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ASSEMBLY PAYROLL EXPENSES

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Section 13, article XX, proposed to be amended, now reads as follows:

EXISTING LAW.

Section 13. A plurality of the votes given at any election shall constitute a choice where not otherwise directed in this constitution; provided, that it shall be competent in all charters of cities, counties or cities and counties framed under the authority of this constitution to provide the manner in which their respective elective officers may be elected and to prescribe a higher proportion of the vote therefor; and provided, also, that it shall be competent for the legislature by general law to provide the manner in which officers of municipalities organized or incorporated under general laws may be elected and to prescribe a higher proportion of the vote therefor.

ARGUMENT IN FAVOR OF ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 19.

The object of the amendment is to make possible the adoption, when desired, of a preferential system of electing officers where such are chosen as non-partisans, and of nominating party candidates where officers are chosen as partisans.

First—Applied to non-partisan elections.

Municipalities and counties having charters may provide in such charters for a preferential system of electing their respective officers. The legislature may make similar provision for cities and counties not having charters.

The "preferential" system is in effect the so-called "Berkeley" plan of majority choice, with but one election instead of two, thus saving the cost, time and energy of a second election.

It is already in successful operation in Grand Junction, Colorado Springs, Denver, Duluth, Minn., Spokane, Portland, Ore., and Cleveland—cities ranging from eight thousand to over half a million population.

While the details of various preferential plans differ, the underlying principle is the same. Nomination, as under the "Berkeley" plan, is by small petition. The ballots are so printed that the voter may designate a second (and under some systems a third) as well as a first choice. If any candidate receives a majority of all the first choices he is thereby elected. If no one re-

ceives such a majority, the candidate with the lowest number of first choices is dropped, and the second choices of those who voted for him as first choice are added to the first choice votes of the candidates remaining. This process is repeated till one has secured a majority of all votes cast and so elected.

Evidently much of the personal bitterness of present campaigns will be prevented, for no candidate, knowing that his election may require the second choice votes of the supporters of other candidates, is going to deliberately estrange such voters by uncalled-for attacks on such candidates.

In operation the preferential system has proved simple for the voter and satisfactory to the community, and also a great money saver.

Second—Applied to partisan primaries.

The legislature may, by general law, provide for the use of such system for selection of party candidates at partisan primaries, as is done in a number of states. It insures the selection of party candidates, supported by a majority of all electors of each party participating in the primary. Without such plan, the candidate may be nominated by a small minority. Such possibility is now used by leaders and bosses to dissuade more than one of their faction from seeking nomination for fear that another group, though smaller, may, by concentrating on one candidate, win the nomination. Under preferential voting there is no danger of minority nomination, hence no such reason for preventing candidacies.

The "Berkeley" plan is still authorized under the changed provision; and any question of the legality of electing all or any portion of the candidates at the first or primary election is set at rest by specific sanction.

The amendment does not require the adoption of any system, but does enable the legislature on the one hand, and chartered cities and counties on the other, to adopt, if desired, such preferential system as may best suit the several needs.

WM. C. CLARK,

Assemblyman Thirty-seventh District.

L. D. BOHNETT,

Assemblyman Forty-fourth District.

ASSEMBLY PAYROLL EXPENSES.

Assembly Constitutional Amendment 23 amending section 23a of article IV of constitution.

Increases the amount allowed for the total expense for officers, employees and attachés of assembly at any regular or biennial session of legislature from present amount of five hundred dollars per day to six hundred dollars per day; makes no other change in operation of present section.

Assembly Constitutional Amendment No. 23, a resolution to propose to the people of the State of California, an amendment to section 23a of article 4, of the Constitution of the State of California relative to the limitation of expense for officers and employees of the legislature.

The legislature of the State of California, at its regular session, commencing the sixth day of January, 1913, two thirds of the members elected to each of the two houses of said legislature, voting in favor thereof, hereby proposes to the qualified electors of the State of California, the following amendment to the Constitution of the State of California:

PROPOSED LAW.

Section 23a. The legislature may also provide for the employment of help; but in no case shall the total expense for officers, employees and attachés of the senate exceed the sum of five hundred dollars per day, and in no case shall the total expense for officers, employees and attachés of the assembly exceed the sum of six hundred dollars per day, at any regular or biennial session, nor the sum of two hundred dollars per day either house at any special or extraordinary session, nor shall the pay of any officer, em-

ployee or attaché be increased after he is elected or appointed.

Section 23a, article IV, proposed to be amended, now reads as follows:

EXISTING LAW.

Section 23a. The legislature may also provide for the employment of help; but in no case shall the total expense for officers, employees and attachés exceed the sum of five hundred dollars per day for either house, at any regular or biennial session, nor the sum of two hundred dollars per day for either house at any special or extraordinary session, nor shall the pay of any officer, employee or attaché be increased after he is elected or appointed.

ARGUMENT AGAINST ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 23.

The constitution now provides a limitation of expense of \$1,000.00 per day for officers and employees of the legislature while in session, equally divided between the senate and assembly. As there are eighty members of the assembly and only forty in the senate, I introduced an amendment allowing \$500.00 per day for the assembly

and \$400.00 per day for the senate, leaving the total \$1,000.00 per day, as at present. The senate amended by making it \$600.00 per day for the assembly, or \$100.00 per day more than at present, and \$500.00 (or as at present) for the senate, making a total of \$1,100.00 per day.

A new law, which I introduced, is now in effect which combines the "file rooms" of each house, making a saving of about \$50.00 per day for help.

Several bills were introduced providing for a "Member's Clerk" for each member; as these bills failed to become laws and as the file rooms will now be combined, I see no reason for the adoption of Assembly Constitutional Amendment N 23 and therefore recommend that it be defeated.

FRANK M. SMITH,
Assemblyman Thirty-sixth District.

ADOPTION AND AMENDMENT OF MUNICIPAL CHARTERS.

Assembly Constitutional Amendment 25 amending section 8 of article XI of constitution.

Authorizes cities of more than thirty-five hundred population to adopt charters; prescribes method therefor, and time for preparation thereof by freeholders; requires but one publication thereof, copies furnished upon application; provides for approval by legislature, method and time for amendment, and that of several conflicting concurrent amendments one receiving highest vote shall prevail; authorizes charter to confer on municipality all powers over municipal affairs, to establish boroughs and confer thereon general and special municipal powers.

Assembly Constitutional Amendment No. 25, a resolution to propose to the people of the State of California an amendment to section eight of article eleven of the Constitution of the State of California relating to municipal corporations.

The legislature of the State of California, at its regular session commencing on the sixth day of January, 1913, two thirds of the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes that section 8 of article XI of the Constitution of the State of California be amended to read as follows:

PROPOSED LAW.

Section 8. Any city or city and county containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States or of the legislature of California, may from a charter for its own government, consistent with and subject to this constitution; and any city, or city and county having adopted a charter may adopt a new one. Any such charter shall be framed by a board of fifteen freeholders chosen by the electors of such city at any general or special election; but no person shall be eligible as a candidate for such board unless he shall have been, for the five years next preceding, an elector of said city. An election for choosing freeholders may be called by a two-thirds vote of the legislative body of such city, and, on presentation of a petition signed by not less than fifteen per cent of the registered electors of such city, the legislative body shall call such election at any time not less than thirty nor more than sixty days from date of the filing of the petition. Any such petition shall be verified by the authority having charge of the registration records of such city or city and county and the expenses of such verification shall be provided by the legislative body thereof. Candidates for the office of freeholders shall be nominated either in such manner as may be provided for the nomination of officers of the municipal government or by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections. The board of freeholders shall, within one hundred and twenty days after the result of the election is declared, prepare and propose a charter for the government of such city; but the said period of one hundred and twenty days may with the consent of the legislative body of such city be extended by such board not exceeding a total of sixty days. The charter so prepared shall be signed by a majority of the board of freeholders and filed, in the office

of the clerk of the legislative body of said city. The legislative body of said city shall within fifteen days after such filing cause such charter to be published once in the official paper of said city; (or in case there be no such paper, in a paper of general circulation); and shall cause copies of such charter to be printed in convenient pamphlet form, and shall, until the date fixed for the election upon such charter, advertise in one or more papers of general circulation published in said city a notice that such copies may be had upon application therefor. Such charter shall be submitted to the electors of such city at a date to be fixed by the board of freeholders, before such filing and designated on such charter, either at a special election held not less than sixty days from the completion of the publication of such charter as above provided, or at the general election next following the expiration of said sixty days. If a majority of the qualified voters voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the legislature, if then in session, or at the next regular or special session of the legislature. The legislature shall by concurrent resolution approve or reject such charter as a whole, without power of alteration or amendment; and if approved by a majority of the members elected to each house it shall become the organic law of such city or city and county, and supersede any existing charter and all laws inconsistent therewith. One copy of the charter so ratified and approved shall be filed with the secretary of state, one with the recorder of the county in which such city is located, and one in the archives of the city; and thereafter the courts shall take judicial notice of the provisions of such charter. The charter of any city or city and county may be amended by proposals therefor submitted by the legislative body of the city on its own motion or on petition signed by fifteen per cent of the registered electors, or both. Such proposals shall be submitted to the electors only during the six months next preceding a regular session of the legislature or thereafter and before the final adjournment of that session and at either a special election called for that purpose or at any general or special election. Petitions for the submission of any amendment shall be filed with the legislative body of the city or city and county not less than sixty days prior to the general election next preceding a regular session of the legislature. The signatures on such petitions shall be verified by the authority having charge of the registration records of such city or city and county, and the expenses of such verification shall be provided by the legislative body thereof. If such petitions have a sufficient number of signatures the legislative body of the city or city and county shall so submit the amendment or amendments so proposed to the electors. Amendments proposed by the legislative body and amendments proposed by petition of the electors may be submitted the same election. The amendments so submitted shall be advertised in the same manner as herein provided for the advertisement of a