



California  
CHAPTER

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# LEGISLATIVE REPORT ELECTION RECAP

## Big Night for Physicians and Patients - Prop 46 Destroyed

**November 5, 2014:** It was a great night for physicians and patients as Proposition 46 was handily defeated. **The final vote came in with 67% of the voters rejecting Proposition 46!!**

Proposition 46 was aggressively opposed by more than 1000 organizations. The "No" campaign accumulated a significant war chest of more than \$60 million and ran a smart campaign to pick apart the trial attorney arguments and educate voters on the true intent of the initiative.

Although the trial attorneys have been consistent in their pursuit of changes to MICRA, many are hopeful with a clear message from voters this issue will be "off the table" for the foreseeable future.

The trial attorneys' rough night was not just limited to Proposition 46. The group they fund, Consumer Watchdog, was the lead organization promoting Proposition 45 which would give the Insurance Commissioner to authority to regulate health insurance premiums. This initiative was defeated with 60% of voters voting NO.

Nationwide the Republicans made significant advances by maintaining control of the House and gaining control of the Senate. In California, the Republicans also had some success in taking away the supermajority from the Democrats in the Senate. It appears they may have also taken away the supermajority in the Assembly but a few races are still too close to call.

Democrats would still hold majorities in both the Senate and Assembly. Many political insiders do not view the supermajority loss as being significant for a few reasons including:

- The state budget only requires a majority vote, and
- A number of moderate Democrats refusing to support measures requiring the 2/3rds vote.

Looking at the statewide races, the Democrats were victorious in each of the campaigns. Governor Brown easily defeated Republican candidate Neel Kashkari even without running an active campaign. Governor Brown spent his time and money campaigning on Proposition 1 (Water Bonds) and Proposition 2 (Rainy Day Fund) both of which passed easily.

### **Here is a recap of other races**

**Senate District 6** saw a victory from **Richard Pan, MD (D)**, a former assembly member from AD09, by a margin of 8% over **Assemblymember Roger Dickinson (D)**. This is a significant win for physicians. The importance of having a physician in the Legislature cannot be understated.

The California Optometric Association spent \$100,000 in independent expenditures to oppose pan, and \$150,000 to support Roger Dickinson's campaign. In case you are scratching your head on why the optometrists were so interested in this race, Senator Ed Hernandez, chair of the Senate Health Committee, is an optometrist. As chair of the Senate Health Committee, Senator Hernandez has tried to carve out the health area as his domain and he has also engaged in some legislative battles with Dr. Pan while he was chair of the Assembly Health Committee.

Cardio PAC has supported Dr. Pan from when he was first elected and we look forward to him being a leader in the health area as the only physician in the Senate.

The other importance of Dr. Pan winning is by stopping Roger Dickinson from being elected. Assemblymember Dickinson has been a strong supporter of Senator Hernandez's scope expansion bills and he also very supportive of increasing the MICRA cap for non-economic damages. Assemblymember Dickinson gave up his Assembly seat to run for Senate so he will no longer be in the Legislature.

**Senate District 26** saw a victory from **Ben Allen (D)**, beating out **Sandra Fluke (D)**, a social justice attorney, by a margin of 22%. One of the more expensive races, Allen and Fluke spent more than \$2.1 million on their campaigns collectively, with Fluke spending only \$100,000 more than Allen.

Ben Allen is a candidate Cardio PAC supported in the general election and shows promise to be a strong member on issues important to CA-ACC.