

The Battle Over Prop 22: A Sign of Things to Come

Daily Journal

04.04.2023

Douglas Yang, an associate in the Labor & Employment practice group, recently published the article, “The battle over Prop 22: A sign of things to come,” in the Daily Journal. The article examines how courts in California are grappling with ballot initiatives that appear to insulate voter legislation from the California State Legislature.

Yang examined the recent appellate case *Castellanos v State of Cal.* ___ Cal. Rptr3d ___ (Cal. Ct. App. 2023) which posed the unsettled issue of what a ballot initiative can and cannot do and highlighted the role of the courts in balancing the powers of the electorate with the powers of the State Legislature. The plaintiffs in *Castellanos* claimed certain key provisions of Proposition 22 were unconstitutional. Proposition 22, which passed by ballot initiative in 2020, intended to include app-based drivers in the group of workers exempted by California Assembly Bill 5, which heightened the standards that a hiring entity had to meet to appropriately classify service workers to that entity as independent contractors.

The split decision in *Castellanos* leaves a push-and-pull between ballot initiatives, the courts and the state legislature, and is a preview of the future battle over the powers and limits of direct democracy in California.

Read the full article here. (Subscription required)

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Practice Areas

Labor and Employment