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2-13-1980

## Judges

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Office of the Secretary of State  
March Fong Eu

1230 J Street  
Sacramento, California 95814

Elections Division  
(916) 445-0820

July 17, 1980

TO: ALL REGISTRAR OF VOTERS/COUNTY CLERKS/PROponents

FROM: CASHMERE M. APPERSON - ELECTIONS TECHNICIAN

Pursuant to Elections Code 3520(b) you are hereby notified that the total number of signatures to the hereinafter named proposed Initiative Constitutional Amendment filed with all county clerks is less than 100 percent of the number of qualified voters required to find the petition sufficient.

TITLE: JUDGES

SUMMARY DATE: FEBRUARY 11, 1980

PROponents: H. L. RICHARDSON, PHILLIP D. WYMAN,  
JOHN T. DOOLITTLE, TRUMAN CAMPBELL,  
LOU BARNETT AND JOHN M. FELIZ.



Office of the Secretary of State  
March Fong Eu

1230 J Street  
Sacramento, California 95814

Elections Division  
(916) 445-0820

February 11, 1980

TO ALL COUNTY CLERKS/ REGISTRARS OF VOTERS

Pursuant to Section 3513 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

JUDGES  
INITIATIVE CONSTITUTIONAL AMENDMENT

Circulating and Filing Schedule

- 1. Minimum number of signatures required ..... 553,790  
Constitution II, 8 (b)
- 2. Official Summary Date ..... Monday, 2/11/80  
Elections Code Section 3513.
- 3. Petition Sections:
  - a. First day Proponent can circulate  
Sections for signatures ..... Monday, 2/11/80  
Elections Code Section 3513.
  - b. Last day Proponent can circulate and  
file with the county. All Sections  
are to be filed at the same time  
within each county ..... Thursday, 7/10/80 \*
  - c. Last day for county to determine total  
number of signatures affixed to petition  
and to transmit total to the Secretary  
of State ..... Thursday, 7/17/80

(If the Proponent files the petition with the county on a date prior to 7/10/80, the county has 5 working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit this total to the Secretary of State).  
Elections Code Section 3520 (b).

\* PLEASE NOTE: To Proponent(s) who wish to qualify for the 1980 General Election. The law allows up to 55 days to county election officials for checking and reporting petition signatures. The law also requires that this process be completed 131 days before the election in which the people will vote on any initiative. It is possible that the county may not need the whole 55 days. But if you want to be sure that this initiative qualifies for the 1980 General Election, you should file this petition with the county by May 1, 1980.

- d. Last day for county to determine number of qualified electors who have signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State ..... Friday, 8/01/80

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date prior to 7/17/80, the last day is not later than the fifteenth day after the notification). Elections Code Section 3520 (d), (e).

- e. If the signature count is between 498,411 and 609,169, then the Secretary of State notifies counties using the random sampling technique to determine validity of all signatures.

Last day for county to determine actual number of all qualified electors who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State ..... Sunday, 8/31/80

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date prior to 8/01/80, the last day is not later than the thirtieth day after the notification). Elections Code Section 3521 (b), (c).

4. Campaign Statements:

Last day for Proponent to file a Campaign Statement of Receipts and Expenditures for period ending 8/07/80 ..... Thursday, 8/14/80

(If the Secretary of State finds that the measure has either qualified or failed to qualify on a date earlier than 7/10/80, the last date to file is the 35th calendar day after the date of notification by the Secretary of State that the measure has either qualified or failed to qualify. The closing date for this campaign statement is 7 days prior to the filing deadline). Government Code Section 84204

5. The proponents of the above named measure are:

H. L. Richardson  
3063 State Capitol  
Sacramento, CA 95814

Truman Campbell  
2350 N. Chestnut  
Fresno, CA 93703

Phillip D. Wyman  
6005 State Capitol  
Sacramento, CA 95814

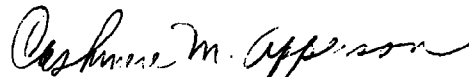
Lou Barnett  
2350 N. Chestnut  
Fresno, CA 93703

John T. Doolittle  
812 J Street  
Sacramento, CA 95814

John M. Feliz  
106 K Street, Suite 200  
Sacramento, CA 95814

Sincerely,

WILLIAM N. DURLEY  
Assistant to the Secretary of State  
Elections and Political Reform



CASHMERE M. APPERSON  
Elections Technician

CMA:rb

NOTE TO PROPONENT(S): Your attention is directed to Elections Code Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3519 for appropriate format and type considerations in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. Your attention is further directed to the campaign disclosure and petition circulating requirements of the Political Reform Act of 1974, Government Code Sections 18000 et seq.



State of California  
Department of Justice  
George Deukmejian  
(PRONOUNCED DUKE-MAY-GIN)  
Attorney General

555 CAPITOL MALL, SUITE 350  
SACRAMENTO 95814  
(916) 445-9555

February 11, 1980

**FILED**  
In the office of the Secretary of State  
of the State of California

FEB 13 1980

MARCH FONG EU, Secretary of State

By *Cashmere M. Apperson*

Honorable March Fong Eu  
Secretary of State  
1230 J Street  
Sacramento, California 95814

Attention Mr. William N. Durley

Dear Mrs. Eu:

RE: Initiative Proposing Amendment to: Constitution  
Subject: Judges--Election  
Proponents: Richardson, Wyman, Doolittle,  
Campbell, Barnett, and Feliz  
Our File No.: SA80RF0004

Pursuant to the provisions of sections 3503 and 3513 of the Elections Code, you are hereby notified that on this date we mailed to the proponents of the above identified proposed initiative the attached title and summary.

Enclosed is a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the addresses of the proponents is as stated on the declaration of mailing.

Very truly yours,

George Deukmejian  
Attorney General

*Robert Burton*

Robert Burton  
Deputy Attorney General

RB:jar  
Encl.

Date: February 11, 1980  
File No.: SA8ORF0004

The Attorney General of California has prepared the following title and summary of the chief purposes and points of the proposed measure:

JUDGES. INITIATIVE CONSTITUTIONAL AMENDMENT.

Reduces terms of Supreme Court and courts of appeal judges from 12 to 8 years. Modifies election method from present procedure to method used for other nonpartisan offices. Requires that all appellate court judges stand for election at next general election following adoption of this measure. Provides initially for terms of varying length. Provides that Gubernatorial appointees to fill vacancies on courts of record cannot serve until confirmation by Senate. Revises Judicial Council membership and specifies method of selection of judges thereon. Defines when a case is submitted to Supreme Court or courts of appeal. Financial impact on state or local government: Undetermined, but potentially substantial, increase in local election costs in even-numbered years. Undetermined, but probably minor, increase in state costs to conduct elections for positions on Judicial Council.

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RECORD # 20 BF:

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

TO THE HONORABLE SECRETARY OF THE STATE OF CALIFORNIA

We, the undersigned, registered, qualified voters of California, residents of \_\_\_\_ County (or City and County), hereby propose amendments to the Constitution of California, relating to courts and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed constitutional amendments (full title and text of the measure) read as follows:

First-That Section 3 of Article VI thereof is amended to read:



SEC. 3. The Legislature shall divide the state into 5 districts each containing a court of appeal with one or more divisions. Each division consists of a presiding justice and 2 or more associate justices. It has the power of a court of appeal and shall conduct itself as a 3-judge court. Concurrence of 2 judges present at the argument is necessary for a judgment.

An acting presiding justice shall perform all functions of the presiding justice when the presiding justice is absent or unable to act. The presiding justice or, if the presiding justice fails to do so, the Chief Justice shall select an associate justice of that division as acting presiding justice.

Second-That subdivision (c) is added to Section 5 of Article VI, to read:

(c) A vacancy on a municipal court shall be filled by election to a full term at the next general election after the January 1 following the vacancy, but the Governor shall appoint a person to fill the vacancy temporarily until the elected judge's term begins.

Third-That Section 6 of Article VI thereof is amended to read:

SEC. 6. The Judicial Council consists of the Chief Justice and one other judge of the Supreme Court, 3

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judges of courts of appeal, 5 judges of superior courts, courts, 3 judges of municipal courts, and 2 judges of justice courts, each appointed by the Chief Justice for a 2-year term; 4 members of the State Bar appointed by its governing body for 2-year terms; and one member of each house of the Legislature appointed as provided by the house. The Judicial Council consists of the Chief Justice and one other judge of the Supreme Court elected by the members of that court; 2 judges of the courts of appeal elected by the members of that court; 2 superior court judges who hold office in the counties within the First Appellate Court District elected by the superior court judges who hold office in those counties; 3 superior court judges who hold office in the counties within the Second Appellate Court District elected by the superior court judges who hold office in those counties; one superior court judge who holds office in the counties within the Third and Fifth Appellate Court Districts elected by the superior court judges who hold office in those counties; one superior court judge who holds office in the counties within the Fourth Appellate Court District elected by the superior court judges who hold office in those counties; one municipal court judge who holds office in the counties within the First Appellate Court District elected by the

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municipal court judges who hold office in those counties;  
2 municipal court judges who hold office in the counties  
within the Second Appellate Court District elected by the  
municipal court judges who hold office in those counties;  
one municipal court judge holding office in the counties  
within the Third and Fifth Appellate Court District  
electd by the municipal court judges holding office in  
those counties; one municipal court judge holding office  
in the counties within the Fourth Appellate Court District  
electd by the municipal court judges holding office in  
those counties; one judge of the justice court electd by  
the judges of those courts; 4 members of the State Bar  
appointed by its governing body for 2-year terms; and one  
member of each house of the Legislature appointed as  
provided by the house.

All judges electd to the Judicial Council shall  
be electd for a 2-year term. The Chief Justice shall be  
a member of the Judicial Council by reason of incumbency  
in office and shall be the chairperson unless the Chief  
Justice appoints another member of the Judicial Council to  
that position during the member's term. Council  
membership terminates if a member ceases to hold the  
position that qualified the member for appointment or  
election. A vacancy shall be filled in the same manner as

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original selection for the remainder of the term.

The Chief Justice shall promulgate rules governing the first election of elected members of the Judicial Council and those rules shall include the requirement of nomination by petition of not more than 10 percent of the judges eligible to vote for the particular office on the Judicial Council and for a secret ballot. After the Judicial Council has been selected pursuant to this section, the authority to promulgate rules for election of Judicial Council members previously vested in the Chief Justice shall vest in the Judicial Council, and shall include the requirement of nomination by petition of not more than 10 percent of the judges eligible to vote for the particular office on the Judicial Council and for a secret ballot. The Judicial Council is empowered to redefine the geographical boundaries governing the districts from which judges are elected if the redefinition is necessary to assure that the elected judges are selected from generally proportionate numbers of other judges.

Council membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

The council may appoint an Administrative Director of the courts, who serves at its pleasure and performs functions delegated by the council or the Chief Justice, other than adopting rules of court administration, practice and procedure.

To improve the administration of justice the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, not inconsistent with statute, and perform other functions prescribed by statute.

The Chief Justice shall seek to expedite judicial business and to equalize the work of judges. The Chief Justice may provide for the assignment of any judge to another court but only with the judge's consent if the court is of lower jurisdiction. A retired judge who consents may be assigned to any court.

Judges shall report to the Judicial Council as the Chief Justice directs concerning the condition of judicial business in their courts. They shall cooperate with the council and hold court as assigned.

Fourth-That Section 7 of Article VI is repealed.

~~SEC. 7. The Commission on Judicial Appointments~~

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consists of the Chief Justice, the Attorney General, and the presiding justice of the court of appeal of the affected district or, if there are 2 or more presiding justices, the one who has presided longest or, when a nomination or appointment to the Supreme Court is to be considered, the presiding justice who has presided longest on any court of appeal.

Fifth-That Section 16 of Article VI is amended to read:

SEC. 16. (a) ~~Judges~~ The Chief Justice and judges of the Supreme Court shall be elected at large and judges of courts of appeal shall be elected in their districts at general elections at the same time and places as the Governor. The method of election shall be the same as for other nonpartisan offices. Their terms are ~~12~~ 8 years beginning the Monday after January 1 following their election, except that a judge elected to an unexpired term serves the remainder of the term. Each such judicial office shall be assigned a distinctive number on the ballot and each candidate shall declare for a specific judicial office. In creating a new court of appeal district or division the Legislature shall provide that the first elective terms are 4, ~~8~~ 6, and ~~12~~ 8 years.

(b) Judges of other courts shall be elected in

their counties or districts at general elections. The Legislature may provide that an unopposed incumbent's name not appear on the ballot.

(c) Terms of judges of superior courts are 6 years beginning the Monday after January 1 following their election. A vacancy shall be filled by election to a full term at the next general election after the January 1 following the vacancy, but the Governor shall appoint a person to fill the vacancy temporarily until the elected judge's term begins.

(d) Within 30 days before August 16 preceding the expiration of the judge's term, a judge of the Supreme Court or a court of appeal may file a declaration of candidacy to succeed to the office presently held by the judge. If the declaration is not filed, the Governor before September 16 shall nominate a candidate. At the next general election, only the candidate so declared or nominated may appear on the ballot, which shall present the question whether the candidate shall be elected. The candidate shall be elected upon receiving a majority of the votes on the question. A candidate not elected may not be appointed to that court but later may be nominated and elected. The Governor shall fill vacancies in these courts of record by appointment, subject to confirmation

by the Senate, a majority of the membership concurring. An appointee holds office until the Monday after January 1 following the first general election at which the appointee had the right to become a candidate or until an elected judge qualifies. ~~A nomination or~~ An appointment by the Governor is effective when confirmed by the Senate ~~the Commission on Judicial Appointments.~~ No appointee shall exercise the powers of such office, whether by temporary appointment or otherwise, until such confirmation is received.

Electors of a county, by majority of those voting and in a manner the Legislature shall provide, may make this system of selection applicable to judges of superior courts.

(e) At the general election next following the election at which this subdivision is adopted, all judges of the Supreme Court and courts of appeal shall stand for election. The Chief Justice shall be elected to a term of 8 years. Two judges of the Supreme Court shall be elected to terms of 2 years, two to terms of 4 years, and two to terms of 6 years, the term to be assigned to each judge, following his election, by a random drawing conducted by the Secretary of State. The terms of office of judges so elected to a court of appeal shall be



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similarly staggered, following their election, by a random drawing conducted for each district by the Secretary of State, with an 8 year, a 6 year, a 4 year, and a 2 year term, or a 6 year, a 4 year, and a 2 year term, being assigned to each division, depending on the number of judges in the division. Judges of the Supreme Court and courts of appeal elected thereafter shall serve full terms.

Sixth-That Section 19 of Article VI is amended to read:

Sec. 19. (a) The Legislature shall prescribe compensation for judges of courts of record.

(b) A judge of a court of record may not receive the salary for the judicial office held by the judge while any cause before the judge remains pending and undetermined for 90 days after it has been submitted for decision. For purposes of this subdivision, a cause pending in the Supreme Court, or a court of appeal, is submitted when the court has heard all argument, or has approved a waiver of oral argument, and the time has passed for filing all briefs and papers, including any supplementary brief permitted by the court. Submission may be vacated only by an order stating the reasons therefor. The order shall provide for resubmission of the

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cause.

Seventh-It is the intent of the people in adopting this measure, that if any provision of this measure or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the measure which can be given effect without the invalid provision or application, and to this end the provisions of this measure are severable.

DECLARATION OF SERVICE BY MAIL

I, JUDITH A. ROSE , declare as follows: I am over the age of 18 years, not a party to the within action; my place of employment and business address is 555 Capitol Mall, Suite 350, Sacramento, California 95814.

On February 11, 1980 , I served the attached letter to the Honorable March Fong Eu, Attn. William Durley, re: Initiative Proposing Amendment to: Constitution, Subject: Judges--Election, Our File No. SA80RF0004

by placing a true copy thereof in an envelope addressed to the persons named below each at the address set out immediately below each respective name, and by sealing and depositing said envelope in the United States Mail at Sacramento, California, with postage thereon fully prepaid. There is delivery service by United States Mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed:

H. L. RICHARDSON  
3063 State Capitol  
Sacramento, CA 95814

LOU BARNETT  
2350 N. Chestnut  
Fresno, CA 93703

PHILLIP D. WYMAN  
6005 State Capitol  
Sacramento, CA 95814


JOHN M. FELIZ  
106 K Street, Suite 200  
Sacramento, CA 95814

JOHN T. DOOLITTLE  
812 J Street  
Sacramento, CA 95814

TRUMAN CAMPBELL  
2350 N. Chestnut  
Fresno, CA 93703

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 11, 1980 , at Sacramento, California.

  
JUDITH A. ROSE  
Declarant