

November 2020 Voter Guide

California Propositions Summaries

Prop 14 SUPPORT

Issues \$5.5 billion in general obligation bonds to the state's stem cell research institute, the California Institute for Regenerative Medicine.

Prop 15 SUPPORT

Requires most commercial and industrial properties to be taxed based on their market value, generating revenue for school districts, community colleges, public schools, and local governments.

Prop 16 SUPPORT

Repeals Proposition 209, which prevents public entities from developing and utilizing affirmative action programs that grant preferences based on race, sex, color, ethnicity, and national origin in public employment, public education, and public contracting.

Prop 17 SUPPORT

Restores voting rights for people who are on parole for felony convictions.

Prop 18 SUPPORT

Allows 17-year-olds who will be 18 at the time of the next general election to vote in primary and special elections prior to the general.

Prop 19 SUPPORT

Raises local property tax revenues for wildfire agencies and county governments primarily through increased taxes on non-resident and high-value inherited residential properties. Creates new opportunities for property tax transfers and tax exemptions.

Prop 20 OPPOSE

Reverses provisions of recent criminal justice reforms; adds new low-level crimes to the list of felonies for which early parole is restricted; re categorizes certain types of theft and fraud crimes from misdemeanors to felonies; and requires DNA collection for certain misdemeanors.

Prop 21 SUPPORT

Allows local governments to enact rent control for housing that was first occupied over 15 years ago, with an exception for landlords who own no more than two homes with distinct titles or subdivided interests.

Prop 22 OPPOSE

Defines app-based rideshare and delivery drivers as independent contractors instead of employees who qualify for minimum wage and other employment protections.

Prop 23 SUPPORT

Requires dialysis clinics to have an on-site physician while patients are being treated, to report data on dialysis-related infections, and to obtain consent from the state for clinic closure. Prevents discrimination against patients based on the source of payment.

Prop 24 NO POSITION

Improves and institutes technical fixes to the provisions of the California Consumer Privacy Act (CCPA), which expanded consumer control over how personal data can be shared or used. Tightens some restrictions and increases fines for violators of privacy standards in some areas, while creating and funding a new state enforcement agency.

Prop 25 OPPOSE

Upholds Senate Bill 10, which replaces cash bail with risk assessment tools; funds probation departments to implement pretrial assessment programs; and increases judicial discretion to detain those accused of crimes before their trial.

Local Measure:

Los Angeles County

Measure J SUPPORT

Amends County Charter to require at least 10% of locally controlled tax revenue to be earmarked for community reinvestment and alternatives to incarceration.

INTRODUCTION

Volunteer leaders of Bend the Arc: Jewish Action California are proud to provide this guide to the propositions appearing on the state's November 2020 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 multi-racial democracy and an economy that works for all. 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, public education, 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 twelve propositions appearing on the November ballot as well as one key local Los Angeles County measure, conducting thorough analysis of their meaning and likely impact on all Californians. 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 usually limited to special interest groups with significant power and money. Moreover, propositions are not a 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 growing system of mass incarceration, 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 3rd 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.

This election will be one of the most significant of our lifetimes, and 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 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 create it together!

PROPOSITION STATEMENTS

Proposition 14

Bend the Arc: Jewish Action recommends a YES vote on Proposition 14, which authorizes a \$5.5 billion bond to fund the California Institute for Regenerative Medicine (CIRM), a stem cell research organization.

Proposition 14 renews funding for CIRM, which was created by a bond initiative in 2004 (Proposition 71), demonstrating that Californians believe in the value of stem cell research. After 15 years, that initial investment has been distributed, and CIRM needs additional resources to continue their work. Stem cell research has the potential to lead to groundbreaking medical treatments, which we need more than ever in the face of COVID-19. In addition, Proposition 14 addresses a number of concerns that critics have voiced about CIRM's governance, oversight, and conflicts of interest.

Supporting medical research such as that performed by CIRM aligns with the core Jewish tenet of preservation of life (pikuach nefesh). The vital healthcare research conducted by CIRM seeks to save lives and benefit society as a whole.

Proposition 15

Bend the Arc: Jewish Action strongly supports Proposition 15, which requires certain commercial and industrial real estate properties (but not residential or agricultural properties) to be taxed based on their market value, closing a tax loophole and thereby generating \$8 billion to \$12.5 billion per year in additional revenues to be used for school districts, community colleges, public schools, and local governments. Owners of commercial and industrial properties with a combined value

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[CIRM has also recently changed its policies to require project proposals to explain how their plans and study designs address racial, ethnic, sex, and gender diversity](#) – an important step towards remedying historical inequities in medical research.

Bend the Arc: Jewish Action supports this proposition even though the sum of money requested is high; we are persuaded that current interest rates make this a good time for voters to authorize a bond measure. Some bill opponents highlight that stem cell research is a less politically charged issue than it was in 2004, as the federal government provides significantly more funding for stem cell research now than it did 16 years ago. Regardless, this investment by Californians will support cutting-edge research on brain and nervous system diseases and conditions, and fund research programs and fellowships at public universities and community colleges aimed at increasing diversity among both researchers and beneficiaries of stem cell research. Overall, the potential benefits of funding this research outweigh the concerns.

Bend the Arc: Jewish Action recommends a YES vote on Proposition 14.

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of \$3 million or less will be exempt. Small businesses will be exempted from paying taxes on tangible personal property. Non-small businesses will be exempted from taxes on up to \$500,000 in tangible personal property.

In 1978, California voters passed Proposition 13, which limited real estate taxes to no more than one percent of the original purchase price, adjusted annually at the rate of

inflation or at two percent, whichever is lower. Proposition 13 was promoted as a benefit to residential homeowners. However, it also created a little-noticed loophole for commercial real estate; virtually every other state in the country uses fair market value to calculate commercial property taxes.

As California begins to recover from the COVID-19 pandemic, [Proposition 15 will help fund underserved schools, communities, towns, and cities](#). In addition, Proposition 15 will create more equity between older businesses, which have been protected under Proposition 13, and new businesses and startups, whose properties are assessed on the basis of more recent purchase prices. The funds from Proposition 15 will address the current disparities in school resources that disproportionately harm students in low-income communities and communities of color. All students deserve a quality education that includes arts and sciences, school nurses, and counselors. The measure is written so that every school district and community college will receive additional funding, while ensuring that these funds are allocated in a manner consistent with local control funding formulas intended to advance equity.

Proposition 16

Bend the Arc: Jewish Action strongly supports Proposition 16, which repeals Proposition 209, a proposition passed in 1996 that banned affirmative action on the basis of race or sex. Upon repealing that prior amendment to the state constitution, California public universities, state and local governments, and other public entities will (within limitations set by federal law) develop and use affirmative action programs based on race, sex, color, ethnicity, and national origin in public employment, education, and contracting.

[California is one of only eight states that do not allow race, sex, and gender to be taken into consideration](#) when evaluating a candidate for

Proposition 15 will not increase residential real estate taxes in any way. It expressly states that Proposition 13's "protections for homeowners and residential rental properties" will be preserved and that it "only affects the assessment of taxable commercial and industrial properties."

Jewish communities have survived for centuries through practicing mutual obligation. Where Jews were able to regulate themselves, Rabbinic law required everyone to contribute to the communal safety net to the extent that they were able. Our rabbis knew that enterprises succeeded not only through hard work but also by support from communities to which they are obligated to contribute in turn. We learn in the Torah that each person is created in the image of God. This means that we uphold human dignity by providing a safety net that includes quality education for each child.

This proposition will protect homeowners while mandating that corporations pay their fair share. It will help schools at a time when they need it most and will provide low-income communities and communities of color with the funds to give students the education they deserve.

Bend the Arc: Jewish Action strongly urges a YES vote on Proposition 15.

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employment, contracts, or university admission; as a result, our state misses countless opportunities to reverse patterns of systemic racism and sexism in public hiring, allotting state contracts, and admitting students into California's public colleges and universities. Nine months into a global pandemic, we see patterns of discrimination and inequity more clearly than ever. Drawing upon our particular Jewish experience as targets of exclusion, we support bold action to level California's playing field.

Legally, Proposition 16 simply restores California to the path it was on in 1996, prior to the passage and implementation of Proposition 209.

Proposition 16 is supported by a wide range of community-based and grassroots organizations committed to racial and economic justice. Like these organizations, we believe that gender- and race-conscious policy is the most honest way to address pay inequity and disparate access to resources and opportunities. Proposition 16 offers people of color, especially women of color, fairer chances at everything from contract bidding, to careers, and education.

Proposition 16 will not institute local quota systems in admissions or hiring. Previous rulings at the Supreme Court have disallowed racial quotas as unconstitutional. Rather, Proposition 16 loudly affirms that Proposition 209 no longer serves our state and targets the inequities that persist in California.

Today's disparities in hiring and education are products of centuries of racial, ethnic, and gender-based discrimination.

Proposition 17

Bend the Arc: Jewish Action strongly supports Proposition 17, which will amend the California Constitution to allow people who are on parole for felony convictions to vote. Felony disenfranchisement laws vary by state. California prohibits individuals in state prison, federal prison, or on parole for the conviction of a felony from voting until their imprisonment and parole are complete. Currently, nearly 50,000 Californians on parole are barred from voting in local, state, or federal elections.

Following the Civil War, California refused to ratify the 15th Amendment, which prohibited voting restrictions based on race. Instead, disenfranchisement for people with felony convictions was enshrined in the state constitution and used as a tool to suppress the political power of marginalized communities. In 1974, California voters gave people who were formerly incarcerated the right to vote, but only after their parole was completed. [Presently, the criminal justice system and voter suppression continue to disproportionately impact Black, Indigenous, and people of color \(BIPOC\).](#)

In supporting Proposition 16, we draw upon the same Jewish textual and traditional sources that motivate us to work towards a multi-racial democracy. Affirmative action is a morally courageous way to move towards justice and equity for all. Proposition 16 offers expanded opportunity as the antidote to systemic racism in the workforce and in education, and mirrors the value Jews place on healing a broken world (tikkun olam).

The present moment demands strong and effective responses to the bigoted policies put forth by our presidential administration and elsewhere. Proposition 16 heeds that call by allowing women, Black, Indigenous, and people of color (BIPOC), and BIPOC- and women-led entities to compete on equal footing with historically overrepresented groups.

Bend the Arc: Jewish Action strongly urges a YES vote on Proposition 16.

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The continued denial of people on parole's participation in the voting system is antithetical to upholding a strong democracy that is fair and inclusive of all members of society.

If passed, Proposition 17 will amend the state constitution and restore voting rights for people who are on parole, making California the 18th state to do so. However, this proposition does not represent full enfranchisement. People who are currently incarcerated will still be excluded from voting. Additionally, many eligible voters on probation (which is often confused with parole) refrain from voting, believing incorrectly that they are ineligible to vote resulting in "de facto disenfranchisement."

Jewish teachings support democratic processes such as voting. The fifteenth-century Jewish philosopher and Bible commentator Don Isaac Abravanel was a harsh critic of monarchy and argued that the more limited a ruler's power, the better. He believed that the Torah placed value on the electoral process (Deuteronomy 1:13).

The sixth-century collection Mekhilta de-Rabbi Ishmael (BaHodesh 9) proposes that revelation — when G-d gave the Jews the Torah on Mount Sinai — was not a monolithic experience, but a plural and nuanced one: each person heard the revelation in a unique way and interpreted it in a unique way. Without any of these interpretations, the Torah would be deficient. Each person's irreplaceable voice adds to the knowledge of the polity.

Proposition 18

Bend the Arc: Jewish Action supports Proposition 18, which allows those who are 17 years of age during a primary election and who will turn 18 prior to a general election to vote in the primary election. In addition, 17-year-olds will be allowed to vote in any special election at the time of the primary if they will be 18 by the time of the general election. Under current law, new voters who will be 18 years old by the time of the general election, but not by the time of the primary election have no say in who will be on the ballot.

There are several reasons why Proposition 18 makes sense. Historically, the United States has low voter turnout. Only 61% of those eligible voted in the 2016 election. Even more striking, only 46% of 18- to 29-year-olds voted in the 2016 election. This proposition represents an opportunity not only to get young voters out in greater numbers in the short term, but also to help them build strong voting habits earlier in life. 17-year-olds are old enough to drive, join the military, and pay taxes. Why should they not be able to choose who represents them and make decisions about transportation policy, military activity, and government budgets? These young people are already impacted by education and housing funding, by employment laws, and by climate change, and they should have the opportunity to decide who will be on the ballot when voting in a general election. This is a common-sense rule, and, as of June 2020, [18 states and Washington, D.C. have already passed similar laws or propositions.](#)

These Jewish values indicate that suppressing the right of people who are on parole to vote violates their right to participate in democratic processes. Furthermore, it excludes thousands of unique voices from the process of electing leaders who can help implement policies that create healthier and more equitable communities for all.

Bend the Arc: Jewish Action strongly urges a YES vote on Proposition 17.

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We are seeing escalated efforts of intentional voter suppression across the United States. These efforts disproportionately impact Black, Indigenous, and people of color (BIPOC), who have long been shut out of our electoral politics. The argument against Proposition 18 is put forth by those who want to restrict the vote and who rely on low voter turnout, especially amongst young people, as a strategy for political gain. Proposition 18 aligns with efforts to reverse these trends and make voting more inclusive and expansive.

Democracy is a Jewish value. Prominent rabbis in our religious traditions were strong proponents of democratic governance. Many American Jews can trace our ancestry to countries where laws explicitly excluded us and denied us equal rights of citizenship. Culturally, Jews have wholeheartedly embraced voting with a sense of duty and obligation. Given this history, Jews have long fought to expand voter rights—participating in the 1964 Mississippi Freedom Summer and standing with people of color to ensure their right to vote. This is a new opportunity to continue our community's work to expand voting rights.

Democracy succeeds when all people are given opportunities to engage fully in elections. Proposition 18 supports this by ensuring that young people have a say in which candidates will be on their general election ballots.

Bend the Arc: Jewish Action urges a YES vote on Proposition 18.

Proposition 19

Bend the Arc: Jewish Action endorses Proposition 19, which raises local property tax revenues primarily through increased taxes on non-resident and high-value inherited residential properties. Current state law allows certain homeowners (those over 55 years of age, those with disabilities, and those whose property has been affected by natural disasters) to move once between a limited number of counties while maintaining tax rates that are kept low due to Proposition 13 (1978). Current law also allows parents to transfer properties to children without increasing the taxable value. This ballot measure allows those same categories of homeowners to move up to three times anywhere in the state, removes the low-tax transfer to descendants if the children do not live on the property, and increases the tax bill for high-value inherited homes. These higher local property taxes could reduce state-level subsidies of schools, and most of the state-level cost savings from this measure will be set aside to support fire districts.

This ballot measure is related to Proposition 15 (2020), because they both modify Proposition 13 (1978), which limited local real estate taxes and therefore local government tax revenue. Proposition 13 has been modified several times, including to allow for inherited property to maintain a lower tax value and for the limited number of moves for certain homeowners mentioned above. Proposition 19 expands the ability of some people to move without losing their lower taxes, while raising taxes on very expensive homes.

[In some counties, as many as two-thirds of homes inherited under the current system are second residences or rental properties,](#)

Proposition 20

Bend the Arc: Jewish Action strongly opposes Proposition 20, which would reverse the criminal justice reforms achieved by AB 109, Proposition 47, and Proposition 57 by increasing the

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[and inherited homes are often clustered in neighborhoods with high property values.](#) The net effect of this measure will be an increase in local government revenue in the tens of millions to hundreds of millions of dollars by increasing taxes on properties such as those. This proposition will also set aside funding for fire districts in a year that has had one of the largest fire seasons in recent history.

This ballot measure does not change basic inheritance law, and the current system primarily benefits the wealthy. While Proposition 15 does result in more complex tax law, the net effect is a more progressive property tax system.

Jewish law mandates various taxes in the form of tithes (ma'aser) based on agricultural output. These tithes were not set based on an ancestor's harvest, but on the output in any given year. Similarly, taxes paid on inherited land, and especially on high-value properties, should be levied based on the present value. Ideally, this measure would close the loophole for inherited properties without expanding tax benefits for older homeowners, who tend to be wealthier.

This proposition is more of a mixed bag than Proposition 15. It will have a more limited effect on revenue for public services, and it has some elements that benefit current homeowners. Ultimately, the net effect results in higher taxes on those with more inherited wealth, which will lead to redistribution of resources to the rest of the state.

Bend the Arc: Jewish Action recommends a YES vote on Proposition 19.

OPPOSE

penalties for a number of low-level theft and fraud crimes and by making it harder to attain parole eligibility. If passed, the proposition would result in hundreds of millions of dollars in

increased spending on law enforcement and incarceration, would increase overcrowding in our jails and prisons, and would saddle many more Californians, particularly Black, Indigenous, and people of color (BIPOC), with incarceration and felony records.

In 2014 and 2016, Bend the Arc: Jewish Action campaigned for and supported the passage of Propositions 47 and 57, which contributed to some of the lowest incarceration rates in California's history during a time when crime levels have been at a historic low. This year, we joined the [No on Prop 20](#) Coalition and are [actively engaged](#) in protecting these critical criminal justice reforms.

Proposition 20 rolls back Proposition 47 by reclassifying certain misdemeanors as “wobblers” (meaning that a prosecutor could choose to charge a defendant with either a misdemeanor or a felony) and lowers the threshold of the value of an item stolen on a felony theft violation from \$950 to \$250, one of the strictest thresholds in the country; mandates DNA testing on anyone convicted of certain misdemeanors; rolls back Prop 57 by reinstating harsher guidelines for parole considerations; undermines AB 109 by defining 51 crimes as violent and denies parole opportunities for these crimes; and re-incarcerates people for their third violation of probation, even for technical violations such as failing to report to a meeting.

[Over the past decade, crime in California has declined steadily and now stands at record low levels.](#) At the same time, incarceration levels have also dropped. AB 109 and Propositions 47 and 57 brought California into compliance with a 2011 U.S. Supreme Court decision that mandated the state's prison population not exceed 137.5% of maximum design capacity; the population was hovering at 134.3% before the COVID-19 outbreak in February. If Proposition 20 passes, it could again exacerbate the overcrowding in California prisons and jails, further jeopardizing public health and safety conditions and worsening our society's racial inequities.

The imprisonment rate of Black men is ten times higher than that of white men; the rate for Black women is five times higher than that of white women. In addition, the proposition would reduce the effectiveness of the rehabilitative programs designed to support those who are incarcerated in our jails and prisons.

If the proposition were to pass, the increases in court costs, probation terms, and the rate of incarceration would cost Californians an additional \$157 to \$457 million per year. California is already confronting unprecedented economic challenges due to COVID-19. This proposition would further divert resources away from community-based programs and social services that effectively address the root causes of crime to build safer, healthier communities.

A central concept in Jewish teaching is repentance (t'shuvah). T'shuvah is the theme of the High Holidays and means “returning” to the moral and ethical path. T'shuvah recognizes that as human beings, we make mistakes, but that we should be allowed the opportunity to grow from those mistakes. For many, Proposition 20 would take that opportunity away. As the prophet Zechariah said: “Administer true justice; show mercy and compassion to one another” (Zech. 7:10). True justice does not come from the heedless punishment enacted by legislation like Proposition 20. AB 109 and Propositions 47 and 57 have given California the opportunity to perform T'shuvah of its own by beginning to address the devastation white supremacy and mass incarceration have wrought on communities of color. Proposition 20 would be a massive stumbling block along that long-overdue redemptive path.

A NO vote on Proposition 20 will prevent increased costs to taxpayers and the diversion of funds from community-based programs and social services, while protecting recent justice reforms.

Bend the Arc: Jewish Action strongly urges a NO vote on Proposition 20.

Bend the Arc: Jewish Action strongly urges Californians to vote YES on Proposition 21. If passed, this proposition will give local cities and counties more flexibility to adopt rent control measures to protect vulnerable households from rent hikes. Currently, the Costa Hawkins Act, adopted by the State legislature in 1995, prohibits cities and counties from regulating rent increases on several types of rental properties, including single family homes and apartments built after 1995 (or in some cases even earlier).

California now faces a housing crisis of disastrous proportions. Over 150,000 Californians are sleeping on the streets on any given night. Millions of precariously housed renters, the vast majority of whom live at or below the poverty line, spend more than half of their monthly income on rent, putting them at risk of homelessness should they face a health crisis, job loss, or arbitrary eviction. Now, a COVID-induced recession is putting millions out of work, with losses shouldered most heavily by those with the lowest wages. Our housing crisis is deeply entwined with structural racism: [although Black people make up only 6% of California's overall population, they comprise 29% of the homeless population.](#) This is a racial justice issue.

The best path forward lies in building and preserving millions of affordable housing units for people with low incomes and providing rental assistance over the years to come. This will take zoning reforms, major state and local investment, and political will. But suffering renters need stabilization now. Passing Proposition 21 will give cities the tools to immediately regulate steep rent increases in more of their rental housing stock. It will bring needed relief while allowing cities to customize rent stabilization measures based on their existing housing inventory. We must allow cities to do what works best for their specific context. For example, cities whose rental housing stock

largely consists of single-family homes should not be barred from applying rent control to those homes because of an outdated law excluding them from regulation.

Additionally, Proposition 21 could reduce the incentive for landlords to evict people from rent-controlled units by allowing cities to employ a limited form of vacancy control, or restricting how much a landlord can raise the rent when a tenant leaves a rent-controlled property. Vacancy control is currently barred under Costa Hawkins.

There has been concern about the impacts of rent control on new housing construction. However, [academic literature](#) examining the impacts of rent control on construction finds few conclusive impacts on new construction. Land use and zoning laws, local citizens or groups fighting new housing projects, and macroeconomic factors play a far larger role. Moreover, Proposition 21 will still exempt any newly-built housing from local rent control laws for the first fifteen years, allowing developers to recoup their costs.

Jewish tradition compels us to support Proposition 21. In Bava Metzia, the Rabbis declare that price gouging on goods is not only immoral, but is also oppressive. Housing should be no different, especially given how critical a resource it is to vulnerable people. Ketubot 67b tells us that housing must be made available to all community members. Thus, voting for Proposition 21 is in line with our Jewish values.

This is a common-sense proposition with large coalition support. Given the magnitude of California's housing crisis and the need for cities to have all the tools at their disposal to keep tenants in their homes, we encourage support for this proposition.

Bend the Arc: Jewish Action strongly urges a YES vote on Proposition 21.

Bend the Arc: Jewish Action opposes Proposition 22. Gig workers, including Uber and Lyft drivers, have fought for years to gain essential protections. In September 2019, the state legislature passed AB 5, defining drivers for app-based services like Uber and Lyft as employees instead of as independent contractors. This allowed drivers to receive essential worker protections reserved for employees, like a guaranteed minimum wage, paid family and sick leave, and overtime pay. Since there are myriad jobs that fall under the definition of “gig workers,” amendments made in April of 2020 created additional flexibility for a number of non-traditional jobs including musicians, youth sports coaches, and freelance writers. If passed, Proposition 22 would repeal AB 5, redefining drivers for app-based services as independent contractors, rolling back all the new protections AB 5 guarantees to these workers.

Under Proposition 22, thousands of workers would lose the protections secured to them by state law—including paid sick leave, paid family leave, and guaranteed overtime pay. [Proposition 22 would give app-based transportation and delivery companies an unfair exemption from state law, thus serving the interests of corporations at the expense of workers.](#) AB 5 was passed in 2019 to formalize the Dynamex court decision that categorized app-based workers as employees rather than independent contractors. Uber, Lyft, and other companies lost in court and in the legislature, but are now spending huge amounts of money on Proposition 22 to try to prevent this new law from applying to their workers.

Proponents of Proposition 22 include Uber, Lyft, Doordash, and Postmates—companies that stand to earn more profit if they are not required to pay their workers fair wages. They tout the measure as a public safety mechanism, because it would require background checks for their drivers. However, the overall impact of the measure would be to harm workers by rolling back their rights. Proposition 22 would also have a disproportionately negative impact on workers of color: gig workers are largely

Black, Latinx, and immigrants. Moreover, Prop 22 would likely disparately exclude and punish drivers with conviction records, who are more likely to be people of color.

Some proponents of Proposition 22 highlight that the gig economy has created a low barrier to entry for Black, Indigenous, and people of color (BIPOC) workers, who may face racial discrimination when applying for jobs in the traditional workforce. But in order to fully build a multi-racial democracy and an economy where all can live with dignity and thrive, we must recognize that we can both condemn hiring discrimination based on race and ethnicity, and demand that all workers have access to equitable pay, working conditions, and protections. The answer to hiring discrimination is not to lower the bar on worker protections and engage in a “race to the bottom.”

True racial and economic justice requires that opportunities for BIPOC workers provide just compensation for their labor; otherwise, we risk that workers of color become even more concentrated in low-pay, low-protection work, perpetuating the racial wealth gap. Proposition 22 would not only end essential workplace protections for a vulnerable and exploited class of workers, its provisions would also make it nearly impossible for these workers to unionize or organize in the future. A win for Prop 22 could incentivize more industries to move towards a gig worker framework, rolling back workers’ rights for everyone.

Our Jewish values emphasize the importance of treating workers justly, paying them fairly, and treating them with dignity. Preserving a workers’ rights victory such as AB 5—a bill that app drivers spent years organizing and fighting for—aligns with our Jewish values of treating workers with respect and standing with the most vulnerable among us. In voting no, we stand with laborers in California to reaffirm their rights and support a more just and equitable economy.

Bend the Arc: Jewish Action strongly urges a NO vote on Proposition 22.

Bend the Arc: Jewish Action supports Proposition 23, also known as the Dialysis Clinic Requirements Initiative. Approximately 70,000 individuals receive dialysis across the state each year, and 75% of the clinics in the state are run by two major corporations. However, the dialysis service industry has been criticized for falling short in ensuring patient safety and limiting the risk of infection.

Proposition 23 will help these 70,000 Californians by requiring dialysis clinics to adhere to a set of regulations around patient safety and access to treatment. These regulations include having a physician, nurse practitioner, or physician assistant onsite to oversee patient safety; reporting dialysis-related infections to the state; obtaining state approval before closing clinics; and non-discrimination based on source of payment. The proposition would likely [cost the state somewhere in the low tens of millions of dollars per year.](#)

Under Proposition 23, clinic owners will be held accountable for patient safety. The proposition will require data on dialysis-related clinic infections to be reported to the state and sent to the National Healthcare Safety Network. This new reporting process will give patients and healthcare providers access to a more accurate representation of infection rates and will enable them to better shape infection control policies moving forward. This data-based approach will help lower the risk of infection for dialysis patients.

Patients will also benefit from Proposition 23 when it comes to payment sources. We understand opponents' concerns about the cost of the proposition; however, our Jewish tradition emphasizes the irreplaceability of each person. This leads us to support reforms that ensure individuals can receive lifesaving care. This includes ensuring that clinics do not refuse dialysis to a patient based on the patient's type or lack of health insurance. By preventing denial of service based on payment source, the dialysis clinic industry will help more patients

receive treatment without cost as a barrier. Non-discrimination based on payment source is a step forward for fair and equitable access to the medical system, an imperative when we seek justice in our Jewish tradition.

We believe that the regulatory framework this proposition enacts will have positive consequences for workers within the industry as well. Working conditions and health of clinic nurses will be positively impacted by the heightened requirements for staffing and the improved accountability around safety. It is a step in the right direction for those nurses whose clinics operate within communities of color, where community members are much more likely to be among the 15% of American adults affected by kidney disease. Unsurprisingly, labor groups associated with the Service Employees International Union have been strong proponents for Proposition 23.

The hemodialysis process allows the body of a person with end-stage renal disease to stay in balance, even when their kidneys no longer work to properly regulate toxins in the blood. There is a well-established Jewish obligation to intervene when we are witnesses to another person's crisis. Leviticus 19:16's commandment that "neither shalt thou stand idly by the blood of thy neighbor" applies strongly to the state's role in monitoring these facilities (which are mostly for-profit entities). The increased supervision over clinic operations that Proposition 23 mandates benefits patient safety, while the measure contains plenty of flexibility around staffing in case of a true shortage of available doctors. Proposition 23 will mandate a higher quality of treatment for California dialysis patients.

Bend the Arc: Jewish Action recommends a YES vote on Proposition 23.

Bend the Arc: Jewish Action is taking No Position on Proposition 24, a bill that would modify the state's landmark consumer privacy law, the [California Consumer Privacy Act \(CCPA\)](#), which was approved by the legislature in 2018 and went into effect on January 1, 2020. Proposition 24 makes modest but laudable improvements to the CCPA to better protect consumers' data and beef up enforcement, but also contains concerning provisions that may ultimately hinder the CCPA's implementation.

Passed in 2018, the CCPA gave consumers more control over their personal data. It provided consumers with the power to request that companies share the types of consumer data they collect, that companies not sell their personal data, and that companies delete personal data upon request of the consumer.

The main improvement that Proposition 24 makes on the CCPA is the creation of a new state agency to enforce the law. Under Prop 24, a new agency would be created and allocated \$10 million annually to pursue violators of the CCPA. This would be a critical enhancement—all too often, California's pro-consumer laws have noble intentions, but are effectively ignored because they lack any enforcement mechanisms. Proposition 24 would also make other improvements, including tripling the fines for offenders, removing the option to avoid a fine by curing a violation, and increasing the fines for sensitive categories of information and populations.

But the proposition also has several critical flaws. First, as with the CCPA, Proposition 24 sidesteps important data privacy issues related to tech giants like Facebook and Google in an effort to keep these companies from opposing the Proposition. These behemoth companies are at the core of the struggle over data privacy issues. So while Prop 24 makes modest improvements, central questions will remain unresolved.

Second, the proposition removes the private right of action for consumers, which allows individuals to bring lawsuits against companies for violating the law. Instead, it would transfer all enforcement to the new state regulatory body. This should not be an either/or question—a private right of action can win key victories for consumers and promote better enforcement of their rights, and should function as a complement to a new regulatory body. Eliminating that private right of action without first seeing this new regulatory body in action presents a danger, should this new agency prove ineffective.

Jewish text points to privacy as a key right. In Mishnah Baba Batra 3:7 and the Babylonian Talmud Baba Batra 60a, the Rabbis forbid a person from creating a window or a door in their house which is directly opposite their neighbor's window or door in order to protect the modesty and privacy of both parties. In their 1890 work "The Right to Privacy," Louis Brandeis and Samuel Warren note that the right to privacy "is merely [...] the more general right of the individual to be left alone." This should extend to consumer data, as well—individuals should not have their personal information bought and sold without their consent, as it represents an invasion of personal space.

Proposition 24 would make key improvements to the CCPA, including making fines more stringent and erecting an enforcement infrastructure. But key drawbacks to the proposition, including the active removal of the private right of action, prevent us from offering support to the proposition.

Bend the Arc: Jewish Action takes NO POSITION on Proposition 24. While we take no position on this measure, we encourage you to carefully consider the arguments and cast your vote accordingly.

Bend the Arc: Jewish Action opposes Proposition 25, a referendum to uphold Senate Bill 10 (SB 10), a bill passed in 2018 that eliminated cash bail in California. While we strongly support efforts to reform California's unjust cash bail system, we are concerned that SB 10 replaces cash bail with yet another harmful system that may perpetuate and reinforce negative trends in pretrial detention. We recognize the complex landscape of support and opposition for this proposition, with key allies, trusted partners, and organizations representing directly impacted communities falling on different sides, creating strange bedfellows in both the support and opposition camps. Ultimately, we believe that our vision of a transformed pretrial justice system is best served by opposing the proposition.

The state's bail schedule sets bail at amounts beyond the reach of anyone but the very wealthy. The cash bail system disproportionately impacts low-income people and Black, Indigenous, and people of color (BIPOC) who cannot afford bail, forcing them to either remain in jail pretrial, plead guilty in service of a shorter sentence, or pay a non-reimbursable bond from the predatory bail industry to obtain their freedom. Although Bend the Arc: Jewish Action leaders across California worked hard to advance bail reform through SB 10, we made the difficult decision to oppose the final legislation after significant amendments to the bill undermined the presumption of innocence and due process of the accused. Our opposition to SB 10 factors significantly into our opposition of Proposition 25.

Proponents of the measure argue that elimination of cash bail is central to addressing inequities in the pretrial system, but in considering the potential impacts of the system created by SB 10 and upheld by Proposition 25, we identified three core concerns: reliance on algorithmic risk assessment tools, expansion of judicial discretion to incarcerate people pretrial, and increased resources for local probation departments.

SB 10 replaces cash bail with the use of risk assessment instruments (RAIs), a methodology shown to reinforce racial biases inherent in our system of mass incarceration. Until recently, risk assessment instruments were touted as an efficient and fair way to determine an accused person's likelihood of failing to appear for a court date and/or committing a new crime while awaiting their court date. However, recent [research and analysis](#) from experts at Harvard University and Massachusetts Institute of Technology detail technical flaws of pretrial RAIs that raise serious concerns. Research has shown that RAIs rely on highly problematic data that ground outcomes in information that reinforces existing racial bias, such as age, zip code, and past involvement with the criminal justice system. This represents fundamental inequity when applied to a system where there is a higher propensity for African American and Latinx people to be arrested, prosecuted, convicted, and sentenced more harshly than white people. Additional concerns center on the fact that many RAIs employ inexact and overly broad definitions of risks, which may, for example, result in judges overestimating the risk of an accused person committing acts of violence before their trial and using that assessment to justify preventive detention. Signaling the significant shifts in support for RAIs, the Pretrial Justice Institute, a key organization in the bail reform movement and former strong supporter of RAIs, announced earlier this year that they could no longer include RAIs as part of policy solutions to create more just pretrial systems due to the racial biases implicit in these tools.

Additionally, SB 10 gives unprecedented power to judges, allowing them to use their discretion to incarcerate people accused of a crime before they have gone to trial based on subjective criteria of RAIs that are proven to be racially biased. This process could expand reliance on preventive detention, leaving the accused with no avenue for release and violating the presumption of innocence and due process rights. This expansion of judicial discretion is

especially concerning in counties with a more conservative judiciary that is likely to err on the side of preventive detention rather than release. Although the goal of bail reform is to secure pretrial release for more people who come into contact with the criminal legal system, this expansion of judicial discretion could be an equally powerful driver of pretrial detention and mass incarceration.

Local probation departments are the only entities authorized to oversee pretrial assessment services in most counties. This arm of the California Department of Corrections and Rehabilitation would receive state funding to implement SB 10, increasing the resources and power of the carceral system. Bend the Arc: Jewish Action stands in solidarity with the Movement for Black Lives in efforts to divest from the over-funded and harmful systems of law enforcement and incarceration and invest in the programs and services proven to promote community safety and wellbeing. We believe that expanding funding for probation departments undermines these efforts.

Proponents argue that if Proposition 25 fails and SB 10 is not upheld, the legislature will not have the appetite to address the ills of the cash bail system and we will have lost a key opportunity to defeat the powerful and predatory bail industry. Many of those advocating for a yes vote point to the feasibility of amending an upheld SB 10, with subsequent changes to the law requiring approval by only a simple majority vote of the legislature instead of a difficult-to-achieve supermajority. We carefully considered these very real, practical, and legitimate arguments. While it will be incumbent upon advocates to work with our lawmakers to pursue legislation that improves our pretrial system irrespective of the outcome of Prop 25, we note that legislation is only one avenue for ending cash bail.

The fundamental constitutionality of cash bail is pending consideration by the California Supreme Court. A landmark 2018 appellate court ruling in [In re Kenneth Humphrey](#) affirmed that California's money bail system violates due process and equal protection and requires

judges to consider ability to pay and non-monetary options for pretrial release when determining conditions of release. While the passage of SB 10 and the certification of Proposition 25 to appear on the November 2020 ballot delayed the hearing of the case in the California Supreme Court, California's Attorney General, Xavier Becerra declined to appeal, and has expressed support for the appellate court's ruling. Additionally, in late August, [at the request of Becerra](#), the California Supreme Court made binding the portion of the ruling which compels judges to consider non-monetary methods to ensure that criminal defendants appear in court while the case is still pending.

Another example of activity outside of the legislature is the California Judicial Council's adoption of a statewide COVID-19 emergency bail schedule, setting bail at \$0 for most criminal defendants charged with, but not yet tried for, misdemeanors and lower-level felonies. This policy significantly reduced the population of people awaiting trial in jails, environments known to cause and exacerbate poor mental and physical health conditions, made even more hazardous by the presence of COVID-19. While the Judicial Council has since rescinded this measure, the emergency \$0 bail order offers proof that the judiciary can implement policies that fundamentally alter the cash bail system.

We find ourselves in a moment where society is awakening to the vision of a transformed justice system. Meaningful reform of our pretrial system would help California move from a culture of punishment to one of care that connects those with substance abuse, clinical mental health disorders, those that are chronically unemployed, and those that are unhoused to services outside of the legal system. We envision a system where those facing the courts would find a judicial ethos that preserves the presumption of innocence and supports pretrial release for all but the most exceptional cases, in service of justice and public safety. This vision is not realized under SB 10 or Proposition 25.

The nuance and complexity of Proposition 25 reminds us of the rabbinical saying that there are “Seventy Faces of the Torah,” which emphasizes that there are multiple ways in which text can be interpreted, but also insists that those who pursue deeper understanding through good faith argument are doing so for the sake of heaven. As our allies have analyzed the potential impacts and political implications of SB10 and Proposition 25, many have concluded that this proposition would create

more harm in an already unjust pretrial system, while others have decided differently. We respect all of our partners’ efforts and intentions to ameliorate the injustices in the criminal legal system and abolish cash bail in ways that align with Jewish tradition that support restorative justice over punitive caging. Employing cognitive pluralism, we considered the arguments for and against the proposition, and grounded our decision in our values and aspirations for a more just society.

Bend the Arc: Jewish Action recommends a NO vote on Proposition 25.

Measure J (Los Angeles County)

Bend the Arc: Jewish Action strongly supports Measure J, which amends the LA County charter to permanently allocate at least 10% of locally controlled, unrestricted revenues annually to community investment and alternatives to incarceration.

For generations, Black, Indigenous, and people of color (BIPOC) in Los Angeles have seen institutionalized, systemic disinvestment while local governments increase funding for law enforcement and carceral systems that over-police, over-incarcerate, and under-protect those same communities. Los Angeles County currently spends 42% of local tax revenue on law enforcement and the legal system, leaving less funding available for the critical resources, programs, and services we all need to thrive. The COVID-19 pandemic has exacerbated societal problems, including access to good-paying jobs and quality, affordable housing. It has also turned a jail sentence into a potential death sentence. This moment of crisis calls us to urgently pursue policies that center true community safety and health.

Over the past decade, activists directly impacted by the criminal legal system and their allies have fought to transform Los Angeles County from the largest jailer in the world to a county that prioritizes health and wellbeing. These tireless efforts resulted in groundbreaking wins. Earlier in 2020, the Board of Supervisors approved

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the County’s Alternatives to Incarceration (ATI) Workgroup’s report, [Care First, Jails Last: Health and Racial Justice Strategies for Safer Communities](#), which puts forward over 100 recommendations for transforming the County’s legal system. Additionally, the passage of County Measure R increased oversight of the Sheriff’s Department and tasked the Sheriff’s Department Civilian Oversight Commission (COC) with developing a plan to reduce the county jail population and reinvest savings in alternatives to incarceration. Measure J is an important extension of these wins, as it secures a sustained source of funding to implement the recommendations of the ATI Workgroup and the COC.

Measure J amends the County Charter, allowing for an annual allocation of a minimum of 10% of locally generated, unrestricted funds (estimated \$500M to \$1B per year) for community investment, including community-based youth development programs, career training and jobs, access to capital for small minority-owned businesses with a focus on Black-owned businesses, rental assistance and housing vouchers for those at risk of losing their housing and those without stable housing, and capital funding for affordable housing. Funds will also be allocated to alternatives to incarceration that effectively divert people away from the legal system, including community-based restorative justice programs, pre-trial

non-custody services and treatment, community-based health services, wellness and prevention programs, mental health and substance use disorder services, and non-custodial diversion and re-entry programs, including housing and services.

The measure seeks to correct the systematic overfunding of systems of harm by explicitly prohibiting these funds from going to or through the County's Sheriff's Department, District Attorney's Office, Probation Department, or the County's court system. The specific allocations will be determined through a public, transparent, inclusive process each year. The changes will be phased in over four years and can be paused in a fiscal emergency.

The coalition behind the Yes on J campaign represents a broad and diverse set of stakeholders from over 90 organizations including labor, faith-based, and civil rights organizations. However, there are those who oppose the measure. Law enforcement agencies and some labor organizations including the Los Angeles County Federation of Labor (AFL-CIO) have come out against Measure J, arguing that the shift in money could potentially lead to a cut in county jobs and expressing concerns about the funding allocation process. We believe that these concerns are unfounded, as the measure will not target specific county departments or employee groups for budget cuts and will not make any changes to the county's collective bargaining process. Measure J fund allocation will be determined annually, along with the other regular budget processes led by the Board of Supervisors, and the measure explicitly calls for a stakeholder engagement process to inform funding decisions.

Budgets are 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.

In Mishnah Torah Deot 4:23, Maimonides enumerates the "ten institutions" necessary in a city "in which Sages should dwell": "Doctor, midwife, bathhouse, bathroom, fresh water, a synagogue, a teacher for children, a recorder, a person to collect charity, and a court which might enforce the law physically and incarcerate." This intentional ordering demonstrates the importance of prioritizing health and wellbeing over a punitive legal and carceral system. In this spirit, Measure J represents an opportunity to recalibrate the County's budget.

Bend the Arc: Jewish Action does not usually include regional propositions in our voter guide. However, when an initiative embodies our core values and addresses several priorities of the organization, we are moved to take a stand. Bend the Arc: Jewish Action's Southern California chapter is a proud member of the [Yes on J coalition](#) because Measure J represents structural change towards restoring justice and equity to communities of color. By voting yes and raising our voices for Measure J, we engage in the process of creating a county budget that truly reflects our values.

Bend the Arc: Jewish Action strongly urges Angelenos to vote YES on Measure J.

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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.

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>.