

1972

APPOINTMENT OF REGENTS, UNIVERSITY OF CALIFORNIA

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APPOINTMENT OF REGENTS, UNIVERSITY OF CALIFORNIA.

5 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

(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 that appointments by the Governor to the Regents of the University of California be approved by the State Senate.

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

For further details, see below.

Detailed Analysis by the Legislative Counsel

Section 9 of Article IX of the California Constitution now empowers the Governor to appoint 16 members of the Regents of the University of California and to fill vacancies in such memberships by appointment. The appointments are not subject to approval by the State Senate.

This measure would require that such appointments be approved by a majority of the members of the State Senate.

Argument in Favor of Proposition 5

The people of the State of California should be aware of the fact that a most important appointment is not subject to Legislative confirmation.

The Constitution of the State of California provides Senate confirmation of many Boards and Commissions but overlooks completely the Board of Regents of the University of California. Each member of the Board of Regents is appointed for 16 years and controls a vast educational system with an annual budget of over \$337,000,000 and a total of nine (9) campuses with over 110,000 students.

Proposition 5 would make the Board of Regents of the University of California subject to confirmation by a simple majority of the State Senate.

This amendment would, in no way, prevent the Governor from choosing an appointee, for it would only allow the State Senate to ratify or reject the choice of the Governor.

It would, therefore, allow for the careful consideration of the qualification of members of the University of California Board of Regents by two branches of government, the same consideration now given appointees to many lesser bodies that have a far smaller effect on the State of California.

The people of the State of California must be given an opportunity to pass upon the ap-

pointments to the extremely important office of Regent of the University. Adoption of this amendment will give the people, through their elected representatives, that opportunity.

JOHN A. NEJEDLY
State Senator, 7th District

WALTER W. STIERN
State Senator, 18th District

Rebuttal to Argument in Favor of Proposition 5

The arguments both "for" and "against" Proposition 5 raise the following points:

1. Should this proposition pass, will not the appointing process of the Regents devolve into a highly political situation? Matters of public education have traditionally been nonpartisan in California.
2. The Senate's current powers to reject or accept appointees is limited and does cover other bodies concerned with education such as: Board of Governors of the California Maritime Academy, Teachers' Retirement Board, Educational Innovation and Planning Commission, California Advisory Council on Vocational Education and Technical Training. etc., etc.

If the selection of the Regents is to be approved by the Senate, what about the other educational bodies?

Would a lack of uniformity exist if we change the procedure for one body, but not the others?

Remember, it is not the people of the State of California who would be given an opportunity to pass upon these appointments, but rather your state senator who is one man of forty in the Senate.

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

Argument Against Proposition 5

Proposition 5 (SCA 44) would inject substantially more politics into the appointment of the Regents of the University of California than, what is claimed by some, presently exists.

Proposition 5 (SCA 44) would erode constituted powers of government by diluting...

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).

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-

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.