

1949

# CONSTITUTIONAL PROVISIONS REGARDING STATE OFFICERS, LEGISLATORS AND JUDGES

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<b>11</b>	<b>CONSTITUTIONAL PROVISIONS REGARDING STATE OFFICERS, LEGISLATORS AND JUDGES. Assembly Constitutional Amendment No. 73.</b> Repeals or amends various sections of Articles IV, V, VI, IX, XX and XXII of Constitution. Deletes provisions relating to terms of legislators and constitutional officers elected following adoption of 1879 Constitution and relating to abolished office of Surveyor General. Deletes salary provisions formerly applicable to State constitutional officers and judges. Eliminates language formerly applicable to supreme court commissioners. Deletes special provision for time of election of Superintendent of Public Instruction.	YES	
		NO	

(For full text of measure, see page 18, Part II)

**Argument Against Assembly Constitutional Amendment No. 73**

This measure is defective and will not accomplish its intended purpose. It should not be approved. The measure was designed to eliminate obsolete and superseded provisions relating to state officers. Because of an oversight in drafting the measure, it would delete the provision whereby the term of office of the Superintendent of Public Instruction is made the same as that of the Governor. The approval of this measure would result in there being no term of office

prescribed for the Superintendent of Public Instruction. That was not the intention of the authors of the measure nor of the Legislature in proposing it. Since the measure was intended only to eliminate deadwood from the Constitution its disapproval at the polls will make no material difference whereas its approval would leave uncertain the term of an important state officer.

Vote NO on A. C. A. 73.

ERNEST C. CROWLEY  
Assemblyman, 5th Dist.

<b>12</b>	<b>DAYLIGHT SAVING TIME. Initiative.</b> Provides for daylight saving time during portion of each year. Establishes Standard Pacific Time as standard time within State, but advances time one hour during period from last Sunday in April until last Sunday in September. Provides that time so specified shall apply to performance of legal rights and duties and in public schools and other public institutions. Repeals conflicting laws.	YES	
		NO	

(For full text of measure, see page 20, Part II)

**Argument in Favor of Initiative Proposition No. 12**

**CALIFORNIA NEEDS SUMMERTIME DAYLIGHT SAVING TIME**—limited to the *summer months only*, from last Sunday in April until the last Sunday in September.

1. Twice this decade California has experienced Daylight Saving as an emergency measure. The great majority of Californians enjoyed and benefited from it, *particularly during the summer months*. Under Wartime Daylight Saving California industry and agriculture reached its all-time high in performance.

2. California leads the Nation in industrial growth and has received 42 percent of the Nation's new population since 1940. **SUMMERTIME DAYLIGHT SAVING TIME** is a recognized necessity in heavily populated areas, and therefore has been adopted in most every major American city outside of California.

With the problem of millions living in congested areas **SUMMERTIME DAYLIGHT SAVING TIME** gives the people an extra hour of daylight after they get home, thus increasing public health and industrial efficiency.

3. In every case **SUMMERTIME DAYLIGHT SAVING TIME** has increased business and employment for the benefit of everybody.

4. Workers benefit from **SUMMERTIME DAYLIGHT SAVING TIME** as more of their useful working hours are spent in the cooler part of the day. This reduces fatigue, reduces industrial accidents, increases efficiency, helps lower costs, and provides an extra hour for healthy outdoor recreation.

5. Religious and women's organizations have traditionally favored **SUMMERTIME DAYLIGHT SAVING TIME** because it tends to reduce juvenile delinquency.

6. California has the biggest automobile population and the highest traffic accident rate of any state. Safety leaders therefore recommend **SUMMERTIME DAYLIGHT SAVING TIME** because it reduces traffic accidents.

7. **SUMMERTIME DAYLIGHT SAVING TIME** will aid in combating California's perennial water shortage.

8. **SUMMERTIME DAYLIGHT SAVING TIME** will help agriculture. It will assist poultry production and help fruit growers. The part-time farmer especially will welcome precious added daylight because of his daytime employment elsewhere. Tests have indicated that cultivation of crops during the damp hours of early morning can be done *with complete success*, with no loss of time, or any injury to the crops.

9. California needs **SUMMERTIME DAYLIGHT SAVING TIME** because of relationships with Eastern centers. Thousands of employees of entire industries have suffered from the time differential which works a particular hardship on California companies which have other plants or offices in the East.

Adoption of **SUMMERTIME DAYLIGHT SAVING TIME** will gain for these industries an entire additional hour for daily business transactions with the East. This will result in a general business gain of benefit to every employed Californian.

10. Reflecting California's need for Daylight Saving, 312,000 signatures were obtained within

respective counties, suitable registers, poll books, forms of return, and an equal number of the aforesaid ballots, which number, in the aggregate, must be ten times greater than the number of voters in the said election precincts or polling places. The returns of the number of votes cast at the Presidential election in the year eighteen hundred and seventy-six shall serve as a basis of calculation for this and the preceding section; provided, that the duties in this and the preceding section imposed upon the Clerk of the respective counties shall, in the City and County of San Francisco, be performed by the Registrar of Voters for said city and county.

Sec. 7. Every citizen of the United States, entitled by law to vote for members of the Assembly in this State, shall be entitled to vote for the adoption or rejection of this Constitution.

Sec. 8. The officers of the several counties of this State, whose duty it is, under the law, to receive and canvass the returns from the several precincts of their respective counties, as well as of the City and County of San Francisco, shall meet at the usual places of meeting for such purposes on the first Monday after said election. If, at the time of meeting, the returns from each precinct in the county in which the polls were opened have been received, the Board must then

and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from time to time until all the returns are received; or until the second Monday after said election, when they shall proceed to make out returns of the votes cast for and against the new Constitution; and the proceedings said Boards shall be the same as those prescribed for like Boards the case of an election for Governor. Upon the completion of said canvass and returns, the said Board shall immediately certify the same, in the usual form, to the Governor of the State of California.

Sec. 9. The Governor of the State of California shall, as soon as the returns of said election shall be received by him, or within thirty days after said election, in the presence and with the assistance of the Controller, Treasurer, and Secretary of State, open and compute all the returns received of votes cast for and against the new Constitution. If, by such examination and computation, it is ascertained that a majority of the whole number of votes cast at such election is in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California; and that it shall take effect and be in force on the days hereinafter specified.

**10 REPEAL OF SUSPENSION PROVISION. Assembly Constitutional Amendment No. 72.** Repeals inoperative Section 26a of Article I of Constitution, suspending the effective date of prohibition amendment submitted at 1914 election, said prohibition amendment having been refused adoption.

YES	
NO	

(This proposed amendment expressly repeals an existing section of the Constitution, therefore, the **EXISTING SECTION** proposed to be **REPEALED** is printed in **STRIKEOUT TYPE**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

Sec. 26a. Should an amendment to the Constitution of the State of California by adding to Article I two new sections to be numbered respectively section 26 and section 27, as proposed by initiative petition filed with and certified to the Secretary of State, and relating to

intoxicating liquors, be enacted at the general election held on Nov. 3, 1914, then the force and effect of said section 26 shall be suspended until Feb. 15, 1915, at which time it shall have full force and effect except that, as to the manufacture and transportation of intoxicating liquors for delivery at points outside of the State of California on the force and effect thereof shall be suspended until Jan. 1, 1916, which time such manufacture and transportation also shall cease and on and after said date said section 26 shall in all respects have full force and effect.

**11 CONSTITUTIONAL PROVISIONS REGARDING STATE OFFICERS, LEGISLATORS AND JUDGES. Assembly Constitutional Amendment No. 73.** Repeals or amends various sections of Articles IV, V, VI, IX, XX and XXII of Constitution. Deletes provisions relating to terms of legislators and constitutional officers elected following adoption of 1879 Constitution and relating to abolished office of Surveyor General. Deletes salary provisions formerly applicable to State constitutional officers and judges. Eliminates language formerly applicable to supreme court commissioners. Deletes special provision for time of election of Superintendent of Public Instruction.

YES	
NO	

(This proposed amendment expressly repeals and amends existing provisions of the Constitution, therefore, **EXISTING PROVISIONS** proposed to be **DELETED** or **REPEALED** are printed in **STRIKEOUT TYPE** and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

First. That Section 3 of Article IV thereof be amended to read:

Sec. 3. Members of the Assembly shall be elected in the year eighteen hundred and seventy-nine, at the time and in the manner now provided by law. The second election of members of the Assembly after the adoption of this Constitution shall be on the first Tuesday after the first Monday in November, eighteen hundred and eighty. Thereafter, members of the Assembly shall be chosen biennially, and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature.

Second. That Section 5 of Article IV thereof be amended to read:

Sec. 5. The Senate shall consist of forty members; and the Assembly of eighty members, to be elected by districts, numbered as hereinafter provided. The seats of the twenty Senators elected in the year eighteen hundred and eighty-two from the odd numbered districts shall be vacated at the expiration of the second year, so that one-half One-half of the Senators shall be elected every two years; those from the odd-numbered districts being elected when the number of the year is divisible by four, provided that all the Senators elected at the first election under this Constitution shall hold office for the term of three years.

Third. That Section 18 of Article IV thereof be amended to read:

Sec. 18. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, ~~Surveyor General~~, Chief Justice and Associate Justices of the Supreme Court, judges

of the district court of appeal, and judges of the superior courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.

**Fourth. That Section 17 of Article V thereof be amended to read:**

Sec. 17. A Secretary of State, a Controller, a Treasurer, and an Attorney General; and a Surveyor General shall be elected at the same time and places, and in the same manner as the Governor and Lieutenant Governor, and their terms of office shall be the same as that of the Governor.

**Fifth. That Section 19 of Article V thereof be repealed.**

Sec. 19. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected; which compensation is hereby fixed for the following officers, as follows: Governor, ten thousand dollars per annum; Lieutenant Governor, four thousand dollars; the Secretary of State, Controller, Treasurer, and Surveyor General, five thousand dollars each per annum; and the Attorney General, six thousand dollars per annum; such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; provided, however, that the Legislature may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service, in any office provided for in this article, exceeding eighteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor General, and none of the officers hereinabove named shall receive for their own use any fees or perquisites for the performance of any official duty.

**Sixth. That Section 22 of Article V thereof be amended to read:**

Sec. 22. Notwithstanding anything contained elsewhere in this Constitution, the compensation for the services of the Governor, the Lieutenant Governor, the State Controller, Secretary of State, Superintendent of Public Instruction and State Treasurer may be fixed at any time by the Legislature at an amount not less than ten thousand dollars (\$10,000) per annum; for the Governor, and not less than five thousand dollars (\$5,000) per annum for each of the other state officers named herein. Except by an act passed at the Fifty-seventh Regular Session of the Legislature, the compensation of no state officer named herein shall be increased nor diminished during his term of office.

**Seventh. That Section 17 of Article VI thereof be repealed.**

Sec. 17. The justices of the supreme court and of the district courts of appeal, and the judges of the superior courts, shall severally, at stated times during their continuance in office, receive for their service such compensation as is or shall be provided by law. The salaries of the judges of the superior court, in all counties having but one judge, and in all counties in which the terms of the judges of the superior court expire at the same time, shall not hereafter be increased or diminished after their election, nor during the term for which they shall have been elected. Upon the adoption of this amendment the salaries then established by law shall be paid uniformly to the justices and judges then in office. The salaries of the justices of the supreme court and of the district courts of appeal shall be paid by the State. One-half of the salary of each superior court judge shall be paid by the State; and the other half thereof shall be paid by the county for which he is elected. On and after the first day of January, A. D. one thousand nine hundred and seven, the justices of the supreme court shall each receive an annual salary of eight thousand dollars, and the justices of the several district courts of appeal shall each receive an annual salary of seven thousand dollars, the said salaries to be payable monthly.

**Eighth. That Section 25 of Article VI thereof be amended to read:**

Sec. 25. The present supreme court commission shall be abolished at the expiration of its present term of office, and no new supreme court commission shall be created or provided for after January 1st, A. D. 1905.

**Ninth. That Section 2 of Article IX thereof be amended to read:**

Sec. 2. A Superintendent of Public Instruction shall be elected by the qualified electors of the State. He shall receive a salary equal to that of the Secretary of State, and shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election.

**Tenth. That Section 20 of Article XX thereof be amended to read:**

Sec. 20. Elections of the officers provided for by this Constitution; except at the election in the year eighteen hundred and seventy-nine, shall be held on the even-numbered years next before the expiration of their respective terms. The terms of such officers shall commence on the first Monday after the first day of January next following their election.

**Eleventh. That Section 10 of Article XXII be repealed.**

Sec. 10. In order that future elections in this State shall conform to the requirements of this Constitution, the terms of all officers elected at the first election under the same shall be, respectively, one year shorter than the terms as fixed by law or by this Constitution; and the successors of all such officers shall be elected at the last election before the expiration of the terms as in this section provided. The first officers chosen after the adoption of this Constitution shall be elected at the time and in the manner now provided by law. Judicial officers and the Superintendent of Public Instruction shall be elected at the time and in the manner that State officers are elected.