

1998

## Courts. Superior and Municipal Court Consolidation.

Follow this and additional works at: [http://repository.uchastings.edu/ca\\_ballot\\_props](http://repository.uchastings.edu/ca_ballot_props)

---

### Recommended Citation

Courts. Superior and Municipal Court Consolidation. California Proposition 220 (1998).  
[http://repository.uchastings.edu/ca\\_ballot\\_props/1144](http://repository.uchastings.edu/ca_ballot_props/1144)

This Proposition is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact [marcusc@uchastings.edu](mailto:marcusc@uchastings.edu).



**Courts. Superior and  
Municipal Court Consolidation.  
Legislative Constitutional Amendment.**

---

**Official Title and Summary Prepared by the Attorney General**

**COURTS. SUPERIOR AND  
MUNICIPAL COURT CONSOLIDATION.  
LEGISLATIVE CONSTITUTIONAL AMENDMENT.**

- Provides for consolidation of superior court and municipal court in county upon approval by majority of superior court judges and of municipal court judges in that county.
- Upon consolidation, the superior court has jurisdiction over all matters now handled by superior and municipal court, municipal court judges become superior court judges, and the municipal court is abolished.
- Makes related changes to constitutional provisions regarding municipal courts.
- Provides for addition of nonvoting members to Judicial Council and lengthens some members' terms.

**Summary of Legislative Analyst's  
Estimate of Net State and Local Government Fiscal Impact:**

- Unknown net fiscal impact to the state from consolidation of superior and municipal courts. To the extent that most courts choose to consolidate, there would likely be annual net savings in the millions to tens of millions of dollars in the long term.

---

**Final Votes Cast by the Legislature on SCA 4 (Proposition 220)**

Assembly: Ayes 58	Senate: Ayes 38
Noes 1	Noes 0

---



### Background

The California Constitution provides for superior and municipal courts, referred to as the state's "trial courts." Currently, the state and the counties pay for the operation of the trial courts. Recent changes in law require that the state pay for all future increases in operating costs, beginning on July 1, 1997.

Superior courts generally handle cases involving felonies, family law (for example, divorce cases), juvenile law, civil lawsuits involving more than \$25,000, and appeals from municipal court decisions. Each of the state's counties has a superior court. Currently, there are 805 superior court judgeships.

Municipal courts generally handle misdemeanors and infractions and most civil lawsuits involving disputes of \$25,000 or less. Counties are divided into municipal court districts based on population. Currently, there are 675 municipal court judgeships.

Current law requires trial courts to improve their operations in a variety of ways. For example, judges of either court may hear both superior and municipal court cases and staff can be shared between the superior and municipal courts within a county.

### Proposal

**Trial Court Consolidation.** This proposition, a constitutional amendment, permits superior and municipal courts within a county to consolidate their operations if approved by a majority of the superior court judges and a majority of municipal court judges in the county. If the judges approve consolidation of the courts, the municipal courts of the county would be abolished and all municipal court judges and employees would become superior court judges and employees.

A consolidated superior court would have jurisdiction in all matters that currently fall under the jurisdiction of either the superior or municipal courts. A consolidated

superior court would have an appellate division to handle misdemeanors and infractions and most civil lawsuits involving disputes of \$25,000 or less that are currently appealed from a municipal court to a superior court. The Legislature can change these amounts thereby changing the appeal jurisdiction.

**Other Changes.** The proposition makes a number of other related and conforming changes to the Constitution with respect to the minimum qualifications and election of judges in consolidated courts. In addition, the measure makes: (1) related and conforming changes to the membership of the Commission on Judicial Performance, which handles complaints against judges; and (2) related, conforming, and other minor changes to the membership and terms of the California Judicial Council, which oversees and administers the state's courts.

### Fiscal Effect

The fiscal impact of this measure on the state is unknown and would ultimately depend on the number of superior and municipal courts that choose to consolidate. To the extent that most courts choose to consolidate, however, this measure would likely result in net savings to the state ranging in the millions to the tens of millions of dollars annually in the long term. The state could save money from greater efficiency and flexibility in the assignment of trial court judges, reductions in the need to create new judgeships in the future to handle increasing workload, improved management of court records, and reductions in general court administrative costs. At the same time, however, courts that choose to consolidate would result in additional state costs from increasing the salaries and benefits of municipal court judges and employees to the levels of superior court judges and employees. These additional costs would partially offset the savings.

---

For the text of Proposition 220 see page 65

---



## Courts. Superior and Municipal Court Consolidation. Legislative Constitutional Amendment.

---

### Argument in Favor of Proposition 220

CALIFORNIA'S THREE STRIKES LAW IS A SUCCESS . . . but our courts need to improve to make it work even better. The threat of life sentences for repeat criminals has led to massive increases in the number of jury trials and appeals. Filings have increased dramatically and jury trial requests have risen by more than 600% in Los Angeles alone.

WILL PROPOSITION 220 IMPROVE OUR COURTS? YES! Unifying our courts will make more judges available to handle the explosion of criminal cases now clogging the system as well as expedite the disposition of civil matters which currently take as long as FIVE years to resolve. Nearly 70% of local jail inmates are criminals not serving sentences—but awaiting trial! Local governments are being forced to provide early release for such “lower priority” criminals as wife-beaters and drug sellers!

WILL PROPOSITION 220 SAVE TAXPAYERS MONEY? YES! It costs state taxpayers nearly \$1,000,000 for each new judgeship! Proposition 220 will allow local courts to combine their functions and reduce the need for new judges. A recent study by the National Center for

State Courts found that unification in California would save a minimum of \$16,000,000 by reallocating judicial resources, \$4,000,000 from reduced judicial assignments, \$3,000,000 in reduced administrative costs. Proposition 220 is supported by the Howard Jarvis Taxpayers Association.

PROPOSITION 220 HAS OVERWHELMING SUPPORT. In addition to the Howard Jarvis Taxpayers Association, Proposition 220 is supported by the Judicial Council, dozens of trial courts throughout the state, the California State Association of Counties, the California State Sheriffs' Association, and many more organizations and individuals.

Keep “Three Strikes” working. VOTE YES ON PROPOSITION 220.

**SENATOR BILL LOCKYER**  
*California State Senate*

**JOEL FOX**  
*President, Howard Jarvis Taxpayers Association*

**SHERIFF CHARLES BYRD**  
*President, California State Sheriffs' Association*

---

### Rebuttal to Argument in Favor of Proposition 220

Proposition 220 has *nothing* to do with preserving the Three Strikes Law. In fact, Senator Bill Lockyer and his fellow “soft on crime” politicians have been the biggest roadblock to the enactment and implementation of Three Strikes in this State.

Proposition 220 eliminates an effective and efficient system of justice for many small, but important, civil and criminal cases. Proposition 220 is based on the false premise that municipal court judges are not busy and can assist superior court judges in clearing their caseloads. The truth is, municipal courts are just as busy as any other court.

What is needed is for our state Legislature to create new judicial districts to correspond with California's expanding population. But Bill Lockyer will not allow that to happen, fearing that a tough-on-crime Governor will appoint tough-on-crime judges to fill those new judgeships.

Furthermore, Proposition 220 will not save taxpayers money. Our own state Department of Finance has concluded that Proposition 220 will increase costs to taxpayers.

Three Strikes has contributed to historic drops in California's crime rate and has helped *reduce* the number of repeat criminals clogging our courts. Despite Senator Lockyer's claim, the number of trials has *not* gone up as a result of Three Strikes.

I don't trust a politician who uses the important law that I championed and millions of Californians supported for his own political agenda—especially when that politician was and is an enemy of Three Strikes.

VOTE NO ON PROPOSITION 220.

**MIKE REYNOLDS**  
*Author of Three Strikes and You're Out Law*

---

# Courts. Superior and Municipal Court Consolidation. Legislative Constitutional Amendment.



## Argument Against Proposition 220

Masquerading as a "reform" of California's trial courts, Proposition 220 is in reality a hoax, a politician's deal to give municipal court judges, already among the highest paid in the nation, an annual pay raise of \$9,320, increasing their annual salary from \$98,070 to \$107,390. In return for this generosity, the municipal court, the "people's court", the court closest to the people, will be abolished.

This can be done in any county by a majority vote of their municipal and superior court judges to unify the trial courts. That will automatically abolish the municipal court and elevate every municipal court judge in the county to the superior court without the experience and review for competence now required for superior court judges. If this is done in all counties more than six million dollars will be added to judicial budgets just so 670 municipal court judges can call themselves superior and collect a bigger paycheck.

That's not all. Municipal court judges who retire from a unified court, including judges who are now retired, will receive an increased retirement check of as much as \$6213 per year from the already underfunded Judges' Retirement Fund.

When the Legislature considered this proposal, it was opposed by the State Department of Finance on the ground that trial court "unification may lower the standards of service and would raise costs to the extent judges are paid at superior court rates to perform municipal court work."

Californians demand more accountability from their judges. This measure offers less. Under existing law, superior court judges review the decisions of municipal

court judges. Under this proposal superior court judges will be assigned to sit on an appellate court to review appeals from the decisions of other superior court judges in cases that used to go to the municipal court. A judge cannot fairly review the work of a colleague, knowing that perhaps next week their roles will be reversed. The appearance and substance of justice will be questioned and public confidence in the courts will be eroded.

All of the claimed economic efficiencies of trial court unification now can be obtained under legislation which directs the consolidation of court clerks' offices and the assignment of judges where needed. Giving exorbitant, unearned pay raises to judges at a time when non-government worker's wages are stagnant or in decline, at the cost of abolishing the "people's court", is not court reform.

Proposition 220 will destroy a proven, effective, and efficient two-tier system of trial courts by abolishing the municipal court. The municipal court is truly the "people's court." Its judges are elected from small districts close to the people. To abolish such an important court to boost the egos of municipal judges with higher status and higher pay is not court reform.

Proposition 220 must be defeated.

Don't let judges vote to abolish the municipal court and give themselves a pay raise. *Vote NO!*

**LEWIS K. UHLER**  
*President, National Tax Limitation Committee*

**EDWARD JAGELS**  
*Kern County District Attorney*

## Rebuttal to Argument Against Proposition 220

**DON'T BE MISLED BY THE OPPOSITION.** An independent study concluded Proposition 220 can save taxpayers a minimum of \$23,000,000 annually by making full use of all judges! The Department of Finance did NOT oppose passage of Proposition 220 when it was considered by the Legislature. The retirement benefits of retired municipal court judges are not affected by Proposition 220—NO INCREASE IS PERMITTED. And, for municipal court judges statewide, who already handle superior court cases, existing law requires that they be paid superior court wages.

Proposition 220 will allow California's judges to be assigned to any case based on skills, abilities and training. It will hold the judicial branch accountable for the full and effective use of judicial time and resources. Education and training standards for hearing cases will apply equally to all judges. Proposition 220 ensures the highest standards for the future appointment of all judges.

Proposition 220 will provide flexibility to assign any case to local courts based on the availability of facilities as well as the convenience to the parties, jurors and other individuals. It strengthens the "people's court" by treating all cases as important. Courts will have the flexibility to offer the public full services in every location. Proposition 220 will strengthen the impartiality of existing Superior Court appellate panels by assigning judges for specific terms.

Proposition 220 will eliminate duplicative administration, conflicting procedures, and barriers to the full use of judges.

**IMPROVE OUR COURTS AND SAVE TAXPAYER MONEY. VOTE YES ON PROPOSITION 220.**

**HONORABLE MARVIN BAXTER**  
*Associate Justice of the California Supreme Court*

**JAMES FOX**  
*San Mateo District Attorney*

**ANTONIO VILLARAIGOSA**  
*Assembly Majority Leader*

# Text of the Proposed Laws

## Proposition 219: Text of Proposed Law

This amendment proposed by Senate Constitutional Amendment 18 (Statutes of 1996, Resolution Chapter 34) expressly amends the Constitution by adding sections thereto and amending sections thereof; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

### PROPOSED AMENDMENTS TO ARTICLES II, IV, AND XI

First—That Section 8 of Article II is amended by adding subdivisions (e) and (f), to read:

(e) *An initiative measure may not include or exclude any political subdivision of the State from the application or effect of its provisions based upon approval or disapproval of the initiative measure, or based upon the casting of a specified percentage of votes in favor of the measure, by the electors of that political subdivision.*

(f) *An initiative measure may not contain alternative or cumulative provisions wherein one or more of those provisions would become law depending upon the casting of a specified percentage of votes for or against the measure.*

Second—That Section 11 of Article II is amended to read:

SEC. 11. (a) Initiative and referendum powers may be exercised by the electors of each city or county under procedures that the Legislature shall provide. ~~This~~ *Except as provided in subdivisions (b) and (c), this section does not affect a city having a charter.*

(b) *A city or county initiative measure may not include or exclude any part of the city or county from the application or effect of its provisions based upon approval or disapproval of the initiative measure, or based upon the casting of a specified percentage of votes in favor of the measure, by the electors of the city or county or any part thereof.*

(c) *A city or county initiative measure may not contain alternative or cumulative provisions wherein one or more of those provisions would become law depending upon the casting of a specified percentage of votes for or against the measure.*

Third—That Section 8.5 is added to Article IV, to read:

SEC. 8.5. *An act amending an initiative statute, an act providing for the issuance of bonds, or a constitutional amendment proposed by the Legislature and submitted to the voters for approval may not do either of the following:*

(a) *Include or exclude any political subdivision of the State from the application or effect of its provisions based upon approval or disapproval of the measure, or based upon the casting of a specified percentage of votes in favor of the measure, by the electors of that political subdivision.*

(b) *Contain alternative or cumulative provisions wherein one or more of those provisions would become law depending upon the casting of a specified percentage of votes for or against the measure.*

Fourth—That Section 7.5 is added to Article XI, to read:

SEC. 7.5. (a) *A city or county measure proposed by the legislative body of a city, charter city, county, or charter county and submitted to the voters for approval may not do either of the following:*

(1) *Include or exclude any part of the city, charter city, county, or charter county from the application or effect of its provisions based upon approval or disapproval of the city or county measure, or based upon the casting of a specified percentage of votes in favor of the measure, by the electors of the city, charter city, county, charter county, or any part thereof.*

(2) *Contain alternative or cumulative provisions wherein one or more of those provisions would become law depending upon the casting of a specified percentage of votes for or against the measure.*

(b) *"City or county measure," as used in this section, means an advisory question, proposed charter or charter amendment, ordinance, proposition for the issuance of bonds, or other question or proposition submitted to the voters of a city, or to the voters of a county at an election held throughout an entire single county.*

## Proposition 220: Text of Proposed Law

This amendment proposed by Senate Constitutional Amendment 4 (Statutes of 1996, Resolution Chapter 36) expressly amends the Constitution by adding a section thereto and amending sections thereof; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

### PROPOSED AMENDMENTS TO ARTICLES I AND VI

First—That Section 16 of Article I thereof is amended to read:

SEC. 16. Trial by jury is an inviolate right and shall be secured to all, but in a civil cause three-fourths of the jury may render a verdict. A jury may be waived in a criminal cause by the consent of both parties expressed in open court by the defendant and the defendant's counsel. In a civil cause a jury may be waived by the consent of the parties expressed as prescribed by statute.

In civil causes the jury shall consist of 12 persons or a lesser number agreed on by the parties in open court. In civil causes ~~in municipal or justice court other than causes within the appellate jurisdiction of the court of appeal~~ *the Legislature may provide that the jury shall consist of eight persons or a lesser number agreed on by the parties in open court.*

In criminal actions in which a felony is charged, the jury shall consist of 12 persons. In criminal actions in which a misdemeanor is charged, the jury shall consist of 12 persons or a lesser number agreed on by the parties in open court.

Second—That Section 1 of Article VI thereof is amended to read:

SEC. 1. The judicial power of this State is vested in the Supreme Court, courts of appeal, superior courts, and municipal courts: ~~All courts~~, *all of which are courts of record.*

Third—That Section 4 of Article VI thereof is amended to read:

SEC. 4. In each county there is a superior court of one or more judges. The Legislature shall prescribe the number of judges and provide for the officers and employees of each superior court. If the governing body of each affected county concurs, the Legislature may provide that one or more judges serve more than one superior court.

~~The county clerk is ex officio clerk of the superior court in the county.~~

*In each superior court there is an appellate division. The Chief Justice shall assign judges to the appellate division for specified terms pursuant to rules, not inconsistent with statute, adopted by the Judicial Council to promote the independence of the appellate division.*

Fourth—That Section 5 of Article VI thereof is amended to read:

SEC. 5. (a) Each county shall be divided into municipal court districts as provided by statute, but a city may not be divided into more than one district. Each municipal court shall have one or more judges. Each municipal court district shall have no fewer than 40,000 residents; provided that each county shall have at least one municipal court district. The number of residents shall be determined as provided by statute.

(b) On the operative date of this subdivision, all existing justice courts shall become municipal courts, and the number, qualifications, and compensation of judges, officers, attachés, and employees shall continue until changed by the Legislature. Each judge of a part-time municipal court is deemed to have agreed to serve full time and shall be available for assignment

## Text of Proposed Laws—Continued

by the Chief Justice for the balance of time necessary to comprise a full-time workload.

(c) The Legislature shall provide for the organization and prescribe the jurisdiction of municipal courts. It shall prescribe for each municipal court the number, qualifications, and compensation of judges, officers, and employees.

(d) Notwithstanding subdivision (a), any city in San Diego County may be divided into more than one municipal court district if the Legislature determines that unusual geographic conditions warrant such division.

(e) *Notwithstanding subdivision (a), the municipal and superior courts shall be unified upon a majority vote of superior court judges and a majority vote of municipal court judges within the county. In those counties, there shall be only a superior court.*

Fifth—That Section 6 of Article VI thereof is amended to read:

SEC. 6. The Judicial Council consists of the Chief Justice and one other judge of the Supreme Court, 3 judges of courts of appeal, 5 judges of superior courts, ~~and 5 judges of municipal courts, 2 nonvoting court administrators, and such other nonvoting members as determined by the voting membership of the council~~, each appointed by the Chief Justice for a ~~2-year 3-year term pursuant to procedures established by the council~~; 4 members of the State Bar appointed by its governing body for ~~2-year 3-year terms~~; and one member of each house of the Legislature appointed as provided by the house. *Vacancies in the memberships on the Judicial Council otherwise designated for municipal court judges shall be filled by judges of the superior court in the case of appointments made when fewer than 10 counties have municipal courts.*

Council membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

The council may appoint an Administrative Director of the Courts, who serves at its pleasure and performs functions delegated by the council or the Chief Justice, other than adopting rules of court administration, practice and procedure.

To improve the administration of justice the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, ~~not inconsistent with statute~~, and perform other functions prescribed by statute. *The rules adopted shall not be inconsistent with statute.*

The Chief Justice shall seek to expedite judicial business and to equalize the work of judges. The Chief Justice may provide for the assignment of any judge to another court but only with the judge's consent if the court is of lower jurisdiction. A retired judge who consents may be assigned to any court.

Judges shall report to the ~~Judicial Council~~ *council* as the Chief Justice directs concerning the condition of judicial business in their courts. They shall cooperate with the council and hold court as assigned.

Sixth—That Section 8 of Article VI thereof is amended to read:

SEC. 8. (a) The Commission on Judicial Performance consists of one judge of a court of appeal, one judge of a superior court, and one judge of a municipal court, each appointed by the Supreme Court; 2 members of the State Bar of California who have practiced law in this State for 10 years, each appointed by the Governor; and 6 citizens who are not judges, retired judges, or members of the State Bar of California, 2 of whom shall be appointed by the Governor, 2 by the Senate Committee on Rules, and 2 by the Speaker of the Assembly. Except as provided in ~~subdivision subdivisions~~ (b) and (c), all terms are for 4 years. No member shall serve more than 2 4-year terms, or for more than a total of 10 years if appointed to fill a vacancy. *A vacancy in the membership on the Commission on Judicial Performance otherwise designated for a municipal court judge shall be filled by a judge of the superior court in the case of an appointment made when fewer than 10 counties have municipal courts.*

(b) Commission membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy shall be filled by the appointing power for the remainder of the term. A member whose term has expired may continue to serve until the vacancy has been filled by the appointing power. Appointing powers may appoint members who are already serving on the commission prior to March 1, 1995, to a single 2-year term, but may not appoint them to an additional term thereafter.

(b)

(c) To create staggered terms among the members of the Commission on Judicial Performance, the following members shall be appointed, as follows:

(1) Two members appointed by the Supreme Court to a term commencing March 1, 1995, shall each serve a term of 2 years and may be reappointed to one full term.

(2) One attorney appointed by the Governor to a term commencing March 1, 1995, shall serve a term of 2 years and may be reappointed to one full term.

(3) One citizen member appointed by the Governor to a term commencing March 1, 1995, shall serve a term of 2 years and may be reappointed to one full term.

(4) One member appointed by the Senate Committee on Rules to a term commencing March 1, 1995, shall serve a term of 2 years and may be reappointed to one full term.

(5) One member appointed by the Speaker of the Assembly to a term commencing March 1, 1995, shall serve a term of 2 years and may be reappointed to one full term.

(6) All other members shall be appointed to full 4-year terms commencing March 1, 1995.

Seventh—That Section 10 of Article VI thereof is amended to read:

SEC. 10. The Supreme Court, courts of appeal, superior courts, and their judges have original jurisdiction in habeas corpus proceedings. Those courts also have original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition. *The appellate division of the superior court has original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition directed to the superior court in causes subject to its appellate jurisdiction.*

Superior courts have original jurisdiction in all other causes except those given by statute to other trial courts.

The court may make such comment on the evidence and the testimony and credibility of any witness as in its opinion is necessary for the proper determination of the cause.

Eighth—That Section 11 of Article VI thereof is amended to read:

SEC. 11. (a) The Supreme Court has appellate jurisdiction when judgment of death has been pronounced. With that exception courts of appeal have appellate jurisdiction when superior courts have original jurisdiction *in causes of a type within the appellate jurisdiction of the courts of appeal on June 30, 1995, and in other causes prescribed by statute. When appellate jurisdiction in civil causes is determined by the amount in controversy, the Legislature may change the appellate jurisdiction of the courts of appeal by changing the jurisdictional amount in controversy.*

**Superior Courts have**

(b) *Except as provided in subdivision (a), the appellate division of the superior court has appellate jurisdiction in causes prescribed by statute that arise in municipal courts in their counties.*

(c) The Legislature may permit appellate courts exercising appellate jurisdiction to take evidence and make findings of fact when jury trial is waived or not a matter of right.

Ninth—That Section 16 of Article VI thereof is amended to read:

SEC. 16. (a) Judges of the Supreme Court shall be elected at large and judges of courts of appeal shall be elected in their districts at general elections at the same time and places as the Governor. Their terms are 12 years beginning the Monday after January 1 following their election, except that a judge elected to

an unexpired term serves the remainder of the term. In creating a new court of appeal district or division the Legislature shall provide that the first elective terms are 4, 8, and 12 years.

**(b) Judges of other**

(b) (1) *In counties in which there is no municipal court, judges of superior courts shall be elected in their counties at general elections except as otherwise necessary to meet the requirements of federal law. In the latter case the Legislature, by two-thirds vote of the membership of each house thereof, with the advice of judges within the affected court, may provide for their election by the system prescribed in subdivision (d), or by any other arrangement. The Legislature may provide that an unopposed incumbent's name not appear on the ballot.*

(2) *In counties in which there is one or more municipal court districts, judges of superior and municipal courts shall be elected in their counties or districts at general elections. The Legislature may provide that an unopposed incumbent's name not appear on the ballot.*

(c) Terms of judges of superior courts are 6 years beginning the Monday after January 1 following their election. A vacancy shall be filled by election to a full term at the next general election after the second January 1 following the vacancy, but the Governor shall appoint a person to fill the vacancy temporarily until the elected judge's term begins.

(d) Within 30 days before August 16 preceding the expiration of the judge's term, a judge of the Supreme Court or a court of appeal may file a declaration of candidacy to succeed to the office presently held by the judge. If the declaration is not filed, the Governor before September 16 shall nominate a candidate. At the next general election, only the candidate so declared or nominated may appear on the ballot, which shall present the question whether the candidate shall be elected. The candidate shall be elected upon receiving a majority of the votes on the question. A candidate not elected may not be appointed to that court but later may be nominated and elected.

The Governor shall fill vacancies in those courts by appointment. An appointee holds office until the Monday after January 1 following the first general election at which the appointee had the right to become a candidate or until an elected judge qualifies. A nomination or appointment by the Governor is effective when confirmed by the Commission on Judicial Appointments.

Electors of a county, by majority of those voting and in a manner the Legislature shall provide, may make this system of selection applicable to judges of superior courts.

Tenth—That Section 23 is added to Article VI thereof, to read:

*SEC. 23. (a) The purpose of the amendments to Sections 1, 4, 5, 6, 8, 10, 11, and 16, of this article, and the amendments to Section 16 of Article I, approved at the June 2, 1998, primary election is to permit the Legislature to provide for the abolition*

*of the municipal courts and unify their operations within the superior courts. Notwithstanding Section 8 of Article IV, the implementation of, and orderly transition under, the provisions of the measure adding this section may include urgency statutes that create or abolish offices or change the salaries, terms, or duties of offices, or grant franchises or special privileges, or create vested rights or interests, where otherwise permitted under this Constitution.*

(b) *When the superior and municipal courts within a county are unified, the judgeships in each municipal court in that county are abolished and the previously selected municipal court judges shall become judges of the superior court in that county. The term of office of a previously selected municipal court judge is not affected by taking office as a judge of the superior court. The 10-year membership or service requirement of Section 15 does not apply to a previously selected municipal court judge. Pursuant to Section 6, the Judicial Council may prescribe appropriate education and training for judges with regard to trial court unification.*

(c) *Except as provided by statute to the contrary, in any county in which the superior and municipal courts become unified, the following shall occur automatically in each preexisting superior and municipal court:*

(1) *Previously selected officers, employees, and other personnel who serve the court become the officers and employees of the superior court.*

(2) *Preexisting court locations are retained as superior court locations.*

(3) *Preexisting court records become records of the superior court.*

(4) *Pending actions, trials, proceedings, and other business of the court become pending in the superior court under the procedures previously applicable to the matters in the court in which the matters were pending.*

(5) *Matters of a type previously within the appellate jurisdiction of the superior court remain within the jurisdiction of the appellate division of the superior court.*

(6) *Matters of a type previously subject to rehearing by a superior court judge remain subject to rehearing by a superior court judge, other than the judge who originally heard the matter.*

(7) *Penal Code procedures that necessitate superior court review of, or action based on, a ruling or order by a municipal court judge shall be performed by a superior court judge other than the judge who originally made the ruling or order.*

Eleventh—That if any provision of this measure or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this measure that can be given effect without the invalid provision or application, and to this end the provisions of this measure are severable.

**Proposition 221: Text of Proposed Law**

This amendment proposed by Senate Constitutional Amendment 19 (Statutes of 1996, Resolution Chapter 54) expressly amends the Constitution by adding a section thereto; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

**PROPOSED AMENDMENT TO ARTICLE VI**

*SEC. 18.1. The Commission on Judicial Performance shall exercise discretionary jurisdiction with regard to the oversight and discipline of subordinate judicial officers, according to the*

*same standards, and subject to review upon petition to the Supreme Court, as specified in Section 18.*

*No person who has been found unfit to serve as a subordinate judicial officer after a hearing before the Commission on Judicial Performance shall have the requisite status to serve as a subordinate judicial officer.*

*This section does not diminish or eliminate the responsibility of a court to exercise initial jurisdiction to discipline or dismiss a subordinate judicial officer as its employee.*

**Proposition 222: Text of Proposed Law**

This law proposed by Assembly Bill 446 (Statutes of 1997, Chapter 413) is submitted to the people in accordance with the provisions of Article XVI of the Constitution.

This proposed law amends a section of the Penal Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are

printed in *italic type* to indicate that they are new.

**PROPOSED LAW**

**SECTION 1.** Section 190 of the Penal Code, as amended by Chapter 609 of the Statutes of 1993, is amended to read:

190. (a) Every person guilty of murder in the first degree