

1986

Nonpartisan Offices.

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Official Title and Summary Prepared by the Attorney General

NONPARTISAN OFFICES. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Existing provisions of California Constitution provide that judicial, school, county, and city offices shall be nonpartisan, but do not prohibit a political party or party central committee from endorsing, supporting, or opposing a candidate for nonpartisan office. This measure would add a provision that no political party or party central committee may endorse, support, or oppose a candidate for such a nonpartisan office. Summary of Legislative Analyst's estimate of net state and local government fiscal impact: This measure has no direct state or local government fiscal impact.

Final Vote Cast by the Legislature on ACA 7 (Proposition 49)

Assembly: Ayes 64
Noes 10

Senate: Ayes 31
Noes 6

Analysis by the Legislative Analyst**Background**

The California Constitution states that judicial, school, county, and city elective offices shall be nonpartisan. However, a political party or a central committee of a political party may support or oppose persons seeking such offices.

Proposal

This constitutional amendment provides that no political party or party central committee may endorse, support, or oppose a candidate for nonpartisan elective office.

Fiscal Effect

This measure has no direct state or local fiscal impact.

If you need an absentee ballot call your
county clerk or registrar of voters

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 7 (Statutes of 1986, Resolution Chapter 1) expressly amends the Constitution by amending a section thereof; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE II, SECTION 6

SEC. 6. ~~Judicial~~, (a) *All judicial, school, county, and city offices shall be nonpartisan.*

(b) *No political party or party central committee may endorse, support, or oppose a candidate for nonpartisan office.*

Your two cents makes good sense. Keep America free. Vote.
Judy Overholt, Fresno

A matter of pride . . . your right to decide. Register. Vote.
Cathy Hatfield, Fountain Valley

Argument in Favor of Proposition 49

VOTE YES ON PROPOSITION 49 AND KEEP THE PARTY BOSSES OUT OF ELECTIONS FOR LOCAL OFFICES AND JUDGESHIPS!

For more than 70 years, the people of California have voted for city council members, county supervisors, school board members, and judges, largely without regard for the candidates' political party memberships.

The California Constitution says, "Judicial, school, county and city offices shall be nonpartisan."

Yet, a recent California State Supreme Court decision overturned a long-understood ban on partisan electioneering in local and judicial elections. The Court said no law specifically prevents the party bosses from moving in on these elections.

PROPOSITION 49 WILL MAKE IT CLEAR THE PARTY BOSSES MUST STAY OUT OF ELECTIONS FOR JUDGESHIPS, CITY COUNCILS, COUNTY BOARDS OF SUPERVISORS, SCHOOL BOARDS, AND OTHER LOCAL OFFICES.

For most of this century, our state has enjoyed a well-deserved reputation for good, clean, effective government at the local level. California has been largely free of the machine-style politics that is typical of some Eastern states.

WHEN PARTY BOSSES HAVE HAD A STRANGLEHOLD ON LOCAL POLITICS ELSEWHERE, HOWEVER, CORRUPTION IN CITY HALL AND IN THE COURTS OFTEN HAS BEEN THE RULE . . . NOT THE EXCEPTION.

To assure that our courts will not be manipulated by political bosses, your yes vote on Proposition 49 is absolutely necessary.

WHO WOULD TRUST THE FAIRNESS OF TRIALS TO JUDGES WHO WERE CHOSEN—NOT BECAUSE THEY ARE IMPARTIAL—BUT BECAUSE THEY OWE ALLEGIANCE TO THE POLITICAL PARTIES WHICH GOT THEM ELECTED?

WHO WANTS TO RELY ON THE DECISIONS OF JUDGES WHO ARE CHOSEN—NOT BECAUSE THEY ARE WISE OR BECAUSE THEY KNOW THE LAW—BUT BECAUSE THEY HAVE PROMISED TO TOE THE PARTY LINE?

Californians do not want their judges to become beholden to political parties.

UNLESS YOU VOTE YES ON PROPOSITION 49, JUDGES MAY WELL BE INDEBTED TO PARTY BOSSES TO WIN ELECTIONS. THEIR JOBS WILL DEPEND ON IT!

Local officeholders support this amendment and are equally concerned that partisan electioneering will harm decision-making at the local level. They are concerned that the more they have to rely on money, help, and endorsements from political machines, the more they will owe the political machines.

Local officeholders do not want to have to check with the party bosses before they make decisions important to their constituents!

IF YOU WANT YOUR LOCAL OFFICIALS TO BE LOYAL TO YOU—NOT TO THE PARTY BOSSES—VOTE YES ON PROPOSITION 49.

Proposition 49 enjoys the support of the League of California Cities, the California Judges Association, the County Supervisors Association of California, more than 500 mayors and city council members, the American Association of University Women, and others, including many school districts.

LOCAL AND JUDICIAL ELECTIONS ARE NO PLACE FOR PARTY POLITICS.

KEEP THE PARTY BOSSES OUT OF LOCAL ELECTIONS AND THE COURTS.

VOTE FOR HONEST GOVERNMENT BY AND FOR THE PEOPLE. VOTE YES ON PROPOSITION 49.

RICHARD L. MOUNTJOY
Member of the Assembly, 42nd District
Author of Proposition

JOSEPH MONTOYA
State Senator, 26th District

PAT RUSSELL
President, League of California Cities

Rebuttal to Argument in Favor of Proposition 49

The argument in favor of Proposition 49 is a further insult to your intelligence and responsibility. It is completely misleading.

There are no party bosses or machines in California who are going to take over local and judicial elections. Party committees that may make endorsements are composed of your neighbors and friends—business and professional people, homemakers, workers, retired persons—ordinary citizens who actively share your concern for good government. In fact, committee members are elected by you at primary elections. They are people whom you have chosen. Proposition 49 is flagrantly discriminatory. It permits all kinds of organizations, special interest groups, big contributors, newspapers, indeed anyone, to make endorsements, except party committees. But they are the only ones accountable to you at the polls!

Proposition 49 is far too broad just to deal with partisan in-

volvement in judicial elections. It prohibits party recommendations in all city and county elections. There should be a much narrower ballot measure for judicial elections.

This proposition would bar you from receiving significant information about elections—information helpful to many voters in local elections where candidates have no party designations.

Party endorsements bind no one. Voters are free to give the party recommendations whatever weight they choose.

Don't accept gross falsehoods designed to frighten you into voting for this proposition. Don't deny yourself relevant information about candidates. Don't deny your fellow citizens their constitutional rights to express their views.

Vote no on Proposition 49.

ROBERT GIRARD
Director, Common Cause

Argument Against Proposition 49

Proposition 49 is clearly unconstitutional. It is a frontal attack on the most important kind of free speech: the right of political expression.

It is also a gross insult to you as a California voter. It implies that you cannot be trusted to make informed electoral choices if you are exposed to political endorsements. For the purpose of Proposition 49 is simple. It prohibits political parties from making public observations on the qualification of candidates for public office.

Proponents will argue that this is necessary to protect judicial integrity and impartiality by ensuring that local elections remain nonpartisan.

No one wants to return to the bad old days of partisan wheeling-dealing over judgeships. But in order to protect nonpartisanship we needn't violate our First Amendment.

The chief purpose of the First Amendment is to protect our right to discuss our government. That includes candid, public evaluations of the people running for public office. In this society, we need to share our observations and comments in order to make informed choices, for those whom we elect are entrusted with our future. Why deny the political parties of this state, which are only the collective expression of our personal political preferences, the right to join in the dialogue?

Party endorsements are only informational, not binding. The people of this state are not slaves to party affiliation. Time and

again they have proven their ability to pick their candidates on the basis of ability or philosophy. Why deny them the knowledge of a party's opinion, which is merely an indication of philosophy?

Ask yourself this question: If parties are denied the opportunity to speak out on the qualifications of candidates for office, who takes their place? You and I both know the answer: groups called "Citizens for Clean Government" or the "Law and Order Committee." Who knows what those endorsements mean?

We must support the right of each and every individual or organization to speak out publicly and candidly in the political process. This is the essence of free speech and it must be jealously guarded.

In the words of Thomas Jefferson:

"I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion."

We have faith in our citizens' ability to make intelligent choices. We hope you share this faith and vote no on Proposition 49.

BILL LOCKYER
State Senator, 10th District

JOHAN KLEHS
Member of the Assembly, 14th District

Rebuttal to Argument Against Proposition 49

Our state has been blessed by the fact that local elected bodies and our judiciary are practically free from any sort of political corruption.

In so many Eastern and Midwestern cities, partisanism and bossism have led to institutionalized corruption. What begins as political patronage ultimately ends as political corruption.

The provision of our Constitution that has separated partisan politics from local government elections has been our finest defense of honesty.

To even think that continuing this constitutional principle deprives anyone of First Amendment rights is preposterous.

Simply stated, this is what Proposition 49 will and will not do:

Proposition 49 will meet any constitutional test.

Proposition 49 will reaffirm our State Constitution.

Proposition 49 is in no way a First Amendment issue and will not limit free speech.

Proposition 49 will retain the proven process we have enjoyed in California for nearly 75 years.

Will Rogers once said, "If it ain't broke, don't fix it." Our State Constitution has worked well through the years. A YES vote on Proposition 49 retains our Constitution the way our forefathers intended it.

We can keep honesty in government. VOTE YES ON PROPOSITION 49.

JOE A. DUARDO
President, California School Boards Association

LESLIE K. BROWN
President, County Supervisors Association of California

Vote. California needs your -pertise.

Lorraine Holt, Imperial