

1954

FRAMING COUNTY CHARTERS

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_props

Recommended Citation

FRAMING COUNTY CHARTERS California Proposition 20 (1954).
http://repository.uchastings.edu/ca_ballot_props/565

This Proposition is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

FRAMING COUNTY CHARTERS. Senate Constitutional Amendment No. 27. Extends time for preparation of proposed county charter by board of freeholders from present 120 days to six months. Alters requirements for nominating candidates for freeholder.

YES	
NO	

(For Full Text of Measure, See Page 12, Part II)

Analysis by the Legislative Counsel

Under the present constitutional provisions, county charters are drafted by a board of freeholders who are elected by the people of the county. Candidates for the board are nominated by petitions which must be signed by at least 5 percent of the registered voters in the county. This constitutional amendment, affecting the first paragraph of Section 7 1/2 of Article XI, would eliminate the requirement for nomination by petition. It would substitute the method of nomination used in nominating candidates for county office generally, that is, the filing of nomination papers signed by not less than 20 nor more than 30 registered voters as sponsors.

This amendment would also extend the time for preparing the charter after the declaration of the results of the election of the board of freeholders from 120 days to six months.

Argument in Favor of Senate Constitutional Amendment No. 27

This amendment clarifies the provisions of the State Constitution relating to the manner of nominating candidates for members of a

board of freeholders to draft a county charter. The amendment would provide that candidates for election as members of such board shall be nominated substantially in the same manner as provided for candidates for county offices. It strikes out a provision that such nomination shall be "by petition"—the meaning of which term is not certain, since the Elections Code provisions relating to nominations do not use this specific phrase. This change will remove from the Constitution an ambiguous and unnecessary restriction.

The amendment would also extend the period allowed the board of freeholders to frame the charter from 120 days to 6 months. This would allow a longer time for consideration and drafting of the provisions and not force the hasty adoption of provisions not fully weighed or precisely stated.

BEN HULSE
State Senator, 39th District

CHARLES BROWN
State Senator, 28th District

END OF ARGUMENTS

INFERIOR COURT JUDGES. Assembly Constitutional Amendment No. 57. Makes judge of a justice court eligible for office as judge of a superseding municipal court though he is not an attorney, where he has served as justice of the peace for five years preceding November 7, 1950, and as judge of the justice court continuously thereafter.

YES

NO

(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 ARTICLE VI

Sec. 23. No person shall be eligible to the office of a justice of the Supreme Court, or of a district court of appeal, or of a judge of a superior court, or of a municipal court, unless he shall have been admitted to practice before the Supreme Court of the State for a period of at least five years immediately preceding his election or appointment to such office; provided, however, that any elected judge or justice of an existing court who has served in that

capacity by election or appointment as such judge or justice of a court superseded by a justice or municipal court for five consecutive years immediately preceding the effective date of this amendment November 7, 1950, and has served continuously as a judge of such superseding court after said date until the establishment of a municipal court, shall be eligible to become the judge of a municipal court by which supersedes the existing court of which he is judge is superseded upon the establishment of said municipal court or at the first election of judges thereto and for any consecutive terms thereafter for which he may be re-elected. The requirement of consecutive years of judicial service shall be deemed to have been met even though interrupted by service in the armed forces of the United States during the period of war.

20 **FRAMING COUNTY CHARTERS. Senate Constitutional Amendment No. 27.** Extends time for preparation of proposed county charter by board of freeholders from present 120 days to six months. Alters requirements for nominating candidates for freeholder.

YES

NO

(This proposed amendment expressly amends the first paragraph of 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 ARTICLE XI

Sec. 7½. Any county may frame a charter for its own government consistent with and subject to the Constitution (or, having framed such a charter, may frame a new one,) and relating to matters authorized by provisions of the Constitution, by causing a board of 15 freeholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county, at a general or special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three-fifths of all the members of the board of supervisors of such county, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said county, or in pursuance of a petition of qualified electors of said county as hereinafter provided. Such petition, signed by 15 per centum of the qualified electors of said county, computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at which a Governor was elected, praying for the election of a board of 15 freeholders to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within 20 days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of electors of the county, whether said petition is signed by the requisite number of qualified electors. Required by said clerk, the board of supervisors shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall

forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than 20 days nor more than 60 days after the adoption of the ordinance aforesaid or the presentation of said petition to said board of supervisors; provided, that if a general election shall occur in said county not less than 20 days nor more than 60 days after the adoption of the ordinance aforesaid, or such presentation of said petition to said board of supervisors, said board of freeholders may be elected at such general election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the nomination of candidates for county offices, to be voted for at general elections. It shall be the duty of said board of freeholders, within one hundred and twenty days six months after the result of such election shall have been declared by said board of supervisors, to prepare and propose a charter for said county, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the county clerk of said county and the other in the office of the county recorder thereof. Said board of supervisors shall thereupon cause said proposed charter to be published for at least 10 times in a daily newspaper of general circulation, printed, published and circulated in said county; provided, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be pub-

lished for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; and provided, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county, and the first publication or the posting of such proposed charter shall be made within 15 days after the filing of a copy thereof, as aforesaid, in the office of the county clerk. Said proposed charter shall be submitted by said board of supervisors to the qualified electors of said county at a special election held not less than 30 days nor more than 60 days after the completion of such publication, or after such posting; provided, that if a general election shall occur in said county not less than 30 days nor more than 60 days after the completion of such publication, or after such posting, then such proposed charter may be so submitted at such general election. If a majority of said qualified electors, voting thereon at such general or special election, shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session,

otherwise at its next regular session, or it may be submitted to the Legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a the majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede any existing charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter. A copy of such charter, certified and authenticated by the chairman and clerk of the board of supervisors under the seal of said board and attested by the county clerk of said county, setting forth the submission of such charter to the electors of said county, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and filed, one in the Office of the Secretary of State and the other, after being recorded in the office of the recorder of said county, shall be filed in the office of the county clerk thereof, and thereafter all courts shall take judicial notice of said charter.

-- END --