

1972

# MISCELLANEOUS CONSTITUTIONAL REVISIONS

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use time and money on innumerable "pet projects" at the expense of sound, basic education.

I urge my fellow citizens and taxpayers to vote "NO" on this ill-conceived attempt to open the door to the use of our children as academic guinea pigs.

WILLIAM E. COOMBS  
State Senator, 20th District

**Rebuttal to Argument Against Proposition 5**

The opposition argument misstates the effect of Proposition 5. The proposition doesn't automatically provide any power to school districts. It won't change anything currently required or forbidden. It only authorizes the Legislature to delegate power—as it chooses—to school districts. The Legislature keeps power to change or withdraw any power so delegated.

The opposition argument mistakes the intent of Proposition 5. There's no evil intent. Instead, the intent is to entrust your local school board with more responsibility and flexibility to tailor education precisely to the unique needs of your own children. Total uniformity statewide isn't healthy for children.

The opposition argument shows ignorance of our education code. It's a confusing mess, several volumes long. Ask any educator, or ask to see it at your local school.

The opposition argument shows arrogance—assuming the Legislature—big brother in Sacramento—knows best and that your school board can't be trusted at all.

Don't be misled by legislators who want to keep absolute power for themselves, who assume that only they know what's good for children.

72 of 80 assemblymen and 28 of 40 senators voted to put this proposition before you—for your decision.

Leaders of each party, in both houses, believe this proposition will improve education, and help children.

Let the Legislature let your school board have more flexibility in operating your local school. Let the Legislature let you—parents, teachers, citizens, classified employees—have more immediate voice in educating your children locally.

Vote "yes" on Proposition 5.

JOHN VASCONCELLOS  
Assemblyman, 24th District

**MISCELLANEOUS CONSTITUTIONAL REVISIONS. Legislative Constitutional Amendment.** Deletes certain constitutional provisions and reinserts them in other articles. Deletes provision limiting four-year maximum terms of officers and commissions when terms not provided for in Constitution. Prohibits reduction of elected state officers' salaries during term. Permits Legislature to deal with tax matters in connection with changes in state boundaries. Requires Legislature to provide for working of convicts for benefit of state. Financial impact: None.

6

YES	
NO	

(For Full Text of Measure, See Page 6, Part II)

**General Analysis by the Legislative Counsel**

A "Yes" vote on this legislative constitutional amendment is a vote to revise various articles of the Constitution. The revision would include: the repeal of a provision limiting the terms of officers and commissioners to four years; the addition of a provision prohibiting the reduction of salaries of elected state officers during their terms of office and providing that a law setting such a salary constitutes an appropriation; and the amendment, renumbering, and transfer of provisions relating to various subjects without substantive change.

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

For further details, see below.

**Detailed Analysis by the Legislative Counsel**

1. This measure would effect a partial revision of the Constitution, making the following changes which are substantive:

(Continued in column 2)

**Cost Analysis by the Legislative Analyst**

The various revisions and deletions of existing language in the State Constitution proposed by this amendment will not result in any cost or revenue changes.

(Continued from column 1)

(a) The provision which limits the term of any officer or commissioner, with specified exceptions, to a maximum of four years where the term is not provided for in the Constitution would be repealed. The subject matter of the deleted provision would thus be subject to legislative control through the enactment of statutes.

(b) A provision would be added to prohibit any reduction in the salaries of elected state officers during their term of office and to provide that the laws setting those salaries are appropriations. This would negate the existing requirement that the

(Continued on page 17, column 1)

**Detailed Analysis by the Legislative Counsel**

*(Continued from page 16, column 2)*

specific appropriation enacted in the Budget Act, or otherwise, to pay salaries.

2. This measure would amend, renumber, or transfer the following provisions, **without substantive change**:

(a) Section 3 of Article I would be transferred to Article III as a new Section 1. This section provides that California is an inseparable part of the United States and that the United States Constitution is the supreme law of the land.

(b) Section 1 of Article XX would be transferred to Article III as a portion of a new Section 2. This section provides that Sacramento is the capital of California.

(c) Article III would be renumbered as Section 3 of Article III. It establishes the powers of state government as legislative, executive, and judicial and prohibits persons charged with the exercise of one power from exercising either of the others except as permitted by the Constitution.

(d) Section 6 of Article XX would be transferred to Article III as a new Section 5. This section permits suits to be brought against the state in such manner and in such courts as shall be directed by law.

(e) Part of Section 2 of Article XXI would be transferred to Article XIII as a new Section 44. It permits the Legislature in connection with any change or redefinition of state boundaries to provide for and deal with all matters involving the taxation or the exemption from taxation of any real

*(Continued in column 2)*

*(Continued from column 1)*

or personal property involved in, or affected by, such change or redefinition of state boundaries.

(f) Article X, in part, would be transferred to Article XX as a new Section 5. It prohibits the labor of convicts from being let out by contract to any person, copartnership, company, or corporation and requires the Legislature to provide by statute for the working of convicts for the benefit of the state.

(g) Section 1 and part of Section 2 of Article XXI would be transferred to Article III as part of a new Section 2. Section 1 of Article XXI now contains a detailed description of the boundaries of the state, while the first sentence of Section 2 of Article XXI now provides that the Legislature may change or redefine the state boundaries in cooperation with the properly constituted authority of any adjoining state, such change or redefinition to become effective only upon approval of the Congress of the United States.

This measure would delete the boundary description and the conditions requiring both cooperation with any adjoining state and congressional approval. It would provide that the boundaries of the state are those stated in the Constitution of 1849 as those boundaries have been or may be modified by the Legislature by statute. This would leave the detailed description of the state's boundaries a matter for statutory law, as is now the case, and would leave unaffected the conditions presently imposed upon the modification of those boundaries as a matter of federal constitutional law.

**Argument in Favor of Proposition 6**

Proposition 6 continues the work of the Constitution Revision Commission by updating and modernizing our State Constitution. In the revision proposal six sections are rearranged, one is repealed and one new section is added. All basic rights are retained. A "YES" vote on Proposition 6 simplifies provisions relating to federal supremacy, State boundaries and suits against the State, and collects various scattered provisions into a single article. Existing law on these matters is not changed, but the Constitution is simplified and improved.

Proposition 6 deletes a provision limiting terms to four years. This limitation is undesirable because it makes a constitutional amendment necessary anytime an exception is desired.

Proposition 6 also protects elected State officers in all three branches of government by providing that their salaries can't be reduced during the term for which they were elected and makes salary statutes appropri-

tions. This will not increase the cost of government or cost the taxpayers more, but will strengthen the independence of all three branches of government.

A "YES" vote on Proposition 6 will continue the job of revision begun several years ago to revise and modernize California's Constitution so that it will be a clear, concise and workable document.

Proposition 6 is a completely nonpartisan measure. This is illustrated by the fact that this measure passed both houses of the Legislature with only one dissenting vote. This measure is also supported by the League of Women Voters.

Vote "YES" on Proposition 6 and help keep California's government efficient and effective.

ROBERT G. BEVERLY  
Assemblyman, 46th District

NICHOLAS C. PETRIS  
State Senator, 11th District

JUDGE BRUCE W. SUMNER, Chairman  
Constitution Revision Commission

asking that the statute or part of it be submitted to the electors.

Eleventh—That Section 3 of Article V be amended to read:

SEC. 3. The Governor shall report to the Legislature at each session each calendar year on the condition of the State and may make recommendations. He may adjourn the Legislature if the Senate and Assembly disagree as to adjournment.

Twelfth—That Section 8 of Article V be amended to read:

SEC. 8. Subject to application procedures provided by statute, the Governor, on conditions he deems proper, may grant a reprieve, pardon, and commutation, after sentence, except in case of impeachment. At each session he shall report to the Legislature each reprieve, pardon, and commutation granted, stating the pertinent facts and his reasons for granting it. He may not grant a pardon or commutation to a person twice

convicted of a felony except on recommendation of the Supreme Court, 4 judges concurring.

Thirteenth—That Section 20 of Article XX be amended to read:

SEC. 20. Terms of elective offices provided for by this Constitution, other than Members of the Legislature, commence on the Monday after January 1 following election. The election shall be held in the last even-numbered year before the term expires.

Fourteenth—That Section 25 is added to Article XX, to read:

SEC. 25. Any legislator whose term of office is reduced by operation of the amendment to subdivision (a) of Section 2 of Article IV adopted by the people in 1972 shall, notwithstanding any other provision of this Constitution, be entitled to retirement benefits and compensation as if his term had not been so reduced.

**5 SCHOOL DISTRICTS. Legislative Constitutional Amendment.** Permits Legislature to authorize governing boards of all school districts to initiate and carry on any programs, activities, or to otherwise act in any manner which is not in conflict with laws and purposes for which school districts are established. Financial impact: None in absence of implementing legislation.

YES

NO

(This amendment proposed by Assembly Constitutional Amendment No. 26, 1972 Regular Session, expressly amends an existing section 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 **BOLDFACE TYPE**.)

**PROPOSED AMENDMENT TO ARTICLE IX**

SEC. 14. The Legislature shall have power, by general law, to provide for the incorpora-

tion and organization of school districts, high school districts, and junior community college districts, of every kind and class and may classify such districts.

The Legislature may authorize the governing boards of all school districts to initiate and carry on any programs, activities, or to otherwise act in any manner which is not in conflict with the laws and purposes for which school districts are established.

**6 MISCELLANEOUS CONSTITUTIONAL REVISIONS. Legislative Constitutional Amendment.** Deletes certain constitutional provisions and reinserts them in other articles. Deletes provision limiting four-year maximum terms of officers and commissions when terms not provided for in Constitution. Prohibits reduction of elected state officers' salaries during term. Permits Legislature to deal with tax matters in connection with changes in state boundaries. Requires Legislature to provide for working of convicts for benefit of state. Financial impact: None.

YES

NO

(This amendment proposed by Assembly Constitutional Amendment No. 42, 1972 Regular Session, expressly repeals existing sections and articles of the Constitution, and adds new sections and articles thereto; therefore, **EXISTING PROVISIONS** proposed to be **REPEALED** are printed in **STRIKEOUT TYPE** and **NEW PROVISIONS** proposed to be **ADDED** are printed in **BOLDFACE TYPE**.)

**PROPOSED AMENDMENTS TO ARTICLES I, III, X, XIII, XX, AND XXI**

First—That Section 3 of Article I is repealed.

SEC. 3. The State of California is an inseparable part of the American Union and the Constitution of the United States is the supreme law of the land.

Second—That Article III is repealed.

### ARTICLE III

#### SEPARATION OF POWERS

The powers of state government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution.

Third—That Article III is added to read:

### ARTICLE III

#### STATE OF CALIFORNIA

Sec. 1. The State of California is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land.

Sec. 2. The boundaries of the state are those stated in the Constitution of 1849 as modified pursuant to statute. Sacramento is the capital of California.

Sec. 3. The powers of state government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution.

Sec. 4. Salaries of elected state officers may not be reduced during their term of office. Laws that set these salaries are appropriations.

Sec. 5. Suits may be brought against the state in such manner and in such courts as shall be directed by law.

Fourth—That Article X is repealed.

### ARTICLE X

#### State Institutions and Public Buildings

Section 1. The Legislature may provide for the establishment, government, charge and superintendence of all institutions for all persons convicted of felonies. For this purpose, the Legislature may delegate the government, charge and superintendence of such institutions to any public governmental agency or agencies, officers, or board or boards, whether now existing or hereafter created by it. Any of such agencies, officers, or boards shall have such powers, perform such duties and exercise such functions in respect to other reformatory or penal matters, as the Legislature may prescribe.

The Legislature may also provide for punishment, treatment, supervision, custody and care of females in a manner and under circumstances different from men similarly convicted.

The labor of convicts shall not be let out by contract to any person, copartnership, company or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State.

Fifth—That Section 44 is added to Article XIII to read:

44. The Legislature, in connection with any change, alteration or redefinition of state boundaries may provide for and deal with all matters involving the taxation or the exemption from taxation of any real or

personal property involved in, or affected by, such change, alteration or redefinition of state boundaries.

Sixth—That Section 1 of Article XX is repealed.

Section 1. Sacramento is the Capital of California.

Seventh—That Section 5 is added to Article XX, to read:

Sec. 5. The labor of convicts shall not be let out by contract to any person, copartnership, company or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the state.

Eighth—That Section 6 of Article XX is repealed.

Sec. 6. Suits may be brought against the State in such manner and in such courts as shall be directed by law.

Ninth—That Section 16 of Article XX is repealed.

Sec. 16. When the term of any officer or commissioner is not provided for in this Constitution, the term of such officer or commissioner may be declared by law; and, if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; provided, however, that in the case of any officer or employee of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employee shall control; and provided further, that the term of office of any person heretofore or hereafter appointed to hold office or employment during good behavior under civil service laws of the State or of any political division thereof shall not be limited by this section.

The Legislature may provide terms of office for not to exceed eight years for the members of any state agency created by it in the field of public higher education which is charged with the management, administration, and control of the State College System of California.

Tenth—That Article XXI is repealed.

### ARTICLE XXI

#### Boundary

Section 1. The boundary of the State of California shall be as follows: Commencing at the point of intersection of the forty-second degree of north latitude with the one hundred and twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred and twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude; thence running in a straight line, in a southeasterly direction, to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the

channel of said river to the boundary line between the United States and Mexico; as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence running west and along said boundary line to the Pacific Ocean; and extending therein three English miles; thence running in a northwesterly direction and following the direction of the Pacific coast to the forty-second degree of north latitude; thence on the line of said forty-second degree of north latitude to the place of beginning. Also, including all the islands, harbors, and bays along and adjacent to the coast.

SEC. 2. The Legislature, in cooperation with the properly constituted authorities of any adjoining state, is empowered to create, alter, and redefine the state boundaries, such change, alteration and redefinition to become effective only upon approval of the Congress of the United States. The Legislature, in connection with such change, alteration or redefinition of boundaries may provide for and deal with all matters involving the taxation or the exemption from taxation of any real or personal property involved in, or affected by, such change, alteration or redefinition of boundaries.

**7 ELECTIONS AND PRESIDENTIAL PRIMARY.** Legislative Constitutional Amendment. Requires Legislature to provide for primary elections for partisan offices, including an open presidential primary. Provides that a United States citizen 18 years of age and resident of this state may vote in all elections. Declares certain offices nonpartisan. Provides for secret ballot. Requires Legislature to define residence, provide for registration and free elections, prohibit improper election practices, and remove election privileges of certain persons. Financial impact: None.

YES

NO

(This amendment proposed by Senate Constitutional Amendment No. 32, 1972 Regular Session, expressly repeals an existing article of the Constitution and adds a new article thereto; therefore, **EXISTING PROVISIONS** proposed to be **REPEALED** are printed in **STRIKEOUT TYPE**; and **NEW PROVISIONS** proposed to be **ADDED** are printed in **BOLDFACE TYPE**.)

**PROPOSED AMENDMENTS TO  
ARTICLE II**

First—That Article II thereof be repealed.

**ARTICLE II**

**RIGHT OF SUFFRAGE**

**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 Quere-taro, and every naturalized citizen thereof, 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 60 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.

**SEC. 1½.** The Legislature may extend to persons who have resided in this State for at least 54 days but less than one year the right to vote for presidential electors, but for no other office; provided, that such persons were either qualified electors in another state prior to their removal to this State or would have been eligible to vote in such other state had they remained there until the presidential election in that state, and; provided further, that such persons would be qualified electors under Section 1 hereof except that they have not resided in this State for one year.

**SEC. 2.** Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

**SEC. 2.5.** The Legislature shall have power to enact laws relative to the election of delegates to conventions of political parties; and the Legislature shall enact laws providing for the direct nomination of candidates