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NATURALIZED CITIZEN VOTING ELIGIBILITY

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Governor's power to appoint the Regents of University of California.

If this proposition passes, no individual could be appointed without the concurrence of a majority of the 40-man State Senate. The State Senate, as part of the legislative body, has over the years become increasingly more partisan. Bitter partisan fighting held the legislators in Sacramento all of 1971, setting a record for the longest session in California's history. Agreement on the major issues was long in coming, or was never reached.

With the current mood of the Legislature it is very conceivable that vacancies on the Board of Regents would remain unfilled for an inordinately long time as the issue of ratification of nominees became bogged down with partisan in-fighting.

To safeguard our precious democratic process in this Republic, a careful distribution and balance of powers among the three branches of government must be maintained. The usurpation of any of the ongoing practices of any branch can be hazardous.

This proposed dilution of the Governor's powers could be very detrimental to the University by causing delay and thus deprive the University of badly needed leadership. Under an Executive Branch of both parties, for the past 100 years men and women of high caliber stature have been selected to serve the university.

Out of six new appointments in recent years under the current Governor half of the individuals have Doctor of Philosophy Degrees. The University has continued to excel in all of its endeavors.

There is no evidence to indicate a need for change in the selection process to an obviously more political approach.

I therefore urge a "NO" vote on Proposition 5.

JOHN L. E. "BUD" COLLIER
Assemblyman, 54th District

Rebuttal to Argument Against Proposition 5

The argument against proposition 5, unfortunately, fails to address itself to present circumstances and the intentions of SCA 44 to improve them. The people of the State of California have no means of expressing any control whatsoever over the selection of appointments to the extremely important position as a member of the Board of Regents of the University of California.

Under the present system nearly every other gubernatorial appointment is subject to Legislative review in order that the concerns of the people may be heard. The interests of the people can best be protected by the requirement that the Legislature approve these appointments.

Review of appointments by the Senate has long been a historical and Constitutional prerogative and its extension to this important board complements rather than violates the argument of separation of powers.

When the President of the University of California acknowledges that the UC Board of Regents is "an elite group not fairly representative of California society" the people should demand a change. A YES vote on proposition 5 provides that opportunity.

JOHN A. NEJEDLY
State Senator, 7th District

WALTER W. STIERN
State Senator, 18th District

6 NATURALIZED CITIZEN VOTING ELIGIBILITY. Legislative Constitutional Amendment. Eliminates existing provision in Constitution requiring naturalized citizen to be naturalized for 90 days prior to becoming eligible to vote.

YES

NO

(For full text of measure, see page 6, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to eliminate the provision from the Constitution which makes a naturalized citizen ineligible to vote unless he has been a citizen for at least 90 days prior to any election.

A "No" vote is a vote to retain the constitutional provision which makes a naturalized citizen ineligible to vote unless he has been a citizen for at least 90 days.

For further details, see below.

Detailed Analysis by the Legislative Counsel

Section 1 of Article II of the California Constitution now requires that a naturalized citizen be a citizen for 90 days prior to any election before he is eligible to vote. This measure deletes this requirement.

If this measure is adopted, certain statutory provisions enacted by Chapter 1760 of the Statutes of 1971 (Assembly Bill No. 210) will become operative (see analysis of Chapter 1760 below).

Statutes Contingent Upon Adoption of Above Measure

The text of Chapter 1760 of the Statutes of 1971 is on record in the office of the Secretary of State in Sacramento and also contained in the 1971 published statutes. It amends the affidavit of voter registration to provide that the voter registering must affirm that he will be a citizen of the United States at the time of the next election, rather than that he will have been a citizen of the United States for a period of at least 90 days before the next election. The provisions of Chapter 1760 will take effect only if Section 1 of Article II is amended as proposed by the above measure.

Argument in Favor of Proposition 6

The purpose of this constitutional amendment is to permit a person to register to vote immediately upon becoming a citizen of the United States. At the present time the California State Constitution requires a person to wait 90 days after becoming a citizen before being able to vote. A new citizen has demonstrated his allegiance to the United States and should be given the right to register and vote like any other citizen without unreasonable delays.

The 90-day waiting period for naturalized citizens has existed in California since the late nineteenth century. The rationale for this time period appears to have stemmed from the fear that recent immigrants with little knowledge of the nation's institutions would be naturalized upon entering the country and be able to vote. This rationale has disappeared in this century since candidates for naturalization must now reside in the United States for a minimum of three years (spouses of U.S. citizens) or five years (others) and pass an extensive examination on local, state and U.S. government and history. These requirements of residence and knowledge of our electoral process assure that the newly naturalized citizen is aptly prepared to participate in elections upon becoming a citizen.

If this constitutional amendment is passed, a naturalized citizen will be able to register to vote immediately. Otherwise, many new citizens, naturalized before this year's November election, will not be able to cast their votes for President. However, they will still be bound, as all other citizens, to register to vote a certain amount of days before an election—presently 54 days—in order to vote in said election. This constitutional amendment passed both houses of the Legislature overwhelmingly.

DAVID A. ROBERTI
State Senator, 27th District

Rebuttal to Argument in Favor of Proposition 6

A "No" vote is recommended in connection with Assembly Constitutional Amendment 21 for the reason that the bill represents a proposed change in the Constitution in the area of voter registration that has been typical of statutes recently adopted by a majority of the Legislature in the past two to three years, all having the effect of loosening our laws relative to registration and voting. If there were any great need for these changes there would be no real problem; but there is no need for the changes and loosening the law will ultimately lead to fraudulent practices in our elections.

The present restrictions were originally adopted to prevent fraud; these statutes have worked very well over the years; some members of the Legislature feel that because these statutes have prevented fraud they are no longer needed. The effect of Assembly Constitutional Amendment 21 really does not justify the expense and time of submitting the matter to the voters. The change would eliminate the Constitutional provision which requires a naturalized citizen to be a naturalized citizen for 90 days prior to becoming eligible to vote. The Legislature would be authorized to replace the 90-day restriction with a change which might allow such a person to register and vote immediately. County officers need a reasonable period of time to process the registration of these cases; there has never been any difficulty with the existing 90-day period.

Vote "No" on ACA 21.

CLARK L. BRADLEY
State Senator, 14th District

Argument Against Proposition 6

A "No" vote is recommended in connection with Assembly Constitutional Amendment 21 for the reason that the bill represents a proposed change in the Constitution in the area of voter registration that has been typical of statutes recently adopted by a majority of the Legislature in the past two to three years, all of which have the effect of loosening our laws relative to registration and voting. If there was any great need for these changes there would be no real problem, but there is no need for the changes and the effect of loosening the law is bound to ultimately lead to fraudulent practices in our elections.

A review of the history of these changes would quickly convince the reader that these restrictions were originally adopted in order to prevent fraud; these statutes worked very well over the years and now it appears that some members of the Legislature feel that because these statutes have prevented fraud they are now no longer needed. This is v

logic. The effect of Assembly Constitutional Amendment 21 is to make a very minor change in the law and really does not justify the expense and time of submitting the matter to the voters. The change would eliminate the Constitutional provision which requires a naturalized citizen to be a naturalized citizen for 90 days prior to becoming eligible to vote. By taking this provision out of the Constitution, the Legislature would be authorized to put in place of the 90 days a change which would probably be to allow such a person to register and vote literally at the whim of the Legislature. County officers need a reasonable period of time to process the registration of these cases; there has never been any difficulty with the existing 90-day period for this purpose.

CLARK L. BRADLEY
State Senator, 14th District

**Rebuttal to Argument Against
Propositio. 6**

Contrary to what is set forth in the argument urging a NO vote, this measure has

nothing to do with the procedures of registration and voting. It merely permits a naturalized citizen to vote immediately after becoming a U.S. citizen and not having to wait the present 90-day period.

This amendment makes no change whatsoever in proof of citizenship, nor does it make any change in the period of time county officers have to process the registration of these cases. This period of time is the same as for other U.S. citizens—presently 54 days before an election. So, the NO argument along these lines is inapplicable to this amendment.

The opposition indicates that the issue involved in Proposition 6 is unimportant. But, to new citizens awaiting the chance to exercise their right to vote, the issue is very important this year.

There was overwhelming support for this amendment in the Legislature. The Assembly vote was 62-0 and the Senate vote 27-4. Vote YES on Proposition 6.

DAVID A. ROBERTI
State Senator, 27th District

VALUATION OF SINGLE-FAMILY DWELLINGS FOR TAX PURPOSES. Legislative Constitutional Amendment. Provides that Legislature may prohibit the valuation of single-family dwellings for purposes of property taxation at any value greater than that which would reflect use of property as site for single-family dwelling.

YES	
NO	

(For full text of measure, see page 7, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to authorize the Legislature to prohibit the valuation of owner-occupied single-family dwellings for purposes of property taxation at any value greater than that reflecting such use of the property.

A "No" vote is a vote to deny this power to the Legislature and to continue the present practice of valuation of a single-family dwelling.

For further details, see below.

Detailed Analysis by the Legislative Counsel

The State Constitution now requires the valuation of property for general property taxation on the basis of its full cash value, which courts have construed to mean the value determined by its "highest and best use." Thus, a single-family dwelling, and the land on which it is situated, would be taxed at a higher value if the property were suitable for some other higher and better use, such as a site for a commercial establishment.

This measure would authorize the Legislature to prohibit the valuation of a single-family dwelling

(Continued on next column)

Cost Analysis by the Legislative Analyst

Adoption of this amendment to the Constitution would not have a direct cost or revenue effect. This is because it only authorizes the Legislature to act. If the authority is implemented by legislation, the effect would be to reduce to some extent, probably not of major proportions, the assessed valuation of certain single family owner-occupied homes. To produce the equivalent property tax revenues would require a shift in the tax burden to other types of property.

(Continued from column 1)

single-family dwelling, and its necessary land, at any value greater than that reflecting such use of the property, if the following two requirements were satisfied:

First, the dwelling must be occupied by an owner on the lien date, the first day of March preceding the fiscal year for which the property taxes will be levied.

Second, the dwelling must be situated on land zoned exclusively for single-family home use or zoned for agricultural use where single-family homes are permitted.

ity of the membership concurring, to be for the balance of the term as to which such vacancy exists. Said corporation shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct. Said corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise; provided, that all moneys derived from the sale of public lands donated to this state by act of Congress approved July 2, 1862 (and the several acts amendatory thereof), shall be invested as provided by said acts of Congress and the income from said moneys shall be inviolably appropriated to the endowment,

support and maintenance of at least one college of agriculture, where the leading subjects shall be (without excluding other scientific and classical studies, and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and mechanic arts, in accordance with the requirements and conditions of said acts of Congress; and the Legislature shall provide that if, through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the state shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished. The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of sex.

(b) Meetings of the regents shall be public, with exceptions and notice requirements as may be provided by statute.

6 **NATURALIZED CITIZEN VOTING ELIGIBILITY.** Legislative Constitutional Amendment. Eliminates existing provision in Constitution requiring naturalized citizen to be naturalized for 90 days prior to becoming eligible to vote.

YES	
NO	

(This amendment proposed by Assembly Constitutional Amendment No. 21, 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**.)

**PROPOSED AMENDMENT TO
ARTICLE II**

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 Queretaro, and every naturalized citizen thereof, ~~who shall have become such ninety days prior to any election,~~ 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 the day on which any election is held.