union
Public Citizen
Consumer Federation of California
Dolores Huerta, labor organizer
The Orange County Register Editorial Board

Proposition 25: Abolishing cash bail

The basics

What would Proposition 25 do?

Transform how people get out of jail while awaiting trial — making California the first state to replace cash bail with an algorithm.

Today, rich Californians can afford cash bail, while poorer people either pay bail bond companies or wait for trial in jail. This measure, if passed, would uphold a 2018 law that sought to eliminate cash bail and replace it with an algorithm to assess a person’s risk for not appearing at trial — the higher the risk, the less likely they are to be released.

Not affected: People accused of crimes outside the state court system.

Why am I voting on this?

In 2018, former Gov. Jerry Brown signed a law that would have replaced cash bail with a risk-based algorithm. Superior courts would have to create new pretrial assessment divisions—this is pretty much how federal courts already work. Opposition, led by the bail bonds industry, challenged the law almost immediately.

Prop 25 is the statewide showdown: Will voters choose to move away from cash bail? And is this the right alternative?

Supporters say

The cash bail system is inherently classist, racist and unfair. People with generational wealth can pay their way out of jail while awaiting trial. Poorer people in the exact same legal circumstances, with the same statistical likeli-

hood to appear — or not appear — for trial cannot afford to pay their way out. The bail bonds industry is designed to exploit this problem and these people.

And hey, maybe the accused will put money back into the economy instead of spending it on bail.

Opponents say

This one is a little tricky. There are two sides to the opposition and they are starkly different.

The bail industry: We shouldn’t switch something that’s working for an alternative that is no better, and potentially more costly. Not only that, but it could lead to more people going free before trial and then committing more crimes.

Civil rights advocates: Cash bail is fundamentally flawed. But while algorithms can pitch you a song or sell you a toaster, they shouldn’t be used for release decisions. The factors considered for release will still lead to people of color being held for trial at disproportionate rates. Prop. 25 is further from the existing problem, but no closer to the solution.

Who’s for it:

Service Employees International Union
California Democratic Party
California Medical Association
Gov. Gavin Newsom and Assembly Speaker Anthony Rendon

Who’s against it:

California State Conference of the NAACP
California Peace Officers’ Association
California Bail Agents Association
Human Rights Watch

Information provided by CalMatters. <https://calmatters.org/> CalMatters is a nonprofit, nonpartisan newsroom committed to explaining California policy and politics.