

1962

SENATE REAPPORTIONMENT

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SENATE REAPPORTIONMENT California Proposition 23 (1962).
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23 SENATE REAPPORTIONMENT. Initiative Constitutional Amendment. Establishes and apportions 50 (instead of existing 40) senatorial districts. Provides for election of all senators in 1964, one-half of senators to be elected every two years thereafter. Additional districts allocated to existing single county districts based on population. Requires 1963 Legislature fix boundaries in counties having more than one district. Requires Legislature following 1970 and each subsequent decennial federal census to reapportion senatorial districts based on population, geographic area and economic affinity; provided no county shall have more than 6 districts and no district contain more than 3 counties.

YES

NO

For Full Text of Measure, See Page 31, Part II

Analysis by the Legislative Counsel

This initiative measure would amend Sections 5 and 6 of Article IV of the Constitution to increase the membership of the Senate and the number of senatorial districts from 40 to 50. It provides that each county having a population of 600,000 or more but less than 1,200,000 shall be entitled to two senatorial districts, and that each county having a population of 1,200,000 or over shall be entitled to two senatorial districts plus one additional senatorial district for each 1,000,000 people over the first 1,200,000 people. The measure lists the first apportionment of the 50 senatorial districts on the basis of the population formula, allocating 5 of the additional 10 districts to Los Angeles County and one additional district each to the City and County of San Francisco, the County of Alameda, the County of Santa Clara, the County of Orange, and the County of San Diego.

The measure provides that the Legislature, at its 1963 Session, shall fix the boundaries of senatorial districts within the counties mentioned above, and provides that the boundaries shall be fixed on the basis of population as shown by the 1960 Federal Decennial Census. It states that should the Legislature fail to fix those boundaries at its 1963 Session, the Reapportionment Commission shall fix them, subject to referendum by the people.

The measure declares that the terms of senators elected in 1962 shall expire at the end of two years, instead of four years, and that a senator shall be elected in 1964 from each senatorial district. To preserve the staggering of terms, the measure provides that the seats of the 25 senators elected in the year 1964 from the odd-numbered districts shall be vacated at the expiration of the second year, so that one-half of the senators shall be elected every two years.

Insofar as subsequent apportionments are concerned, the measure provides that the Legislature, at the first general session following the decennial federal census of 1970, and at the first general session following each decennial census thereafter, shall apportion the 50 senatorial districts on the basis of population, geographic area, and economic affinity, except that it need not allocate counties to senatorial districts or senatorial districts to counties as provided in the measure for the first reapportion-

ment after its adoption. It also provides that no more than 6 senatorial districts may be allocated to any one county and that no senatorial district may be composed of more than 3 counties. Finally, it provides that the ratio of senatorial districts to population in heavily populated counties shall be adjusted by the Legislature after each decennial federal census in order to retain the number of senatorial districts at 50 and provide for continuous equitable apportionment of senators to population and ensure adequate representation to all areas of the State.

Argument in Favor of Proposition No. 23

VOTE YES ON NO. 23

The six urban areas of California have grown to huge proportions and the problem of schools, water, transportation and narcot have grown likewise. It is difficult for a Senator representing a small mountain or agricultural district of a few thousand people to understand the complex problems of the huge metropolitan areas of the state. Urban problems need urban representatives in the Senate.

The Governor and the Legislature appointed a blue ribbon commission to study reapportionment and the commission recommended reapportionment of the State Senate. The bill was passed by the Assembly but was killed in a State Senate Committee.

The United States Supreme Court as well as other federal and state courts during the last few months have rendered decisions ordering reapportionment in many states.

The candidates of both major political parties in this election have spoken vigorously in favor of Senate Reapportionment.

SAN FRANCISCO EXAMINER: "THE ARCHAIC SENATE—The senate should be reapportioned. It is too heavily weighted against the big metropolitan areas." 1-14-62

LOS ANGELES HERALD-EXAMINER: "EVERYBODY'S BATTLE—This (Proposition 23) is truly a fair reapportionment measure of the California State Senate to give voting equality and justice to the burgeoning population centers, which will affect all families."

LOS ANGELES TIMES: "SENATE REFORM UP TO THE PEOPLE—The people of California are being asked to take a hand in re-

forming the State Senate (Proposition 23) and we urge them to do so. For if they do not reapportion the Senate membership, the job will not be done. The senators themselves stubbornly refuse to do justice to the populous areas of the state."

PRESIDENT JOHN F. KENNEDY: "The principle that each vote counts equally is basic to democracy. There is no sense of a senator representing five million people sitting next to a senator representing 10,000 people."

GOVERNOR EDMUND G. BROWN: "I have indicated my support for Senate Reapportionment by appointing the blue ribbon commission on Senate Reapportionment. When this commission rendered a report recommending additional senators for Los Angeles County, I supported its findings and I included Senate Reapportionment in the call of the 1962 Special Session. I have consistently maintained that heavily populated counties are entitled to greater representation in the Senate."

EX VICE PRESIDENT RICHARD M. NIXON: "A matter of simple justice. (Proposition 23) Nine urban counties which now have 73 percent of the state's population and only 22.5 percent of the senate representation would have 20 senators or 40 percent. But they would not dominate the upper house in that the rest of the state would have 30 senators. The six leading counties, receiving the ten new senators would have 16 voices in the Senate or 32 percent of the total. Today they have only 15 percent of the total although the people in those six counties pay some 80 percent of the state taxes."

NOW IT'S UP TO THE PEOPLE OF CALIFORNIA TO PROTECT THEIR VOTING RIGHTS.

VOTE YES ON NO. 23

FRANK G. BONELLI, Supervisor
Los Angeles County

FELIX S. LEMARINEL, Orange County
Past President California State
Junior Chamber of Commerce

JOHN W. QUIMBY
Exec. Secretary-Treasurer
San Diego County
Central Labor Council

Argument Against Proposition No. 23

For the second time in two years, California voters are being pressured to make a radical change in their state representative government. The pressure comes from a small and obstinate minority centered in one city of one county of the State.

We urge a "no" vote on Proposition 23 because:

1—The proposition is poorly drafted and may not conform with the Federal constitution.

It is not clear whether there is provision for a nonpartisan commission to take action on reapportionment if the Legislature itself fails to act after the 1970 and succeeding censuses.

2—Urban areas have protection through the method of electing the Governor and the Assembly, and through the initiative process.

An overwhelming vote from just three counties could elect a governor over any opposition. The same majority can make any change in our laws or constitution by means of an initiative measure.

3—As it now exists, the California Legislature effectively represents all interests in the State.

Under the time-tested Federal plan, the Assembly is based wholly on population. To give balance, the Senate districting gives some consideration for area, and senators are given longer, overlapping terms. To put the Senate under population domination would subject both houses to the same narrow range of political pressures.

4—California has enjoyed unprecedented and unparalleled growth under the present system.

People have moved to California by the millions in recent decades. Our state's natural resources attracted them, but so did the recognized excellence of our State government.

5—Metropolitan areas of California already are well represented in the Senate.

Seventeen of the 40 Senate districts (42 percent) constitute metropolitan areas as used by the Census Bureau, by planning agencies, and business groups.

6—The problems of people living in cities have received close and sympathetic attention from the Senate.

The California programs for social welfare, for urban redevelopment, for protection of working men, and for protection of minorities are recognized as outstanding. The Senate approved these programs and originated many of them. The same is true for the state water plan, for smog control legislation and for laws controlling the sale and use of narcotics.

7—Our balanced system of legislative representation would be further destroyed after 1970.

This scheme provides that after 1970 the Senate shall be further reapportioned on a population basis. The effect will be to give complete dominance to large cities.

8—The Legislature again could be ruled by city bosses.

Until the Federal plan was adopted, city political machines could and did dominate the Legislature. This threat has been accentuated as cities have grown at the expense of rural areas. Three counties, of California's 58, contain a majority of the State's population. Six counties contain two-thirds.

9—This proposal was put on the ballot for its nuisance value.

A similar proposal was defeated only two years ago, by a vote of 3,408,090 to 1,876,135.

Only one county voted for it. Yet here it is again as a harassing and threatening tactic.

JOHN A. MURDY, JR.
Senator from Orange County
Thirty-fifth Senatorial District

JOSEPH A. RATTIGAN
Senator from Sonoma County
Twelfth Senatorial District

JEROME R. WALDIE, Antioch
Majority Leader
California State Assembly

24 **SUBVERSIVE ACTIVITIES. Initiative Constitutional Amendment.** Declares existence, purposes, and objectives of world communist movement. Defines communist and subversive organizations and denies them political party status and any tax exemption. Prohibits members of such organizations or advocates of subversive doctrines from holding public office or employment with State or any public agency, or from receiving any tax exemption. Requires teachers and other employees of public educational institutions to answer congressional and legislative committee inquiries concerning communist affiliation and subversion. Imposes conditions on use of public buildings and property.

YES	
NO	

For Full Text of Measure, See Page 33, Part II

Analysis by the Legislative Counsel

This initiative measure would add Article XXVIII to the Constitution, relating to subversive activities, and would repeal Section 19 of Article XX of the Constitution.

The measure finds that there exists a world-communist movement whose objective is to establish by unlawful means a communist totalitarian dictatorship throughout the world by means of a world-wide communist organization; that this movement is directed by the communist dictatorship of a foreign country; that such dictatorship seeks to achieve the objectives of the world-communist movement by establishing and controlling action and front organizations; and that the communist movement in this State and in this country presents a clear and present danger to the governments of California and of the United States.

The measure defines a communist-action organization as one which is controlled by the agency controlling the world-communist movement and which is operated to advance the objectives of such movement. It defines a communist-front organization as one which is controlled by a communist-action organization and which is primarily operated to give aid and support to a communist-action organization, a communist foreign government, or the world-communist movement. It defines a subversive organization as one which advocates or advises the unlawful overthrow of the United States or California government or one which is under foreign control and which contemplates the unlawful overthrow of the United States government.

The measure denies recognition as a political party under California laws of a communist-action, communist-front, or subversive organization, or political parties associated with such an organization, and prohibits the name of such organization or of a member of such organization from being printed on a state or local election ballot.

The existing Section 19 of Article XX of the Constitution denies tax exemptions or holding of public office or employment under this State

to persons or organizations which advocate overthrow of the United States or California government by unlawful means or which advocate support of a foreign government against the United States in the event of hostilities. The measure includes this prohibition and in addition denies public office or employment and tax exemptions to members of communist-front, communist-action, or subversive organizations, and adds a procedure for determining whether a tax exemption should be denied on such grounds.

The measure declares that employees of public educational institutions and applicants for and holders of educational credentials have a duty to answer congressional and legislative committee questions concerning communist organization affiliation and subversive activities.

The measure imposes as a condition to the use of public buildings and property, that the property will not be used for the commission of any act prohibited by law, and makes it a felony for any person or organization, while using public buildings or grounds, to commit any act intended to further any program the purpose of which is to overthrow the government by unlawful means.

The measure further provides if an organization is found to be a communist-action, communist-front, or subversive organization by a court or grand jury of this State, or by the California Attorney General, or by any federal court or agency under a law using a definition of subversive organization substantially similar to the definitions in the measure, such organization is deemed to be one of the defined organizations for purposes of the provisions of the measure.

Argument in Favor of Proposition No. 24

THE COMMUNIST PARTY SHOULD BE OUTLAWED!

It has been REPEATEDLY proved that the Communist Party is especially concentrating on California, as documented by the 1961 Report

aforsaid matters and all other matters now or hereafter prescribed by law relating to the graduates of osteopathic colleges holding or applying for any form of certificate or license. In no other respects than as herein provided shall the jurisdiction, duties or functions of said board of medical examiners of the State of California be in any wise limited or changed; nor shall the board of osteopathic examiners have any power or jurisdiction over the graduates of any other than osteopathic schools. From and after the time of the organization of the board of osteopathic examiners said board of medical examiners of the State of California, shall have no further jurisdiction, duties or functions with respect to graduates of osteopathic schools holding or applying for any form of certificate or license and the said jurisdiction, duties and functions shall be assumed and performed by said board of osteopathic examiners.

Sec. 2. Section 2 is added to said act, to read:

Sec. 2. The Board of Osteopathic Examiners shall enforce those portions of the Medical Practice Act identified as Article 12 (commencing with Section 2340), Article 13 (commencing with Section 2360), and Article 14 (commencing with Section 2425), of Chapter 5 of Division 2 of the Business and Professions Code, as now existing or hereafter amended, as to persons who hold certificates subject to the jurisdiction of the Board of Osteopathic Examiners; however, persons who elect to practice using the term or suffix "M.D." as provided in Section 2366 of the Business and Professions Code, as now existing or hereafter amended, shall not

be subject to the provisions of this section, and the Board of Medical Examiners of the State of California shall enforce the provisions of said articles as to persons who make such election. After making such election, each such person so electing shall apply for renewal of his certificate to the Board of Medical Examiners of the State of California, and the Board of Medical Examiners shall issue such renewal certificates in the same manner as other renewal certificates are issued by it.

Sec. 3. Section 3 of said act is repealed.

Sec. 3. This act shall be known and cited as the "osteopathic act."

Sec. 4. Section 3 is added to said act, to read:

Sec. 3. This act, as amended, may be further amended or modified by the Legislature. In addition to such power to amend or modify, the Legislature shall have the power to repeal this act, as amended, in its entirety, and transfer any or all of its functions to the Board of Medical Examiners, in the event that the number of persons who are subject to the jurisdiction of the Board of Osteopathic Examiners reaches 40 or less. The Legislature shall, from time to time, appropriate to the Board of Osteopathic Examiners, and in particular for the contingent fund of such board, such sums as may be reasonably necessary for the purpose of carrying out its functions and duties.

Sec. 5. Section 4 is added to said act, to read:

Sec. 4. This act shall be known and cited as the "Osteopathic Act."

23 **SENATE REAPPORTIONMENT.** Initiative Constitutional Amendment. Establishes and apportions 50 (instead of existing 40) senatorial districts. Provides for election of all senators in 1964, one-half of senators to be elected every two years thereafter. Additional districts allocated to existing single county districts based on population. Requires 1963 Legislature fix boundaries in counties having more than one district. Requires Legislature following 1970 and each subsequent decennial federal census to reapportion senatorial districts based on population, geographic area and economic affinity; provided no county shall have more than 6 districts and no district contain more than 3 counties.

YES	
NO	

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

PROPOSED AMENDMENTS TO ARTICLE IV

Section 5 and Section 6 of Article IV of the Constitution of the State of California are hereby amended to read respectively:

Sec. 5. The Senate shall consist of 40 50 members, and the Assembly of 80 members, to be elected by districts, numbered as herein provided. ~~One-half of the Senators shall be elected every two years; those from the odd-numbered districts being elected when the num-~~

~~ber of the year is divisible by four. The seats of the Senators elected in the year 1962 shall be vacated at the expiration of the second year, so that in the year 1964 a Senator shall be elected from each senatorial district, as provided in Section 6 of this Article. The seats of the 25 Senators elected in the year 1964 from the odd-numbered districts shall be vacated at the expiration of the second year, so that one-half of the Senators shall be elected every two years.~~

Sec. 6. For the purpose of choosing members of the Legislature, the State shall be divided into 40 50 senatorial and 80 assembly districts to be called ~~Senatorial and Assembly~~ districts. Such districts shall be composed of contiguous territory, and assembly districts shall be as nearly equal in population as may

be. Each senatorial district shall choose one Senator and each assembly district shall choose one member of Assembly. The senatorial districts shall be numbered from 1 to 40, 50 inclusive; in numerical order, and the assembly districts shall be numbered from 1 to 80 inclusive, in the same numerical order, commencing at the northern boundary of the State and ending at the southern boundary thereof. In the formation of assembly or senate districts no county, or city and county, shall be divided, unless it contains sufficient population within itself to form two or more districts, and in the formation of senatorial districts no county, or city and county, shall be divided, nor shall a part of any county, or of any city and county, be united with any other county, or city and county, in forming any senate or assembly or senatorial district. The census taken under the direction of the Congress of the United States in the year 1920 1960, and every 10 years thereafter, shall be the basis of fixing and adjusting the legislative assembly districts; and the Legislature shall, at its the first regular general session following the adoption of this section and thereafter at the first regular session following each decennial federal census, adjust such districts, and reapportion the representation so as to preserve the assembly districts as nearly equal in population as may be; but in the formation of senatorial districts no county or city and county shall contain more than one senatorial district, and the counties of small population shall be grouped in districts of not to exceed three counties in any one senatorial district; provided, however, that should the Legislature at the first regular general session following the adoption of this section or at the first regular session following any decennial federal census fail to reapportion the assembly and senatorial districts, a Reapportionment Commission, which is hereby created, consisting of the Lieutenant Governor, who shall be chairman, and the Attorney General, State Controller, Secretary of State and State Superintendent of Public Instruction, shall forthwith apportion such districts in accordance with the provisions of this section and such apportionment of said districts shall be immediately effective the same as if the act of said Reapportionment Commission were an act of the Legislature, subject, however, to the same provisions of referendum as apply to the acts of the Legislature.

Each subsequent reapportionment shall carry out these provisions and shall be based upon the last preceding federal census. But in making such adjustments no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, Senators and Assemblymen shall be elected by the districts according to the apportionment now provided for by law.

Senatorial districts shall consist of the territory prescribed by the Legislature at its 1961

general session, except that those counties constituting separate senatorial districts under said legislation, which had a population of 600,000 or more as disclosed by the 1960 federal decennial census, shall be divided into two or more senatorial districts in accordance with the following provisions:

- (a) Counties having a population of 600,000 but less than 1,200,000 as disclosed by the 1960 federal decennial census: two senatorial districts;
- (b) Counties having a population of 1,200,000 or more as disclosed by the 1960 federal decennial census: two senatorial districts plus one additional senatorial district for each 1,000,000 people over the first 1,200,000 people.

In accordance with the foregoing provisions, Senatorial districts shall consist of the territory within the counties existing on January 1, 1962, as follows:

- District No. 1—the Counties of Modoc, Lassen and Plumas
- District No. 2—the Counties of Del Norte and Siskiyou
- District No. 3—the County of Humboldt
- District No. 4—the Counties of Mendocino and Lake
- District No. 5—the Counties of Trinity and Shasta
- District No. 6—the County of Butte
- District No. 7—the Counties of Sierra, Nevada and Placer
- District No. 8—the Counties of Tehama, Glenn and Colusa
- District No. 9—the Counties of El Dorado and Amador
- District No. 10—the Counties of Yuba and Sutter
- District No. 11—the Counties of Napa and Yolo
- District No. 12—the County of Sonoma
- District No. 13—the County of Marin
- Districts No. 14 & 15—the City and County of San Francisco
- District No. 16—the County of Solano
- Districts No. 17 & 18—the County of Alameda
- District No. 19—the County of Contra Costa
- Districts No. 20 & 21—the County of Santa Clara
- District No. 22—the County of Sacramento
- District No. 23—the County of San Joaquin
- District No. 24—the County of San Mateo
- District No. 25—the County of Stanislaus
- District No. 26—the Counties of Santa Cruz and San Benito
- District No. 27—the Counties of Merced and Madera
- District No. 28—the County of Monterey
- District No. 29—the Counties of Tuolumne, Mariposa and Calaveras
- District No. 30—the County of Kings
- District No. 31—the Counties of Alpine, Mono and Inyo

- District No. 32—the County of San Luis Obispo
- District No. 33—the County of Fresno
- District No. 34—the County of Santa Barbara
- District No. 35—the County of Tulare
- District No. 36—the County of Ventura
- District No. 37—the County of Kern
- Districts No. 38 & 39—the County of Orange
- District No. 40—the County of San Bernardino
- District No. 41—the County of Riverside
- Districts No. 42 to 47, inclusive—the County of Los Angeles
- District No. 48—the County of Imperial
- Districts No. 49 & 50—the County of San Diego

The Legislature, at its 1963 general session, shall fix the boundaries of senatorial districts within counties having more than one senatorial district as provided herein, which said boundaries shall be determined upon the basis of population as disclosed by the 1960 federal decennial census; provided that should the Legislature at the 1963 general session fail to fix the boundaries of any one or more of said senatorial districts, a Reapportionment Commission as constituted in this section shall forthwith fix the boundaries thereof in accord-

ance with the provisions of this section and such boundaries as so fixed shall be immediately effective the same as if the act of said Reapportionment Commission were the act of the Legislature, subject, however, to the same provisions of referendum as apply to the acts of the Legislature.

At the first general session following the decennial federal census of 1970, and at the first general session following each decennial federal census thereafter, the Legislature shall apportion the 50 senatorial districts on a basis of population, as disclosed by the last preceding decennial federal census, geographic area and economic affinity and in doing so shall comply with all of the provisions of this section relating to senatorial districts except that it need not allocate counties to senatorial districts or senatorial districts to counties as hereinbefore provided in this section; provided that at no time shall any county have more than six senatorial districts, and that no senatorial district shall be composed of more than three counties; provided further, that the ratios of senatorial districts to population in heavily populated counties as provided herein shall be adjusted by the Legislature after each decennial federal census in order to retain the number of senatorial districts at 50 and provide for continuous equitable apportionment of senators to population and insure adequate representation to all areas of the State.

24 **SUBVERSIVE ACTIVITIES. Initiative Constitutional Amendment.** Declares existence, purposes, and objectives of world communist movement. Defines communist and subversive organizations and denies them political party status and any tax exemption. Prohibits members of such organizations or advocates of subversive doctrines from holding public office or employment with State or any public agency, or from receiving any tax exemption. Requires teachers and other employees of public educational institutions to answer congressional and legislative committee inquiries concerning communist affiliation and subversion. Imposes conditions on use of public buildings and property.

YES	
NO	

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new article thereto and repeals an existing section thereof; therefore, EXISTING PROVISIONS proposed to be DELETED are printed in STRIKEOUT TYPE, and NEW PROVISIONS proposed to be ADDED are printed in BLACK-FACED TYPE.)

PROPOSED AMENDMENTS TO THE CONSTITUTION

FIRST—Article XXVIII is added to the Constitution of the State of California, to read:

ARTICLE XXVIII—Control of Subversive Activities

SECTION 1.

Upon evidence and proof which has been presented before the Legislature, other state legislatures, the Congress of the United States, and

in the courts of the United States and in the courts of the several states; and although recognizing that the Federal Constitution vests the conduct of foreign relations in the Federal Government and the Federal Constitution guarantees to the several states a republican form of government and protection against foreign invasion and domestic violence, this State has the duty of self-preservation and the taking of necessary measures to co-operate with the Federal Government in the preservation of the peace and safety of the State of California; it is hereby found as follows:

(a) There exists a world communist movement which, in its origins, its development, and its present practice, is a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a communist totalitarian