

1950

## ELIGIBILITY TO VOTE

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<b>4</b>	<b>ELIGIBILITY TO VOTE. Assembly Constitutional Amendment No. 12.</b> Amends Section 1 of Article II of Constitution. Preserves voting eligibility of registered electors who move from one California county to another within 90 days prior to an election, by permitting such persons to vote in former county.	YES	
		NO	

(For full text of measure, see page 3, Part II)

**Analysis by the Legislative Counsel**

Section 1 of Article II of our State Constitution now provides that a person in order to be eligible to vote must have been a resident of the State for one year, of the county for 90 days, and in the election precinct for 54 days, immediately preceding the election, except that an otherwise qualified elector who moves from the precinct where he is registered to another precinct in the same county within 54 days prior to an election is eligible to vote in the precinct from which he moved.

This constitutional amendment would make a similar exception with respect to otherwise qualified electors who move from one county in the State to another county in the State within 90 days preceding an election, and would make a qualified elector so moving eligible to vote in the precinct in which he is registered within the county from which he moved.

**Argument in Favor of Assembly Constitutional Amendment No. 12**

Under the present Constitution in order to vote at an election the voter must be 21 years of age, a citizen of the United States and must have been a resident in the State for one year; a resident of the county for 90 days and in his precinct for 54 days prior to any election.

However, when a voter moves from one county to another county within 90 days prior to an election he is denied the right to vote in that election because of the county residence requirement.

A. C. A. No. 12 provides that any duly registered voter in any county moving from one county to another county within 90 days prior to an election, shall be considered to be a resident and qualified voter of the precinct of the county from which he so removed until after such election. This class of persons should not be disfranchised. They should have the right to vote. A "YES" vote is urged.

**RICHARD J. DOLWIG**  
Assemblyman, San Mateo County

<b>5</b>	<b>LEGISLATORS. Senate Constitutional Amendment No. 30.</b> Amends Section 19 of Article IV of Constitution. Permits members of Legislature to hold office and serve as members of boards or commissions created to apportion or allocate state funds to other state or local agencies.	YES	
		NO	

(For full text of measure, see page 3, Part II)

**Analysis by the Legislative Counsel**

This constitutional amendment would amend Section 19 of Article IV of the Constitution to permit Members of the Legislature to serve as members of boards or commissions created to apportion or allocate state funds to other state or local agencies.

Legislators are now prohibited from accepting appointments as members of such boards or commissions by Section 19 of Article IV which provides that no legislator may, during the term for which he is elected, accept "any office, trust, or employment under this State" except an "office filled by election by the people."

In recent years the Legislature has created several boards and has provided that a specified number of legislators shall meet and advise with the boards "to the extent that such advisory participation is not incompatible with their respective positions as Members of the Legislature." The State Allocation Board (Chapter 92, Statutes 1947) is an example of such a board. The limitation on the legislators' participation is necessitated by Section 19 of Article IV.

This constitutional amendment, if approved, will permit the appointment of legislators as active members of such boards or commissions.

**Argument in Favor of Senate Constitutional Amendment No. 30**

Senate Constitutional Amendment No. 30 is herewith presented for the purpose of making sure the State Constitution permits Members of the State Legislature to serve as members of state boards and commissions whose sole duty is

to allocate state funds to various state and local agencies.

For a number of years this system has been in effect at Sacramento and has worked exceedingly well. At the present time two Members of the Senate and two Members of the Assembly serve as members of the State Public Works Board and the State Allocation Board. Three members from each house serve as members of the State Wildlife Conservation Board. The State Allocation Board is set up to allocate construction funds to local agencies such as schools, counties and cities, etc., after the Legislature has made funds available for this purpose. The other two boards have similar duties regarding fish and game funds and construction funds for state institutions, buildings, etc.

By having Members of the Legislature serve as members of these boards, the people have a more direct voice in the expenditure of state money, and every section of the State is guaranteed to some extent of being fairly treated in the allocation of state money. Attorneys have raised the question of the legality of Members of the Legislature serving on these boards and this amendment is submitted for the purpose of clarifying the law and making sure that membership on these boards by legislators is legal.

There is no question involved here of the historic provision of law regarding separate powers of executive and legislative branches of government. The duties of these boards are purely allocation of state funds, which is more legislative function than administrative. After the funds are allocated, the actual expenditures are administered by the executive branch.

<b>4</b>	<b>ELIGIBILITY TO VOTE. Assembly Constitutional Amendment No. 12.</b> Amends Section 1 of Article II of Constitution. Preserves voting eligibility of registered electors who move from one California county to another within 90 days prior to an election, by permitting such persons to vote in former county.	YES	
		NO	

(This proposed amendment expressly amends an existing section of the Constitution, therefore, **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 of America, 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, of the age of 21 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 fifty-four 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 fifty-four days, or any person duly registered as an elector in any county in California and removing therefrom to another county in California within ninety

days prior to an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct or county 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 expect to be absent from their respective precincts or unable to vote therein, by reason of physical disability, on the day on which any election is held.

<b>5</b>	<b>LEGISLATORS. Senate Constitutional Amendment No. 30.</b> Amends Section 19 of Article IV of Constitution. Permits Members of Legislature to hold office and serve as members of boards or commissions created to apportion or allocate state funds to other state or local agencies.	YES	
		NO	

(This proposed amendment expressly amends an existing section of the Constitution, therefore, **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

**PROPOSED AMENDMENT TO THE CONSTITUTION**

**SEC. 19.** No Senator or Member of Assembly shall, during the term for which he shall have been elected, hold or

accept any office, trust, or employment under this State; provided, that this provision shall not apply to any office filled by election by the people. **Notwithstanding any provisions of this Constitution to the contrary, a Senator or Member of the Assembly may, during the term for which he has been elected, hold office and serve as a member of a board or commission created to apportion or allocate state funds to other state or local agencies.**

<b>6</b>	<b>LEGALIZING AND LICENSING GAMBLING. Initiative Constitutional Amendment.</b> Adds Article XXXII to Constitution. Permits wagering and gambling in licensed establishments. Creates five-man state commission empowered to license and supervise pari-mutuel betting at tracks, off-track bookmaking, wagering on athletic and skill contests, and gambling games and devices. Authorizes commission to operate or license gaming, lotteries, etc. Imposes percentage taxes on money wagered, revenue to be deposited in pension and welfare fund for payment of aged and blind aid allowances. Names first members of commission, future members to be elected. Continues licensing authority of Horse Racing Board.	YES	
		NO	

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

**PROPOSED AMENDMENT TO THE CONSTITUTION**

**PENSION AND WELFARE FUNDING ACT**

**ARTICLE XXXII**

**Sec. 1.** The purpose of this article is to raise money pay the cost of retirement pay, old age and blind pensions and welfare, and to relieve the taxpayer of all or a part of the ever-increasing burden thereof, by licensing, taxing,

regulating and rigidly controlling off-track bookmaking and gambling.

**This article shall be cited as the Pension and Welfare Funding Act.**

**Sec. 2.** All money required to pay all old age and blind pensions, aid or security allowances and the administration thereof provided by law or that may be provided hereafter shall be the money which shall be collected by the pension and welfare funding commission as hereinafter provided and placed in the pension and welfare fund in the state treasury. Out of the pension and welfare fund the treasurer shall once each month make available to that person or officer of the state who is or may be charged with the duty of paying old age and blind pensions, aid or security allowances, all money