

1930

SUFFRAGE

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than sixty consecutive days shall be deemed to have forfeited his office. The proposed amendment provides that the Governor of the State may, at his discretion and on such terms as he may fix, extend this period.

There are few occasions that require a judicial officer to absent himself from the State for more than sixty days. With the overflow of judicial business confronting the courts, there should be fewer of these occasions. Vacations are liberal enough, more so than in any other profession or business.

The effect of extensions of the term of absence, where necessary, may be arrived at without any change in the Constitution. The Governor may reappoint the judicial officer upon his return to the State and to his duties. This, it would seem, should provide the machinery to prevent any injustice being done without further amending the Constitution with a provision that would permit extended absenteeism.

Under the amendment, extensions of leave over long periods of time would be passed up to the Governor. It would inevitably result

in opening up charges of favoritism and would force upon the Governor the necessity for decisions that might affect his political fortunes. Moreover, there is the danger always present when a precedent is set, that once such a precedent is established every judicial official would deem it his right to have an extension similar to that granted an associate. As the law now stands, the parity of all is made plain in the Constitution, and no judge may feel unjustly treated by comparison with others.

Moreover, there seems to be no real demand for this change. The writer has not heard the judicial officers of the State join in a demand for further leeway than the considerable time allowance already granted.

It appears that this amendment is unnecessary; and unless there is obvious need for a change in the Constitution, it is unwise to further clutter up the Constitution with amendments that do not serve the public good.

RAY C. DEYOE,

Assemblyman, Forty-eighth District.

SUFFRAGE. Senate Constitutional Amendment 33. Amends Section 1 of Article II of Constitution. Requires forty days residence in precinct, instead of thirty days, as a qualification to vote; declares person removing within forty days of election from precinct wherein registered to another precinct in same county shall for that election be deemed elector of former precinct and may vote therein; authorizes Legislature to provide, by general law, for casting of votes by duly registered voters who expect to be absent from their respective precincts or unable to vote therein, by reason of physical disability, on election day.

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YES	
NO	

(For full text of Measure, see page 34, Part II)

Argument in Favor of Senate Constitutional Amendment No. 33

This proposed Amendment to our Constitution, if adopted, will permit the extension of the period between the closing of registration and the election from thirty to forty days, and it will also give the Legislature authority to broaden the provisions of law relative to absent voters.

Increasing numbers of voters each year, particularly in the more populous centers, such as Los Angeles, San Francisco and Oakland, have made inadequate the thirty-day interim now given county clerks and registrars of voters to prepare for election. A forty-day period, which will be permitted by this Amendment, will remove the danger of an eventual breakdown in the election machinery in some of these offices and will also effect a saving in public funds which are now used in employing a great number of extra clerks. In addition, the voter will receive his sample ballot, pamphlets, and arguments at an earlier date and therefore will have more time to study and consider the issues presented to him.

[Thirty]

The Amendment also strikes out of the Constitution all the detailed provisions of law relative to absent voters, and gives the Legislature broad power to provide for extending the voting privilege to all registered voters who will be absent from their precincts on election day and who are unable to vote on account of physical disability. Minor changes in the absent voters' law have necessitated a resort to the machinery of amending the Constitution twice in the last four years. Under this Amendment necessary changes in the details of the absent voters' law may be made by the simpler and less expensive process of legislative enactment.

We believe that the changes proposed by this Amendment will make for greater economy and efficiency in connection with the administration of the subject matter discussed and that this Amendment should therefore receive the support of every voter in this state.

Vote "YES."

FRANK C. WELLER,
State Senator, Thirty-sixth District.

BERT A. CASSIDY,
State Senator, Third District.

SUFFRAGE. Senate Constitutional Amendment 33. Amends Section 1 of Article II of Constitution. Requires forty days residence in precinct, instead of thirty days, as a qualification to vote; declares person removing within forty days of election from precinct wherein registered to another precinct in same county shall for that election be deemed elector of former precinct and may vote therein; authorizes Legislature to provide, by general law, for casting of votes by duly registered voters who expect to be absent from their respective precincts or unable to vote therein, by reason of physical disability, on election day.

YES

NO

Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the constitution of said state, being an amendment of section 1 of article two of said constitution, relative to elections and eligibility of voters, disabilities and absent voters.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California hereby proposes to the people of the State of California that section 1 of article two of the constitution of said state be amended to read as follows:

(This proposed amendment expressly amends an existing section of the constitution; therefore EXISTING PROVISIONS proposed to be DELETED are printed in STRIKE-OUT TYPE; and NEW PROVISIONS proposed to be INSERTED are printed in BLACK-FACED TYPE.)

PROPOSED AMENDMENT TO THE CONSTITUTION.

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under and by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, at of the age of twenty-one years, who shall have been a resident of the state one year next preceding the day of the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct forty thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, any person duly registered as an elector in one precinct and removing therefrom to another precinct in the same county, within thirty forty days of prior to an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct from which he so removed until after such election; provided, further, no alien ineligible to citizenship, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this state; provided, that the provisions of this

amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was sixty years of age and upwards on October 10, 1911; provided, further, that the Legislature may, by general law, provide for the casting of votes by duly registered voters who by reason of their occupation are required to travel and who, by such affidavit as the Legislature may prescribe, show that they expect to be absent from their respective precincts or unable to vote therein, by reason of physical disability, on the day on which any primary or general election is held, or who, by reason of their being engaged in the civil, congressional, military or naval service of the United States or of the State, may be absent from their respective precincts on the day on which any primary or general election is held, or who because of injury or disability are absent from their precincts or unable to go to the polling places, which votes (a) may be cast in the office of the registrar of voters, or of the county clerk of the county or city and county in which such voters respectively reside, and on a day prior to the date of such election, under such provisions as the Legislature may see fit to make, or (b) may be cast in the city, city and county or town within this state in which such voters may be on the day on which such election is held, under such provisions as the Legislature may see fit to make; and shall be forwarded in such manner as the Legislature may prescribe to the officers respectively of the city, city and county or town having charge of the counting of the ballots cast at such election; or (c) in cases where said voters are engaged in such civil, congressional, military or naval service, may be cast at any place, under such provisions as the Legislature may see fit to make, and shall be forwarded in such manner as the Legislature may prescribe to the officers respectively of the city, city and county or town having charge of the counting of the ballots at such election; all of which votes shall be kept in such manner and counted by such methods as the Legislature shall prescribe; provided, that it must be required that all ballots cast in any other place than the precinct of the voter must be received by the county clerk of the county in which the voter is registered, within two weeks of the election, in which such ballots are to be counted.