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OPEN PRESIDENTIAL PRIMARY

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Rebuttal to Argument in Favor of Proposition 3

I urge your no vote on Proposition 3 which would deny any person the right to defend himself in all criminal cases if he chooses, for the following reasons:

Under the statutes of this provision, no person, no attorney, including a U.S. Supreme Court Justice could defend himself even though he had passed the California State Bar examination and even though he may be a specialist schooled in the subject.

While I do not disagree with the contention that the trial of a serious criminal case is no place for a person not schooled in courtroom procedure, methods of pleading, rules of evidence, etc., I feel this is but sad commentary on the court and its officers in that the legal profession seems all too swept-up with procedure than with its basic purpose, to provide justice. Witness the number of delays, appeals and reversals directly attributable to those so schooled in legal procedure. If delays due to technicalities, or appeals and reversals due to abridgement of defendants' rights are a cause for blame, then I feel that the judicial system has only itself to blame particularly when it decides a case granting "new" rights defendant or a person already tried and icted.

In regard to the concept that a person has "a fool for a client", if he defends himself, it does not deny the fact that a defendant can have a fool for an attorney even if he does not represent himself.

H. L. RICHARDSON
State Senator, 19th District

Argument Against Proposition 3

Proposition 3 should be defeated because if we change the Constitution we would be depriving ourselves of a fundamental right, the right to defend ourselves in court. If a

person wants to represent himself, he certainly should have that right.

Proposition 3 would force upon a citizen a member of the legal profession. Lawyers have enough business as it is. Additionally, if Proposition 3 is adopted I can see our already vast, expensive tax-supported Public Defender facilities expanded, placing an unneeded and unwanted additional burden on the taxpayers of this State.

H. L. RICHARDSON
State Senator, 19th District

Rebuttal to Argument Against Proposition 3

In response to the arguments against Proposition 3, the following facts are offered:

1. Proposition 3 does not deprive us of our right to defend ourselves. It does authorize the legislature to ensure us the assistance of counsel when it is needed. We may still assist in our own defense, or, with the court's permission, act as co-counsel.
2. Proposition 3 will not give lawyers more work. Because it will shorten trials, reduce appeals, and eliminate retrials, it will give lawyers less work.
3. Proposition 3 will save money presently wasted on lengthy trials, appeals, and retrials. For example, the presence of the public defender will shorten trials. In Los Angeles each day the length of a trial is reduced saves the taxpayers \$1,100. Similar savings are effected by reduced appeals and retrials.

GORDON COLOGNE
State Senator

ANTHONY BEILENSON
State Senator

EVELLE J. YOUNGER
Attorney General
State of California

4 OPEN PRESIDENTIAL PRIMARY. Legislative Constitutional Amendment. Requires Legislature to provide for open presidential primary in which candidates on ballot are those found by Secretary of State to be recognized candidates throughout nation or California for office of President of the United States and such candidates whose names are placed on ballot by petition. Excludes any candidate who has filed affidavit that he is not a candidate.

YES	
NO	

(For full text of measure, see page 5, Part II)

General Analysis by the Legislative Counsel
A "Yes" vote on this measure is a vote to require the placement on the presidential primary ballot of the names of all recognized candidates for president and all candidates

qualified by virtue of nominating petitions, unless such a candidate withdraws.

A "No" vote is a vote to reject this requirement.

For further details, see below.

Detailed Analysis by the Legislative Counsel

Section 2.5 of Article II of the California Constitution now permits the Legislature to enact laws relative to the election of delegates to conventions of political parties. The present statutory law provides for a separate ballot for each political party in the presidential primary, and for the election of slates of delegates to the conventions of those political parties. Each slate of candidates to be voted for is designated either as a slate of candidates expressing a preference for a named person as a candidate for nomination as presidential candidate of that party, or as a slate of candidates expressing no preference. Each slate of candidates for selection as delegates qualifies for placement on the ballot of a political party by filing nominating petitions signed by a specified number of eligible signers.

This measure would add Section 8 to title II of the California Constitution. It would direct the Legislature to provide for an open presidential primary. It would require the Secretary of State to place upon the presidential primary ballot of the appropriate political party as its candidates for the office of President of the United States, the names of those persons who he determined to be either (a) recognized as candidates throughout the nation or (b) recognized as candidates throughout California. This measure would also require the placement on the ballot of the names of presidential candidates who qualified by virtue of nominating petitions. However, the name of any candidate would be excluded from the ballot if he withdrew himself from consideration by the filing of an affidavit that he was not a candidate.

Argument in Favor of Proposition 4

This Constitutional Amendment is designed to give voters a meaningful voice in choosing their party's presidential nominee. It requires the Legislature to provide for an open presidential primary in which the Secretary of State places on the ballot the names of recognized candidates for the office of President of the United States.

Persons not named by the Secretary of State may qualify for the ballot by circulating petitions as required by existing law.

Persons placed on the ballot and wishing to be removed may withdraw simply by filing an affidavit that they are not a candidate for President.

If the amendment is approved, it will become effective with the presidential primary of 1976.

The present system of selecting presidential candidates often leaves the voter without a direct voice in the decision. The "favorite son" device has been used by Governors from both parties to prevent a contested primary, depriving the voters of a chance to vote for the candidate of his choice.

In the last presidential primary election, California voters were denied the opportunity of voting for or against either of the men who eventually became the presidential nominees.

Opponents claim an open primary would impair "party unity" and would require costly election campaigns. But who wants "party unity" at the expense of party members? And why shouldn't the candidates campaign in California as well as in New Hampshire, Indiana, and Oregon?

The open primary plan would make California the key state every presidential election. As the most populous state in the union,

it should be. It is time the voters have a say in nominating their party's candidate for the highest office in the land.

ALFRED E. ALQUIST
State Senator, 13th District

HOWARD WAY
State Senator, 15th District

Rebuttal to Argument in Favor of Proposition 4

Proponents of Proposition 4 have stated that in the last presidential primary election, California voters were denied the opportunity of voting for either of the men who eventually became the presidential nominees.

That statement is a half-truth. First, all California voters did have the opportunity to vote for or against the presidential nominees in the November 1968 general election. Second, if one or both of those men had desired to place their name before their own party members in California in June 1968, they could have done so. There is absolutely nothing in present law which prevented them from entering the primary. For their own reasons, they chose not to do so, and each man went on to gain the nomination of his party at the respective national conventions.

As we have said, each presidential candidate should be free to decide which primaries he will enter, and Proposition 4 will deny such candidates their freedom of decision.

Finally, proponents of Proposition 4 say, ". . . why shouldn't the candidates campaign in California as well as in New Hampshire, Indiana, and Oregon?" It is interesting to note that two of these three states have laws similar to California's—i.e., presidential candidates enter the primary only if they wish to. They are not forced to decide betw.

ing in the particular primary or com-
p. by disavowing their candidacy.

GEORGE DEUKMEJIAN
Senator, 37th District

E. RICHARD BARNES
Assemblyman, 78th District

Argument Against Proposition 4

Proposition 4 would provide for a so-called "open" presidential primary in California. This is misleading, for it implies that our present presidential primary is somehow "closed." The fact is that there is nothing in the current law to prevent any candidate and his supporters from entering the California primary.

This proposal gives just one man, the California Secretary of State, the right to determine which names will be placed on the ballot for the highest office in this country.

Under the present law, this determination is now made by the registered voters of each party. To appear on the ballot, a candidate and his supporters need only gather a reasonable number of signatures of registered voters who wish to have the candidate's name placed on the ballot.

The net effect of Proposition 4 is to take decisionmaking power away from the people, and give it instead to one individual—who is himself a partisan elected official.

Proposition 4 forces a candidate to enter the California primary. This means that he must commit an immense amount of time and money to a campaign here, even though he may feel that his chances for the nomination might better be served by using that time and money elsewhere.

It also means that he is forced to risk his entire candidacy. California's primary comes late in the year, usually just a few weeks before the national conventions. A defeat here could cause a candidate's rejection at his party's national nominating convention even though he had the overwhelming support of the majority of his party throughout the United States. Thus, Proposition 4 could result in denying the people of California and all Americans the opportunity to vote in the general election for the party's real choice for President.

Why do we say that a presidential candidate is forced to enter the California primary under this proposal? Because the only way he can have his name removed from the ballot

is by filing a formal affidavit that he is not a candidate. Please note that wording: he must state that he is not a candidate.

A man who may indeed be a serious and strong candidate for the presidential nomination loses his freedom of decision. Presidential candidates, after all, are free citizens of this country, too, and they should have the right to make their own decisions about which primaries they will enter in their quest for the nomination.

California's present presidential primary system already provides for direct citizen involvement; it in no way handicaps serious contenders for presidential office; and it is fair to both the people and the candidates. The present system should be retained; Proposition 4 should be defeated. Please vote NO.

GEORGE DEUKMEJIAN
Senator, 37th District

E. RICHARD BARNES
Assemblyman, 78th District

Rebuttal to Argument Against Proposition 4

The opponents of the open presidential primary argue semantics instead of reality.

Instead of limiting the right to place names on the ballot, this proposition will simply provide an additional process to that which already exists! Persons not placed on the ballot by the Secretary of State will have only to circulate petitions and secure signatures just as they do now and have done for many years.

By placing the names of all recognized candidates on the ballot the Secretary of State can help ensure that Californians have a chance to choose which candidate they wish to represent their party. California is the most populous state in the Union and serves as a cross section of the entire nation. It is only fitting that our presidential primary should be important in the selection of presidential nominees.

The open presidential primary will free the voters of California to choose their own candidates for President of the United States and take the decision out of the smoke-filled rooms.

ALFRED E. ALQUIST
State Senator, 13th District

HOWARD WAY
State Senator, 15th District

to be personally present with counsel. A person shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; but in any criminal case, whether the defendant testifies or not, his failure to explain or to deny by his testimony any evidence or facts in the case against him may be commented upon by the court and by counsel, and may be con-

sidered by the court or the jury. **The Legislature shall have power to require the defendant in a felony case to have the assistance of counsel.** The Legislature also shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses in criminal cases, other than cases of homicide when there is reason to believe that the witness, from inability or other cause, will not attend at the trial.

4	OPEN PRESIDENTIAL PRIMARY. Legislative Constitutional Amendment. Requires Legislature to provide for open presidential primary in which candidates on ballot are those found by Secretary of State to be recognized candidates throughout nation or California for office of President of the United States and such candidates whose names are placed on ballot by petition. Excludes any candidate who has filed affidavit that he is not a candidate.	YES	
		NO	

(This amendment proposed by Senate Constitutional Amendment No. 3, 1971 Regular Session, expressly amends an existing article of the Constitution by adding a new section thereto; therefore, **NEW PROVISIONS** proposed to be **ADDED** are printed in **BOLD-FACE TYPE**.)

**PROPOSED AMENDMENT TO
ARTICLE II**

c. 8. The Legislature shall provide for an open presidential primary whereby the

candidates on the ballot are those found by the Secretary of State to be recognized candidates throughout the nation or throughout California for the office of President of the United States, and those whose names are placed on the ballot by petition, but excluding any candidate who has withdrawn by filing an affidavit that he is not a candidate.

5	APPOINTMENT OF REGENTS, UNIVERSITY OF CALIFORNIA. Legislative Constitutional Amendment. Requires that appointments to the Regents of the University of California by the Governor be approved by a majority of the membership of the Senate.	YES	
		NO	

(This amendment proposed by Senate Constitutional Amendment No. 44, 1971 Regular Session, expressly amends an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** or **REPEALED** are printed in **STRIKEOUT TYPE**; and **NEW PROVISIONS** proposed to be **INSERTED** or **ADDED** are printed in **BOLDFACE TYPE**.)

**PROPOSED AMENDMENT TO
ARTICLE IX**

Sec. 9. (a). The University of California shall constitute a public trust, to be administered by the existing corporation known as "The Regents of the University of California," with full powers of organization and government, subject only to such legislative control as may be necessary to insure compliance with the terms of the endowments of the university and the security of its funds. Said corporation shall be in form

a board composed of eight ex officio members, to wit: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president of the State Board of Agriculture, the president of the Mechanics Institute of San Francisco, the president of the alumni association of the university and the acting president of the university, and 16 appointive members appointed by the Governor and approved by the Senate, a majority of the membership concurring; provided, however, that the present appointive members shall hold office until the expiration of their present terms. The terms of the appointive members shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every even-numbered calendar year, and in case of any vacancy the term of office of the appointee to fill such vacancy, who shall be appointed by the Governor and approved by the Senate, a major-