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SELECTION OF JUDGES

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SELECTION OF JUDGES. Initiative Constitutional Amendment.		
3	Declares Supreme or Appellate Court Justice may declare candidacy to succeed himself, otherwise Governor shall nominate candidate; candidate being only one on ballot for such office, and electors voting for or against him; if defeated, or vacancy occurs, Governor appointing until next general election, but defeated person ineligible for appointment. Governor's nominations or appointments ineffective unless approved by commission comprising Chief Justice, presiding Appellate Court Justice and Attorney General. Requires retirement system. Provisions inapplicable to superior court judges until adopted by counties in manner provided by Legislature. Makes Constitutional removal and recall provisions applicable.	YES
		NO

(For full text of measure, see page 6, part II)

Argument in Favor of Initiative Proposition No. 8

One of the chief obstacles to the proper administration of justice in California today is the fact that our judicial offices have become prizes to be fought for in the political arena, rather than positions of trust and confidence. For the protection both of the judges themselves and of society, they must be freed from political influence. To bring this about it is proposed to make these offices selective, and the tenure of judges subject to the will of the people, or to retirement or removal by law.

This amendment would apply automatically to the positions of justices of the Supreme Court and of the District Court of Appeal, and, in addition, give to each county the right to decide by ballot whether the proposed method of choosing judges should apply to the superior court judges of their respective counties.

Hereafter, whenever a vacancy occurs in any of the classifications of judges subject to this amendment, selection to fill the vacancy shall be made by the Governor, *but* the selection shall not be effective until confirmed by a commission on qualifications, which shall consist of the following three officials: (1) Chief Justice of the Supreme Court; (2) Presiding Justice of the District Court of Appeal of the district where the vacancy occurs; and (3) the Attorney General.

Any judge so selected and confirmed shall serve until the next general election, which, of course, can not be longer than two years after his appointment, at which time his name *only* shall appear upon the ballot, with the question: "Shall Judge (name) be elected to the office for the term expiring January (year)?" If

the majority vote is "yes" the judge shall continue to serve for the regular term of office. If the majority vote is "no" the office shall be declared vacant and the appointment of a successor shall be made by the method previously described. At the end of each successive term, if the incumbent judge desires to remain in office, the same form of ballot shall be used and the same procedure followed.

Under this proposed plan the ultimate control would remain in the hands of the people, with these essential differences from the present plan: Any candidate whose name appeared on the ballot would either be recommended by the Governor and the commission on qualifications, instead of by himself, or by the politicians, as he is at present, or would have served some time in the office, so that the voters might observe him.

The issue would not be whether the judge spent 25 per cent of his time in political activities, as he must today, but whether he had given to the people the honest, intelligent and fearless service they have a right to expect; and the voter would have a power, which no one has today, namely that of vetoing an appointment of the Governor, and of casting a vote for or against one particular candidate on the basis of his fitness for office.

MRS. DUNCAN S. ROBINSON,
Vice President-at-Large, California
Federation of Women's Clubs,
Rio Vista.

RUFUS B. von KLEINSMID,
President, University of Southern
California.

and other public eating places, and in bona fide clubs after such clubs have been lawfully operated for not less than one year, and the privilege of keeping, buying, selling, serving, and otherwise disposing of beers on any premises open to the general public shall be licensed and regulated under the applicable provisions of the so-called State Liquor Control Act, California Statutes 1933, Chapter 658, in so far as the same are not inconsistent with the provisions hereof, and excepting that the license fee to be charged bona fide hotels, restaurants, cafes, cafeterias, railroad dining or club cars, passenger ships, and other public eating places, and any bona fide clubs after such clubs have been lawfully operated for not less than one year, for the privilege of keeping, buying, selling, or otherwise disposing of intoxicating liquors other than beers and wines, shall be \$250.00 per year, or \$62.50 per quarter-annum for seasonal businesses, subject to the power of the State Board of Equalization to change such fees.

The Legislature may authorize, subject to reasonable restrictions, the sale in retail stores of liquor contained in the original packages, where such liquor is not to be consumed on the premises where sold.

The Legislature shall provide for apportioning the amounts collected for license fees or occupation taxes under the provisions hereof between the State and the cities, counties and cities and counties of the State, in such manner as the Legislature may deem proper.

All constitutional provisions and laws inconsistent with the provisions hereof are hereby repealed.

SELECTION OF JUDGES. Initiative Constitutional Amendment.

3 Declares Supreme or Appellate Court Justice may declare candidacy to succeed himself, otherwise Governor shall nominate candidate; candidate being only one on ballot for such office, and electors voting for or against him; if defeated, or vacancy occurs, Governor appointing until next general election, but defeated person ineligible for appointment. Governor's nominations or appointments ineffective unless approved by commission comprising Chief Justice, presiding Appellate Court Justice and Attorney General. Requires retirement system. Provisions inapplicable to superior court judges until adopted by counties in manner provided by Legislature. Makes Constitutional removal and recall provisions applicable.

YES	
NO	

Sufficient qualified electors of the State of California have presented to the Secretary of State a petition and request that the proposed amendment to the Constitution, by adding section 26 to Article VI thereof, hereinafter set forth, be submitted to the people of the State of California for their approval or rejection at the next ensuing general election. The proposed amendment to the Constitution is as follows:

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in BLACK-FACED TYPE to indicate that they are NEW.)

PROPOSED AMENDMENT TO THE CONSTITUTION.

Sec. 26. Within thirty days before the sixteenth day of August next preceding the expiration of his term, any justice of the Supreme Court, justice of a District Court of Appeal, or judge of a superior court in any county the electors of which have adopted provisions of this section as applicable to the judge or judges of the superior court of such county in the manner hereinafter provided, may file with the officer charged with the duty of certifying nominations for publication in the official ballot a

declaration of candidacy for election to succeed himself. If he does not file such declaration the Governor must nominate a suitable person for the office before the sixteenth day of September, by filing such nomination with the officer charged with said duty of certifying nominations.

In either event, the name of such candidate shall be placed upon the ballot for the ensuing general election in November in substantially the following form:

For _____
(title of office)

Shall _____
(name)

be elected to the office for the term expiring January _____?
(year)

Yes
No

No name shall be placed upon the ballot as a candidate for any of said judicial offices except that of a person so declaring or so nominated. If a majority of the electors voting upon such candidacy vote "yes," such person shall be elected to said office. If a majority of those voting thereon vot

"no," he shall not be elected, and may not thereafter be appointed to fill any vacancy in that court, but may be nominated and elected thereto as herein above provided.

Whenever a vacancy shall occur in any judicial office above named, by reason of the failure of a candidate to be elected or otherwise, the Governor shall appoint a suitable person to fill the vacancy. An incumbent of any such judicial office serving a term by appointment of the Governor shall hold office until the first Monday after the first day of January following the general election next after his appointment, or until the qualification of any nominee who may have been elected to said office prior to that time.

No such nomination or appointment by the Governor shall be effective unless there be filed with the Secretary of State a written confirmation of such nomination or appointment signed by a majority of the three officials herein designated as the commission on qualifications. The commission on qualifications shall consist of (1) the Chief Justice of the Supreme Court, or, if such office be vacant, the acting Chief Justice; (2) the presiding justice of the District Court of Appeal of the district in which a justice of a District Court of Appeal or a judge of a superior court is to serve, or, if there be two such presiding justices, the one who has served the longer such; or, in the case of the nomination or appoint-

ment of a justice of the Supreme Court, the presiding justice who has served longest as such upon any of the District Courts of Appeal; and (3) the Attorney General. If two or more presiding justices above designated shall have served terms of equal length, they shall choose the one who is to be a member of the commission on qualifications by lot, whenever occasion for action arises. The Legislature shall provide by general law for the retirement, with reasonable retirement allowance, of such justices and judges for age or disability.

In addition to the methods of removal by the Legislature provided by sections 17 and 18 of Article IV and by section 10 of this article, the provisions of Article XXIII relative to the recall of elective public officers shall be applicable to justices and judges elected and appointed pursuant to the provisions of this section so far as the same relate to removal from office.

The provisions of this section shall not apply to the judge or judges of the superior court of any county until a majority of the electors of such county voting on the question of the adoption of such provisions, in a manner to be provided for by the Legislature, shall vote in favor thereof.

If the Legislature diminishes the number of judges of the superior court in any county or city and county, the offices which first become vacant, to the number of judges diminished, shall be deemed to be abolished.

ATTORNEY GENERAL. Initiative Constitutional Amendment. Declares Attorney General, State's chief law officer, shall see all State laws enforced, directly supervise district attorneys, sheriffs and other enforcement officers designated by law, and require from them written reports concerning criminal matters. Empowers him to prosecute, with district attorney's powers, violations within superior court's jurisdiction; assist district attorneys when public interest or Governor requires, and perform other duties prescribed by law; Governor and Controller allowing his necessary expenses from general fund. Makes his salary same as Supreme Court Associate Justice, prohibiting him from private practice, and requiring his entire time in State service.

YES	
NO	

Sufficient qualified electors of the State of California have presented to the Secretary of State a petition and request that the proposed amendment to the Constitution, by adding section 21 to Article V thereof, hereinafter set forth, be submitted to the people of the State of California for their approval or rejection at the next ensuing general election. The proposed amendment to the Constitution is as follows:

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions

thereof are printed in BLACK-FACED TYPE to indicate that they are NEW.)

PROPOSED AMENDMENT TO THE CONSTITUTION.

Sec. 21. Subject to the powers and duties of the Governor vested in him by Article V of the Constitution, the Attorney General shall be the chief law officer of the State and it shall be his duty to see that the laws of the State of California are uniformly and adequately enforced in every county of the State. He shall have direct supervision over every district attorney and sheriff and over such other law enforcement officers as may be designated by

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