



# California Council of Churches **IMPACT**

## **Ballot Recommendations** *for the November 2, 2010 Statewide General Election*

### SUMMARY

Proposition 19: **YES**  
Proposition 20: **YES**  
Proposition 21: **YES**

Proposition 22: **NO**  
Proposition 23: **NO**  
Proposition 24: **YES**

Proposition 25: **YES**  
Proposition 26: **NO**  
Proposition 27: **NO**

### **PROPOSITION 19:** IMPACT Recommendation - **SUPPORT**

#### **Changes California Law to Legalize Marijuana and Allow It to Be Regulated and Taxed.**

This proposition allows people 21 years old or older to possess, cultivate, or transport marijuana for personal use. It permits local governments to regulate and tax commercial production and sale of marijuana to people 21 years old or older. It prohibits people from possessing marijuana on school grounds, using it in public, smoking it while minors are present, or providing it to anyone under 21 years old. It also maintains current prohibitions against driving while impaired.

No one wishes to have a society in which people feel impelled to use harmful or addictive substances for self-soothing. America has a high rate of addictive behavior in their uses of alcohol, tobacco, food, gambling, sex, and other media to ease their psychic pains. Adding another legal though regulated component, marijuana, seems contrary to ending this problem. However, the issue of self-medication we believe is an enormous concern that lies outside the scope of this ballot proposition and is a fundamental issue of societal malfunction that must be addressed in its entirety. It must be solved as a whole rather than through prohibition of a single substance. Addictive behaviors are a societal problem that all institutions must address. It is a clarion call to our churches and communities that we need to find ways to make all lives worthwhile, to lead all people out of their pain.

The criminalization of marijuana and prohibition of its use has generated massive, probably unintended, consequences that can and must be alleviated now. Marijuana is a fact of life in every community despite its illegality. Prohibition has not stopped the use of marijuana, but it has added a culture of criminality to its use, identical to what occurred in alcohol prohibition during the 1920s. It has spawned large gangs who make millions in the cultivation and transportation of the drug and is a significant portion of the dreadful drug cartel actions along our state's border with Mexico. The toll at the border and within our cities, the death and destruction of lives over competition to sell marijuana, must end. Prohibition has inflicted far more harm than the marijuana itself. We, as people of faith, bear the same responsibility doctors do: first do no harm. When the "solution" outweighs the problem in terms of death and violence, we must alleviate that harm.

Marijuana has been called a "gateway drug" leading users into far more dangerous drug uses. But we believe the "gateway" is not the drug itself but the culture of criminality in which users must buy and consume marijuana that leads them to associate with pushers and gangs who profit from first selling marijuana, then in increasing the drug use with more and different substances.

We already have tobacco and alcohol regulation. Their abuse, even by minors, does not lead directly to increased use of other substances since the abusers do not obtain these substances via criminal gangs and cartels. Putting marijuana into the legal and regulated category would, we hope, end much of the need to associate with criminals who would have no economic incentive to sell marijuana, not even to minors who are not intrinsically a source of high profits.

Another critical reason for support for decriminalization of marijuana lies in much of the same reasoning that the NAACP brings to their support of this proposition – penalties for marijuana possession and use have fallen in discriminatory ways especially on young people of color. There is a high level of incarceration for them as opposed to their white and more affluent peers. While this proposition does not directly address the impacts on minors, decriminalizing marijuana means that it would result in charging minors with simple underage consumption, as we do with alcohol and tobacco, rather than with felonies that result in prison and criminal records that permanently harm their futures. They should not be placed into a criminal drug culture and into prison because they lack adult judgment on these matters.

One argument for continuing as we are has been that people with addiction problems can receive mandated treatment via the drug diversion policies mandated by Proposition 36 that the state passed some years ago. This has been a superb alternative to incarceration. However, with the state budget

crises, funding for diversion has been cut to the bone, drug courts have been markedly reduced, and more and more people are being refused that option thus incurring felonies or serious misdemeanor charges resulting in life-long criminal records. This increases the culture of criminality for not just adults but our youth. It is simply not acceptable for us to continue down this path.

We are mindful that whatever we do, we will need federal agreement. Federal laws preempt state laws, and if the federal government is unwilling to honor this proposition should it win, we simply do not know what the outcome will be. We do not think that this is sufficient reason not to try to restore sanity to the way we approach marijuana regulation.

We support Proposition 19 as a step toward ending the violence and death of the drug wars and cartels. We support it as an end to discriminatory drug sentencing. We support it as a way of rationally dealing with a substance that already infuses our society.

And then we call upon all people of faith and good will to address the issue of addictive behavior as a critical element in creating a more grounded and livable world for everyone in our society. Legalizing marijuana will not end our greater responsibilities in these regards. It may, however, give us the room to significantly reduce the death and violence that afflicts far too many lives today.

## **PROPOSITION 20: IMPACT Recommendation - **SUPPORT****

### **Redistricting of Congressional Districts.**

California Church IMPACT supported Proposition 11 that created the citizens' Redistricting Commission to take redistricting of state Assembly and Senate districts out of the political process. Although the final Commission is not yet formed and has not acted, we believe it is essential to include the Congressional Districts in their deliberation as well. The Redistricting Commission will be comprised of five Democrats, five Republicans, and four voters registered with neither party. Selection is also balanced in terms of sex and ethnicity to meet the Federal Voting Rights Act standards. Removing redistricting from the Legislature is essential to restoring our trust in the process, preventing gerrymandering, and engaging citizens in the process of democratic representation that affects how well we are represented and how effectively we may vote.

## **PROPOSITION 21: IMPACT Recommendation - **SUPPORT****

### **Establishes \$18 Annual Vehicle License Surcharge to Help Fund State Parks and Wildlife Programs and Grants Free Admission to All State Parks to Surcharged Vehicles.**

This proposition establishes an \$18 annual state vehicle license surcharge that then grants free vehicle admission to all state parks to California surcharged vehicles. While CC IMPACT generally looks unfavorably on flat tax rates that impose undue burdens on lower income people, this fee is offset by the removal of park entrance fees. Visitors generally spend \$10-15 per day or \$125 for a yearly pass, so this fee can be recouped in one or two park visits. The proposition also substitutes more money for parks than exists annually in the General Fund and reserves a minimum of 4 percent of all revenues for park development and improvement in underserved areas. Our state parks are one of California's outstanding resources. Giving families relief from park charges while protecting our greenspace, recreational facilities, and wildlife is an outstanding social good. Replacing the current General Fund revenue for parks with more money for that budget item is also good budget management.

## **PROPOSITION 22: IMPACT Recommendation - **OPPOSE****

### **Prohibits the State from Taking Funds Used for Transportation or Local Government Projects and Services.**

CC IMPACT generally dislikes locking up potential General Fund revenue by taking money away for specific projects.

However, the more important reason for opposing this initiative lies in the concerns county governments have about funding for critical programs. Although it seems counter-intuitive, many counties are also opposing this measure. Unlike cities, counties have a legal mandate to provide services for those in need. If the state lacks adequate revenues, it can and may abolish programs such as CalWORKs, the welfare-to-work program. Ending the cash grants to families would render millions homeless and dependent on the counties. Restricting eligibility for health care and other programs would throw millions more into peril, drawing on county Emergency Rooms for all health necessities. Many counties with large populations in need prefer to lose their small fund base so that the state has the revenue it needs to continue these many programs that also draw down federal money. We understand that transportation and local government revenues are essential, but we fund critical programs via the "stone soup" method of pooling all our resources. Keeping county revenue with the county would leave the "soup" without most of its major "ingredients" – state and federal money. That serves no one well. Passing this proposition would create massive hardships that counties could not serve.

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**PROPOSITION 23:** IMPACT Recommendation - **OPPOSE**

**Suspends Air Pollution Control Laws Requiring Major Polluters to Report and Reduce Greenhouse Gas Emissions That Cause Global Warming Until Unemployment Drops Below Specified Level for Full Year.**

California Church IMPACT played a significant role in the passing of AB 32 and its predecessor legislation. Limiting greenhouse gases helps restore climate balance and cleans our air quality thereby diminishing respiratory problems. The wild fluctuations in weather this year alone gives ample testimony to the consequences we face if we do not put AB 32 into effect. The rise in asthma and other respiratory problems is equally of concern, especially for our children.

Who backs a proposition does matter. Supporters of this proposition are two major out-of-state oil companies, Valero and Tesoro, that wish to protect their profits. With greater fuel efficiencies and a movement toward alternative and renewable energy sources, implementation of new clean air standards erodes oil corporations' control over energy supplies and thus prices. They have a right to make a profit, but their desire to delay implementation of AB 32 rests on self-interest alone and holds no concern for the common good.

Calling AB 32 a "job killer" is inaccurate. Everywhere alternative energy options are being tried we see an increase in jobs, in stable manufacturing, in new technology development and greater economic stability. "Green jobs" associated with the implementation of AB 32 will be a boon to the California economy, not a death knell, and create both more jobs and better-paying ones than we have with traditional energy production. Support for clean air helps not only our climate stability and health but helps create jobs that in turn help California, and that requires our opposition to Proposition 23.

**PROPOSITION 24:** IMPACT Recommendation - **SUPPORT**

**Repeals Recent Legislation That Would Allow Businesses to Carry Back Losses, Share Tax Credits, and Use a Sales-Based Income Calculation to Lower Taxable Income.**

This proposition seeks to stop an unsavory budget "deal" that would allow businesses to shift operating losses to prior tax years and that would extend the period permitted to shift operating losses to future tax years. It also would repeal permission for corporations to share tax credits with affiliated corporations and legislation that would allow multi-state businesses to use a sales-based income calculation, rather than a combination property-, payroll- and sales-based income calculation. These tax giveaways, according to estimates by the Legislative Analyst and Director of Finance, would lose annual state revenue from business taxes of about \$1.7 billion when fully phased in, beginning in 2011-12, and the California Budget Project estimates losses of revenue as high as \$2.5 billion per year.

The tax giveaways would allow corporations to share tax credits with other corporations without necessarily fulfilling the provisions for those credits such as promises to create jobs. It would allow them to use losses to re-file past tax returns and project those losses into future profitable years. Corporations operating in several states could declare losses on sales even in other states so if they earned a great deal in California but not Alabama, they could use the Alabama loss to offset profits earned in California. This is nothing but a boondoggle for corporations that permits them to operate in California with rights superior to those of any natural person tax payer, and it allows them to shift the costs of running this state back on families and working people. These deals must end! If a corporation profits in California, it must bear its responsibilities to California.

**PROPOSITION 25:** IMPACT Recommendation - **SUPPORT**

**Initiative Constitutional Amendment. Changes Legislative Vote Requirement to Pass a Budget from Two-Thirds to a Simple Majority. Retains Two-Thirds Vote Requirement for Taxes.**

This constitutional reform changes the legislative vote requirement necessary to pass the state budget from two-thirds to a simple majority. It further provides that if the Legislature fails to pass a budget bill by June 15, all members of the Legislature will permanently forfeit any reimbursement for salary and expenses for every day until the day the Legislature passes a budget bill. The summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government is unknown, but it increases the probability of more on-time budgets and eliminates the decades-long tradition of deal making that actually adds costs to the budget with sweetheart arrangements benefiting districts of hold-out members.

Supermajority votes were rejected by our Constitutional creators since such votes empower the minority and undermine the majority. Federalist Paper 58 laid out strong arguments that supermajorities undermines democracy and accountability. We recognize that without removing the supermajority on taxes this proposition is unlikely to create thoroughly responsible budgets. However, this proposition, by allowing a simple majority to pass a budget, may eliminate the "deals" and allow our budgets to be passed on time. Restoring stability leads to restoring legitimacy, the critical first step in restoring confidence in our democratic process.

**PROPOSITION 26:** IMPACT Recommendation - **OPPOSE**

**Initiative Constitutional Amendment. Increases Legislative Vote Requirement to Two-Thirds for State Levies and Charges. Imposes Additional Requirement for Voters to Approve Local Levies and Charges with Limited Exceptions.**

Supermajorities are grounded in the distrust of both legislators and of voters. The desire to control votes giving power to minority views is grounded in a fundamental distrust of democracy where majority rule is the essence of fairness. Supermajorities allow fewer than one-third of the populace

to control all electoral and legislative outcomes, and in this instance the imposition of a new supermajority vote on fees and charges not affecting all Californians is craven in its desire to restrict all logical extension of funding for any program anywhere.

This proposition increases the legislative and popular vote requirement to two-thirds for state levies and charges, with limited exceptions, and for certain taxes currently subject to majority vote. It changes the Constitution to require voters to approve, either by two-thirds or majority, local levies and charges with limited exceptions. The willingness of the proposition to undermine what has already been approved by voters reflects narrow self interest of those who might incur fees and charges by holding every dime of revenue hostage by a minority whose self interest can be made to prevail in watching voters and legislators become less and less able to do the people's business fairly and democratically.

**PROPOSITION 27: IMPACT Recommendation - OPPOSE**

**Eliminates State Commission on Redistricting. Consolidates Authority for Redistricting with Elected Representatives.**

California voters created the Redistricting Commission in 2008. It is now just being selected and has yet to operate. This proposition seeks to return the redistricting process to the very legislators and political process that created citizen distrust in the first place. It would eliminate the 14-member Commission and restore the right to draw boundaries to elected officials, then would substantially reduce the funding and staff needed to redistrict every ten years. It would put the redistricted map up for voter approval, but that is an element in the existing plan if there are contested issues. The proposition seems arrogant in its lack of trust of citizens and their ability to understand the many complex issues within redistricting such as respect for the Voting Rights Act. CC IMPACT believes that unless or until the Commission is tested, this proposition serves a narrow political interest and must be rejected.

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***Spread the Word!***

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