

1958

# SUPERINTENDENT OF PUBLIC INSTRUCTION

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<b>19</b>	<b>LEGISLATOR AS NOTARY. Assembly Constitutional Amendment No. 72. Permits member of Legislature to become notary public.</b>	<b>YES</b>	
		<b>NO</b>	

(For Full Text of Measure, See Page 13, Part II)

**Analysis by the Legislative Counsel**

This constitutional amendment would amend Section 19 of Article IV of the Constitution to permit a legislator to hold or accept the office of notary public during the term for which he was elected to the State Legislature.

Section 19 of Article IV of the Constitution presently prohibits a member of the State Legislature from holding or accepting any office, trust, or employment under the State, except an office filled by election of the people. This prohibition operates during the entire term for which the legislator was elected, and cannot be avoided during that period by resignation or otherwise. Notaries public are appointed and commissioned by the Governor (Gov. C., Sec. 8200). The Supreme Court of California has stated that a notary public is an officer of the county for which he has been appointed, and that a county office constitutes a civil office of profit under this State (*Emeric v. Alvarado*, 90 Cal. 444; *Searcy v. Grow*, 15 Cal. 117). Consequently, under the present provision a member of the State Legislature cannot hold or accept the office of notary public during the term for which he was elected.

The amendment would permit this and it would both offices to be held simultaneously.

**Argument in Favor of Assembly Constitutional Amendment No. 72**

The purpose of this proposed amendment is to allow a member of the State Legislature to be a Notary Public if he has need to be one. Due to a technical interpretation of Article IV, Section 19, of the Constitution, members of the Legislature upon their election to office must surrender their Notary Public commission. It would be a great convenience to the public if Members of the Legislature could notarize documents. The proposed amendment would simply correct this technicality. There is no conflict of interest involved

in any way. We urge a "Yes" vote for this measure.

CLARK L. BRADLEY  
Member of Assembly, 28th District  
RALPH M. BROWN  
Member of Assembly, 30th District

**Argument Against Assembly Constitutional Amendment No. 72**

The State Constitution NOW provides that no Senator or Member of the Assembly shall, during the term for which he shall have been elected, hold or accept any office, trust or employment under this state, except an office filled by election by the people.

**THIS PROPOSED CONSTITUTIONAL AMENDMENT WOULD ALLOW A MEMBER OF THE STATE LEGISLATURE TO BE APPOINTED A NOTARY PUBLIC.**

This amendment should be defeated for the following reasons:

1. There have been appointed in California THOUSANDS of Notaries Public. There has not been a shortage of them. There are 120 members of the Legislature. The State Constitution should NOT be changed just to allow those members of the Legislature to receive an appointment from the Governor as a Notary Public.

2. It has been a tradition that a member of the Legislature should NOT be appointed to another office during the term for which he was elected, except an office filled by election by the people. Why should an exception be made NOW?

If this amendment is adopted, then perhaps other exceptions will be made in the future!

Vote NO on this constitutional amendment!

JOHN M. HANLEY  
800 University Avenue, Palo Alto  
Notary Public in and for the  
County of Santa Clara,  
State of California

<b>13</b>	<b>SUPERINTENDENT OF PUBLIC INSTRUCTION. Senate Constitutional Amendment No. 2. Makes office of Superintendent of Public Instruction appointive, instead of elective, after 1962. Confers appointing power on State Board of Education, subject to confirmation by State Senate.</b>	<b>YES</b>	
		<b>NO</b>	

(For Full Text of Measure, See Page 13, Part II)

**Analysis by the Legislative Counsel**

Under Section 2 of Article IX of the California Constitution, the Superintendent of Public Instruction is now elected to office each four years at the same time the Governor is elected. He takes office the first Monday after the first day of January following his election.

This constitutional amendment would provide that, after the expiration of the term of the person elected to the office of Superintendent of Public Instruction in 1958, the office shall be filled by appointment. The appointment is to be made by the State Board of Education with the advice and consent of the Senate, and the first such appointment would be made in January, 1963. Under Section 16

of Article XX, the office would be held at the pleasure of the Board of Education, unless the Legislature prescribes a term of office not to exceed four years.

The amendment would also delete obsolete language relating to the salary of the Superintendent, which was superseded in 1944 by the adoption of Section 22 of Article V.

**Argument in Favor of Senate Constitutional Amendment No. 2**

**VOTE "YBS" ON PROPOSITION NO 13 AND IMPROVE OUR SCHOOLS**

Proposition No. 13 corrects the present law and fixes the full responsibility for sound educational programs for our children with the Governor

Under present law the Governor must appoint a State Board of Education which has the responsibility for establishing the educational policies of our state but the law does not provide any staff for this board to carry out the policies it determines.

Proposition No. 13 will remedy this oversight and provide the State Board of Education with the authority and personnel to make effective its policy determination.

Proposition No. 13 will bring the method of selection of the Superintendent of Public Instruction into conformance with the method of selection of school district superintendents throughout the state by requiring the State Board of Education to appoint the Superintendent of Public Instruction the same as local school boards appoint district superintendents, with the added protection to the public of confirmation by the Senate.

Proposition No. 13 is endorsed by leading educators including the California School Administrators Association.

Vote "YES" on PROPOSITION NO. 13 and improve our educational system.

GEORGE MILLER, JR.,  
State Senator

ERNEST R. GEDDES,  
Member of Assembly  
49th Assembly District

**Argument Against Senate Constitutional Amendment No. 2**

The State Superintendent of Public Instruction has always been one of the constitutional officers elected by the people. The framers of our Constitution quite properly felt that this office was so important that it should be filled by popular election. Thus, under our democratic system, we have for more than 100 years preserved the right of the citizens to pass judgment on anyone seeking this highest of educational offices in the state.

Senate Constitutional Amendment 2 proposes to do away with the traditional method of electing the State Superintendent. It would abandon the system under which any citizen can now seek the job and would place in the hands of the State Board of Education the responsibility of selecting the Superintendent, subject to confirmation by the Senate.

Inasmuch as members of the State Board of Education are appointed by the Governor for terms of four years, this method could lead to domination of the State Superintendent by the Governor or even by special interests.

If the appointment of the Superintendent were to be vested in the Board, the terms of the Board members should be lengthened and staggered to prevent any one Governor from gaining complete control of the Board and of its subsequent appointments. Otherwise it would be unwise to have the Board name the Superintendent.

The argument is made that this constitutional amendment merely utilizes at the state level the same system of having a lay board select a professional educator long used in choosing superintendents for local school districts. While true it does not in itself assure the selection of a competent person for the job.

The present system has worked well for more than 100 years and no convincing case has been made to indicate that any change should be made at this time.

If you are going to appoint a State Superintendent of Schools, why not make all other state officials appointive too.

NATHAN F. COOMBS  
Senator for Napa County

HUGH P. DONNELLY  
Senator for Stanislaus County

<b>14</b>	<b>COMPENSATION OF LOCAL OFFICERS. Senate Constitutional Amendment No. 29. Eliminates prohibition against increasing compensation of county, township or municipal officers after their election or during their terms of office. Permits Legislature to classify counties by other factors, in addition to population, when setting salaries of supervisors, district attorneys and auditors.</b>	<b>YES</b>	
		<b>NO</b>	

(For Full Text of Measure, See Page 13, Part II)

**Analysis by the Legislative Counsel**

Section 5 of Article XI prohibits an increase in the compensation of any county, township or municipal officer after his election or during his term of office. It also provides that this prohibition may be suspended by a two-thirds vote of the members of each house of the Legislature during any period when the United States is en-

gaged in war and for one year after the termination of hostilities, as proclaimed by the President.

This constitutional amendment would amend this section by deleting the provision which prohibits such increases in compensation and by deleting the provision for suspending the prohibition during time of war.

<b>11</b>	<b>LOCAL STREET AND ROAD BONDS. Senate Constitutional Amendment No. 21.</b> Authorizes laws for issuance and sale of bonds for street and road purposes by counties, cities, and separation of grade districts and providing for repayment of bonds out of distributions of gasoline tax money. Validates Street and Road Bond Act of 1957.	YES	
		NO	

(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 ARTICLE XXVI

Sec. 5. The Legislature may provide for the issuance and sale of bonds by the counties, cities, and counties, or separation of grade districts, the proceeds of which shall be used for the street and road purposes specified in Section 1 of

this article, and may provide for the repayment of the principal, interest, and expenses incurred in connection with the issuance and sale of such bonds out of money collected from taxes specified in Section 1 of this article.

The Street and Road Bond Act of 1957 (Division 3.5 (commencing at Section 2220) of the Streets and Highways Code), enacted at the 1957 Regular Session of the Legislature, is hereby approved, adopted, legalized, ratified, validated, and made fully and completely effective.

<b>12</b>	<b>LEGISLATOR AS NOTARY. Assembly Constitutional Amendment No. 72.</b> Permits member of Legislature to become notary public.	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 ARTICLE IV

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, **except the office of notary public**; provided, that this provision shall not apply to any office filled by election by the people.

<b>13</b>	<b>SUPERINTENDENT OF PUBLIC INSTRUCTION. Senate Constitutional Amendment No. 2.</b> Makes office of Superintendent of Public Instruction appointive, instead of elective, after 1962. Confers appointing power on State Board of Education, subject to confirmation by State Senate.	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 IX

Sec. 2. A Superintendent of Public Instruction shall, at each gubernatorial election after the adoption of this Constitution, 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. vacancy shall exist in the Office of Superintendent of Public Instruction upon the expiration of the term of office for which a person is elected at the gubernatorial election held in 1958. Thereafter the Superintendent of Public Instruction shall be appointed by the State Board of Education with the advice and consent of the Senate.

<b>14</b>	<b>COMPENSATION OF LOCAL OFFICERS. Senate Constitutional Amendment No. 29.</b> Eliminates prohibition against increasing compensation of county, township or municipal officers after their election or during their terms of office. Permits Legislature to classify counties by other factors, in addition to population, when setting salaries of supervisors, district attorneys and auditors.	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 XI

Sec. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal