

CERTIFIED BY THE SECRETARY OF STATE
AND PRINTED AT THE STATE
PRINTING OFFICE
1915

DIRECT PRIMARY LAW. Submitted to electors by referendum. Defines political parties; declares that office of United

States senator, representative in congress, congressional party committeeman, delegate to national party convention and presidential elector shall be partisan, and all other offices non-partisan; regulates primary elections, nomination of candidates, form of ballot and voting at such elections, canvassing returns thereof, contests and fees; defines lawful campaign expenses and requires statement thereof; provides for election and organization of congressional party committees by political parties; provides penalties for violation of act, and repeals primary law of 1913.

YES

NO

Whereas, the legislature of the State of California, in regular session in April, 1915, passed, and the governor of the State of California, on the 28th day of April, 1915, approved a certain act, which act, together with its title, is in the words and figures following, to wit:

An act to provide for and regulate primary elections and providing for the election of party committees, and to repeal the act providing for and regulating primary elections known as the direct primary law and approved June 16, 1913, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act.

The people of the State of California do enact as follows:

Section 1. This act shall be known, and may be cited, as the "direct primary law."

Sec. 2. The following terms when used in this act shall, unless a different meaning is plainly required by the context, be construed as follows:

1. The term "primary election" shall mean and include any and every primary nominating election held under the provisions of this act as distinguished from a final election.

2. The term "August primary election" shall mean the primary election held in August of each even-numbered year for the purpose of nominating candidates for office to be voted on at the ensuing November election.

3. The term "May presidential primary election" shall mean the primary election, held in May of each bissextile or leap year, for the purpose of enabling the qualified electors of the several political parties to express their preference for their respective party candidates for president of the United States through the election of delegates to national party conventions.

4. The term "final election" shall mean any election, held for the purpose of electing public officers, other than a primary election, recall election, or special election.

5. The term "November election" shall mean the general election held in November of each even-numbered year.

6. The term "congressional officer" shall mean and include a United States senator, a representative in the congress of the United States, and a congressional party committeeman. The term "congressional office" shall mean and include any office filled by a congressional officer.

7. The term "county" shall include a city and county.

8. The terms "political party" and "party" shall mean an organization of electors qualified as a political party in accordance with the provisions contained in section 5 of this act.

9. The term "congressional party committeeman" shall mean a member of the congressional party committee of any party, elected, or otherwise chosen, from each assembly district of the state.

10. The term "city clerk" shall mean the clerk or secretary of the legislative body of any city or municipality.

Sec. 3. In every county and city and county in this state, having a registrar of voters, or registrar of voters and a board of election commissioners, the powers conferred and the duties imposed in this statute upon county clerks and other officers, in relation to elections, shall be exercised and performed by such registrar of voters, or registrar of voters and board of election commissioners; and all nomination papers, list of candidates, expenses, and oaths of office, required by this statute to be filed with county clerks, shall be filed with the registrar of voters.

Sec. 4. If at any time there shall be created and established in this state the office of state election commissioner, then, and in that case, all functions required by this act to be performed in the office of the secretary of state shall be performed in the office of the state election commissioner, and all duties required by this act to be performed by the secretary of state shall be performed by the state election commissioner; and the words "state election commissioner" shall be understood to be meant wherever in this act the words "secretary of state" are used.

Sec. 5. A political party shall be recognized as such, and shall be entitled to participate in a primary election, only when, prior to the date of such primary election, it shall have complied with one or both of the following two conditions:

1. If it participated as a political party in the last preceding November election and any candidate nominated by it, and by no other political party, for any office voted on throughout the state polled at least three per cent of the entire vote of the state; or, providing no candidate nominated by it, and by no other political party, was voted on throughout the state at such election, if the total votes polled for all its candidates for representatives in congress within the state was equal to at least three per cent of the entire vote of the state.

2. If on or before the fiftieth day prior to any primary election, there shall be filed with the secretary of state a petition, setting forth the intention of the parties signing the same to form a political party and the name which they intend to adopt for such party, which name shall not be so similar to the name of an existing political party as to mislead voters. Such petition must be signed by registered qualified electors equal in number to at least three per cent of the entire vote of the state polled at the last preceding November election, and the signatures thereto certified by the county clerk of each county in which such electors are registered, and transmitted to the secretary of state substantially in the same manner as provided by this act for the signing, certification and transmission of nomination papers for state offices.

Sec. 6. All candidates for elective public offices, nominated under the provisions of this act, shall be nominated as follows:

1. By direct vote at primary elections held in accordance with the provisions of this act; provided, that electors of president and vice president of the United States shall be nominated as

ther declare that I intend to support for such nomination the candidate named herein.

| No. | Precinct | Signature | Residence | Date |
|------|----------|-----------|-----------|------|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| etc. | | | | |

Verification Deputy's Affidavit.

I, _____, solemnly swear (or affirm) that I have been appointed according to the provisions of the direct primary law, as a verification deputy to secure signatures in (the county of _____) to the nomination paper of _____, as candidate for nomination for the office of _____; that all the signatures on this section of said nomination paper, numbered from 1 to _____, inclusive, were made in my presence, and that, to the best of my knowledge and belief, each of said signatures is the genuine signature of the person whose name it purports to be.

(Signed) _____

Verification Deputy.

Subscribed and sworn to before me this day of _____, 19____.

[Seal] Notary Public (or other official).

If the candidate is proposed as a candidate for nomination for a congressional office or for the office of delegate to a national party convention, in each of the three places in the form of the nomination paper where the words "candidate for nomination" occur, there shall be inserted, between the word "for" and the word "nomination," the words "the _____ party"; and, in case of such candidate for nomination for a congressional office, just before the list of signatures insert the words, "I furthermore declare that I intend to affiliate with said _____ party at the next ensuing primary election, and that I have not signed the nomination paper of this candidate, or any other candidate for congressional office, as candidate of any other party at such primary election." If the candidate is proposed as a candidate for congressional party committeeman or delegate to a national party convention, in each of said three places the words "nomination for" shall be changed to the words "election to;" and the word "nomination" next preceding the list of signers shall be changed to the word "election."

Sec. 14. Nomination papers of a candidate may be signed only by registered qualified electors entitled to vote for such candidate at the ensuing primary election and no such elector shall sign the papers of more candidates to such office than are to be elected thereto. Any section of a nomination paper signed by electors residing within any incorporated city shall not be signed by electors residing outside of such incorporated city. Any section of a nominating paper signed by electors residing outside of an incorporated city shall not be signed by electors residing within an incorporated city.

Sec. 15. Signatures to the nomination paper of a candidate to be voted upon for any office at the May presidential primary election or the August primary election, may be obtained at any time not more than seventy days or less than forty days next preceding such primary election. Signatures to the nomination paper of a candidate to be voted upon for any office at any other primary election held under the provisions of this act, may be obtained at any time not more than forty days or less than twenty-five days next preceding such primary election.

The verification of signatures to nomination papers shall not be made by the candidate, or by any county clerk, or registrar of voters, or by any of the deputies in the office of such county clerk or registrar of voters, nor shall any such nomination papers be signed within one hundred feet of any place where registration of electors is being conducted.

A nomination paper verified as provided by this section shall be prima facie evidence that each signature thereto appended is genuine and that the person signing the same is a registered qualified elector, unless such signature is marked "not sufficient," as provided for in section 17 of this act.

If the candidate is proposed as a candidate a congressional office, or the office of delegate to a national party convention, each section of the nomination paper shall contain the name of the political party whose nomination is sought; but in no other instance shall a nomination paper contain the name of, or reference to, any political party. A candidate for nomination for a congressional office (except the office of congressional party committeeman) may be proposed as the candidate of more than one political party, and shall be entitled to have his name printed upon the official primary ballot as the candidate of each political party in which he is proposed as a candidate in the manner provided by this act, but no person shall be entitled to become a candidate for more than one office at the same election, except for a short, or unexpired, term and a full term for the same office.

Sec. 16. The required number of signatures upon a nomination paper shall be as follows:

1. If the candidate is proposed as the candidate of a political party for a congressional office, or the office of delegate to a national party convention, the nomination paper of such candidate must be signed by not less than one-half of one per cent nor more than two per cent of the vote polled for such party's candidate for United States senator, at the last preceding November election at which a United States senator was elected, in the state or in that political subdivision for which the candidate is proposed for nomination. Such party's candidate for United States senator may have been the candidate, either of the party alone, or of the party in conjunction with one or more other parties. But if such political party did not have any candidate for United States senator at such last preceding November election at which a United States senator was elected, the nomination paper must be signed by not less than one-half of one per cent nor more than two per cent of the total vote polled for all the candidates for United States senator, at such last preceding November election in the state or political subdivision for which the candidate is proposed for nomination.

2. If the candidate is proposed as a candidate for nomination for any office except a congressional office, or the office of delegate to a national party convention, he shall not be proposed as the candidate of any political party, and the nomination paper of such candidate must be signed by not less than one-half of one per cent nor more than two per cent of the vote polled by the candidate who was elected governor, at the last preceding election at which a governor was elected, in the state or political subdivision for which the candidate is proposed for nomination.

Sec. 17. Each section of the nomination paper of any candidate, after being verified, shall be returned by the verification deputy, if he was appointed by such candidate, to the candidate, or to some one designated by him; or, if he was not appointed by such candidate, to one of the five electors by whom he was appointed. The sections of said nomination paper shall thereupon be fastened or bound together by cities or towns or outside territory in the county not included in any city or town, substantially in the manner required for the binding of affidavits of registration by the provisions of section 1113 of the Political Code.

The nomination papers of candidates to be voted for in more than one county or throughout the entire state, properly assembled, may be consolidated and fastened or bound together by counties; but in no case shall nomination papers signed by electors of different counties be fastened or bound together. All nomination papers which by the provisions of this act are required to be filed in the office of the secretary of state shall be delivered for examination to the county clerk of the county in which the signatures to such nomination papers were obtained, at least forty days prior to the August primary elec

or the May presidential primary election. The county clerk shall thereupon examine the signatures upon such nomination papers and shall disregard and mark "not sufficient" any signature appearing on such nomination paper of a person who is not registered or whose signature upon the nomination paper is not in the same handwriting as the signature upon the affidavit registration of such person on file in the office of the county clerk. Thereupon the county clerk shall attach to such nomination paper a certificate reciting that he has examined said nomination paper and stating as "sufficient" the number of names signed thereto which have not been marked "not sufficient" as hereinabove provided, and shall, within five days after the receipt by him of such nomination paper, forward it with such certificate attached, to the secretary of state, who shall receive and file the same. The delivery of a nomination paper to a county clerk shall entitle the candidate to have all signatures thereon found to be "sufficient" counted in determining the total number of signatures to be credited to such candidate as entitling him to a place on the primary ballot; and no default on the part of the county clerk, secretary of state, or other officer shall affect the right of any candidate to have all "sufficient" signatures considered in determining his right to have his name go upon the primary ballot. The county clerk shall in substantially the manner above provided examine the signatures to all other nomination papers which shall be delivered to him for examination under the provisions of this act and certify to the signatures thereto and to the result of such examination and shall within ten days after the receipt by him of any such nomination papers required by this act to be filed in his office so file the same with such certificate attached and within five days after the receipt by him of any nomination paper required by this act to be filed in the office of the city clerk of any municipality forward it with such certificate attached to the city clerk of such city. All nomination papers required to be filed either in the office of the secretary of state or in the office of the county clerk or city clerk shall be filed within ten days after the day on which they were left for examination, as provided in section 11 of this act.

Sec. 18. Whenever the boundaries of any political subdivision of the state are legally changed, the vote polled by each party in each of the new political subdivisions for United States senator, and the vote polled in each of the new political subdivisions by the candidate who was elected governor, as provided in section 16, shall be determined as follows:

1. If the change occurs wholly within any county, the county clerk of such county shall determine as nearly as possible the total of such vote for governor, and the total of each of such party votes for United States senator, in the new political subdivision, by totaling the vote polled for each of such officers in the precincts combined to form such new political subdivision.

2. If the change does not occur wholly within the limits of any county, the secretary of state shall determine the total of such vote for governor, and the total of each of such party votes for United States senator, in the new political subdivision, by totaling the vote polled for each of such officers in that portion of the original county or counties comprising such new political subdivision.

Sec. 19. All nomination papers required to be filed by this act shall be filed as follows:

1. For state officers (including members of the state board of equalization), congressional officers (including congressional party committeemen), delegates to a national party convention, members of the state senate and assembly, and all other officers voted for in districts comprising more than one county, in the office of the secretary of state.

2. For officers to be voted for wholly within one county, except as otherwise provided, in the office of the county clerk of such county.

3. For municipal officers, in the office of the city clerk or secretary of the legislative body of such city or municipality.

4. When a nomination paper or sections thereof shall have been received which contain

a number of signatures equal to the maximum number permitted by this act, the officer with whom such papers are required to be filed shall not file further sections.

Sec. 20. The officer with whom nomination papers are filed shall keep a record in which he shall enter the names of all candidates for whom the same are filed, the name of the office, the party, if any, and the date of filing. No more signatures shall be secured to any nomination paper in excess of one per cent beyond the maximum per cent permitted by this act.

Sec. 21. The following filing fees shall be paid by the candidate, except as provided in subdivision 6 of this section.

1. A filing fee of fifty dollars shall be paid to the secretary of state by each candidate for state office or for the United States senate, except as otherwise provided by this section.

2. A filing fee of twenty-five dollars shall be paid to the secretary of state by each candidate for representative in congress or for any office, except member of state senate and assembly, to be voted for in any district comprising more than one county.

3. A filing fee of ten dollars shall be paid to the secretary of state by each candidate for the state senate or assembly.

4. A filing fee of ten dollars shall be paid to the county clerk when the nomination paper and affidavit of any candidate to be voted for wholly within one county or city and county are filed with such county clerk.

5. A filing fee of ten dollars shall be paid to the city clerk when the nomination paper and affidavit of any candidate for a city office are filed with such clerk.

6. No filing fee shall be required from any person to be voted for at the May presidential primary election, or from any candidate for an office (including the office of congressional party committeeman), to the holder of which no fixed compensation is paid, or for any office, except that of state senator or assemblyman, the fixed compensation to the incumbent of which does not exceed the sum of nine hundred dollars per annum.

7. In no case shall the secretary of state, county clerk, or city clerk, place the name of any candidate on the ballot or certify any such name to be placed thereon until the requisite filing fee has first been paid, but the county clerk shall, notwithstanding the provisions of this subdivision, examine the signatures to all nomination papers presented to him under the provisions of this act and certify the result of such examination as required by the provisions of section 17 of this act.

8. When a person who has not filed a nomination paper is nominated for an office by having his name written on a primary election ballot, he must pay the same filing fee that would have been required if his nomination paper had been filed; otherwise his name must not be printed on the ballot at the ensuing final election.

9. When a candidate for nomination to a congressional office is proposed for nomination by more than one political party, he must pay a separate filing fee for each party in which he is proposed for nomination; or if, having filed a nomination paper for one party, he is nominated by another party by having his name written on a primary election ballot, he must pay the same filing fee for such other party nomination that would have been required if his nomination paper for such other party had been filed; otherwise he shall not be credited with the nomination of such other party on the ballot at the ensuing final election.

10. The secretary of state, county clerk or city clerk with whom the nomination papers of any candidate are filed pursuant to the provisions of this act shall, if the same be found sufficient, unless the filing fee therefor has been paid, forthwith notify such candidate in writing of the filing of such nomination papers and demand payment of the required filing fee.

Sec. 22. The county clerk shall immediately pay to the county treasurer all fees received from candidates. The city clerk shall immediately pay to the city treasurer all fees received from candidates. Within ten days after the pri-

mary election the secretary of state shall pay to the state treasurer all fees received from candidates and shall apportion the fees paid to him by each candidate equally among the counties within which such candidate is to be voted for, and certify such apportionment to the state controller, who shall issue warrants on the state treasurer for the amount due each county and the state treasurer shall pay the same.

Sec. 23. The expense of providing all ballots, blanks, rubber stamps and other supplies necessary to be used at any primary election according to the provisions of this act and all expenses necessarily incurred in the preparation for or the conduct of such primary election shall be paid out of the treasury of the city, city and county, county or state, as the case may be, in the same manner, with like effect and by the same officers as in the case of general elections.

Sec. 24. At least thirty days before any August primary election preceding a November election or before any May presidential primary election the secretary of state shall transmit to each county clerk a certified list containing the name and post office address of each person for whom nomination papers have been filed in the office of such secretary of state, who is entitled to be voted for in such county at such primary election, together with a designation of the office for which such person is a candidate and, if a candidate for congressional office, or the office of delegate to a national party convention, the name of the party in which he is proposed as candidate. Such county clerk shall forthwith, upon receipt thereof, publish a notice setting forth, under the proper party designation, the title of each congressional office and of the office of delegate to a national party convention which appears upon the certified list transmitted by the secretary of state as hereinbefore provided, together with the names and addresses of all persons for whom nomination papers have been filed for each of said offices in the office of the secretary of state, and also the titles of all other offices together with the names and addresses of all persons for whom nomination papers have been filed for each of said offices, either in the office of the secretary of state or in the office of the county clerk, which notice shall state that candidates for offices may be voted for at the primary election by any registered, qualified elector of the county. Such notice shall also set forth the date of the primary election, the hours during which the polls will be open, and that the primary election will be held at the legally designated polling place in each precinct, which shall be particularly designated. It shall be the duty of the county clerk to cause such publication to be made once each week for two successive weeks prior to said primary election. Every publication required by this act shall be made in not more than two newspapers of general circulation published in such county.

Sec. 25. All voting at primary elections shall be by ballot. On all ballots to be voted at an August primary election, the first column (or the first two columns when the first column alone is insufficient) shall be reserved for congressional offices, the names of candidates for each of such offices being printed under the proper party designation of the party in which such candidates are proposed for nomination. Every political party entitled to participate in the August primary election shall appear in this first column (or these first two columns) provided such party has any candidate for any congressional office whose nomination paper has been filed according to the provisions of this act. The order of the congressional offices under each party designation shall be as follows: first, United States senator (if any); next, representative in congress; and last, congressional party committeeman. The party which shall appear at the head of this first column shall be the party whose candidate for United States senator received the largest vote at the last preceding November election at which a United States senator was elected. The party which shall appear next shall be the party whose candidate for United States senator received the second largest vote at such November election, and so on for all the parties qualified to participate in such primary election. Each elector

shall be entitled to vote for the candidates for congressional offices who are proposed for nomination in that party with which he shall declare his affiliation at the time he receives his ballot, and for no other candidates for such offices except as he may write in the names of such other candidates in the blanks provided for that purpose. If he does not express a desire to affiliate with any party he shall not be entitled to vote at such primary election for the nomination of any candidates for congressional offices. For all candidates to be voted for at such primary election, except candidates for congressional offices, the elector shall vote without regard to party.

Sec. 26. It shall be the duty of the county clerk of each county to provide printed official ballots to be used at any August primary election or May presidential primary election. It shall be the duty of the city clerk to provide printed official ballots for any primary election held within the municipality of which he is an officer for the purpose of nominating candidates to be voted on therein at a municipal election. Such official ballots shall be printed upon official paper furnished in the manner provided by section 1196 of the Political Code, and such ballots to be used at any August primary election, shall be in the form hereinafter provided. The names of all candidates for the respective offices for whom nomination papers have been duly filed shall be printed thereon.

Sec. 27. 1. Across the top of the primary election ballot shall be printed in heavy faced gothic capital type, not smaller than forty-eight point, the words: "official primary election ballot," providing that on any primary ballot less than four columns in width said words may be printed in heavy faced gothic capital type not smaller than twenty-four point.

2. Beneath the heading "official primary election ballot," shall appear in heavy faced gothic capital type, the name of the county in which the ballot is being used; and at least three-eighths of an inch below the name of the county shall appear the supervisorial district, providing there are no more than five assembly districts in the county, or the assembly district, providing there are more than five assembly districts in the county; the word "district" to be followed either case by a semicolon and the date of primary election. At least three-eighths of an inch below the district designation and the date of the primary election shall be printed in ten-point black gothic type, double leaded, the following instructions to voters: "To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose; and it is optional, but not necessary, to stamp a cross after such name. Vote for congressional candidates of that party only which is not marked 'cancelled' by the election officer."

3. The instructions to voters shall be separated from the lists of candidates by one heavy and one light line or rule. The names of the candidates and the respective offices shall, except as may be hereinafter otherwise provided, be printed on the ballot in parallel columns, each two and one-half inches wide. The first column of the ballot (or the first two columns, as the case may be), shall contain the groups of names of candidates for congressional offices, arranged under their various party designations as provided in section 25 of this act, and the first column shall be headed by the word "congressional." The party tickets of the several political parties shall be separated from one another by a blank space of not less than one inch. The names of the political parties shall be printed in ten point black gothic capital type. To the right of this first column (or these first two columns, as the case may be) shall be a solid black line, extending down from the printed lines separating the instructions to voters from the lists of names of candidates to the bottom margin of the ballot. In the case of a primary election for the nomination of candidates to be voted for at a presidential or general state election, the order of precedence

the columns to the right of this solid black line shall be as follows, that is to say: in the first column to the right of the solid black line, under the heading state shall be printed the groups of names of candidates for state offices, (except judicial and school offices), including members of the state board of equalization. Next, under the heading legislative shall be printed the groups of names for state senator, if any, and for member of the assembly. Under the heading judicial shall be printed all the names of candidates for judicial offices, in the order of chief justice supreme court, associate justices supreme court, judge of district court of appeals, judge of superior court, justice of the peace and other judicial officers, if any. Next, under the heading school shall be printed all the names of candidates for school offices in the order of state superintendent of instruction and superintendent of schools. Next, under the heading county shall be printed the groups of candidates for all county and township offices, except judicial or school offices. In the case of primary elections where nominations are to be made for only a portion of these offices, at the right of the solid black dividing line there may be only one column. The tally sheets furnished to election officers shall have the names of offices and candidates arranged in the order in which said names of offices and candidates are printed on the ballots according to the provisions of this section and subdivision. In the case of primary elections for the nomination of candidates for city, city and county or municipal offices only, the order of precedence shall be determined by the legislative body of such city or municipality or by the board of election commissioners of any such city and county.

4. The group of names of candidates for nomination for any office except a congressional office shall include all the names receiving the requisite number of signatures on nomination papers for such office; but the groups of names of candidates for congressional offices appearing on the ballots under the head of each political party shall comprise only the names of candidates for nomination by such party. If any candidate is nominated to fill out a short term in an office as distinguished from another candidate on the same ballot nominated for a full term of the same office, the words "short term" or "full term", as the case may be, shall be printed below the title of such offices on the ballot, preceding the respective groups of names of candidates.

Sec. 28. The order in which the names of candidates for any office shall appear upon the primary election ballot to be used at any election held under the provisions of this act other than the May presidential primary election shall be determined as follows:

1. If the office is an office the candidates for which are to be voted on throughout the entire state, including United States senator in congress, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged. If the office is that of representative in congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire state, except the office of state senator or assemblyman or congressional party committeeman, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on; and thereafter for each succeeding assembly district in which such candidates are to be voted on, the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged. In transmitting to each county clerk or registrar of voters the certified list of names of candidates as required by this act, the secretary of state shall certify and transmit the list of candidates for nomination to each office according

to assembly districts, in the order of arrangement as determined by the above provisions; and in the case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of state senator or assemblyman, or congressional party committeeman, the order in which the names filed with the secretary of state shall appear upon the ballot, shall be for each assembly district the order as determined by the secretary of state in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

2. If the office is an office to be voted on throughout but wholly within one county or city and county, except the office of representative in congress or state senator or assemblyman, or congressional party committeeman, the county clerk shall arrange the names of all candidates for such office in alphabetical order for the first supervisorial district; and thereafter for each supervisorial district, the name appearing first for each such office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged; provided, that there are no more than five assembly districts in such county, or city and county. If there are more than five assembly districts in such county or city and county, the county clerk shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

3. If the office is that of state senator or assemblyman or congressional party committeeman, or any office except the office of representative in congress to be voted on wholly within any county or city and county, but not throughout such county or city or county, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

4. If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order.

Sec. 29. In publishing the names and addresses of all candidates for whom nomination papers have been filed, as required in this act, the county clerk shall publish the names in the order in which they will appear upon the ballot; provided, that in counties or cities and counties containing more than five assembly districts the order of names of candidates shall be that of the assembly district in such county or city and county which is lowest in numerical order, and that, in all other counties, the order shall be that of the first supervisorial district.

Sec. 30. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidates seek nomination, and the words "vote for one" or "vote for two" or more according to the number to be elected to such office at the ensuing election. Such designation of the office to be nominated for and of the number of candidates to be nominated shall be printed in heavy faced gothic type, not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "vote for one" or "vote for two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the direction for voting shall be separated from the names of the candidates by a light line.

Sec. 31. The names of the candidates shall be printed on the ballot without indentation, in roman capital type not smaller than eight point, between light lines or rules three-eighths of an inch apart. Under each group of names of candidates shall be printed as many blank spaces, defined by light lines or rules, three-eighths of an inch apart, as there are to be candidates

nominated for such office. To the right of the names of the candidates shall be printed a light line or rule so as to form a voting square three-eighths of an inch square. Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule. Each series of groups shall be headed by the word "congressional," "state," "legislative," "judicial," "school," "county" or "municipal" or other proper general classification, as the case may be, printed in heavy faced gothic capital type, not smaller than twelve-point. All official primary election ballots to be used at any August primary election shall have printed on the back and immediately below the center thereof, in eighteen point gothic capital type, the words "official primary election ballot," and underneath these words the respective numbers of the congressional, senatorial and assembly districts in which each ballot is to be voted. If there are no more than five assembly districts in the county, there shall also be added the name of the supervisorial district and of the county, as follows "----- supervisorial district of ----- county." The ballot shall be printed on a single leaf with a stub and separated therefrom by a perforated line across the top of the ballot. On each ballot a perforated line shall extend from top to bottom one-half inch from the right-hand side of such ballot, and upon the half-inch strip thus formed there shall be no printing except the number of the ballot which shall be on the back of each strip, in such position that it shall appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county; provided, that the sequence of numbers on such official ballots and stubs shall begin with the number one. The official ballots shall be made up in stub books, each book to contain ten, or some multiple of ten ballots, in the manner provided by law for official election ballots, and except as to the order of the names of candidates shall be printed in substantially the following form:

[See page eleven for form of ballot.]

Sec. 32. At least twenty days before the August primary election or before the May presidential primary election each county clerk or registrar of voters in every county or city and county shall prepare sample ballots, placing thereon in the order provided by law, and under the appropriate title of each office, the names of all candidates for whom nomination papers with the requisite number of "sufficient" signatures have been duly filed with him, or have been certified to him by the secretary of state, to be voted for at the primary election in his county or city and county. Such sample ballots shall be printed on paper of a different color and texture from the paper to be used on the official ballot, and shall be mailed to each voter entitled to vote at such August primary election or May presidential primary election, as the case may be, not more than twenty nor less than seven days before the election. The county clerk, on or before the first day on which sample ballots are mailed to the voters, shall mail a copy to each candidate for whom nomination papers have been filed with him or whose name has been certified to him by the secretary of state, to the post office address as given in such nomination paper or certification, and he shall post a copy of each sample ballot in a conspicuous place in his office. Before such primary election the county clerk shall cause the official ballot to be printed as provided in section 26 of this act, and distributed in the same manner and in the same quantities as provided in sections 1198, 1199 and 1201 of the Political Code for the distribution of ballots for elections. In the case of primary elections for the nomination of candidates for city offices it shall be the duty of the city clerk, or such other officer charged by law with the duty of preparing and distributing the official ballots used at elections in such city or municipality, to prepare and mail the sample ballot and to prepare and distribute the official primary election ballots, and so far as applicable the provisions of this act shall apply

to the nomination of all candidates for city offices.

Sec. 33. The polls must be opened at six o'clock of the morning of the day of primary election and must be kept open until seven o'clock in the afternoon of the same day, when the polls shall be closed; provided, however, that if at the hour of closing there are any voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. But no one who shall arrive at the polling place after seven o'clock in the afternoon shall be entitled to vote, although the polls may be open when he arrives. No adjournment or intermission shall be taken except as provided in the case of general elections.

Sec. 34. The officers for primary elections shall be the same in number, and shall be appointed in the same manner, as provided by law for general elections, and such officers shall receive the same compensation for their services at primary elections as provided by law for general elections.

It shall be the duty of the proper officers to furnish the original affidavits of registration and indexes for use at primary elections, which shall show the names of all voters entitled to vote at such primary elections, and shall be numbered, for purposes of the primary election, in like manner as provided in section 1113 of the Political Code. And all the provisions of section 1096 of the Political Code, so far as they are consistent with the provisions of this act, are hereby made applicable to primary elections within the meaning of this act.

Sec. 35. Any elector offering to vote at a primary election may be challenged by any elector of the city, city and county or county, upon either or all of the grounds specified in section 1230 of the Political Code, but his right to vote the congressional primary election ticket of the political party with which, on receiving his ballot, he declares his intention to affiliate, shall not be challenged on any ground or subjected to any tests other than those provided by the constitution and section 1230 of the Political Code of this state, except on the ground of his having previously declared his intention to affiliate with another political party at such primary election, such declaration having been expressed at the time of his signing the nomination paper of a candidate of such other party.

Sec. 36. Any elector qualified to take part in any primary election, who has, at least thirty days before the day of such primary election, qualified by registration, as provided by section 1096 of the Political Code, shall be entitled to vote at such primary election, such right to vote being subject to challenge only as hereinabove provided; and on writing his name or having it written for him on the roster, as provided by law for general elections in this state, he shall likewise write or have written upon the roster the name of the political party with which he intends to affiliate in voting for candidates for congressional offices at the next ensuing November election. He shall then, in an audible tone of voice, declare to the election officer from whom he receives his ballot the name of such political party with which he intends to affiliate, and the clerk whose duty it is, according to law, to write opposite the name of the elector the number of the ticket given him, shall also write opposite his name the name of said political party with which the elector declares it his intention to affiliate. At the August primary election, the election officer having charge of the ballots, before giving him his ballot, shall write with ink, or, with a stamp provided for the purpose, stamp the word "cancelled" across the names of candidates for congressional offices printed under the name of all the political parties except that with which the elector thus declares his intention to affiliate, and the elector shall be entitled to vote only for candidates for nomination to congressional offices printed written in under the name of such party as not thus marked "cancelled." If the voter d.

OFFICIAL PRIMARY ELECTION BALLOT

MONTEREY COUNTY

Third Supervisorial District; August 29, 1918

To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose; and it is optional, but not necessary, to stamp a cross after such name. Vote for Congressional candidates of that party only which is not marked "optional" by the election officer.

| CONGRESSIONAL | SOCIALIST PARTY | STATE | JUDICIAL |
|---------------------------------------|---------------------------------------|---|-----------------------------------|
| DEMOCRATIC PARTY | United States Senator | Governor | Chief Justice Sup. Court |
| United States Senator | JOHN F. THOMAS | RICHARD ROE | WALTER WILSON |
| CHARLES H. HART | A. T. LAMAR | HENRY BROWN | JOSEPH JENNINGS |
| WALTER SNOWBLOW | EDWARD A. BLAKE | JOHN DOE | THOMAS SMITH |
| CARRIE H. CLAY | | | |
| | Representative in Congress | Lieutenant Governor | Associate Justice Sup. Ct. |
| Representative in Congress | ED BROWN | WILLIAM SMITH | SAMUEL BROWN |
| ED BROWN | ALBERT F. JONES | THOMAS GREEN | GEORGE TAYLOR |
| PETER PETERSON | | HORACE JONES | WILLIAM BROWN |
| SAFFICE BOYLAN | | | LEASTON PRICE |
| HENRY HUDSON | | | |
| | Congressional Party Candidates | Secretary of State | |
| Congressional Party Candidates | | JOHN THURSTON | |
| PETER BROWN | | ALBERT BROWN | |
| E. O. JOHNSON | | PETER B. BROWN | |
| JOHN F. SAVAGE | | | |
| | PROMOTION PARTY | Comptroller | |
| | United States Senator | THOMAS THOMPSON | |
| | ANDERSON | JARVIS ALDEN | |
| | | WILLIAM DUNN | |
| | Representative in Congress | Treasurer | |
| | H. C. BROWN | HENRY BROWN | |
| | W. P. BROWN | A. F. CHILTON | |
| | JOHN D. BROWN | LAMAR JOHNSON | |
| | | | |
| | Congressional Party Candidates | Attorney General | |
| | | GEORGE F. WILSON | |
| | | W. B. CURRAN | |
| | | THOMAS O'BRIEN | |
| | | | |
| | | Surgeon General | |
| | | FRANK WELTON | |
| | | NICHOLAS KEENE | |
| | | JOHN F. WALKER | |
| | | | |
| | | Member State Board of Education, Fourth District | |
| | | WILLIAM ADAMS | |
| | | HARRY ALGER | |
| | | | |
| | | LEGISLATIVE | |
| | | State Senator | |
| | | HENRY I. BROWN | |
| | | GEORGE CAHNEY | |
| | | | |
| | | Member Assembly | |
| | | ALBERT ANDERSON | |
| | | PETER JONES | |
| | | PETER PETERSON | |
| | | | |
| | | REPUBLICAN PARTY | |
| | | United States Senator | |
| | | JOHN F. JONES | |
| | | JOHN F. JOHNSON | |
| | | | |
| | | Representative in Congress | |
| | | H. L. MATTHEW | |
| | | E. A. SMITH | |
| | | | |
| | | Congressional Party Candidates | |
| | | C. H. ALGER | |
| | | L. BROWN | |
| | | HENRY I. SMITH | |
| | | | |
| | | JUDICIAL | |
| | | County Clerk | |
| | | JAMES B. BROWN | |
| | | ALBERT C. LAYTON | |
| | | E. H. MALLORY | |
| | | | |
| | | Assessor | |
| | | JOHN W. BROWN | |
| | | M. J. FORTER | |
| | | JOHN B. PATTERSON | |
| | | J. F. ALGER | |
| | | CLARENCE D. CLARK | |
| | | | |
| | | Treasurer | |
| | | FRED T. DU BOIS | |
| | | VICTOR O. BROWN | |
| | | JAMES B. BROWN | |
| | | | |
| | | Auditor | |
| | | J. S. SPOONER | |
| | | E. G. WELLS | |
| | | E. W. PETER | |
| | | | |
| | | Tax Collector | |
| | | SEDFIELD FORTER | |
| | | E. W. CARRAGE | |
| | | ELITE WELLS | |
| | | | |
| | | Recorder | |
| | | CHARLES W. WELLS | |
| | | THOMAS B. CARTER | |
| | | C. H. DE FOU | |
| | | | |
| | | Public Administrator | |
| | | H. M. TELLER | |
| | | J. W. BROWN | |
| | | | |
| | | Comptroller | |
| | | H. C. LORNE | |
| | | W. P. OLLINGER | |
| | | JAMES B. FRANK | |
| | | | |
| | | Surveyor | |
| | | JOHN F. DEYER | |
| | | J. B. FORAKER | |
| | | | |
| | | Supervisor, Third Supervisorial District | |
| | | C. A. PATTERSON | |
| | | THOMAS SMITH | |
| | | JAMES B. WATSON | |
| | | | |
| | | Comptroller, Elgin City, Township | |
| | | E. W. PARKER | |
| | | JOHN A. STEWART | |
| | | | |
| | | County | |
| | | Sherriff | |
| | | CHARLES I. LORNE | |
| | | E. A. ALGER | |
| | | J. P. DOLAN | |
| | | | |
| | | District Attorney | |
| | | JOHN F. BROWN | |
| | | E. J. MURPHY | |
| | | A. B. PATTERSON | |

[Form for printing on back of ballot:]
OFFICIAL PRIMARY ELECTION BALLOT
 EIGHTH CONGRESSIONAL DISTRICT
 SEVENTEENTH SENATORIAL DISTRICT
 FORTY-EIGHTH ASSEMBLY DISTRICT
 THIRD SUPERVISORIAL DISTRICT OF MONTEREY COUNTY

to express a desire to affiliate with any party, he need not write, or declare, or have written the name of any political party, and in such case the election officer shall write or stamp the word "cancelled" across the names of all candidates for nomination to congressional offices, and the elector shall not be entitled to vote for any such candidates. No one shall be entitled to vote at any primary election who has not been a resident of the state one year, of the county ninety days, and of the precinct thirty days, next preceding the day upon which such primary election is held. The voter shall be instructed by a member of the board as to the proper method of marking and folding his ballot, and he shall then retire to an unoccupied booth and without undue delay stamp the same with the rubber stamp there found. If he shall spoil or deface the ballot he shall at once return the same to the ballot clerk and receive another.

Sec. 37. The voter shall designate his choice on the ballot by stamping a cross (X) in the small square opposite the name of each candidate or group of candidates for whom he wishes to vote; or he may vote for a person whose name is not printed on the ballot by writing the name of such person in a blank space provided therefor, which name so written may or may not be followed by a cross stamped or otherwise made. If he shall stamp more names than there are candidates to be nominated for any office, or if for any reason it be impossible to determine his choice for any office, his ballot shall not be counted for such office, but the rest of his ballot, if properly stamped, shall be counted. No ballot shall be rejected for any technical error which does not render it impossible to determine the voter's choice, even though such ballot be somewhat soiled or defaced.

Sec. 38. When a voter has stamped his ballot he shall fold it so that its face shall be concealed and only such printed designation as the law may require to appear on the back thereof shall be visible, and hand the same to the member of the board in charge of the ballot box. Such folded ballot shall be voted as ballots are voted at general elections and the name of the voter checked upon the affidavit of registration as having voted.

Sec. 39. No adjournment or intermission whatever shall take place until the polls shall be closed and until all the votes cast at such polls shall be counted and the result publicly announced, but this shall not be deemed to prevent any temporary recess while taking meals or for the purpose of other necessary delay; provided, that no more than two members of the board shall at any time be absent from the polling place.

Sec. 40. As soon as the polls are finally closed the judges must immediately proceed to canvass the votes cast at such primary election. The canvass must be public, in the presence of bystanders, and must be continued without adjournment until completed and the result thereof declared. Except as hereinafter provided, the canvass shall be conducted, completed and returned as provided by sections 1211, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1264a, 1265, 1266, 1267, and 1268 of the Political Code of this state. The number of ballots agreeing or being made to agree with the number of names on the lists, as provided by section 1255 of the Political Code, the board must take the ballots from the box, count all the votes on all the ballots, and record the same on the tally lists provided for that purpose.

Sec. 41. The board of supervisors of each county, the board of election commissioners in any city and county, or, in the case of a city or municipal primary election, the officers charged by law with the duty of canvassing the vote at any city or municipal election in such political subdivision, shall meet at the usual place of such meeting, or at any other place permitted by law, at one o'clock in the afternoon of the first Thursday after each primary election to canvass the returns, or as soon thereafter as all the returns are in. When begun the canvass shall be continued until completed, which shall not be later than six o'clock in the afternoon of the sixteenth day following such primary election.

The clerk of the board must, as soon as the result is declared, enter upon the records of such board a statement of such result, which statement shall contain the whole number of votes cast for each candidate of each political party for nomination for a congressional office, or for the office of delegate to a national party convention and also for each candidate for nomination for any other office. The clerk shall also make a duplicate statement in the same form, showing the votes cast for each candidate not voted for wholly within the limits of such county or city and county. The county clerk shall forthwith send to the secretary of state by registered mail or by express one complete copy of all returns as to such candidates, and as to all candidates for the state assembly, state senate, congressional party committee, representatives in congress, members of the state board of equalization, judicial officers (except justices of the peace), and as to all persons voted for at the May presidential primary election. The secretary of state shall, not later than the twenty-first day after any primary election, compile the returns for all candidates voted for in more than one county, and for all candidates for the assembly, state senate, congressional party committee, representatives in congress, state board of equalization, and judicial officers (except justices of the peace), and for all persons voted for at the May presidential primary election, and shall make out and file in his office a statement thereof. He shall compile the returns for the May presidential primary election not later than the twenty-first day after such election, and shall compile said returns in such a manner as to show, for each candidate, both the total of the votes received and the votes received in each congressional district of the state.

Sec. 42. The name of the person in each political party who receives at a primary election the highest number of votes for a congressional office shall be placed on the official ballot as the candidate of such political party for such office, except in the case of a candidate for congressional party committeeman, in which case such person shall be elected to the office. In the case of all other offices, except the office of delegate to a national party convention, the candidate equal in number to twice the number to be elected to such office (or less, if the total number of candidates is less than twice the number of offices to be filled) who receive the highest number of the votes cast on all the ballots of all the voters participating in the primary election for nomination to such office, shall be the candidates for such office at the ensuing election, and their names as such candidates shall be placed on the official ballot voted at the ensuing election; provided, however, that in case there is but one person to be elected at the November election to any office not a congressional office, any candidate who receives at the August primary election a majority of the total number of votes cast for all the candidates for such office shall be the only candidate for such office whose name shall be printed on the ballot at the ensuing election; and provided further, that in case there are two or more persons to be elected at the November election to any office not a congressional office, and in case any candidates for such office receive at the August primary election the votes of a majority of all the voters participating in the primary election in the state or political subdivision in which said office is voted upon (such candidates being herein designated as "majority candidates"), said "majority candidates" shall, if their number is not less than the number of persons to be elected to such office, be the only candidates for such office whose names shall be printed on the ballot at the ensuing November election; and if the number of such "majority candidates" falls short of the number of persons to be elected to such office, the names of said "majority candidates" shall be printed on the ballot at the ensuing November election, together with such number of additional names only of such other candidates receiving the next highest number of votes for nomination to such office as may equal twice the number to be elected to such office less twice the number of "majority candidate

(or a smaller number, if the list of said other candidates is exhausted); and provided also, that no person whose name has been written in upon any ballot or ballots for any office at any primary election, shall have his name placed upon the ballot as a candidate for such office at the ensuing general election, unless at such primary election he shall have received for such office written-in votes equal in number to the minimum number of signatures which would have been required to be filed to have placed his name on the primary ballot as a candidate for nomination to such office, and unless he has paid the filing fee as required in subdivision 8 of section 21 of this act. But this provision shall not prevent a candidate not otherwise disqualified from becoming a candidate, under the provisions of section 1188 of the Political Code, for an office for which nominations may be made under said section 1188 as provided in subdivision 2 of section 6 of this act. It shall be the duty of the officers charged with the canvass of the returns of any primary election held under the provisions of this act in any county or municipality to cause to be issued official certificates of nomination to such candidates as have their nomination papers filed in accordance with the provisions of this act, and who shall be entitled to such certificates of nomination according to the provisions of this section. It shall be the duty of the secretary of state to issue official certificates of nomination to candidates nominated under the provisions of this act for representatives in congress, members of the state senate and assembly, members of the state board of equalization and officers voted for in more than one county; and to issue certificates of election to congressional party committeemen and to all persons elected at the May presidential primary election as delegates to their respective national party conventions. Not less than thirty days before the November election the secretary of state shall certify to the county clerks of each county within the state the name of every person entitled to receive votes within such county or city and county at said November election who has received the nomination as a candidate for public office, under and pursuant to the provisions of this act, and whose nomination is evidenced by the compilation and statement required to be made by said secretary of state and filed in his office, as provided in section 41 of this act. Such certificates shall in addition to the names of such nominees respectively, also show separately and respectively for each nominee for a congressional office or for the office of elector of president and vice president of the United States, the name of the political party which has nominated such person, and the designation of the office for which he is so nominated.

Sec. 43. A congressional party committee may be organized by each political party, for the purpose of promulgating party platforms as to national issues, and of transacting such other business of the party as is not inconsistent with the provisions of this act, as follows:

1. The candidates of each political party who have received their party nomination for representatives in congress from the several congressional districts, and for United States senator, if any, shall meet in separate party conferences at the state capitol on the second Saturday in September after the date on which any August primary election is held preliminary to the general November election. The members of each of these conferences shall proceed to name a congressional party committeeman for their party for each assembly district of the state which did not elect such congressional party committeeman at the primary election. Said members of each of these conferences shall also appoint a date, which shall be no more than fifteen days thereafter, and a meeting place, on which date and at which meeting place members of the new congressional party committee of their party shall meet in convention. Said members of each of these conferences shall be ex officio members of the congressional party committee of their party, and as such shall participate with said committee in said convention. Said congressional party committee

shall continue to act for their party until a new congressional party committee shall have been chosen; and, until the primary election to be held in August, 1916, each party shall be represented by its state central committee, as organized under the provisions of that direct primary law which was approved June 16, 1913.

2. At their convention the members of the congressional party committee may promulgate a party platform as to national party issues, and as such issues may affect the approaching congressional or presidential election. In each year of the general November election at which electors of president and vice president of the United States are to be chosen, they shall also nominate as the candidates of their party as many electors of president and vice president of the United States as the state is then entitled to, and it shall be the duty of the secretary of state to issue certificates of nomination to the electors so nominated, and to cause the names of such candidates for elector to be placed upon the ballot at the ensuing November election.

3. Each such congressional party committee shall choose its officers by ballot and each committee and its officers shall have the power usually exercised by the such committees and the officers thereof in so far as may be consistent with this act. It may select an executive committee, to which executive committee it may grant all or any portion of its powers and duties, including the naming, if desired, of auxiliary county committees.

Sec. 44. In case, as a result of any primary election held under the provisions of this act, a person has received a nomination to any elective office without first having filed nominating papers and having his name printed on the primary election ballot, he may not less than thirty days before the day of election cause his name to be withdrawn from nomination by filing in the office where he would have filed his nominating papers had he been a candidate for nomination, his request therefor in writing, signed by him and duly acknowledged, and no name so withdrawn shall be printed on the election ballot for the ensuing final election. The vacancy created by the withdrawal of such person as aforesaid shall not be filled. In the case of all other vacancies occurring after the holding of any primary election that candidate receiving at said primary election the highest vote among all the candidates for said office who have failed to receive a sufficient number of votes to get upon said ballot shall go upon said ballot to fill said vacancy; provided, however, that if the vacancy occurs in a case where, by reason of having received a majority vote at the primary election, only one person is entitled to have his name printed upon the ballot at the ensuing November election, the names of the two candidates receiving the next highest vote at the primary election (if there were such number) shall be placed upon the ballot for the November election.

Sec. 45. In case of a tie vote, if for an office to be voted for wholly within one county the county, city and county or city board charged by law with the duty of canvassing the vote at the election, as the case may be, shall forthwith summon the candidates who have received such tie votes to appear before such board, and such board in the presence of such candidates shall determine the tie by lot. In the case of a tie vote for an office to be voted for in more than one county, such tie shall be determined by lot by the secretary of state in the presence of the candidates or their legally appointed representatives. Such summons must in every case be mailed to the address of the candidate as it appears upon his affidavit of registration.

Sec. 46. Whenever it shall be made to appear by affidavit to the supreme court or district courts of appeal or superior court of the proper county that an error or omission has occurred, or is about to occur, in the placing of any name on an official primary election ballot, that any error has been or is about to be committed in printing such ballot, or that any wrongful act has been or is about to be done by any judge or clerk of a primary election, county clerk, registrar of voters, canvassing board or any member thereof, or other person charged with any duty

concerning the primary election, or that any neglect of duty has occurred or is about to occur, such court shall order the officer or person charged with such error, wrong or neglect to forthwith correct the error, desist from the wrongful act or perform the duty, or forthwith show cause why he should not do so. Any person who shall fail to obey the order of such court shall be cited forthwith to show cause why he shall not be adjudged in contempt of court.

Sec. 47. Any candidate at a primary election held under the provisions of this act, desiring to contest a nomination of another candidate for the same office, may, within four days after the completion of the official canvass, file an affidavit in the office of the clerk of the superior court of the county in which he desires to contest the vote returned from any precinct or precincts in such county, and thereupon have a recount of the ballots cast in any such precinct or precincts, in accordance with the provisions of this section. Such affidavit must specify separately each precinct in which a recount is demanded, and the nature of the mistake, error, misconduct, or other cause why it is claimed that the returns from such precinct do not correctly state the vote as cast in such precinct, for the contestant and the contestee. The contestee must be made a party respondent, and so named in the affidavit. No personal service or other service than as herein provided need be made upon the contestee. Upon the filing of such affidavit the county clerk shall forthwith post in a conspicuous place in his office, upon a bulletin board to be prepared for that purpose, and to have upon it in conspicuous letters the words "Notice of primary election contests" a copy of the affidavit. Upon the filing of such affidavit and the posting of the same, the superior court of the county shall have jurisdiction of the subject matter and of the parties to such contest, and all candidates at any such primary election are permitted to be candidates under this act, only upon the condition that such jurisdiction for the purposes of the proceeding authorized by this section shall exist in the manner and under the conditions provided for by this section. The contestant on the date of filing such affidavit, must send by registered mail a copy thereof to the contestee in a sealed envelope, with postage prepaid, addressed to the contestee at the place of residence named in the affidavit of registration of such contestee, and shall make an affidavit of such mailing and file the same with the county clerk to become a part of the records of the contest. At any time within three days after the filing of the affidavit of the contestant to the effect that he has sent by registered mail a copy of the affidavit to the contestee, such contestee may file with the county clerk an affidavit in his own behalf, setting up his desire to have the votes counted in any precincts, designating them, in addition to the precincts designated in the affidavit of the contestant, and setting up his grounds therefor. On the trial of the contest all of the precincts named in the affidavits of the contestant and the contestee shall be considered, and a recount had with reference to all of said precincts; and the contestant shall have the same right to answer the affidavit of the contestee as is given to the contestee herein with reference to the affidavit of the contestant except that such answer must be filed not later than the first day of the trial of said contest. On the eighth day after the completion of the official canvass the county clerk shall present the affidavits of the contestant and the contestee and proof of posting, as aforesaid, to the judge of the superior court of the county, or any judge acting in his place, or the presiding judge of the superior court of a county or city and county, or any one acting in his stead, which judge shall, upon such presentation, forthwith designate the time and place where such contest shall proceed, and in counties or cities and counties where there are more than one superior judge, assign all the cases to one department by the order of such court. Such order must so assign such case or cases, and fix such time and place for hearing, which time must not be less than one nor more than three days from the presentation of the matter to the

court by the county clerk as herein provided. It shall be the duty of the contestee to appear either in person or by attorney, at the time and place so fixed, and to take notice of the order fixing such time and place from the records of the court, without service. No special appearance of the contestee for any purpose except herein provided shall be permitted, and any appearance whatever of the contestee or any request of the court by the contestee or his attorney, shall be entered as a general appearance in the contest. No demurrer or objection can be taken by the parties in any other manner than by answer, and all the objections must be contained in the answer. The court if the contestee shall appear, must require the answer to be made within three days from the time and place as above provided, and if the contestee shall not appear shall note his default, and shall proceed to hear and determine the contest with all convenient speed. If the number of votes which are sought to be recounted, or the number of contests are such that the judge shall be of opinion that it will require additional judges to enable the contest or contests to be determined in time to print the ballots for the election, if there be only one judge for such county, he may obtain the service of any other superior judge, and the proceedings shall be the same as herein provided in counties where there is more than one superior court judge. If the proceeding is in a county or city and county where there is more than one superior court judge, the judge to whom the case or cases shall be assigned, shall notify the presiding judge forthwith, of the number of judges which he deems necessary to participate, in order to finish the contest or contests in time to print the ballots for the final election, and the said presiding judge shall forthwith designate as many judges as are necessary to such completion of such contest, by order in writing, and thereupon all of the judges so designated shall participate in the recount of such ballots and the giving of judgment in such contest or contests in the manner herein specified. The said judges so designated by said last mentioned order, including the judge to whom said contests were originally assigned, shall convene upon notice from the judge to whom such contest or contests were originally assigned, and agree upon the precincts which each one of such judges will recount, sitting separately, and thereupon such recount shall proceed before each such judge sitting separately, as to the precincts so arranged, in such manner that the recount shall be made in such precincts before each such judge as to all the contests pending, so that the ballots opened before one judge need not be opened before another judge or department, and the proceedings before such judge in making such recount as to the appointment of the clerk and persons necessary to be assistants of the court in making the same, shall be the same as in contested elections, and the judge shall fix the pay or compensation for such persons, and require the payment each day in advance of the amount thereof, by the person who is proceeding with and requiring the recount of the precinct being recounted. When the recount shall have been completed in the manner herein required, if more than one judge has taken part therein, all the judges who took part shall assemble and make the decision of court, and if there be any differences of opinion, a majority of such judges shall finally determine all such questions, and give the decision or judgment of the court in such contest or contests, separately. Such decision or judgment of the court shall be final in every respect, and no appeal can be had therefrom. The judgment shall be served upon the county clerk or registrar of voters by delivery of a certified copy thereof, and may be enforced summarily in the manner provided in section forty-seven of this act, and if the contest proceeds in more than one county, and the nominee is to be certified by the secretary of state from the compilation of election returns in his office, then the judgment in each county in which a contest may be had shall show what, if any changes in the returns in the office of the secretary of state relating to such county or city and county, ought to

made, and all such judgments shall be served upon the secretary of state, by the delivery of a certified copy, and he shall make such changes in the record in his office as such judgment or judgments require, and conform his compilation and his certificate of nomination in accordance therewith. If the office contested is one to be held upon in more than one county, the time within which such contest may be brought in any county involved shall begin to run at the time of the declaration of the official canvass by the board of supervisors of the county last making such declaration.

Sec. 48. No candidate for nomination to any elective office shall directly or indirectly pay, expend or contribute any money or other valuable thing, or promise so to do, except for lawful expenses. Lawful expenses as used in this section are limited to expenses for the following purposes only:

1. For the candidate's official filing fee.
2. For the preparing, printing, and circulating of nomination papers.
3. For the candidate's personal traveling expenses.
4. For rent and necessary furnishing of halls or rooms, during such candidacy, for public meetings or for committee headquarters.
5. For payment of speakers and musicians at public meetings and their necessary traveling expenses.
6. For printing and distribution of pamphlets, circulars, newspapers, cards, handbills, posters, and announcements relative to candidates or political issues or principles.
7. For his share of the reasonable compensation of challengers at the polls.
8. For making canvasses of voters.
9. For clerk hire.
10. For conveying infirm or disabled voters to and from the polls.
11. For postage, expressage, telegraphing, and telephoning, relative to candidacy.

Sec. 49. Every person who shall be a candidate for nomination to any elective office, shall make in duplicate, within fifteen days after the primary election, a verified statement, setting forth each and every sum of money contributed, disbursed, expended or promised by him, and, to the best of his knowledge and belief, by any and every other person or association of persons in his behalf wholly or partly in endeavoring to secure his nomination. This statement must show in detail all moneys paid, loaned, contributed, or otherwise furnished to him directly or indirectly in aid of his nomination, together with the name of the person or persons from whom such moneys were received; and must also show in detail, under each of the subdivisions of section 48 of this act, all moneys contributed, loaned, or expended by him directly or indirectly by himself or through any other person, in aid of his nomination, together with the name of the person or persons to whom such moneys were paid, or disbursed. Such statement must set forth that the affiant has used all reasonable diligence in its preparation, and that the same is true and is as full and explicit as he is able to make it. Within the time aforesaid the candidate shall file one copy of said statement with the officer with whom his nomination papers were filed, and the other with the recorder of the county or city and county in which he resides, who shall record the same in a book to be kept for that purpose, and to be open to public inspection. No officer shall issue any certificate of nomination to any person until such statement as herein provided has been filed and no other statement of expenses shall be required except that provided herein, and no fee or charge whatsoever shall be made or collected by any officer for the verifying, filing, or recording of such statements or a copy thereof.

Sec. 50. Any person violating any of the provisions of section 48 or section 49 of this act shall be guilty of a misdemeanor, and upon trial and conviction thereof, in addition to the sentence imposed by the court, he shall forfeit all right to the office for which he was a candidate at the time of violating the provisions aforesaid.

Sec. 51. 1. Any person who shall offer, or with knowledge of the same permit any person to

offer for his benefit, any bribe to a voter to induce such voter to sign any nomination paper, and any person who shall accept such bribe or any promise of gain of any kind in the nature of a bribe as consideration for signing any nomination paper, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after signing, shall be guilty of a misdemeanor and upon trial and conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than one hundred and twenty days, or by both such fine and imprisonment.

2. Any person who, being in possession of any nomination paper or papers and affidavits entitled to be filed under the provisions of this act, shall wrongfully either suppress, neglect or fail to cause the same to be filed at the proper time and in the proper place shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

3. Any act or omission declared to be an offense by the general laws of this state concerning primaries and elections shall also in like case be an offense concerning primary elections as provided for by this act, and shall be punished in the same manner and form as therein provided, and all the penalties and provisions of the law governing elections, except as herein otherwise provided, shall apply with equal force to primary elections as provided for by this act.

Sec. 52. It shall be the duty of the secretary of state and the attorney general to prepare on or before January 1, 1916, all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primary elections held in pursuance hereof.

Sec. 53. This statute shall be liberally construed, so that the real will of the people shall not be defeated by any informality in respect to carrying out all the provisions of this law.

Sec. 54. If any section, subdivision, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subdivisions, sentences, clauses, or phrases be declared unconstitutional.

Sec. 55. The act approved June 16, 1913, known as the direct primary law, is hereby repealed, and all other acts or parts of acts, inconsistent with or in conflict with the provisions of this act, are also hereby repealed.

And whereas, said regular session of the said legislature finally adjourned May 9, 1915, and ninety days having not expired since said final adjournment:

Now, therefore, sufficient qualified electors of the State of California have presented to the secretary of state their petition asking that said act hereinbefore set forth, so passed by the legislature, and approved by the governor, as hereinbefore stated, be submitted to the electors of the State of California for their approval or rejection.

The direct primary law approved June 16, 1913, proposed to be repealed, reads as follows:

EXISTING PROVISIONS.

An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to state conventions and for nominating electors of president and vice president of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the direct primary law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24

of the said direct primary law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act.

Section 1. Words and phrases where used in this act shall, unless such construction be inconsistent with the context, be construed as follows:

1. The words "primary election," any and every primary nominating election provided for by this act.

2. The words "August primary election," the primary election held in August to nominate candidates to be voted for at the ensuing November election or to elect members of a party central committee or delegates to a party convention.

3. The words "May presidential primary election," any such primary election, held in May of each year of the general November election at which electors of president and vice president of the United States are to be chosen, as shall provide for the indication of preference in the several political parties for party candidates for president of the United States through the election of delegates to national party conventions.

4. The word "election," a general state, county, city or city and county election as distinguished from a primary election.

5. The words "November election," either the presidential election, or the general state, county or city and county election held in November of each even numbered year.

6. The words "judicial officer," any justice of the supreme court, justice of a district court of appeal, judge of the superior court, justice of the peace, or justice of such inferior court as the legislature may establish in any county, township, incorporated city or town, or city and county; and the words "judicial office," the office filled by any of the above judicial officers.

7. The words "school officer," the superintendent of public instruction and the superintendent of schools of a county or city and county; and the words "school office," the office filled by any of the above school officers.

8. The words "county officer," any officer elected within the boundaries of any county or city and county, except a member of the state senate or assembly or a member of the house of representatives of the congress of the United States or a member of any party county central committee or delegates to a state convention from a hold-over senatorial district; and the words "county office," the office filled by any county officer. The words "township officer," any such county officer as is elected within the boundaries of any judicial township that is now or may be hereafter provided by law; and the words "township office," the office filled by any township officer.

9. The word or words "political party," "party," "political organization," or "organization," a political party or organization of electors which has qualified, as hereinafter provided, for participation in any primary election; and such party or organization shall be deemed to have so qualified when any one or more of the three following conditions have been complied with:

(a) If at the last preceding November election there was polled for any one of its candidates who was the candidate of such party only for any office voted on throughout the state, at least three per cent of the entire vote of the state, or for any one of its candidates who was the joint candidate of such party and any other party for any office voted on throughout the state, at least six per cent of the entire vote of the state; or

(b) If on or before a date which shall be the fiftieth day before any primary election, there shall have registered within the state, as intending to affiliate with such party or organization as shall have been designated in their affidavits of registration, qualified electors equal in number to at least three per cent of the total number of electors registered throughout the state for the last preceding November election; the number of such registered qualified electors to be determined by the secretary of state from the statements transmitted to him as required by subdivision 1 of section 4 of this act; or

(c) If on or before a date which shall be the fiftieth day before any primary election, there

shall be filed with the secretary of state a petition signed by registered qualified electors of the state, whether registered as intending to affiliate with any political party or not, equal in number to at least three per cent of the entire vote of the state at the last preceding November election, declaring that they represent a political party or organization the name of which shall be stated therein, which party said electors desire to have participate in such primary election; such petition to be circulated, signed, and the signatures thereon of the registered electors certified to and transmitted to the secretary of state by the county clerks substantially as provided in section 5 of this act, for the circulation, signing, certification, and transmission of nomination papers for state officers; providing, however, that no electors or organization of electors shall assume a party name or designation which shall be so similar to the name of an existing party or organization as to mislead voters.

This statute shall be liberally construed, so that the real will of the electors shall not be defeated by any informality or failure to comply with all the provisions of law in respect to either the giving of any notice or the conducting of the primary election or certifying the results thereof.

In each county and city and county in this state, having a registrar of voters or registrar of voters and a board of election commissioners, the powers conferred and the duties imposed in this statute upon a county clerk and his deputies, and other officers, in relation to matters of election and polling places, shall be exercised and performed by such registrar of voters or his deputies, or registrar of voters or his deputies and board of election commissioners; and all nominating papers, list of candidates, expenses, and oaths of office, required by this statute to be made to county clerks, shall be filed with the registrar of voters.

Sec. 2. All candidates nominated at a primary election for elective public offices shall be nominated by direct vote at such election held in accordance with the provisions of this act; provided, that electors of president and vice president of the United States shall be nominated as provided in subdivision 2 of section 24 of this act. Party candidates for the office of United States senator shall have their names placed on the official primary election ballots of their respective parties and shall be in all respects nominated in the manner herein provided for state officers. This act shall not apply to special elections to fill vacancies; nor to the nomination of officers of municipalities, counties, or cities and counties whose charters provide a system for nominating candidates for such officers; nor the nomination of officers for any district not formed for municipal purposes; nor to the nomination of freeholders to be elected for the purpose of framing a charter; nor to the nomination of officers for cities of the sixth class; nor to the nomination of school district officers.

Sec. 3. The August primary election shall be held at the legally designated polling places in each precinct on the last Tuesday in August, for the nomination of all candidates to be voted for at the ensuing November election. The day of the August primary election and the day of the May presidential primary election are hereby declared to be holidays within the meaning of section 10 of the Political Code. Any person entitled to vote at such August or May primary election shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for the period of two consecutive hours, between the time of opening and the time of closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made, on account of such absence, from his usual salary or wages. Any primary election other than the August primary election, or May presidential primary election shall be held on Tuesday, three weeks next preceding the election for which such primary election is held.

Sec. 4. 1. On the first Monday in February, on the Monday which is the fiftieth day before the first Tuesday in May, on the first Monday in June, and on the Monday which is the fiftieth day before the last Tuesday in August, in an even numbered year, the county clerk or reg.

Verification Deputies.

| | |
|-----------------|-------------------|
| Names. | Residence. |
| ----- | ----- |
| ----- | ----- |
| ----- | ----- |
| ----- | ----- |
| etc. | etc. |
| (Signed) | |
| Names. | Residence. |
| ----- | ----- |
| ----- | ----- |
| ----- | ----- |

Subscribed and sworn to before me this
day of _____, 19____

(Seal) Notary public (or other official).

In case it is desired to appoint additional verification deputies to secure signatures to the nomination paper of said candidate, one or more similar documents may be filed, to supplement the first document. When the office for which the candidate is proposed is a judicial office, school office, county office, or township office, the provisions of this subdivision shall apply, except that the five qualified electors shall make no statement of their party affiliation and may be affiliated with different parties or with no party; and the candidate proposed for nomination shall not be so proposed as the candidate of any party.

3. Verification deputies appointed as provided in subdivision 2 of this section to obtain signatures to the nomination paper of any candidate for any office to be voted for at any primary election, may, at any time not more than seventy days nor less than forty days prior to such election, obtain signatures to such nomination paper of such candidate for such office. Each signer of a nomination paper shall sign but one such paper for the same office; provided, that prior to primary elections other than August primary elections or May presidential primary elections, signatures may be obtained not more than forty nor less than twenty days prior to such election. He shall also declare his intention to support such candidate for nomination, and shall add his place of residence, giving his street and number if any. His election precinct shall also appear on the paper just preceding his name, and the date of his signature shall appear at the end of the line just after his residence. Any nomination paper may be presented in sections, but each section shall contain the name of the candidate and the name of the office for which he is proposed for nomination. Each section shall bear the name of the city or town, if any, and also the name of the county or city and county, in which it is circulated, and only qualified electors of such county or city and county, registered as intending to affiliate with the political party in which the nomination is being made, shall be competent to sign such section. Any section circulated within any incorporated city or town shall be signed only by registered qualified electors of such city or town. Each section shall be prepared with the lines for signatures numbered, and shall have attached thereto the affidavit of the verification deputy who has obtained signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief, each signature to the section is the genuine signature of the person whose name it purports to be; and no other affidavit thereto shall be required. The affidavit of any verification deputy obtaining signatures hereunder shall be verified free of charge by any officer authorized to administer an oath. Such nomination paper so verified shall be prima facie evidence that the signatures thereto appended are genuine and that the persons signing the same are registered qualified electors, unless and until it is otherwise proven by comparison of such signatures with the affidavits of registration in the office of the county clerk or registrar of voters. Each section of the nomination paper, after being verified, shall be returned by the verification deputy who circulated it to one of the five electors by whom the said verification deputy

was appointed; and in this manner all the sections circulated in any county shall be collected by said five electors of that county and shall be by them arranged for filing or for examination, as provided in subdivision 4 of this section. In case said verification deputy was appointed directly by the candidate according to the provisions of subdivision 2 (a) of this section the collecting and arranging of the sections the nomination paper shall be done by the candidate instead of by the "five electors" as hereinbefore provided. Each section of the nomination paper shall be in substance as follows:

County of _____, city (or town) of _____ (if any).
Nomination paper of _____, candidate for _____ party nomination for the office of _____ State of California, _____ ss.
County of _____

Signer's Statement.

I, undersigned, am a qualified elector of the city (or town) of _____ county of _____ State of California; and am registered as intending to affiliate with the _____ party; and I hereby nominate _____ who resides at No. _____ street, city of _____ county of _____ State of California, as a candidate for the nomination of such party for the office of _____, to be voted for at the primary election to be held on the _____ day of August, 19____. I have not signed the nomination paper of any other candidate for the same office, and I further declare that I intend to support for such nomination the candidate named herein.

| No. | Precinct | Signature | Residence | Date |
|------|----------|-----------|-----------|-------|
| 1 | ----- | ----- | ----- | ----- |
| 2 | ----- | ----- | ----- | ----- |
| 3 | ----- | ----- | ----- | ----- |
| 4 | ----- | ----- | ----- | ----- |
| 5 | ----- | ----- | ----- | ----- |
| Etc. | ----- | ----- | ----- | ----- |

Verification Deputy's Affidavit.

I, _____, solemnly swear (or affirm) that I have been appointed according to the provision of subdivision 2, section 5, of the direct primary law, as a verification deputy to secure signature in the county of _____ to the nomination paper of _____ as candidate for the nomination of the _____ party for the office of _____; that all the signatures on this section of said nomination paper, numbered from 1 to _____ inclusive, were made in my presence, and that, to the best of my knowledge and belief, each of said signatures is the genuine signature of the person whose name it purports to be.

(Signed) _____
Verification deputy.

Subscribed and sworn to before me this
day of _____, 19____

(Seal) Notary public (or other official).

In the case of a nomination paper for any candidate for a judicial office, school office, county office, or township office, the provisions of this subdivision shall apply, except that no such nomination paper nor any section thereof shall contain the name of any political party, of any signer thereto, nor shall the candidate be referred to as a candidate for the nomination of any party; and any nomination paper for any candidate for a judicial office, school office, county office, or township office may be signed by any registered qualified elector of the county or city and county, whether registered as being affiliated with any, or with no, political party.

4. Prior to the filing of a nomination paper for any candidate, the sections thereof must be numbered in order and fastened together by cities or towns or portions of the county not included in such cities or towns, substantially in the manner required for the binding of affidavits of registration by the provisions of section 1113 of the Political Code; provided, that the sections of the nomination paper shall be preceded by an index of precincts, arranged by cities, towns or outside territory in the numerical or alphabetical order of such precincts for each such city, town or outside territory and showing after the name or number of such precinct the numbers of

section pages on which the names of the electors registered in such precinct are to be found, and after the number of each page, the number (in parentheses) of times such names are to be so found on such section page. Such index shall be substantially the following form:

| City of _____ | | | | |
|---------------------|--|-------------|-------------|------|
| of pre- cinct | Numbers of section pages containing voters of precinct | | | |
| 1 | 1 (3 times) | 2 (5 times) | 3 (7 times) | etc. |
| 2 | 1 (4 times) | 2 (0 times) | 3 (6 times) | etc. |
| etc. | | etc. | | |

Town of _____
etc. etc.

And provided, further, that for all nominations of candidates to be voted for in more than one county, or throughout the entire state, the nomination papers, properly assembled, may be consolidated and fastened or bound together by counties; but in no case shall nomination papers signed by electors of different counties be fastened or bound up together. The county clerk of any county or registrar of voters of any city and county shall examine all nomination papers herein provided for which purport to have been signed by electors of his county or city and county, and shall disregard and mark "not sufficient" any name appearing on such paper or papers which does not appear in the same handwriting on an affidavit of registration in his office, or which (except in the case of nomination papers of candidates for judicial, school, county, or township offices the signers of which may be registered as of any or no party) does not appear on said affidavit as intending to affiliate with the party named in such nomination papers. Such officer shall affix to all nomination papers a certificate reciting that he has examined the same and stating the number of names signed thereto which have not been marked "not sufficient" as hereinabove provided. All nomination papers which by this act are required to be filed in the office of the secretary of state, shall be left with the county clerk or registrar of voters for examination, as above provided, at least forty days prior to the August primary election or the May presidential primary election, and shall, with such certificate of examination attached, within five days after being so left, be forwarded by such county clerk or registrar of voters to the secretary of state, who shall receive and file the same. The verification of signatures to nomination papers shall not be made by the candidate, nor by any county clerk, or registrar of voters, nor by any of the deputies in the office of such county clerk or registrar of voters, nor within one hundred feet of any election booth, polling place, or any place where registration of electors is being conducted. Each candidate on or before the thirty-fifth day prior to the August primary election or the May presidential primary election, shall file in the place where his nomination paper is required to be filed, as provided in section 6 of this act, his affidavit, stating his residence, with street and number, if any; his election precinct; that he is a qualified elector in the election precinct in which he resides; the name of the office for which he desires to be a candidate; and that if nominated he will accept such nomination and not withdraw, and that he will qualify as such officer if nominated and elected; and he shall also make the statement required in subdivision 5 of section 6 of this act. Nothing in this act contained shall be construed to limit the rights of any person to become the candidate of more than one political party for the same office upon complying with the requirements of this act, but no person shall be entitled to become a candidate for more than one office at the same election.

5. Except in the case of a candidate for nomination to a judicial office, school office, county office, or township office, nomination papers shall be signed as follows: If the candidate is the candidate for an office to be voted on throughout

the state, by not less than one-half of one per centum and not more than two per centum of the vote or registration constituting the basis of percentage as defined in subdivision 6 of this section of the party of the candidate seeking nomination, within the state; if the candidate is the candidate for an office to be voted on in some political subdivision of the state, but not throughout the state, by not less than one per centum nor more than two per centum of the vote or registration constituting the basis of percentage, as defined in subdivision 6 of this section, of the party of the candidate seeking nomination within said political subdivision in which such candidate seeks nomination.

6. Except in case of a candidate for nomination to a judicial office, school office, county office, or township office, the basis of percentage in each case shall be the highest vote polled by the party for any such candidate as may have been the candidate of such party only, at the preceding general election, or, if there was no candidate who was the candidate of such party only, the basis of percentage shall be the lowest vote received by any candidate who was the joint candidate of such party and of one or more other parties; and if the candidate is the candidate of a party which had no candidate at the preceding general election, then the basis of percentage shall be upon the number of qualified electors who, on or before the fiftieth day prior to the primary election, shall in registering have declared their intention to affiliate with such party. Every political party qualified to participate in the primary election by the provisions of subdivision 8 of section 1 of this act, whose membership or members shall comply with the provisions of this act by filing nomination papers for one or more candidates, shall be entitled to a separate party ticket at the primary election; but all such party tickets must be alike in the designation of candidates for judicial, school, county, and township offices.

7. Whenever by rearrangement of political subdivisions of the state by any legislature, board of supervisors or other legislative body, the boundaries of such political subdivisions are changed, the highest vote polled by each party in each of the new political subdivisions shall be determined as follows: If the change occurs wholly within any county or city and county, the county clerk or registrar of voters of such county or city and county shall determine as nearly as possible the highest vote of each party in the new political subdivision by adding together for each party the highest vote in each of the former precincts which now are combined to make up such new political subdivision. If the change occurs outside the limits of any county or city and county, the secretary of state shall determine the highest vote of each party in such new political subdivision by adding together for each party the highest vote in the counties which now are combined to make up such new political subdivision. In the same way that the highest vote for each party in each new political subdivision is ascertained, shall also be ascertained the total vote of all parties, as is required to be known by the provisions of subdivision 9 of this section.

8. Nothing herein shall be construed as prohibiting the independent nomination of candidates as provided by section 1183 of the Political Code, as said section was enacted at the fortieth session of the legislature of the State of California; except that a candidate who has filed nomination papers as one of the candidates for nomination to any office on the ballots of any political party at a primary election held under the provisions of this act, and who is defeated for such party nomination at such primary election, shall be ineligible for nomination to the same office at the ensuing general election, either as an independent candidate or as the candidate of any other party, and no person shall be permitted to file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election. Nor shall any person whose name has been written in upon any ballot or ballots for any office at any primary election, have his name placed upon the ballot as a candidate for such office at the ensuing general election, except under the provisions of section 1188 of the

Political Code, unless at such primary election he shall have received for such office votes equal in number to the minimum number of nomination papers which would have been required to be filed to have placed his name on the primary ballot as a candidate for nomination to such office.

9. In the case of a candidate for nomination to a judicial office, school office, county office, or township office, nomination papers shall be signed by not less than one half of one per centum, nor more than two per centum of the total vote cast by all political parties at the last election in the state or political subdivision thereof in which such candidate for judicial or school, county, or township office seeks nomination.

10. The officer with whom nomination papers are filed shall keep a record in which he shall enter the names of all persons filing the same, the name of the office, the party, if any, and the time of filing.

Sec. 6. All nomination papers provided for by this act shall be filed as follows:

1. For state officers, United States senators, representatives in congress, members of the state senate and assembly, delegates to state conventions from "hold-over senatorial districts" and all officers voted for in districts comprising more than one county, in the office of the secretary of state.

2. For officers to be voted for wholly within one county or city and county, except representatives in congress, delegates to state conventions from "hold-over senatorial districts" and members of the state senate and assembly, in the office of the county clerk of such county or in the office of the registrar of voters in such city and county.

3. For city officers, in the office of the city clerk or secretary of the legislative body of such city or municipality.

4. When a nomination paper or sections thereof shall have been received which contain a number of signatures equal to two per centum of the vote constituting the basis of percentage as provided in subdivisions 5, 6 and 9 of section 5 of this act, the officer with whom such papers are required to be filed shall not receive or file further sections of the nomination paper for the candidate named therein.

5. No more signatures shall be secured for any candidate than a number equal to three per centum of the vote constituting the basis of percentage as provided in subdivisions 5, 6, and 9 of section 5 of this act; provided, that if, through miscalculation or otherwise, more signatures are secured than the said three per centum, all sections of the nomination paper containing signatures in excess of said three per centum must be sent to the candidate; and before any nomination paper is filed as provided in this section, the candidate must notify each signer of such excess sections that his name has not been used; and in the affidavit required to be filed in subdivision 4 of section 5 of this act, applicant must state whether he has complied with the provisions contained in subdivision 5 of section 6 of this act.

Sec. 7. 1. A filing fee of fifty dollars shall be paid to the secretary of state by each candidate for state office or for the United States senate.

2. A filing fee of twenty-five dollars shall be paid to the secretary of state by each candidate for representative in congress or for any office, except member of senate and assembly, to be voted for in any district comprising more than one county.

3. A filing fee of ten dollars shall be paid to the secretary of state by each candidate for the state senate or assembly.

4. A filing fee of ten dollars shall be paid to the county clerk or registrar of voters in any city and county when the nomination paper or papers and affidavit of any candidate to be voted for wholly within one county or city and county are filed with such county clerk or registrar of voters.

5. A filing fee of ten dollars shall be paid to the city clerk or secretary of the legislative body of any municipality when the nomination paper or papers and affidavit of any candidate for a city office are filed with such clerk or secretary of such legislative body.

6. No filing fee shall be required from any person to be voted for at the May presidential

primary election, or from any candidate for an office to the holder of which no compensation is required to be paid, or for township offices the compensation to the holder of which does not exceed the sum of nine hundred dollars per annum.

7. In no case shall the secretary of state, county clerk, registrar of voters, or city clerk receive any nomination papers for filing until the requisite fee for such filing, as prescribed in this section, has first been paid to him.

8. When a person is nominated for an office by reason of his name having been written on a ballot that has been voted at any primary election provided for by this act, he must pay the same filing fee provided for the same office to the same officer as would have been required if nomination papers had been filed to place his name on the primary ballot; otherwise his name must not be printed on the ballot at the ensuing general election; provided, he is not the nominee of another party for the same office.

Sec. 8. The county clerk shall immediately pay to the county treasurer and the registrar of voters in any city and county shall immediately pay to the city and county treasurer all fees received from candidates. The city clerk or secretary of the legislative body of any municipality shall immediately pay to the city treasurer all fees received from candidates. Within ten days after the primary election the secretary of state shall pay to the state treasurer all fees received from candidates and shall apportion the fees paid to him by each candidate equally among the counties within which such candidate is to be voted for, and certify such apportionment to the state controller, who shall issue warrants on the state treasurer for the amount due each county and the state treasurer shall pay the same.

Sec. 9. The expense of providing all ballots, blanks and other supplies to be used at any primary election provided for by this act and all expenses necessarily incurred in the preparation for or the conduct of such primary election shall be paid out of the treasury of the city, city and county, county or state, as the case may be, in the same manner, with like effect and by the same officers as in the case of general election.

Sec. 10. At least thirty days before a August primary election preceding a Novemb election or before any May presidential primary election the secretary of state shall transmit to each county clerk or registrar of voters in any city and county a certified list containing the name and post office address of each person for whom nomination papers have been filed in the office of such secretary of state, including the candidate for delegate to a state convention, if any, from a "hold-over senatorial district" and who is entitled to be voted for in such county at such primary election, together with a designation of the office for which such person is a candidate and except in the case of a judicial office, or a school office of the party or principle he represents. Such county clerk or registrar of voters shall forthwith, upon receipt thereof, publish under the proper party designation the title of each office (except a judicial office or a school office) which appears upon the certified list transmitted by the secretary of state as hereinbefore provided, together with the names and addresses of all persons for whom nomination papers have been filed for each of said offices in the office of the secretary of state, and also the names of all candidates for the county central committee, filed in the office of the county clerk or registrar of voters. He shall also publish the title of each judicial office, school office, county office, and township office, together with the names and addresses of all persons for whom nomination papers have been filed for each of said offices, either in the office of the secretary of state or in the office of the county clerk or registrar of voters, and shall state that candidates for said judicial, school, county, and township offices may be voted for at the primary election, by any registered, qualified elector of the county, whether registered as intending to affiliate with any political party or not. He shall also publish the date of the primary election, the hours during which the polls will be open, and that the primary election will be held at the legally designated polling places in each precinct, which shall be particularly designated. It shall be t.

duty of the county clerk or registrar of voters in any city and county to cause such publication to be made once each week for two successive weeks prior to said primary election.

Sec. 11. Every publication required by this act shall be made in not more than two newspapers of general circulation published in such city or county, and one of such newspapers shall represent the political party that cast at the last preceding general election the highest number of votes in such county or city and county, and one of such newspapers, if any, shall represent the party which cast the next highest number of votes at such election. In any case where the publication of the notices provided for by this act can not be made as hereinbefore provided it shall be made in any newspaper having a general circulation in the city or county in which the notice is required to be published.

Sec. 12. 1. All voting at primary elections within the meaning of this act shall be by ballot. A separate official ballot for each political party shall be printed and provided for use at each voting precinct; but all such party ballots must be alike in the designation of candidates for judicial, school, county, and township offices. The ballots must have a different tint or color for each of the political parties participating in the primary election. There shall also be printed and provided a non-partisan ballot of a different tint and color from all the others (or white, if all the others are colored), which shall contain only, but in like manner, all the candidates for judicial, school, county, and township offices to be voted for at the primary election; and one of the non-partisan ballots shall, at the primary election, be furnished to each registered qualified elector who is not registered as intending to affiliate with any one of the political parties participating in said primary election; but to any elector registered as intending to affiliate with any political party participating in the primary there shall be furnished, not a non-partisan ballot, but a ballot of the political party with which said elector is registered as intending to affiliate.

It shall be the duty of the county clerk of each county or of the registrar of voters in any city and county to provide such printed official ballots to be used at any August primary election for the nomination of candidates to be voted for in such county or city and county at the ensuing November election and at any May presidential primary election. It shall be the duty of the city clerk or secretary of the legislative body of any municipality to provide such printed official ballots for any primary election other than the August primary election or the May presidential primary election. Such official ballots to be used at any primary election shall be printed on official paper, furnished by the secretary of state, in the manner provided by section 1196 of the Political Code, and in the form hereinafter provided. The names of all candidates for the respective offices for whom the prescribed nomination papers have been duly filed shall be printed thereon.

2. Official primary election ballots used at any primary election for the nomination of candidates to be voted for at any presidential or general state election, except as provided in subdivision 5 of this section, shall be as long as the herein prescribed captions, headings, party designations, directions to voters and lists of names of candidates, properly subdivided according to the several offices to be nominated for, may require; and no official primary election ballot shall be less than six and one-half inches wide.

3. Across the top of the ballot shall be printed in heavy faced gothic capital type, not smaller than forty-eight point, the words: "official primary election ballot;" providing, that on a non-partisan ballot said words may be printed in gothic capital type not smaller than twenty-four point. Beneath this heading shall be printed in heavy faced gothic capital type, not smaller than twenty-four point, the party designation if it be a party ballot; or, in the case of a ballot containing the names of no candidates except candidates for a judicial, school, county, or township office, the words "non-partisan ballot." The instructions to voters shall be printed in ten point gothic type. In the case of official pri-

mary election ballots to be used at any primary election held for the nomination of candidates other than those to be voted for at a presidential or a general state election, and on which, in accordance with the provisions of this act, the names of candidates may be printed in a single column or in two parallel columns, as the case may be, the words "official primary election ballot" shall be printed thereon in heavy faced gothic capital type, not smaller than twenty-four point. The party or non-partisan designation shall be printed in heavy faced gothic capital type, not smaller than eighteen point. The instructions to voters shall be printed in ten point gothic type.

4. At least three-eighths of an inch below the assembly district designation and the date of the primary election shall be printed in ten point gothic type, double leaded, the following instructions to voters: "To vote for a person whose name occurs on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose."

5. The instructions to voters shall be separated from the lists of candidates and the designations of the several offices to be nominated for by one light and one heavy line or rule. The names of the candidates and the respective offices shall, except as may be hereinafter otherwise provided, be printed on the ballot in four or more parallel columns, each two and one-half inches wide. The number of such parallel columns shall be exactly divisible by two, and such parallel columns shall be equally divided on the ballot for party and non-partisan tickets by a solid black line, extending down from the printed lines separating the instructions to voters from the lists of names of candidates to the bottom margin of the ballot. In the case of a primary election for the nomination of candidates to be voted for at a presidential or general state election, the order of precedence shall be as follows, that is to say: In the column to the left, under the heading state shall be printed the groups of names of candidates for state offices, except judicial and school offices, and for members of the state board of equalization. In the second column, under the heading congressional shall be printed the groups of names for United States senator in congress, if any, and for representative in congress. Next, under the heading legislative shall be printed the groups of names for state senator, if any, for member of assembly, and for election as delegate to the state convention from a "hold-over senatorial district," if any. Finally under the heading county committee shall be printed the names of the candidates for election to membership in the county central committee of the party. In the case of primary elections where state officers are not to be nominated, at the left of the solid black dividing line there may be only one column. In the parallel columns to the right of the solid black dividing line shall be printed the groups of names of candidates for nomination to judicial, school, county, and township offices in the following order: Under the heading judicial shall be printed all the names of candidates for judicial offices, in the order of chief justice, supreme court, associate justices, supreme court, judge of district court of appeals, judge of superior court and justice of the peace. Next, under the heading school shall be printed all the names of candidates for school offices in the order of state superintendent of instruction, superintendent of schools, and school district officers, if any. Next, under the heading county and township shall be printed the groups of candidates for all county and township offices except judicial or school offices. In the case of primary elections where county officers are not to be nominated, at the right of the solid black dividing line there may be only one column. The non-partisan ballot provided for in subdivision one of this section shall be identical as to offices and names of candidates with that portion of the party ballot which is printed to the right of the solid black dividing line hereinabove described. The tally sheets furnished to election officers shall have the names of offices and candidates arranged in the order in which said names of offices and candidates are printed on

the ballots according to the provisions of this section and subdivision. In the case of primary elections for the nomination of candidates for city, city and county or municipal offices only, *the groups of names of candidates may be printed in two parallel columns and the order of precedence shall be determined by the legislative body of such city or municipality or by the board of election commissioners of any such city and county.*

6. The group of names of candidates for nomination to any *judicial office, school office, county office, or township office* shall include all the names receiving the requisite number of signatures on a nomination paper for such office, *and shall be identical for each such office on the primary election ballots of each political party participating at the primary election;* but the groups of names of candidates for all other offices on the ballots of each political party shall comprise only the names of the candidates for nomination by such party.

7. The order in which the list of candidates for any office shall appear upon the primary election ballot shall be determined as follows:

(a) If the office is an office the candidates for which are to be voted on throughout the entire state, including United States senator in congress, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged. If the office is that of representative in congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire state, except the office of state senator or assemblyman, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on; and thereafter for each succeeding assembly district in which such candidates are to be voted on, the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged. In transmitting to each county clerk or registrar of voters the certified list of names as required in section 10 of this act, the secretary of state shall certify and transmit the list of candidates for nomination to each office according to assembly districts, in the order of arrangement as determined by the above provisions; and in the case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of state senator or assemblyman, the order in which the names filed with the secretary of state shall appear upon the ballot, shall be for each assembly district the order as determined by the secretary of state in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

(b) If the office is an office to be voted on throughout, but wholly within, one county or city and county, except the office of representative in congress or state senator or assemblyman, the county clerk of such county or the registrar of voters of such city and county, shall arrange the names of all candidates for such office in alphabetical order for the first supervisorial district; and thereafter for each supervisorial district, the name appearing first for each such office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged; provided, there are no more than five assembly districts in such county, or city and county. If there are more than five assembly districts in such county, or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical

order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

(c) If the office is that of state senator, assemblyman, or *delegate to the state convention from a "hold-over senatorial district," or member of a county central committee,* or any office except the office of representative in congress to be voted on wholly within any county or city and county but not throughout such county or city or county, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

(d) If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order.

3. In publishing the names and addresses of all candidates for whom nomination papers have been filed, as required in section 10 of this act, the county clerk or registrar of voters shall publish the names in the order in which they will appear upon the ballot; provided, that in counties or cities and counties containing more than one assembly district the order of names of candidates shall be that of the assembly district in such county or city and county which is lowest in numerical order.

9. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidates seek nomination, and the words "vote for one" or "vote for two" or more according to the number to be elected to such office at the ensuing election. Such designation of the office to be nominated for and of the number of candidates to be nominated shall be printed in heavy faced gothic type, not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "vote for one" or "vote for two" or more, as the case may be shall extend to the extreme right of the column and over the voting square. The designation of the office and the direction for voting shall be separated from the names of the candidates by a light line.

10. The names of the candidates shall be printed on the ballot without indentation, in roman capital type not smaller than eight point, between light lines or rules three-eighths of an inch apart. Under each group of names of candidates shall be printed as many blank spaces, defined by light lines or rules, three-eighths of an inch apart, as there are to be candidates nominated for such office. To the right of the names of the candidates shall be printed a light line or rule so as to form a voting square three-eighths of an inch square. Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule. Each series of groups shall be headed by the word "state," "congressional," "legislative," "county and township" or "municipal" or other proper general classification, as the case may be, printed in heavy faced gothic capital type, not smaller than twelve point. All official primary election ballots shall have printed on the back and immediately below the center thereof, in eighteen point gothic capital type, the words "official primary election ballot," and underneath these words the respective numbers of the congressional, senatorial and assembly districts in which each ballot is to be voted. *In the case of a primary election for the nomination of candidates for city or city and county offices only, the designations on the back of the ballot, in addition to the words "official primary election ballot," shall be the official designation of the respective ward and voting precinct in any such city or municipality, or the number of the assembly district and of the voting precinct in any such city and county in which each ballot is to be voted.* The ballot shall be printed the same leaf with a stub and separated ther

from by a perforated line across the top of the ballot. On each ballot a perforated line shall extend from top to bottom one-half inch from the right-hand side of such ballot, and upon the half-inch strip thus formed there shall be no writing except the number of the ballot which will be on the back of each strip, in such position that it shall appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county; provided, that the sequence of numbers on such official ballots and stubs for each party shall begin with the number one. The official ballots of each political party shall be made up in stub books, each book to contain ten, or some multiple of ten, ballots, in the manner provided by law for official election ballots, and except as to the order of the names of candidates shall be printed in substantially the following form:

[See pages 24 and 25 for forms of ballots.]

Sec. 13. At least twenty days before the August primary election or before the May presidential primary election each county clerk or registrar of voters in any city and county shall prepare separate sample ballots for each political party, and a separate sample non-partisan ballot, placing thereon in each case in the order provided in subdivision 7 of section 12 of this act, and under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with him, or have been certified to him by the secretary of state, to be voted for at the primary election in his county or city and county. Such sample ballots shall be printed on paper of a different texture from the paper to be used on the official ballot, and one sample ballot of the party to which the voter belongs as evidenced by his registration shall be mailed to each such voter entitled to vote at such August primary election or May presidential primary election, as the case may be, not more than ten nor less than five days before the election. Not more than ten nor less than five days before the August primary election a non-partisan sample ballot printed on paper of a different texture from the paper to be used on the official ballot shall be mailed to each registered qualified elector who is not registered as intending to affiliate with any of the parties participating in said primary election. Such clerk or registrar of voters shall forthwith submit the ticket of each political party to the chairman of the county committee of such party and shall mail a copy to each candidate for whom nomination papers have been filed with him or whose name has been certified to him by the secretary of state, to the post-office address as given in such nomination paper or certification, and he shall post a copy of each sample ballot in a conspicuous place in his office. Before such primary election the county clerk or registrar of voters in any city and county shall cause the official ballot to be printed as provided by section 12 of this act, and distributed in the same manner and in the same quantities as provided in sections 1198, 1199 and 1201 of the Political Code for the distribution of ballots for elections. *provided, that the number of party ballots to be furnished to any precinct shall be computed from the number of voters registered in such precinct as intending to affiliate with such party, and the number of non-partisan ballots to be furnished to any precinct shall be computed from the number of voters registered in such precinct without statement of intention to affiliate with any of the parties participating in the primary election.* In the case of primary elections for the nomination of candidates for city offices it shall be the duty of the city clerk, secretary of the legislative body of such city or municipality, or such other officer charged by law with the duty of preparing and distributing the official ballots used at elections in such city or municipality, to prepare and mail the sample ballot and to prepare and distribute the official primary election ballots, and so far as applicable and not otherwise provided herein the provisions of this act shall apply to the nomination of all candidates for city offices.

Sec. 14. The polls must be open at six o'clock of the morning of the day of primary election and must be kept open until seven o'clock in the afternoon of the same day, when the polls shall be closed; provided, however, that if at the hour of closing there are any voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. But no one who shall arrive at the polling place after seven o'clock in the afternoon shall be entitled to vote, although the polls may be open when he arrives. No adjournment or intermission shall be taken except as provided in the case of general elections.

Sec. 15. The officers for primary elections shall be the same, and shall be appointed in the same manner, as provided by law for general elections, and such officers shall receive the same compensation for their services at primary elections as provided by law for general elections.

It shall be the duty of the proper officers to furnish the original affidavits of registration and indexes for use at primary elections, which shall show the names of all voters entitled to vote at such primary elections, and shall be numbered, for purposes of the primary election, in like manner as provided in section 1113 of the Political Code. And all the provisions of section 1096 of the Political Code, so far as they are consistent with the provisions of this act, are hereby made applicable to primary elections within the meaning of this act.

Sec. 16. Any elector offering to vote at a primary election may be challenged by any elector of the city, city and county or county, upon either or all of the grounds specified in section 1230 of the Political Code, but his right to vote the primary election ticket of the political party designated in his affidavit of registration, as provided in section 1096 of the Political Code, or his right to vote the non-partisan primary ticket providing no such party is so designated, shall not be challenged on any ground or subjected to any tests other than those provided by the constitution and section 1230 of the Political Code of this state.

Sec. 17. Any elector qualified to take part in any primary election, who has, at least thirty days before the day of such primary election, qualified by registration, as provided by section 1096 of the Political Code, shall be entitled to vote at such primary election, such right to vote being subject to challenge only as hereinbefore provided; and shall, on writing his name or having it written for him on the roster, as provided by law for general elections in this state, receive the official primary election ballot of the political party designated in his affidavit of registration; (or the non-partisan ballot, providing no such party was so designated), and no other; provided, however, that no one shall be entitled to vote at any primary election who has not been a resident of the state one year, and of the county ninety days, preceding the day upon which such primary election is held. He shall be instructed by a member of the board as to the proper method of marking and folding his ballot, and he shall then retire to an unoccupied booth and without undue delay stamp the same with the rubber stamp there found. If he shall spoil or deface the ballot he shall at once return the same to the ballot clerk and receive another.

Sec. 18. The voter shall designate his choice on the ballot by stamping a cross (X) in the small square opposite the name of each candidate for whom he wishes to vote. If he shall stamp more names than there are candidates to be nominated for any office, or if for any reason it be impossible to determine his choice for any office, his ballot shall not be counted for such office, but the rest of his ballot, if properly stamped, shall be counted. No ballot shall be rejected for any technical error which does not render it impossible to determine the voter's choice, nor even though such ballot be somewhat soiled or defaced.

Sec. 19. When a voter has stamped his ballot he shall fold it so that its face shall be concealed

OFFICIAL PRIMARY ELECTION BALLOT

REPUBLICAN PARTY

Forty-Eighth Assembly District, August 25, 1914

To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose.

| STATE | CONGRESSIONAL | JUDICIAL | County Clerk |
|--|---|--|-------------------|
| Richard Biss | Charles A. Hart | Walter Walter | JAMES S. McCREARY |
| Henry Biss | Walter Bisswiler | Joseph Perkins | ARMY E. LATTINGE |
| John P. Biss | C. Lewis A. Clay | Thomas Hester | |
| | | | Notary |
| Lawrence Campbell | Representative to Congress Ed. Biss | Assistant Justice Sup. Ct. | JOHN W. BAIRD |
| William Smith | Peter Peterson | William Brewster | M. J. FOSTER |
| Thomas Gasser | Justice Boylan | Erastus Pock | JOHN M. PATTERSON |
| Horace Jones | Henry Hudson | Samuel Snow | J. P. ALLEN |
| | | George Tawney | CLARENCE S. CLARK |
| | LEGISLATIVE | | |
| Secretary of State | Member Assembly John Touchette | Judge of the District Court of Appeal, First District | FRED T. DEW |
| A. B. Biss | Peter Peterson | ARTHUR BEECHER | AUGUSTUS B. BACON |
| Peter S. Biss | ADOLPH APTHEIMER | PETER DEW | JAMES H. BERRY |
| County | GEORGE CAMPBELL | | |
| THOMAS TOUCHETTE | | | Notary |
| Samuel Alder | Deputy to State Department EDWARD BISS | Judge of the District Ct. | J. S. FROST |
| William Biss | WILLIAM S. STOKES | GEORGE BISS | S. G. NEWLAND |
| | ADOLPH APTHEIMER | WALTER CAMPBELL | E. W. PETTUS |
| Thomas | | CHARLES S. BAYNE | |
| Henry Sanford | | THOMAS McCALL | The Collector |
| A. V. Child | COUNTY COMMISSIONERS | SAIMON W. BODDYS | Notary |
| Samuel Johnson | Member County Board JOHN V. BISS | THOMAS McCALL | Notary |
| | JOSEPH V. JOHNSON | THOMAS McCALL | Notary |
| Anthony Gasser | H. L. MAYNARD | PETER McFARLANE | Notary |
| GEORGE V. WILSON | E. S. BISS | CLARENCE McFARLANE | C. H. DE FEU |
| W. S. CURRIE | H. H. BODDYS | | CHARLES W. FULTON |
| THOMAS O'BRIEN | EDWARD S. STOKES | | THOMAS H. GIBBY |
| | | | |
| George Gasser | | SCHOOL | Notary |
| FRANK WHEATON | | Sup. of Pub. Instruction | H. H. TALLEY |
| ALFRED KERRAN | | CHARLES S. STOVER | J. W. BAILEY |
| JOHN P. WALLER | | FRANK S. KERRAN | |
| | | ARTHUR BODDYS | Notary |
| | | | JAMES S. FRANKS |
| Member State Board of Supervisors, First District | | County Sup. of Schools | H. C. LADD |
| WILLIAM ADAMS | | TIMOTHY BAILEY | W. F. McFARLANE |
| HARRY ALLEN | | J. W. McFARLANE | |
| | | CHARLES GASSER | Notary |
| | | | JOHN S. BISS |
| | | COUNTY AND TOWNSHIP | J. S. FORBES |
| | | Supervisor | |
| | | J. P. McFARLANE | Notary |
| | | CHESTER L. LADD | C. S. PATTERSON |
| | | E. S. ALLEN | THOMAS BISS |
| | | | JAMES S. WATSON |
| | | Member Assembly | |
| | | A. S. LATTINGE | Notary |
| | | JOHN S. McFARLANE | S. W. McFARLANE |
| | | E. S. BODDYS | JOHN S. McFARLANE |

OFFICIAL PRIMARY ELECTION BALLOT NON-PARTISAN BALLOT

Perry-English Assembly District, August 28, 1904

We vote for a person whose name appears on the ballot, unless a cross is made behind the name on the right of the name of the person for whom we desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose.

| JUDICIAL | County Clerk | Vote for One |
|---|-----------------------|--------------|
| Chief Justice Sup. Court | E. S. WALLACE | |
| WALTER WILSON | JAMES B. BURBANK | |
| ROBERT FERRISS | AGNES G. LAWRENCE | |
| THOMAS WESTON | | |
| ----- | | |
| Assembly Judges Sup. Ct. Vote for One | Another | Vote for One |
| WILLIAM BRADY | JOHN W. BARNES | |
| FRANK PACE | M. J. FOSTER | |
| SAMUEL SNOW | JOHN H. REYNOLDS | |
| GEORGE TAYLOR | J. F. ALLEN | |
| | CLARENCE B. CLARK | |
| ----- | | |
| Judge of the District Court of Appeal, First District | Vote for One | |
| ANTHONY BERNARD | FRED T. DE WEE | |
| PETER BALEY | ALFRED G. BROWN | |
| | JAMES B. BERRY | |
| ----- | | |
| Judge of the Superior Ct. Vote for One | Another | Vote for One |
| GEORGE BURN | J. S. SPENCER | |
| WALTER CAMPBELL | E. S. HARRISON | |
| FRANK B. BAYE | S. W. PERRY | |
| THOMAS SHAW | | |
| LESLIE W. BROWN | The Governor | Vote for One |
| | LEWIS HARRISON | |
| | SHERMAN HARRISON | |
| | S. W. CLARK | |
| ----- | | |
| Judge of the Peace | Vote for One | |
| THOMAS SULLIVAN | James | Vote for One |
| JOHN REYNOLDS | C. H. DE WEE | |
| CLARENCE B. CLARK | CHARLES W. HULLEN | |
| | THOMAS B. CLARK | |
| ----- | | |
| SCHOOL | Public Administration | Vote for One |
| Sup. of Pub. Instruction | A. H. TRUMAN | |
| CHARLES H. STOVER | J. W. BALEY | |
| FRANK J. BERNARD | | |
| ANTHONY BERNARD | James | Vote for One |
| | JAMES B. BERRY | |
| ----- | | |
| County Clerk of District | Vote for One | |
| THOMAS REALEY | W. P. HARRISON | |
| J. W. BALEY | | |
| CHARLES CARSON | James | Vote for One |
| | JOHN P. BERRY | |
| ----- | | |
| COUNTY AND TOWNSHIP | J. S. SPENCER | |
| Sup. Vote for One | | |
| J. P. HOLLISTER | Register | Vote for One |
| CHRISTY L. LONG | G. B. PATTISON | |
| E. A. ALLEN | THOMAS SPENCER | |
| | JAMES B. BERRY | |
| ----- | | |
| State Assembly | Vote for One | |
| A. S. REYNOLDS | James | Vote for One |
| JOHN P. BERRY | S. W. PERRY | |
| E. J. BERRY | JOHN A. SPENCER | |

and only the printed designation on the back thereof shall be visible, and hand the same to the member of the board in charge of the ballot box. Such folded ballot shall be voted as ballots are voted at general elections and the name of the voter checked upon the register as having voted.

Sec. 20. No adjournment or intermission whatever shall take place until the polls shall be closed and until all the votes cast at such polls shall be counted and the result publicly announced, but this shall not be deemed to prevent any temporary recess while taking meals or for the purpose of other necessary delay; provided, that no more than one member of the board shall at any time be absent from the polling place.

Sec. 21. As soon as the polls are finally closed the judges must immediately proceed to canvass the votes cast at such primary election. The canvass must be public, in the presence of bystanders, and must be continued without adjournment until completed and the result thereof declared. Except as hereinafter provided, the canvass shall be conducted, completed and returned as provided by sections 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267 and 1268 of the Political Code of this state; provided, however, that the ballots of each party must be sealed and returned in separate envelopes, and the non-partisan ballots must be sealed and returned in another separate envelope. The number of ballots agreeing or being made to agree with the number of names on the lists, as provided by section 1255 of the Political Code, the board must take the ballots from the box, count those cast by each party, and string them separately; count all the votes cast for each party candidate for the several offices and record the same on the tally lists; and count all the votes on all the ballots, both party and non-partisan, for the candidates for judicial, school, county, and township offices, and record the same on the tally lists.

Sec. 22. The board of supervisors of each county, the board of election commissioners in any city and county, or, in the case of a city or municipal primary election, the officers charged by law with the duty of canvassing the vote at any city or municipal election in such political subdivision, shall meet at the usual place of such meeting, or at any other place permitted by law, at one o'clock in the afternoon of the first Thursday after each primary election to canvass the returns, or as soon thereafter as all the returns are in. When begun the canvass shall be continued until completed, which shall not be later than six o'clock in the afternoon of the sixteenth day following such primary election. The clerk of the board must, as soon as the result is declared, enter upon the records of such board a statement of such result, which statement shall contain the whole number of votes cast for each candidate of each political party for each candidate for each judicial, school, county, or township office, for each candidate for delegate, if any, to a state convention from a hold-over senatorial district, and for each candidate for membership in the county central committee; and a duplicate as to each political party shall be delivered to the county, city and county or city chairman of such political party, as the case may be. The clerk shall also make an additional duplicate statement in the same form, showing the votes cast for each candidate not voted for wholly within the limits of such county or city and county. The county clerk or registrar of voters in any city and county shall forthwith send to the secretary of state by registered mail or by express one complete copy of all returns as to such candidates, and as to all candidates for the state assembly, state senate, representatives in congress, judicial officers, except justices of the peace, delegate, if any, to a state convention from a hold-over senatorial district, and as to all persons voted for at the May presidential primary election. The clerk shall also prepare a separate statement of the names of the candidates of each political party who have received the highest number of votes for the several offices to be voted for wholly within each county,

city and county, or other political subdivision in which such primary election was held. The secretary of state shall, not later than the twenty-fifth day after any primary election, compile the returns for United States senator and for all candidates voted for in more than one county, and for all candidates for the assembly, state senate, representatives in congress and judicial offices, except justices of the peace, delegate, if any, to a state convention from a hold-over senatorial district, and for all persons voted for at the May presidential primary election, and shall make out and file in his office a statement thereof. He shall compile the returns for the May presidential primary election not later than the twenty-first day after such election, and shall compile said returns in such a manner as to show, for each candidate, both the total of the votes received and the votes received in each congressional district of the state.

Sec. 23. Except in the case of a candidate for nomination to a judicial office, school office, county office, or township office, the person receiving the highest number of votes, at a primary election as the candidate for the nomination of a political party for an office shall be the candidate of the party for such office, and his name as such candidate shall be placed on the official ballot voted at the ensuing election; provided, he has paid the filing fee required by subdivision 8 of section 7 of this act. The name of the person in each political party who receives at a primary election the highest number of votes for United States senator shall also be placed on the official ballot under the heading "United States senator." In the case of a judicial office, school office, county office, or township office, the candidates equal in number to twice the number to be elected to such office, or less, if so there be, who receive the highest number of the votes cast on all the ballots of all the voters participating in the primary election for nomination to such office, shall be the candidates for such office at the ensuing election, and their names as such candidates shall be placed on the official ballot voted at the ensuing election; provided, however, that in case there is but one person to be elected at the November election to a judicial office, school office, county office, or township office, any candidate who receives at the August primary election a majority of the total number of votes cast for all the candidates for such office shall be the only candidate for such office at the ensuing election. Of the candidates for election to membership in the county central committee, the candidates equal in number to the number to be elected receiving the highest number of votes in their supervisorial district or assembly district, as the case may be in accordance with the provisions of subdivision 4 of section 2; of this act, shall be declared elected as the representatives of their district to membership in such committee. It shall be the duty of the officers charged with the canvass of the returns of any primary election in any county, city and county or municipality to cause to be issued official certificates of nomination to such party candidates as have received the highest number of votes as the candidates for the nomination of such party for any offices to be voted for wholly within such county, city and county, or municipality, and cause to be issued to such delegate a certificate of his election; and to cause to be issued official certificates of nomination to such candidates for judicial, school, county, or township office as may be entitled thereto under the provisions of this section. It shall be the duty of the secretary of state to issue official certificates of nomination to candidates nominated under the provisions of this act for representatives in congress, members of the state senate and assembly and officers voted for in more than one county; and to issue certificates of election to all persons elected at the May presidential primary election as delegates to their respective national party conventions, and to notify each of said delegates of the total vote received by each of the persons voted for in his party at said election, under the heading "for presidential nominee." Not less

than thirty days before the November election the secretary of state shall certify to the county clerks or registrars of voters of each county and city and county within the state, the name of every person entitled to receive votes within such county or city and county at said November election who has received the nomination as a candidate for public office under and pursuant to provisions of this act, and whose nomination, evidenced by the compilation and statement required to be made by said secretary of state and filed in his office, as provided in section 22 of this act. Such certificates shall in addition to the names of such nominees respectively, also show separately and respectively for each nominee the name of the political party or organization which has nominated such person if any and the designation of the public office for which he is so nominated. The secretary of state shall also certify to the county clerk or registrar of voters the names of those persons who have received in their respective parties the highest number of votes for United States senator.

Sec. 24. 1. Party conventions of delegates chosen as hereinafter provided may be held in this state, for the purpose of promulgating platforms and transacting such other business of the party as is not inconsistent with the provisions of this act.

2. The candidates of each political party for state officers, if any, except judicial and school officers, and such candidates for senate and assembly as have been nominated by such political party at the primary election, and in whose behalf nomination papers have been filed, together with one delegate chosen by such political party from each senatorial district represented by a hold-over senator, shall meet in a state convention at the state capitol at two o'clock in the afternoon of the third Tuesday in September after the date on which any primary election is held preliminary to the general November election. They shall forthwith formulate the state platforms of their party, which said state platform of each political party shall be framed at such time that it shall be made public not later than six o'clock in the afternoon of the following Thursday. They shall also proceed to elect a state central committee to consist of at least three (3) members from each congressional district, who shall hold office until a new state central committee shall have been selected. In each year of the general November election at which electors of president and vice president of the United States are to be chosen, they shall also nominate as the candidates of their party as many electors of president and vice president of the United States as the state is then entitled to, and it shall be the duty of the secretary of state to issue certificates of nomination to the electors so nominated, and to cause the names of such candidates for elector to be placed upon the ballots at the ensuing November election.

Membership in the state convention shall not be granted to a party nominee for a state office or office of senator or assemblyman who has become such by reason of his name having been written on a ballot, and who has not had his name printed on the primary ballot by having had a nomination paper filed in his behalf, as provided in section 5 of this act; and, in every such case, a vacancy shall be deemed to exist; and any vacancy thereby existing, or existing because no nomination for such office has been made, or for any other cause, shall be filled as hereinafter provided. In any senatorial district represented by a hold-over senator there shall be chosen at such primary election by the electors of every political party one delegate to the state convention, who shall have nomination papers circulated in his behalf, shall have his name placed upon the ballot, and shall be chosen in the same manner as a state senator is nominated from any senatorial district; but no such delegate shall be disqualified by reason of holding any office, nor shall any filing fee be required in order to have his name placed upon the ballot. The term "hold-over senator" as herein used s

apply to a state senator whose term of office extends beyond the first Monday in January of the year next ensuing after the primary election, and the term "hold-over senatorial district" shall apply to the district represented by such hold-over senator.

In the event that there shall not have been any nomination paper for a candidate for a state office or office of senator or assemblyman by the electors of any political party, the vacancy thus created in the state convention of such party shall be filled as follows:

(a) If the vacancy occurs in a senatorial or assembly district situated wholly within the limits of a single county or city and county, by appointment by the newly elected county central committee of such party in such county or city and county.

(b) If the vacancy occurs in a senatorial or assembly district comprising two or more counties, by appointment by the newly selected chairman of the several newly elected county central committees of such party in such counties.

(c) If the vacancy occurs in a state office, by appointment by the state central committee of such party.

Such delegate so appointed shall present to the convention credentials signed by the chairman and the secretary of the appointing committee, or by the appointing chairmen of the several committees, as the case may be.

3. Each state central committee may select an executive committee, to which executive committee it may grant all or any portion of its powers and duties. It shall choose its officers by ballot and each committee and its officers shall have the power usually exercised by the such committees and the officers thereof in so far as may be consistent with this act. The various officers and committees now in existence shall exercise the powers and perform the duties herein prescribed until their successors are chosen in accordance with the provisions of this act.

4. At each August primary election there shall be elected in each county or city and county a county central committee for each political party, which shall have charge of the party campaign.

The general direction of the state central committee or of the executive committee selected by such state central committee. In all counties or cities and counties containing five or more assembly districts the county central committee shall be elected by assembly districts and shall consist of one member for each one thousand electors or fraction thereof in each such assembly district registered as belonging to the political party with which such electors are affiliated as shown by the register of voters of such county or city and county on the first Monday of June next preceding said primary election. In all counties containing less than five assembly districts the county central committee shall be elected by supervisorial districts, and the number to be elected from any supervisorial district shall be determined as follows: the number of electors registered in any supervisorial district as intending to affiliate with any political party shall be divided by one-twentieth of the number of electors registered in the entire county as intending to affiliate with said party, as such registration exists, in each case, on the first Monday of June next preceding the primary election; and the integer next larger than the quotient obtained by such division shall constitute the number of members of the county central committee to be elected by such party in said supervisorial district. The county clerk or registrar of voters in each county or city and county shall, between the first Monday and the second Monday of June next preceding the primary election, complete the number of members of the county central committee allotted to each assembly district or supervisorial district, as the case may be, by the provisions of this subdivision. Each candidate for member of a county central committee shall appear upon the ballot upon the filing of a nomination paper according to the provisions of section 5 of this act, signed in his behalf by the electors of the political subdivision in which he is a candidate, as above provided; and the num-

ber of candidates to which each party is entitled, as hereinbefore provided, in each political subdivision, receiving the highest number of votes shall be declared elected. Each county central committee shall meet in the court house at its county seat on the second Tuesday in September following the August primary election, and shall organize by selecting a chairman, a secretary and such other officers and committees as it shall deem necessary for carrying on the campaign of the party.

Sec. 25. In case as a result of any primary election a person has received a nomination to any elective office without first having filed nominating papers and having his name printed on the primary election ballot, he may at least thirty days before the day of election cause his name to be withdrawn from nomination by filing in the office where he would have filed his nominating papers had he been a candidate for nomination, his request therefor in writing, signed by him and acknowledged before the county clerk of the county in which he resides, and no name so withdrawn shall be printed on the election ballot for the ensuing general election. The vacancy created by the withdrawal of such person as aforesaid, or on account of the ineligibility of such person to qualify as a candidate because of the inhibitions of subdivision 3 of section 5 of this act shall not be filled. In all other cases vacancies occurring after the holding of any primary election may be filled by the party committee of the city, county, city and county, or state, as the case may be, unless such vacancy occurs among candidates chosen at the primary election to go on the ballot for the succeeding general election for a judicial, school, county, or township office according to the provisions of section 23 of this act, in which case that candidate receiving at said primary election the highest vote among all the candidates for said office who have failed to receive a sufficient number of votes to get upon said ballot according to the provisions of said section 23, shall go upon said ballot to fill said vacancy.

Sec. 26. In case of a tie vote, if for an office to be voted for wholly within one county or city and county, the county, city and county or city board, as the case may be, shall forthwith summon the candidates who have received such tie votes to appear before such board, and such board in the presence of such candidates shall determine the tie by lot. In the case of a tie vote for an office to be voted for in more than one county, such tie shall be determined by lot by the secretary of state in the presence of the candidates or their legally appointed representatives. Such summons must in every case be mailed to the address of the candidate as it appears upon his affidavit of registration.

Sec. 27. Whenever it shall be made to appear by affidavit to the supreme court or district courts of appeal or superior court of the proper county that an error or omission has occurred or is about to occur in the placing of any name on an official primary election ballot, that any error has been or is about to be committed in printing such ballot, or that any wrongful act has been or is about to be done by any judge or clerk of a primary election, county clerk, registrar of voters in any city and county, canvassing board or any member thereof, or other person charged with any duty concerning the primary election, or that any neglect of duty has occurred or is about to occur, such court shall order the officer or person charged with such error, wrong or neglect to forthwith correct the error, desist from the wrongful act or perform the duty, or forthwith show cause why he should not do so. Any person who shall fail to obey the order of such court shall be cited forthwith to show cause why he shall not be adjudged in contempt of court.

Sec. 28. Any candidate at a primary election, desiring to contest a nomination of another candidate for the same office, may, within five days after the completion of the official canvass, file an affidavit in the office of the clerk of the superior court of the county in which he desires to contest the vote returned from any precinct or precincts in such county, and thereupon have

a recount of the ballots cast in any such precinct or precincts, in accordance with the provisions of this section. Such affidavit must specify separately each precinct in which a recount is demanded, and the nature of the mistake, error, misconduct, or other cause why it is claimed that the returns from such precinct do not correctly state the vote as cast in such precinct, for the contestant and the contestee. The contestee must be made a party respondent, and so named in the affidavit. No personal service or other service than as herein provided need be made upon the contestee. Upon the filing of such affidavit the county clerk shall forthwith post in a conspicuous place in his office, upon a bulletin board to be prepared for that purpose, and to have upon it in conspicuous letters the words "notice of primary election contests" a copy of the affidavit. Upon the filing of such affidavit and the posting of the same, the superior court of the county shall have jurisdiction of the subject matter and of the parties to such contest, and all candidates at any such primary election are permitted to be candidates under this act, upon the condition that such jurisdiction for the purposes of the proceeding authorized by this section shall exist in the manner and under the conditions provided for by this section. The contestant on the date of filing such affidavit, must mail a copy thereof to the contestee in a sealed envelope, with postage prepaid, addressed to the contestee at the place of residence named in the affidavit of registration of such contestee, and shall make an affidavit of such mailing and file the same with the county clerk to become a part of the records of the contest. Within two days after the expiration of the time for filing such affidavits, the county clerk shall present all such affidavits and proof of posting as aforesaid to the judge of the superior court of the county, or any judge acting in his place, or the presiding judge of the superior court of a county or city and county, or any one acting in his stead, which judge shall, upon such presentation, forthwith designate the time and place where such contest shall proceed, and in counties or cities and counties where there are more than one superior judge, assign all the cases to one department by the order of such court. Such order must so assign such case or cases, and fix such time and place for hearing, which time must not be less than one nor more than three days from the presentation of the matter to the court by the county clerk, as herein provided. It shall be the duty of the contestee to appear either in person or by attorney, at the time and place so fixed, and to take notice of the order fixing such time and place from the records of the court, without service. No special appearance of the contestee for any purpose shall be permitted, and any appearance whatever of the contestee or any request of the court by the contestee or his attorney, shall be entered as a general appearance in the contest. No demurrer or objection can be taken by the contestee in any other manner than by answer, and all the objections of the contestee must be contained in his answer in the contest. The court if the contestee shall appear, must require the answer to be made within three days from the time and place as above provided, and if the contestee shall not appear shall note his default, and shall proceed with all convenient speed. If the number of votes which are sought to be recounted, or the number of contests are such that the judge shall be of opinion that it will require additional judges to enable the contest or contests to be determined in time to print the ballots for the election, if there be only one judge for such county, he may obtain the service of any other superior judge, and the proceedings shall be the same as herein provided in counties where there is more than one superior court judge. If the proceeding is in a county or city and county where there is more than one superior court judge, the judge to whom the case or cases shall be assigned, shall notify the presiding judge forthwith, of the number of judges which he deems necessary to participate, in order to finish the contest or contests in time to print the ballots for the primary election, and

the said presiding judge shall forthwith designate as many judges as are necessary to such completion of such contest, by order in writing, and thereupon all of the judges so designated shall participate in the recount of such ballots and the giving of judgment in such contest or contests in the manner herein specified. The said judge designated by said last mentioned order, including the judge to whom said contests were originally assigned, shall convene upon notice from the judge to whom such contest or contests were originally assigned, and agree upon the precincts which each one of such judges will recount, sitting separately, and thereupon such recount shall proceed before each such judge sitting separately, as to the precincts so arranged, in such manner that the recount shall be made in such precincts before each such judge as to all the contests pending, so that the ballots opened before one judge need not be opened before another judge or department, and the proceedings before such judge in making such recount as to the appointment of the clerk and persons necessary to be assistants of the court in making the same, shall be the same as in contested elections, and the judge shall fix the pay or compensation for such persons and require the payment each day in advance, of the amount thereof by the person who is proceeding with and requiring the recount. When the recount shall have been completed in the manner herein required, if more than one judge has taken part therein, all the judges who took part shall assemble and make the decision of court, and if there be any differences of opinion, a majority of such judges shall finally determine all such questions, and give the decision or judgment of the court in such contest or contests, separately. Such decision or judgment of the court shall be final in every respect, and no appeal can be had therefrom. The judgment shall be served upon the county clerk or registrar of voters by delivery of a certified copy thereof, and may be enforced summarily in the manner provided in section 27 of this act, and if the contest proceeds in more than one county, and the nominee is to be certified by the secretary of state from the compilation of election returns in his office, then the judgment in each county shall show what, if any changes in the returns in the office of the secretary of state relating to such county or city and county, ought to be made, and all such judgments shall be served upon the secretary of state, by the delivery of a certified copy, and he shall make such changes in the record in his office as such judgment or judgments require, and conform his compilation and his certificate of nomination in accordance therewith.

Sec. 29. No candidate for nomination to any elective office, including that of United States senator in congress, shall directly or indirectly pay, expend or contribute any money or other valuable thing, or promise so to do, except for lawful expenses. Lawful expenses as used in this section are limited to expenses for the following purposes only:

1. For the candidate's official filing fee.
2. For the preparing, printing, circulating, and verifying of nomination papers.
3. For the candidate's personal traveling expenses.
4. For rent and necessary furnishing of halls or rooms, during such candidacy, for public meetings or for committee headquarters.
5. For payment of speakers and musicians at public meetings and their necessary traveling expenses.
6. For printing and distribution of pamphlets, circulars, newspapers, cards, handbills, posters and announcements relative to candidates or political issues or principles.
7. For his share of the reasonable compensation of challengers at the polls.
8. For making canvasses of voters.
9. For clerk hire.
10. For conveying infirm or disabled voters to and from the polls.
11. For postage, expressage, telegraphing, telephoning, relative to candidacy.

Sec. 30. Every person who shall be a candidate for nomination to any elective office, including that of United States senator in congress, shall make in duplicate, within fifteen days after primary election, a verified statement, setting a each and every sum of money contributed, disbursed, expended or promised by him, and, to the best of his knowledge and belief, by any and every other person or association of persons in his behalf wholly or partly in endeavoring to secure his nomination. This statement must show in detail all moneys paid, loaned, contributed, or otherwise furnished to him directly or indirectly in aid of his election, together with the name of the person or persons from whom such moneys were received; and must also show in detail, under each of the subdivisions of section 29 of this act, all moneys contributed, loaned, or expended by him directly or indirectly by himself or through any other person, in aid of his election, together with the name of the person or persons to whom such moneys were paid, or disbursed. Such statement must set forth that the affiant has used all reasonable diligence in its preparation, and that the same is true and is as full and explicit as he is able to make it. Within the time aforesaid the candidate shall file one copy of said statement with the officer with whom his nomination papers were filed, and the other with the recorder of the county or city and county in which he resides, who shall record the same in a book to be kept for that purpose, and to be open to public inspection. No officer shall issue any certificate of nomination to any person until such statement as herein provided been filed, and no other statement of expenses shall be required except that provided herein, and no fee or charge whatsoever shall be made or collected by any officer herein specified for the filing of such statements or a copy thereof.

Sec. 31. Any person violating any of the provisions of section 29 or section 30 of this act shall be guilty of a misdemeanor, and upon trial and conviction thereof, in addition to the sentence imposed by the court, he shall forfeit all right to the office for which he was a candidate at the time of violating the provisions aforesaid.

Sec. 32. 1. Any person who shall offer, or with knowledge of the same permit any person to offer for his benefit, any bribe to a voter to induce such voter to sign any nomination paper, and any person who shall accept such bribe or any promise of gain of any kind in the nature of a bribe as consideration for signing any nomination paper, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after signing, shall be guilty of a misdemeanor and upon trial and conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than one hundred and twenty days, or by both such fine and imprisonment.

2. Any person who, being in possession of any nomination paper or papers and affidavits

entitled to be filed under the provisions of this act, shall wrongfully either suppress, neglect or fail to cause the same to be filed at the proper time and in the proper place shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

3. Any act or omission declared to be an offense by the general laws of this state concerning primaries and elections shall also in like case be an offense concerning primary elections as provided for by this act, and shall be punished in the same manner and form as therein provided, and all the penalties and provisions of the law governing elections, except as herein otherwise provided, shall apply in equal force to primary elections as provided for by this act.

Sec. 33. It shall be the duty of the secretary of state and the attorney general to prepare on or before August 1, 1913, all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primary elections held in pursuance hereof.

Sec. 34. This act shall be known as the direct primary law.

Sec. 35. If any section, subdivision, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subdivisions, sentences, clauses, or phrases be declared unconstitutional.

Sec. 36. The act approved April 7, 1911, known as the direct primary law, and also the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said direct primary law, are hereby repealed; and all other acts or parts of acts, inconsistent with or in conflict with the provisions of this act, are also hereby repealed.

ARGUMENT IN FAVOR OF THE "DIRECT PRIMARY LAW."

This so-called "nonpartisan law" has not a single provision that seeks to destroy political parties. It simply adds a few non-political officials to the long list already elected non-partisanly. It requires partisan elections of United States senators, representatives in congress, party committeemen, delegates to national party conventions, and presidential electors.

Federal officers should remain partisan because the national government, unlike the state government, deals with national policies, such as the tariff, thus furnishing the only questions upon which parties divide.

The government of states, however, like that of municipalities, ought to be merely a matter of humane and enlightened administration and of efficient business management. To inject national party lines into state governments is

to inject a false issue. To elect a governor or legislature on party issues is like choosing the president and directors of a business concern because they are Democrats or Republicans or Progressives.

This new law improves the old one in many particulars. It provides one ballot at the primary instead of the six separate ballots required by the former law. It insures that every state official may hereafter be elected by a majority instead of a mere plurality as under the party system. In various ways it reduces the expense of making campaign. It completely revises the primary law, making it simpler, clearer, and more workable.

Nonpartisanship in California is already an accomplished fact. Under the old law which has been in force several years, 2300, or over 99 per cent, of her state, district, county, township, judicial, and school officers are already nonpartisan, as are also her thousands of city officials.

The nonpartisan election of all these officers has proved so satisfactory that this new law now proposes to include in the nonpartisan election system the state legislature—as is already done in Minnesota—and the eleven remaining state officials who are still elected as partisans.

This nonpartisan law is not a party measure. It was passed in the legislature by votes of members registered in all five parties. It presents no novel principle, but merely provides a small and logical extension to a principle already well established and definitely approved in California.

The claim of party politicians that this slight extension means disaster to national parties is, of course, absurd. After having survived the thousands of municipal, county, and state nonpartisan offices already in existence, parties may safely be trusted to survive the few new ones here added.

In considering the desirability of this law, it is only right to consider the political character of its enemies and its friends. Opposing it are the disgruntled remnants of the old political machine, who now fear that its enactment will prevent their regaining control of the government they so long disgraced.

Favoring the law are Governor Johnson and those men of all parties who have steadfastly during the past five years labored in the cause of a better and more efficient state government. All citizens in sympathy with these efforts should vote "YES" upon this measure.

C. C. YOUNG,
Speaker of the Assembly.

ARGUMENT AGAINST DIRECT PRIMARY MEASURE.

Ours is a government by political parties, as have been practically all successful governments in the world's history. In California, political parties have been removed in county and municipal government; it is now sought to remove them from state government.

People are prone to divide upon every question presented. If they do not divide on political lines, they will divide upon racial, religious, fraternal, sectional, personal or other lines, any one of which will breed bitterness, hatred and strife. We have seen many unfortunate instances of such divisions, viz., race riots, bloodshed and even civil war.

There is no state in the Union where nonpartisanship exists. What is the urgent necessity for forcing this innovation upon us here? Have we not grown prosperous under government responsible to political parties?

In the recent legislature, of which the undersigned was a member, this measure was forced through by devious methods, to perpetuate the present administration machine in office. If this measure should become the law, how would this administration machine ever be combatted? Without any political party organization recognized by law it must then remain for some other organization of the nature above specified to take up the battle.

It is infinitely better that your officials should follow policies and principles promulgated and widely advertised by legally constituted party conventions, than merely be responsive to individual doctrines and isms.

Political parties have their component parts in every portion of the state. Has any individual, save perhaps those controlling the present administration machine, the power or facility of perfecting an organization for a state-wide campaign? Decidedly, no. Possibly some extremely wealthy person might aspire to state office, in the event of so-called nonpartisanship, but the man of ordinary circumstances would be forever foreclosed therefore. This is a demonstrated fact. Do you propose to irrevocably place our state government into the hands of the present machine, forever debarring yourselves from removing it into other hands? Vote NO upon this measure and retain your inalienable American privilege of dismissing from office any person or set of persons who may be or become undesirable.

The present administration was elected on party lines, the Progressive. Why this sudden ambition to abandon their party fealty? Is it not because they know that the Progressive party as a national organization is about gasping its last breath? Is it not because of this belief, that they are endeavoring to securely intrench themselves in office here, while their party passes into history?

Representative government, as ours is, must be conducted on party lines—our opponents admit this regarding federal offices. They claim that parties are good in the nation, but bad in the state. Party lines lead to good government—nonpartisanship leads to disorganization, then disorder, then chaos and ultimately anarchy. Do you Californians want the red flag of anarchy to float over our fair land or do you want the Stars and Stripes to continue to wave? The choice is with you. Be on the safe side, and vote NO.

MILTON L. SCHMITT,
Assemblyman Thirty-first District.

FORM OF BALLOT LAW. Submitted to electors by referendum. Provides

| | |
|---|-----|
| for the size, form and manner of printing of ballots to be used at general elections, including gubernatorial and presidential elections, | YES |
| for the determination of the order in which state, district and county offices shall appear thereon, for the preparation of ballot titles for measures submitted to the electors, and for the manner in which such titles, offices and names of candidates therefor, and instructions to voters shall be printed upon such ballots. | NO |

Whereas, the legislature of the State of California, in regular session in April, 1915, passed, and the governor of the State of California, on the 28th day of April, 1915, approved a certain act, which act, together with its title, is in the words and figures following, to wit:

An act to amend section 1197 of the Political Code, relating to form of ballots.

The people of the State of California do enact as follows:

Section 1. Section 1197 of the Political Code is hereby amended to read as follows:

1197. 1. There shall be provided at each polling place, at each election at which public officers are voted for, but one form of ballot for all the candidates for public office, and every ballot shall contain the names of all the candidates whose nominations for any office specified on the ballot have been duly made and not withdrawn, as provided by law, together with the title of the office arranged to conform as nearly as practicable to the plan hereinafter set forth.

2. The order in which the list of officers shall appear on the ballot shall, as to state offices and district offices, when the district includes more than one county, be determined by the secretary of state, and shall, as nearly as may be practicable, be the same for all counties. The order in which the list of county offices or district offices embracing one county or less, shall appear on the ballot, shall be determined by the county clerk.

(a) If the office is an office the candidates for which are to be voted on throughout the entire state, including United States senator in congress,

the secretary of state shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter, for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged; provided, however, that the names of candidates for the office of electors for president and vice president shall be arranged in groups as presented in the several certificates of nomination, and the secretary of state shall arrange such groups for the first assembly district in the alphabetical order of the names standing at the head of each of such groups as the first name therein; and, thereafter, for each succeeding assembly district, the group appearing first shall be placed last, the order of the other groups remaining unchanged; but the order of the names within each of the several groups shall remain the same as presented in the several certificates of nomination and shall remain the same for all assembly districts. A blank column one-half inch wide shall be left upon the ballot opposite each group of names of candidates for electors for president and vice president, and to the right of the column of voting squares for the individual names and separated from it by a light dotted line, which blank column shall contain a square in which may be stamped a cross (X) which shall be counted as a vote for each and every name in the group opposite. Lengthwise along this blank column shall be printed in heavy face type "a cross (X) stamped in this square shall be counted for each name of the group to the left." The line separating any group of names from any other group shall be heavier than any line separating the individual names in each group, and shall extend across the blank column provided for in this paragraph. Below the top line of this extension shall be printed in heavy face type the words "top of group," above the bottom line of the extension, the words "end of group." If the office is that of

representative in congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire state, except the office of state senator or assemblyman, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on, and thereafter for each succeeding assembly district in which such candidates are to be voted on, the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged. In certifying to each county clerk or registrar of voters the list of names as required in section 42 of the direct primary law the secretary of state shall certify and transmit the list of candidates for each office according to assembly districts in the order of arrangement as determined by the above provisions; and in case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of state senator or assemblyman, the order in which the names so certified shall appear upon the ballot, shall be for each assembly district the order as determined by the secretary of state in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

(b) If the office is an office to be voted on wholly within one county or city and county, and throughout such county or city and county, except the office of representative in congress or state senator or assemblyman, the county clerk or registrar of voters shall arrange the names of all candidates for such office in alphabetical order for the first supervisorial district; and thereafter for each supervisorial district, the name appearing first for each such office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged; provided, that there are no more than five assembly districts in such county, or city and county. If there are more than five assembly districts in such county or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

(c) If the office is that of state senator or assemblyman, or any office except the office of representative in congress to be voted on wholly within any county or city and county, but not throughout such county or city or county, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

(d) If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order.

(e) If a candidate shall be nominated under section 1188 of the Political Code, the word "independent" shall be printed to the right of his name.

3. The order in which all questions and propositions (including proposed laws and constitutional amendments), which are to be submitted to the vote of the electors, shall appear upon the ballot shall be determined by the secretary

of state and such questions and propositions shall be numbered consecutively on the ballot. The attorney general shall provide and return to the secretary of state a ballot title or designation by which all such questions, propositions, proposed laws and constitutional amendments shall be designated upon the ballot; provided, however, any person who is interested in any question, proposition, proposed law or constitutional amendment, the petition as to which is being circulated for the purpose of having the same submitted under an initiative petition, as provided in section 1 of article IV of the constitution, to a vote of the electors, or any proposed constitutional amendment to be submitted to a vote of the electors, may, at any time prior to one hundred and thirty days before the election at which such question, proposition, proposed law or constitutional amendment is to be submitted to a vote of the electors, file a copy of said question, proposition, proposed law or proposed constitutional amendment with the secretary of state, together with a request that a ballot title be prepared for the same; such request shall be accompanied with the address of the person or association of persons proposing such measure. The secretary of state shall forthwith transmit a copy of said question, proposition, proposed law or constitutional amendment to the attorney general. Within ten days after the same is filed with him, said attorney general shall provide and return to the secretary of state a ballot title for said measure. The ballot title may be distinguished from the legislative or other title of the measure and shall express in not exceeding one hundred words, the purpose of the measure. In making such ballot title, the attorney general shall give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be an argument or likely to create prejudice either for or against the measure. Immediately upon receipt of the ballot title as prepared by the attorney general, the secretary of state shall mail to any and all persons who may have requested the preparation of such ballot title, a notice addressed to such person or persons at the address accompanying such request, stating that the attorney general has made and returned such ballot title, which notice shall also contain a copy of the ballot title as prepared by the attorney general. Any person who is dissatisfied with the ballot title prepared by the attorney general for any such question, proposition, proposed law or constitutional amendment, may, after the same has been returned to the secretary of state as hereinbefore provided, and within ten days after said notice shall have been mailed by the secretary of state, as above provided, file in writing with the secretary of state his objections, who shall forthwith file a copy of such question, proposition, proposed law or constitutional amendment, together with the title thereof as so prepared by the attorney general and the said objections thereto, with the board of title commissioners, which board shall consist of the three justices of the district court of appeal of the State of California, in and for the third appellate district, who shall be ex officio title commissioners for the purposes of this act and which board is hereby created; said board shall fix a time at which any person may be heard either for or against the objection so made and shall notify all persons of the time so set and thereupon said board of title commissioners shall proceed to consider the said title prepared by the attorney general and the objections filed thereto, and shall prepare a title by which such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot. Said title commissioners shall certify the said designation to the secretary of state within ten days after said written objections have been received by them. The determination by the said board of title commissioners shall be final and conclusive. Such questions, propositions, proposed law and constitutional amendments shall be designated on the ballot by the said ballot title certified to the secretary of state by the said attorney general, or in case a different title has been prepared, certified and filed by the said board of title commissioners, then such title shall be the title and

designation by which any such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot.

4. All ballots shall be not to exceed twenty-four inches in length, and shall be four inches in width and as many times such width as may be necessary to contain the names of all candidates nominated, with proper blank spaces allow the voter to write in names not printed the ballot, and also a separate column or columns of sufficient width for statements of all questions, propositions or constitutional amendments submitted to vote of the electors. Each group of candidates to be voted on shall be headed by the designation of the office and the words "vote for one" or "vote for two" or more, according to the number to be selected to such office; such designation of the office and of the number of candidates to be voted for shall be printed in heavy faced gothic type not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "vote for one" or "vote for two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the directions for voting shall be separated from the names of the candidates by a light line. The names of the candidates for such office shall be printed in eight point roman type (capitals) in proper order below the designation of the office, and, in the case of congressional offices or the office of elector of president and vice president, in the same line in which the name of the candidate is printed and at the right of the name, or immediately below the name if there shall not be sufficient space to the right thereof, shall be printed in eight point roman type (lower case) the designation of the political party or parties by or on behalf of which such candidate has been nominated. The name of the candidate, and the designation of the political party or parties by which he has been nominated shall be printed in a space one-half inch in depth, and shall be defined by light horizontal ruled lines, with a blank space on the right thereof one-half inch square, which blank space (called the voting square) shall be made use of by the voter to designate, by stamping cross (X) therein and after the name of candidate, his choice of particular candidates.

5. The names of the candidates for an office shall not be separated from each other on the ballot by names of candidates for any other office, and the list of candidates for each office shall be separated from the list of candidates for other offices by a double rule above and below such list. Each series of the lists of candidates for the several offices shall be headed by the word "state," "congressional," "legislative," "county," or "municipal" or other proper general classification, as the case may be, printed in heavy faced gothic capital type, not smaller than twelve point, each such word being separated from the names of the candidates beneath by a three point line.

6. The left-hand side of each column of names on the ballot and also the right-hand side of each column of voting squares, shall be bordered by a broad printed line one-twelfth of an inch wide, and the edge of the ballot on the left-hand side thereof shall be trimmed off up to the first border or solid line on the left-hand side of the ballot, and on the right-hand side of the ballot shall be perforated along the border or solid line above described. The ballot shall be so printed as to give each voter a clear opportunity to designate by stamping a cross (X) in a blank enclosed space hereinbefore designated as the voting square, on the right of and after the name of each candidate whose name is printed on the ballot, his choice of particular candidates, or his choice of each and all of a group of candidates as provided in subdivision 2 of this section. The ballot shall be printed on the same leaf with a stub and separated therefrom by a perforated line across the top of the ballot. On each ballot a perforated line shall extend from top to bottom, along the border or solid line hereinbefore described, or half inch from the right-hand side of the ball and upon the half-inch strip thus formed there shall be no printing except the number of the

ballot, which shall be upon the back of such strip in such position that it will appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county.

Ballots printed by county clerks or registrars other than the separate ballots containing the names only of candidates for city and county offices, printed by the county clerks or registrars of voters of consolidated cities and counties, shall have printed on the back, below the stub and immediately at the left of the center of the ballot, in eighteen point gothic capitals, the words "general ticket," and underneath the respective number of congressional, senatorial and assembly districts in which each ballot is to be voted; and all ballots printed by county clerks or registrars of voters of consolidated cities and counties containing the names of candidates for city and county offices, and also all ballots printed by the clerks, registrars of voters or secretary of a legislative body of any incorporated city or town, shall have printed in the same manner, on the back, the words "municipal ticket." All municipal ballots shall be printed upon paper of a different tint from that of the general ballot.

7. All of the ballots of the same sort prepared by any county clerk or registrar of voters, or clerk or secretary of a legislative body, or other person having charge of the preparing of such ballots, for the same polling place, shall be precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed with black ink of the same tint, so that without the numbers on the stubs it shall be impossible to distinguish any one of the ballots from the other ballots of the same sort; and the names of all candidates printed upon the ballot shall be in type of the same size and character.

8. If two or more officers are to be elected for the same office for different terms, the term for which each candidate for such office is nominated shall be printed on the ballot as a part of the title of the office. If at a general election an office is to be filled for a full term, and also a vacancy in another term, the list of candidates for the full term shall be placed on the ballot under the designation of the office with the words "full term" printed immediately thereafter, and the list of candidates to fill the vacancy shall be placed on the ballot under the designation of the office with the words "short term" printed immediately thereafter.

9. Whenever any question, proposition or constitutional amendment is to be submitted to the vote of the electors, there shall be printed at the right of the last column of names of candidates, another column of sufficient width, with voting squares in which such question, proposition or constitutional amendment shall be designated, which designation shall consist of a statement prepared as hereinbefore provided for and opposite such question, proposition or constitutional amendment, to be voted on, in separate lines, the words "yes" and "no" shall be printed. If an elector shall stamp a cross (X) in the voting square after the printed word "yes," his vote shall be counted in favor of the adoption of the question, proposition or constitutional amendment; if he shall stamp a cross (X) after the printed word "no," his vote shall be counted against the adoption of the same.

10. On the top of the face of the ballot, the following directions shall be printed:

Instructions to Voters.

To vote for a candidate of your selection, stamp a cross (X) in the voting square next to the right of the name of such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the name of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. To vote for a person whose name is not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose. In the case of a name written

on the ballot, it is optional, but not necessary, to stamp a cross after such name. To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word "yes" or after the word "no." All marks, except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another. In elections when electors of president and vice president of the United States are to be chosen, there shall be placed upon the ballot in addition to the instructions to voters as above provided, an additional instruction as follows: To vote for all of a group of persons, stamp a cross (X) in the square opposite such group, this instruction appearing immediately before the words: "To vote for a person whose name is not on the ballot."

11. Except as to the order of the names of candidates, the ballots shall be printed substantially in one of the following forms, according as the election is a gubernatorial or a presidential election:

[See pages 33 and 34 for forms of ballots.]

And whereas, said regular session of the said legislature finally adjourned May 9, 1913, and ninety days having not expired since said final adjournment;

Now, therefore, sufficient qualified electors of the State of California have presented to the secretary of state their petitions asking that said act hereinbefore set forth, so passed by the legislature, and approved by the governor, as hereinbefore stated, be submitted to the electors of the State of California for their approval or rejection.

Section 1197, Political Code, proposed to be amended, now reads as follows:

EXISTING PROVISIONS.

1197. 1. There shall be provided at each polling place, at each election at which public officers are voted for, but one form of ballot for all the candidates for public office, and every ballot shall contain the names of all the candidates whose nominations for any office specified on the ballot have been duly made and not withdrawn, as provided by law, together with the title of the office arranged to conform as nearly as practicable to the plan hereinafter set forth.

2. The order in which the list of officers shall appear on the ballot shall, as to state offices and district offices, when the district includes more than one county, be determined by the secretary of state, and shall as nearly as may be practicable, be the same for all counties. The order in which the list of county offices or district offices embracing one county or less, shall appear on the ballot, shall be determined by the county clerk.

(a) If the office is an office the candidates for which are to be voted on throughout the entire state, including United States senator in congress, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter, for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged; provided, however, that the names of candidates for the office of electors for president and vice president shall be arranged in groups as presented in the several certificates of nomination, and the secretary of state shall arrange such groups for the first assembly district in the alphabetical order of the names standing at the head of each of such groups as the first name therein; and, thereafter, for each succeeding assembly district, the group appearing first shall be placed last, the order of the groups remaining unchanged; but the order of the names within each of the several groups shall remain the same as presented in the several

certificates of nomination and shall remain the same for all assembly districts. A blank column one-half inch wide shall be left upon the ballot opposite each group of names of candidates for electors for president and vice president, and to the right of the column of voting squares for the individual names and separated from it by a light dotted line, which blank column shall contain a square in which may be stamped a cross (X) which shall be counted as a vote for each and every name in the group opposite. Lengthwise along this blank column shall be printed in heavy face type "a cross (X) stamped in this square shall be counted for each name of the group to the left." The line separating any group of names from any other group shall be heavier than any line separating the individual names in each group, and shall extend across the blank column provided for in this paragraph. Below the top line of this extension shall be printed in small heavy face type the words "top of group," and above the bottom line of the extension, the words "end of group." If the office is that of representative in congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire state, except the office of state senator or assemblyman, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on, and thereafter for each succeeding assembly district in which such candidates are to be voted on, the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

In certifying to each county clerk or registrar of voters the list of names as required in section 23 of the primary election law the secretary of state shall certify and transmit the list of candidates for each office according to assembly districts in the order of arrangement as determined by the above provisions; and in case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of state senator or assemblyman, the order in which the names so certified shall appear upon the ballot, shall be for each assembly district the order as determined by the secretary of state in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

(b) If the office is an office to be voted on wholly within one county or city and county, except the office of representative in congress or state senator or assemblyman, the county clerk of such county or the registrar of voters of such city and county, shall arrange the names of all candidates for such office in alphabetical order, which order shall be the order of names upon the ballots; provided, there is no more than one assembly district in such county, or city and county. If there is more than one assembly district in such county or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

(c) If the office is that of state senator or assemblyman, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

(d) If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical

order. If the nomination of a candidate for any office shall be made by petition, filed within the time and manner provided by law, but subsequent to the determination of the order in which names of candidates shall appear on the ballot, the name of such candidate with the word "independent" printed to the right the shall be placed on the ballot next below names of the other candidates for the same office; provided, however, that in the case of judicial officers and school officers the word "independent" shall be omitted.

3. The order in which all questions and propositions (including proposed laws and constitutional amendments), which are to be submitted to the vote of the electors, shall appear upon the ballot shall be determined by the secretary of state. The attorney general shall provide and return to the secretary of state a ballot title or designation by which all such questions, propositions, proposed laws and constitutional amendments shall be designated upon the ballot; provided, however, any person who is interested in any question, proposition, proposed law or constitutional amendment, the petition as to which is being circulated for the purpose of having the same submitted under an initiative petition, as provided in section 1 of article IV of the constitution, to a vote of the electors, or any proposed constitutional amendment to be submitted to a vote of the electors, may, at any time prior to one hundred and thirty days before the election at which such question, proposition, proposed law or constitutional amendment is to be submitted to a vote of the electors, file a copy of said question, proposition, proposed law or proposed constitutional amendment with the secretary of state, together with a request that a ballot title be prepared for the same; such request shall be accompanied with the address of the person or association of persons proposing such measure. The secretary of state shall forthwith transmit a copy of said question, proposition, proposed law or constitutional amendment to the attorney general. Within ten days after the same is filed with him, said attorney general shall provide and return to secretary of state a ballot title for said measure. The ballot title may be distinguished from legislative or other title of the measure and shall express in not exceeding one hundred words, the purpose of the measure. In making such ballot title, the attorney general shall give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be an argument or likely to create prejudice either for or against the measure. Immediately upon receipt of the ballot title as prepared by the attorney general, the secretary of state shall mail to any and all persons who may have requested the preparation of such ballot title, a notice addressed to such person or persons at the address accompanying such request, stating that the attorney general has made and returned such ballot title, which notice shall also contain a copy of the ballot title as prepared by the attorney general. Any person who is dissatisfied with the ballot title prepared by the attorney general for any such question, proposition, proposed law or constitutional amendment may, after the same has been returned to the secretary of state as hereinbefore provided, and within ten days after said notice shall have been mailed by the secretary of state, as above provided, file in writing with the secretary of state his objections, who shall forthwith file a copy of such question, proposition, proposed law or constitutional amendment, together with the title thereof as so prepared by the attorney general and the said objections thereto, with the board of title commissioners, which board shall consist of the three justices of the district court of appeal of the State of California, in and for the third appellate district, who shall be ex officio title commissioners for the purposes of this act and which board is hereby created; said board shall fix a time at which any person may be heard either for or against the objection so made and shall no

all persons of the time so set and thereupon said board of title commissioners shall proceed to consider the said title prepared by the attorney general and the objections filed thereto, and shall prepare a title by which such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot.

1. Title commissioners shall certify the said designation to the secretary of state within ten days after said written objections have been received by them. The determination by the said board of title commissioners shall be final and conclusive. Such questions, propositions, proposed law and constitutional amendments shall be designated on the ballot by the said ballot title certified to the secretary of state by the said attorney general, or in case a different title has been prepared, certified and filed by the said board of title commissioners, then such title shall be the title and designation by which any such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot.

4. All ballots shall be not to exceed twenty-four inches in length, and shall be four inches in width and as many times such width as may be necessary to contain the names of all candidates nominated, with proper blank spaces to allow the voter to write in names not printed on the ballot, and also a separate column or columns of sufficient width for statements of all questions, propositions or constitutional amendments submitted to vote of the electors. Each group of candidates to be voted on shall be headed by the designation of the office and the words "vote for one" or "vote for two" or more, according to the number to be selected to such office; such designation of the office and of the number of candidates to be voted for shall be printed in heavy faced gothic type not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "vote for one" or "vote for two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the directions for voting shall be separated from the names of the candidates by a light line. The names of the candidates for such office shall be printed in eight point roman type (capitals) in proper order below the designation of the office, and in the same line in which the name of the candidate is printed and at the right of the name, or immediately below the name if there shall not be sufficient space to the right thereof, shall be printed in eight point roman type (lower case) the designation of the political party or parties by or on behalf of which such candidate has been nominated; provided, that when a candidate has been nominated by petition, the word "independent" shall be printed to the right of his name; and provided, also, that as to candidates for judicial offices and school offices the designation of the political party or parties, or the word "independent," if there be an independent candidate, shall be omitted. The name of the candidate, and the designation of the political party or parties by which he has been nominated shall be printed in a space one-half inch in depth, and shall be defined by light horizontal ruled lines, with a blank space on the right thereof one-half inch square, which blank space (called the voting square) shall be made use of by the voter to designate, by stamping a cross (X) therein and after the name of the candidate, his choice of particular candidates.

5. The names of the candidates for an office shall not be separated from each other on the ballot by names of candidates for any other office, and the list of candidates for each office shall be separated from the list of candidates for other offices by a double rule above and below such list. Each series of the lists of candidates for the several offices shall be headed by the word "state," "congressional," "legislative," "county," or "municipal" or other proper general classification, as the case may be, printed heavy faced gothic capital type, not smaller

than twelve point, each such word being separated from the names of the candidates beneath by a three point line.

6. The left-hand side of each column of names on the ballot and also the right-hand side of each column of voting squares, shall be bordered by a broad printed line one-twelfth of an inch wide, and the edge of the ballot on the left-hand side thereof shall be trimmed off up to the first border or solid line on the left-hand side of the ballot, and on the right-hand side of the ballot shall be perforated along the border or solid line above described. The ballot shall be so printed as to give each voter a clear opportunity to designate by stamping a cross (X) in a blank enclosed space hereinbefore designated as the voting square, on the right of and after the name of each candidate whose name is printed on the ballot, his choice of particular candidates, or his choice of each and all of a group of candidates as provided in subdivision 2 of this section. The ballot shall be printed on the same leaf with a stub and separated therefrom by a perforated line across the top of the ballot. On each ballot a perforated line shall extend from top to bottom, along the border or solid line hereinbefore described, one-half inch from the right-hand side of the ballot, and upon the half-inch strip thus formed there shall be no printing except the number of the ballot, which shall be upon the back of such strip in such position that it will appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county. All ballots printed by county clerks or registrars of voters other than the separate ballots containing the names only of candidates for city and county offices, printed by the county clerks or registrars of voters of consolidated cities and counties, shall have printed on the back, below the stub and immediately at the left of the center of the ballot, in eighteen point gothic capitals, the words "general ticket," and underneath the respective number of congressional, senatorial and assembly districts in which each ballot is to be voted; and all ballots printed by county clerks or registrars of voters of consolidated cities and counties containing the names of candidates for city and county offices, and also all ballots printed by the clerks, registrars of voters or secretary of a legislative body of any incorporated city or town, shall have printed in the same manner, on the back, the words "municipal ticket." All municipal ballots shall be printed upon paper of a different tint from that of the general ballot.

7. All of the ballots of the same sort prepared by any county clerk or registrar of voters, or clerk or secretary of a legislative body, or other person having charge of the preparing of such ballots, for the same polling place, shall be precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed with black ink of the same tint, so that without the numbers on the stubs it shall be impossible to distinguish any one of the ballots from the other ballots of the same sort; and the names of all candidates printed upon the ballot shall be in type of the same size and character.

8. If two or more officers are to be elected for the same office for different terms, the term for which each candidate for such office is nominated shall be printed on the ballot as a part of the title of the office. If at a general election an office is to be filled for a full term, and also for a vacancy in another term, the list of candidates for the full term shall be placed on the ballot under the designation of the office with the words "full term" printed immediately thereafter, and the list of candidates to fill the vacancy shall be placed on the ballot under the designation of the office with the words "short term" printed immediately thereafter.

9. Whenever any question, proposition or constitutional amendment is to be submitted to the vote of the electors, there shall be printed at the right of the last column of names of candi-

dates, another column of sufficient width, with voting squares in which such question, proposition or constitutional amendment shall be designated, which designation shall consist of a statement prepared as hereinbefore provided for and opposite such question, proposition or constitutional amendment to be voted on, in separate lines, the words "yes" and "no" shall be printed. If an elector shall stamp a cross (X) in the voting square after the printed word "yes," his vote shall be counted in favor of the adoption of the question, proposition or constitutional amendment; if he shall stamp a cross (X) after the printed word "no," his vote shall be counted against the adoption of the same.

10. On the top of the face of the ballot, the following directions shall be printed:

Instructions to Voters:

To vote for a candidate of your selection, stamp a cross (X) in the voting square next to the right of the name of such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the name of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. *If the ballot does not contain the names of candi-*

dates for all offices for which you may desire to vote, you may vote for candidates for such offices so omitted by writing the name of the candidate for whom you wish to vote in the blank space left for that purpose. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose. To vote on any question or proposition or constitutional amendment, stamp a cross (X) in the voting square after the word "yes" or after the word "no." All marks, except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another. In elections when electors of president and vice president of the United States are to be chosen, there shall be placed upon the ballot in addition to the instructions to voters as above provided, an additional instruction as follows: To vote for all of a group of persons, stamp a cross (X) in the square opposite such group, this instruction appearing immediately before the words: "To vote for a person not on the ballot."

11. Except as to the order of the names of candidates, the ballots shall be printed substantially in the following form:

INSTRUCTIONS TO VOTERS:

To vote for a candidate of your selection stamp a cross (X) in the voting space next to the right of the name of each candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the names of all the candidates for that office for whom you desire to vote not to exceed, however, the number of candidates who are to be elected. If the intent is, if I cannot vote for a candidate for an office for which you may desire to vote, you may vote for candidates for such offices as directed by writing the names of the candidates for whom you wish to vote in the blank space left for that purpose. To vote for a person not on the ballot, write the name of such person under the top of the office in the blank space left for that purpose. To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting space after the word "Yes" or after the word "No". All marks, except the cross (X) are forbidden. All distinguishing marks of printers and candidates and the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the Registrar of Elections and obtain another.

| STATE | | LEGISLATIVE | |
|--|--|---|--|
| Governor Yes No JOHN C. KELLY, Republican | Attorney General Yes No JAMES MCCARTY, Republican JOHN MAFFING, Socialist A. W. FULMER, Prohibition | State Senate, 20th-24th Assembly District Yes No E. C. CROFT, Democrat C. A. CROFT, Socialist T. E. JONES, Independent | Stamp Constitutional Amendment Number in the circle which expresses your vote. "No for the State Highway Act" |
| Lieutenant Governor Yes No L. C. JOHNSON, Republican W. BORG, Democrat, Socialist A. BOWY, Proletarian Party | Secretary General Yes No HENRY KELLYMAN, Democrat JOHN EARLE, Republican WILLIAM FULLER, Prohibition | House of the Assembly, Senate-District District Yes No T. J. KERR, Prohibition A. E. SPANGLING, Democrat D. S. BROWN, Proletarian Party | |
| Chief Justice of the Supreme Court Yes No JOHN LAY HENRY WELLS JOHN WHELAN | Chief of the Supreme Court Yes No IER LEE, Republican, Democrat JOE E. REEVE, Socialist JOHN FRYLAND, Prohibition | COUNTY Judge of the Supreme Court Yes No JOHN WHELAN JOHN WHELAN JOHN WHELAN | |
| Associate Justice of the Supreme Court Yes No JAMES WHELAN JOHN WHELAN | Superintendent of Public Instruction Yes No C. C. COLLINS L. W. WILSON A. L. DINE | School Yes No K. C. CONNELLY L. WHELAN | |
| Secretary of State Yes No CLAYTON WHELAN, Democrat JOHN WHELAN, Socialist CLAYTON WHELAN, Labor Party | Congressional Local State Senator Yes No JOHN WHELAN, Republican T. E. BROWN, Democrat A. L. CURRY, Socialist | | |
| Comptroller Yes No HENRY WHELAN, Democrat JOHN WHELAN, Socialist JOHN WHELAN, Independent | Representative in Congress, 20th Assembly District Yes No ALLEN FLYNN, Republican GEORGE WHELAN, Democrat JOHN WHELAN, Prohibition | | |
| Treasurer Yes No JOHN WHELAN, Prohibition JOHN WHELAN, Republican JOHN WHELAN, Socialist | Speaker State Board of Equalization, 20th District Yes No JOHN WHELAN, Republican JOHN WHELAN, Democrat JOHN WHELAN, Socialist | | |

[Form for printing on back of ballot:]
GENERAL TICKET
 SEVENTH CONGRESSIONAL DISTRICT
 THIRTY-EIGHTH SENATORIAL DISTRICT
 SEVENTY-SECOND ASSEMBLY DISTRICT

ARGUMENT IN FAVOR OF THE "FORM OF BALLOT LAW."

This new ballot law contains several minor improvements over the former law, including the cutting down of the present cumbersome ballot to about one-half its former size.

The most important change, however, is the omission of party designations from the names of candidates for state and local office. Not only is this omission made necessary by the new direct primary law, but it is also in line with every effort to secure a maximum of efficiency in government by electing candidates on their personal merits rather than because of any party tag.

An interesting and valuable commentary on this omission of party designation is contained in an opinion handed down in volume 137 of the California reports by a no less thoughtful man and able jurist than the late Chief Justice Beatty.

"It is not the duty," writes Judge Beatty, "and in my opinion not the proper function of the state to furnish information to voters as to the party connections or political proclivities of the candidates whose names appear upon the official ballot. The task of supplying that information is one which might, with perfect justice and much greater wisdom, be left to other agencies."

Hence, as will be noted, the ballot here provided is in exact accord with the decision of the chief justice.

In fairness to the voter, he should be informed of a situation which would seem practically to demand from everyone favorable action on these laws.

As has been seen, two so-called "nonpartisan laws" have been held up by referendum. A third law of equal importance was, through some colossal blunder, overlooked. This third law, providing that hereafter voters, on registering, shall not declare their party affiliation, has now gone into effect.

Suppose in this election these two nonpartisan laws were by any possibility defeated. In that case the old primary law would continue to

operate, but it would have to operate in conjunction with the new registration law. The result would be hopeless confusion in our election laws, and would seemingly prevent the holding of any partisan primary whatever, even for federal offices.

The old law explicitly states that every registered without statement of party affiliation shall be given only a nonpartisan ballot, from which is omitted the name of every party nominee. And since everybody will be registered without statement of party affiliation, everybody would receive a nonpartisan ballot, and hence no one could legally vote for candidates for any party nomination, local, state, or federal. Accordingly, all public officers, including congressmen and United States senators, could legally run only as independents.

As the case now stands, all who favor nonpartisanism in local affairs will, of course, vote "YES" on these two bills. Moreover, all who think they oppose local nonpartisanism will also do well to vote "YES" upon them, since, through the bungling of the referendum forces, to do otherwise will create a situation which may mean non-partisanism not only in state offices but in federal offices also—a situation which nobody wants.

C. C. YOUNG,
Speaker of the Assembly.

ARGUMENT AGAINST FORM OF BALLOT LAW.

The argument advanced against the main nonpartisan bill is applicable to this one. It is necessary, therefore, for those who do not believe in nonpartisanism in state matters, to vote NO upon this measure, which is merely designed to amend the Political Code relating to the form of ballots, so as to conform to the provisions of the main measure. Retain your right to affiliate with any political party you may choose, and preserve to the people of California the privilege of knowing, when the ballot is presented to them, what principles and policies the nominees named thereon will stand for and adhere to.

MILTON L. SCHMITT,
Assemblyman Thirty-first District.

| | | | |
|----------|--|---|-----|
| 3 | of constitution making term of office of superior judges twelve years except judges elected to fill unexpired terms. Declares them subject to recall, impeachment and removal provisions relating to judges. | Senate Constitutional Amendment 2 adding section 6½ to article VI | YES |
| | | | NO |

Senate Constitutional Amendment No. 2, a resolution to propose to the people of the State of California an amendment to the constitution of the State of California, by adding to article six of said constitution a new section, to be numbered section six and one-half, relating to the term of office of judges of the superior court.

The legislature of the State of California at its regular session commencing on the fourth day of January, 1915, two-thirds of the members

elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California an amendment to the constitution of said state by adding to article six thereof a new section, to be numbered six and one-half, to read as follows:

PROPOSED AMENDMENT.

Section 6½. The term of office of judges of the superior court shall be twelve years from and after the first Monday of January next succeeding their election, except in the case of a

Judge elected to hold office for the remainder of an unexpired term. Nothing herein contained shall be construed to prevent the operation of any law providing for the recall or impeachment of judges or for any other method for the removal of judges from office.

Portions of section six, article six, of the constitution, relating to term of office of superior judges, read as follows:

EXISTING PROVISIONS.

Section 6. * * * The term of office of judges of the superior courts shall be six years from and after the first Monday of January next succeeding their election; * * * If a vacancy occur in the office of judge of a superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

ARGUMENTS IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 2.

When a judge, instead of devoting his attention to the law and to the litigation before him—the work for which the position of judge was created—is required by the frequency of elections to abandon the business of his court and go on the streets buttonholing politicians to secure an election, he has no time to fit himself for his high office and no capacity to discharge its duties.

The people are the losers. Of necessity they lose a judge, and elect a politician.

The fact that our judges are compelled to run for office every few years causes endless confusion in the courts.

The theory that a man would get away from the people very far if his term were made twelve years, when he is subject to recall by the same people at any moment of that term, does not seem common sense.

The public is the employer of the judge. If it chooses to make the employment a nominal term of twelve years—which is really only such during good behavior, because, through the recall, it can dismiss him at any time—is it not likely to get better service than by a shorter term?

Is not a judge who knows he can serve the people for twelve years without a new election, provided he renders satisfaction, apt to give the best that is in him?

When he understands that he can so retain his position, he has the time to equip himself for good work. He has the time to gain experience. Without study and experience, a judge is not valuable to litigants or beneficial to the people.

The position of judge on the ballot has been made non-partisan. The recall has been given to the people. But more is demanded, to improve the efficiency of the bench.

THOS. F. FINN,
State Senator Twenty-third District.

The office of superior court judge has so much to do with the financial, social and moral relations of our citizenship, that it should be removed as far as possible from political whims and influences, and by extending the term from six to twelve years we come nearer to eliminating such undesirable conditions.

I submit there is no good reason why the term of a superior court judge should not equal the

term of a judge of our supreme court or of our district courts of appeal, their functions being similar, with a difference only in jurisdiction.

It is against good public policy and the interests of the people to require our judicial officers, whose duties demand their daily and undivided attention, to absent themselves from such duties to campaign for frequent re-elections, and therefore it would appear to be good public policy to make such elections less frequent.

We ought to encourage our highest type of lawyers to aspire to the bench, and the farther we remove the office from politics and campaigns the more proficient may we expect our judiciary to become.

JOHN N. ANDERSON,
State Senator Thirty-ninth District.

ARGUMENT AGAINST SENATE CONSTITUTIONAL AMENDMENT NO. 2.

The superior court is the court which the average citizen enters when he seeks justice, either personal or as affecting his property rights. It is the court which is close to the people. The citizen who seeks to protect his property rights, who would establish a basis of equity between himself and his neighbor, who perhaps needs protection for his person or his family, goes to the superior court.

It is essential that the litigant in a civil action shall feel and know that the court which he enters is an upright and a just court; that there shall exist between the judge on the bench and the man before the bar a bond of common feeling and sympathy, as well as a supreme confidence on the part of the litigant that he will receive substantial justice at the hands of the man to whom his personal or property safety is entrusted. To this end, in order that the judge may not grow apart from the people, that he may not become autocratic or dictatorial, that he may understand the people and be in sympathetic touch with their needs and their feelings, it is essential that he should, at periods of not too great length, submit himself to them for re-election to the important office which he holds. A term of twelve years would give the judge, even now too apt to set himself apart from the people because of his great power and control over the lives and fortunes of men, such an enlarged idea of his own importance, that his sympathies would be dried up and his sense of proportion as between his office and the people would be warped and in many cases destroyed.

Twelve years is too long a term for the people to endure a bad judge; the good judge does not object to going before the people once in six years for re-election. The history of the superior court bench in California is that the good judge is nearly always re-elected. He serves as long as he desires, provided he is fair and just to the people. The good judge has nothing to fear from the six-year term and nothing to gain from the twelve-year term; but the people have everything to gain, and nothing to lose, with either the good or the bad judge, by keeping the length of service what it is today. Legislation and terms of office are supposed to be in the interest of the people, not of the office-holders.

LYM/N M. KING,
State Senator Thirtieth District.

TERM OF JUDGES FILLING VACANCIES.

| | | Senate Constitutional Amend- | YES |
|---|--|------------------------------|-----|
| 4 | ment 11 adding section 10½ to article VI of constitution providing that when term of office of judge of supreme court, district court of appeal or superior court expires on first Monday in January following general election person appointed by governor to fill vacancy therein shall hold for remainder of unexpired term for which such judge was elected or appointed. | | |
| | | | NO |

Senate Constitutional Amendment No. 11, a resolution to propose to the people of the State of California an amendment to the constitution of said state, by adding to article six thereof a new section to be numbered ten and one-half, relative to the length of time a person appointed to fill a vacancy in the office of justice of the supreme court, justice of the district court of appeal or judge of a superior court, shall hold office.

The legislature of the State of California, at its regular session commencing on the fourth day of January, 1915, two-thirds of the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes an amendment to the constitution of the State of California by adding to article six thereof a new section, to be numbered ten and one-half, to read as follows:

PROPOSED AMENDMENT.

Section 10½. Whenever the governor of the state appoints any person to fill a vacancy in the office of justice of the supreme court, justice of the district court of appeal, or judge of the superior court, and the term of office of the justice or judge, whose place is so filled by appointment, is fixed by law to expire on the first Monday in January after the next succeeding general election, then the person so appointed shall hold office for the remainder of the unexpired term for which such justice or judge was elected or appointed.

Portions of sections 3, 4 and 6, article six, constitution, which relate to terms of office of judges, read as follows:

EXISTING PROVISIONS.

Section 3. The chief justice and the associate justices shall be elected by the qualified electors of the state at large at the general state elections, at the time and places at which state officers are elected; and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election: * * * If a vacancy occur in the office of a justice, the governor shall appoint a person to hold the office until the election and qualification of a justice to fill the vacancy, which election shall take place at the next succeeding general election, and the justice so elected shall hold the office for the remainder of the unexpired term. * * *

Section 4. * * * The justices of the district courts of appeal shall be elected by the qualified electors within their respective districts at the general state elections at the times and places at which justices of the supreme court are elected. Their terms of office * * * shall be the same as those of justices of the supreme court. * * * If any vacancy occur in the office of a justice of the district courts of appeal, the governor shall appoint a person to hold office until the election and qualification of a justice to fill the vacancy; such election shall take place at the next succeeding general state election as aforesaid; the justice then elected shall hold the office for the unexpired term. * * *

Section 6. * * * The term of office of judges of the superior courts shall be six years from and after the first Monday of January next succeeding their election: * * * If a vacancy occur in the office of judge of a superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

Forty-two

ARGUMENTS IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 11.

Whenever, for any reason, there occurs a vacancy in the office of justice of the supreme court or justice of a district court of appeal or judge of a superior court, the governor appoints a person to fill such vacancy. Under the present constitution the term of office of the person so appointed expires immediately at the next general election, which is usually held in the early part of November.

Another provision of the constitution fixes the term of office of the newly elected officer to begin on the first Monday after the first day of January. (A judge or justice, however, elected at a regular election to fill the remainder of an unexpired term, may assume office at once upon qualifying.) There is, therefore, nearly two months between the early part of November and the first Monday in January when it is not clear who should occupy the office. The term of office of the person appointed expires upon the election of the new officer, who can immediately qualify by taking the oath, but the term of office of such newly elected officer does not begin until the first Monday in January. Recently, numerous candidates have run for office for the short term of two months hereinabove indicated. Such confusion has arisen because of the election of candidates to these short terms, and their subsequent demand for the office, that judicial decisions and judicial action, during these few months, have been clouded with some doubt.

The purpose of this proposed amendment is to remedy this unfortunate condition by stating definitely that the person appointed holds office until the beginning of the regular term of office of the person elected at the general election.

H. STANLEY BENEDICT,

State Senator Thirty-fourth District.

Under the constitutional provisions as they now exist, the terms of justices of the supreme court, district courts of appeal, and judges of the superior courts, when such justices or judges are appointed by the governor to fill vacancies caused by death or resignation, expire at the "next general election," frequently leaving a fragment of a term between such election and the first Monday in January next following, at which time the justice or judge elected for the regular term at the general election in November takes office.

This situation has given rise to a great deal of confusion. Frequently persons have been elected to these high judicial offices for this short term by the mere writing in of their names by a few voters. It is quite possible for utterly unfit men to secure election by this chance.

It would seem natural and proper that the appointed justice or judge should hold office until the qualification of his successor in January, and doubtless this was the original intent of the present law, but by its peculiar reading that purpose was defeated.

The adoption of Senate Constitutional Amendment No. 11 will correct this defect and abolish the foolish and unnecessary "short term" for judges, and will cause the appointed judge to hold over until January, when his regularly elected successor will take office. EDGAR A. LUCK,

State Senator Fortieth District.

RURAL CREDITS.

Senate Constitutional Amendment 17 amending section 31 of article IV of constitution. Present section unchanged

5

but clause added authorizing legislature to provide land colonization system, establish rural credits system in aid of agriculture, authorize issuance of bonds secured by first mortgages on farms, declaring same exempt from taxation and acceptable as security for public deposits, provide for state participation in rural credits system by establishing trust fund, authorize trustees thereof to issue bonds, guaranteed by state, upon securities thereof, and deal generally in rural credit bonds. Authorizes legislature to effect purposes of section notwithstanding contrary constitutional provisions.

YES

NO

Senate Constitutional Amendment No. 17, a resolution to propose to the people of the State of California an amendment to the constitution of the state by amending section thirty-one of article four thereof relating to the loan by the state of its credit to public or private corporations.

Resolved by the senate, the assembly concurring, That the legislature of the State of California, at its regular session commencing on the fourth day of January, 1915, two-thirds of all the members elected to each of the two houses of the state legislature voting in favor thereof, hereby proposes to the people of the State of California that section thirty-one of article four of the constitution of the State of California be amended so as to read as follows:

PROPOSED AMENDMENT.

Section 31. The legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the state, or of any county, city and county, city, township, or other political corporation or subdivision of the state now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift, or authorize the making of any gift, of any public money or thing of value, to any individual, municipal or other corporation whatever; provided, that nothing in this section shall prevent the legislature granting aid pursuant in section twenty-two of this article; and it shall not have power to authorize the state, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; provided, further, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country. The legislature shall have power to provide for a system of land colonization and may authorize the establishment of an adequate system of rural credits in aid of the agriculture of the state, including provisions for the issuance of bonds secured by first mortgages on farm real estate. Bonds so issued shall be exempt from taxation and shall be accepted as security for the deposit of public moneys. The legislature may provide for participation by the state in such system of rural credits by establishing a trust fund and may authorize the trustees of such fund to issue bonds upon the collateral or other securities of such fund, and may guarantee, on behalf of the state, the principal and interest of such bonds, and may authorize said trustees to buy, sell and deal generally in rural credit bonds secured by first mortgages on farm real estate, and may pass all laws that may be necessary to give full force and effect to the provisions of this section, anything in this constitution to the contrary notwithstanding.

Section thirty-one, article four, proposed to be amended, now reads as follows:

EXISTING PROVISIONS.

Section 31. The legislature shall have no power to give or to lend, or to authorize the giving

or lending, of the credit of the state, or of any county, city and county, city, township, or other political corporation or subdivision of the state now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift, or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; provided, that nothing in this section shall prevent the legislature granting aid pursuant to section twenty-two of this article; and it shall not have power to authorize the state or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation shall prevent the legislature granting aid pursuant to section twenty-two of this article; and it shall not have power to authorize the state, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; provided, further, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country.

ARGUMENTS IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 17.

The purpose of Senate Constitutional Amendment No. 17 is to authorize the legislature to create state systems of rural credits and land colonization, issue non-taxable bonds, etc.

Owing to the great amount of tillable land in California, and the large number of settlers who are coming to make their homes here, it is highly desirable for the prosperity of both state and individual that conditions be established which will insure a successful class of farmers.

The rural credits system will provide means for furnishing money to farmers through the sale of bonds secured by first mortgages upon their lands. Means are also provided for repayment of loans on a long term installment plan and at a reasonable rate of interest.

The land colonization system will permit the state to purchase tracts of suitable land; develop water for irrigation; subdivide such lands into practical farms, and dispose of them on easy terms to persons of character and capability.

Systems of this kind have been in successful operation in Europe for many years, and will, without doubt, prove most important factors in the upbuilding of our great state.

A prosperous condition of agriculture begets prosperity in all other activities--in commerce, manufactures and transportation. Moreover, increased farm production means lowered cost of living to the consumer.

WILLIAM E. BROWN,
State Senator Thirty-seventh District.

Forty-three

All life and wealth must come from the land. The land is the basis of all value. The farmer must be financed; he pays a greater interest on money borrowed than any other class, and receives the least profit. To be on an equality with other businesses he must have ready capital, must borrow on long terms and with cheap interest. His crops are annual and often fail. He is not on an equality with other interests. Under present conditions the generality of people shun that occupation and are rapidly leaving the farm for the cities.

Constitutional Amendment No. 17, if carried, will enable the legislature to establish a system of rural credits to aid agriculturists. In conjunction with the proposed legislation soon to be enacted by the congress of the United States, establishing a banking system for farmers, the State of California will be able to establish a system to issue bonds to be secured by first mortgage on real estate, these bonds to be carried by the banks for long terms, with interest at four per cent or less. All progressive nations, except the United States, have systems of rural credits. Many of the states have inaugurated systems. Wherever there are adequate systems, the farmer is prosperous and is enabled to make his land more productive. The commercial banks do not favor long loans. The agriculturists, of necessity, must have long term loans with a low rate of interest.

L. J. MADDOX,
State Senator Twelfth District.

ARGUMENT AGAINST SENATE CONSTITUTIONAL AMENDMENT NO. 17.

Myron T. Herrick, ex-governor of Ohio and former ambassador to France, after close examination into the question of rural credits and the systems employed in Europe, published in 1914 a book entitled "Rural Credits." Following are extracts:

"Special legislation, either for individuals or classes (in America), would now be revolutionary, and also would deaden the spirit of those who would rely upon it. The American farmers are better men than the European peasantry. Furthermore, they are the most independent and self-reliant part of the country's population. It does not seem likely that they will demand privileges and special favors devised for conditions which have no parallel in this country, and which would do them in the long run more harm than good."

"The American trust companies, savings banks and other banks, chartered by the states, and life

insurance companies, surpass the corresponding European institutions in extending real estate credits to farmers, while the methods employed for reclaiming and settling the arid regions in the west, show a capacity for solving problems peculiar to localities equal at least to that of the land improvement and colonization projects any European government. * * * American government has displayed an originality and effectiveness of design in the use of public resources, power and credit for individual welfare, which eliminates the necessity of foreign models. * * *

"The best legislation does not comprise one law for credit societies and another for societies for other co-operation purposes, but consists of one omnibus act governing co-operative societies of all kinds. * * * There is no need for states of the United States to enact special legislation for credit societies."

The American commission, appointed by the president for that purpose, examined the various rural credit systems and agricultural finances in Europe in 1913. Their minority report contains the following:

"Considering conditions in our own country, there does not appear to exist at the present time, any real reason for advocating to the American farmer the introduction of a financial system requiring the establishment of a new type of institution that would merely add to existing institutions which, with slight modifications, would serve the same purpose."

In the majority report it is stated:

"It is a pretty generally accepted principle that, so far as practical in any country, it is wise to use existing agencies rather than to multiply new ones, no matter what the object to be gained may be. This is true of rural credit. * * *

"Nevertheless, it is of the opinion of the commission that our American problem of rural credit should be worked out *without government aid*. * * * One of the great lessons learned in Europe is that in the long run the farmers succeed best when they help themselves. Whenever they become dependent on the government, they keep looking to the government for more aid. It is believed to be a correct, general statement that rural credit is on the strongest basis in those countries where it has been developed most completely *without government aid*."

This proposed amendment is unjustified, unnecessary, inexpedient, and should be defeated.

J. W. BALLARD,
State Senator Thirty-eighth District.

| DEPOSIT OF PUBLIC MONEYS. | | Senate Constitutional Amendment 19 amending section 16 1/2 | YES |
|----------------------------------|---|--|-----|
| 6 | of article XI of constitution. Provides that state, county or municipal moneys may be deposited in bank under such conditions as may be provided by law adopted by initiative or by two-thirds vote of each house of legislature approved by governor and subject to referendum; continues in force laws now governing deposit of such moneys until same are changed as in this section authorized. | | NO |

Senate Constitutional Amendment No. 19, a resolution to propose to the people of the State of California an amendment to the constitution of the state, by amending section sixteen and one-half of article eleven thereof, relating to the deposit of moneys belonging to the state or to any county or municipality within the state in any bank or banks.

Resolved by the senate, the assembly concurring. That the legislature of the State of California, at its regular session commencing on the fourth day of January, nineteen hundred

and fifteen, two-thirds of the members elected to each of the two houses voting in favor thereof, hereby propose to the qualified electors of the State of California that section sixteen and one-half of article eleven of the constitution of said state be amended to read as follows:

PROPOSED AMENDMENT.

Section 16 1/2. All moneys belonging to the state or to any county or municipality within this state may be deposited in any national bank or banks within this state, or in any bank or banks organized under the laws of this state.

in such manner and under such conditions as may be provided by any law adopted by the people under the initiative or by a two-thirds vote of each house of the legislature and approved by the governor and subject to the referendum; provided, that the laws now governing the deposit of such moneys shall continue in force until such laws shall be amended, changed or repealed as in this section authorized.

Section sixteen and one-half, article eleven, proposed to be amended, now reads as follows:

EXISTING PROVISIONS.

Section 16½. All moneys belonging to the state, or to any county or municipality within this state, may be deposited in any national bank or banks within this state, or in any bank or banks organized under the laws of this state, in such manner and under such conditions as may be provided by law; provided, that such bank or banks in which such moneys are deposited shall furnish as security for such deposits, bonds of the United States, or of this state, or of any county, municipality or school district within this state, or of any irrigation district within this state, to be approved by the officer or officers designated by law, to an amount in value of at least ten per cent in excess of the amount of such deposit; and provided, that such bank or banks shall pay a reasonable rate of interest, not less than two per cent per annum on the daily balances therein deposited; and provided, that no deposit shall at any one time exceed fifty per cent of the paid-up capital stock of such depository bank or banks; and provided, further, that no officer shall deposit at one time more than twenty per cent of such public moneys available for deposit in any bank while there are other qualified banks requesting such deposits.

ARGUMENT IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 19.

Under the constitution as it is now, public moneys may be deposited in banks; but, because of the rigid provisions in the constitution, many millions of dollars are either deposited in banks contrary to law and without any security and without earning anything for the public, or are withheld entirely from circulation. Careful investigation of the subject has established the fact that, under a system of depositing public moneys such as is in vogue in most of the states of the union, the state and the various counties and municipalities throughout the state would be able to deposit most, if not all, of the public moneys under their respective control without in any manner jeopardizing the safety of the money so deposited and earn for the public use and benefit many hundreds of thousands of dollars annually that are not now so earned.

The limitations now contained in the constitution prevent the legislature from adopting laws that would meet varying conditions and permit of the elasticity necessary for the proper handling of public funds.

This proposed constitutional amendment will enable the legislature by a two-thirds vote of each house, with the approval of the governor, to fix all of the limitations and establish all of the conditions under which deposits of public moneys may be made. Not only will all laws affecting such deposits require a two-thirds vote of each house and the governor's approval, but the initiative and referendum provisions of the constitution are also particularly made appli-

cable to such laws. Until such time as the legislature may, in the manner indicated, change the laws, the present laws will remain in full force and effect. Under the conditions imposed in this constitutional amendment there is no practical possibility of a law ever being adopted that would not afford better protection for all of the money than is now possible under the existing conditions.

EDWARD J. TYRRELL,
State Senator Sixteenth District.
WILLIAM KEHOE,
State Senator First District.

ARGUMENT AGAINST SENATE CONSTITUTIONAL AMENDMENT NO. 19.

This amendment should not be adopted by the people for the following reasons:

Section 16½ of the present constitution of this state, as now in force, provides that all moneys belonging to the state, any county or municipality may be deposited in the national or other banks within this state, in the manner and under such conditions as provided by law.

Such banks where these funds are deposited, must give, as security for the money borrowed, approved government, state, municipal or district bonds, in value and amount of at least ten per cent in excess of the sum so deposited or borrowed, and pay a reasonable rate of interest thereon, in no instance less than two per cent.

No such bank can borrow, or have deposited therein at any time, public moneys in a sum greater than one-half of the paid up capital stock of such bank.

The official custodian of these public funds can not play favorites among qualified banks desiring deposits. While if this proposed amendment should be adopted, the people at large relinquish their right to the control of the deposit of public funds, and of requiring the bank to put up security in approved bonds therefor, to the discretion of the legislature to pass such laws regulating the deposit of public funds in the national or other banks of this state as it sees fit.

True, this proposed amendment leaves in the whole people of this state the right to invoke the initiative to pass such laws on this subject as they see fit. But why surrender a present power in the people and run the risk of recovering it by the initiative?

Again, under our present system of laws, and this proposed amendment if adopted, the people, led by the princes of finance in financial centers, could invoke the initiative given in this proposed amendment and pass an initiatory law which would be applicable only to any county or municipality within this state regulating such deposits. The people as a whole should retain the power they now have under the present section of the constitution, and of the limitation in that section permitting any bank to receive a deposit of public funds in an amount only of fifty per cent of its paid up capital stock, is too rigid, then the present section should be amended only by increasing that per cent, leaving the remainder of the section as it is, and thus leaving the sovereign power in this particular in the whole people of this state, free from the influence of the political and financial lash.

CLAUDE F. PURKITT,
State Senator Fourth District.

INITIATIVE AND REFERENDUM.

Senate Constitutional Amendment 22 amending section 1

7 of article IV of constitution. Present section unchanged except in following particulars: provides that no law creating a bonded indebtedness shall be enacted by initiative by electors without assent of two-thirds of qualified electors voting thereon; authorizes legislature to protect initiative and referendum petitions from fraud and misrepresentation.

YES

NO

Senate Constitutional Amendment No. 22, a resolution to propose to the people of the State of California an amendment to the constitution of said state, by amending section one of article four thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes and amendments to the constitution and to enact the same at the polls independent of the legislature and also reserving to the people of the State of California the power to approve or reject at the polls any act or section or part of any act of the legislature.

The legislature of the State of California, at its regular session commencing on the fourth day of January, 1915, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby propose that section one of article four of the constitution of the State of California, be amended so as to read as follows:

PROPOSED AMENDMENT.

Section 1. The legislative power of this state shall be vested in a senate and assembly which shall be designated "The legislature of the State of California," but the people reserve to themselves the power to propose laws and amendments to the constitution, and to adopt or reject the same, at the polls independent of the legislature, and also reserve the power, at their own option, to so adopt or reject any act, or section or part of any act, passed by the legislature.

The enacting clause of every law shall be "The people of the State of California do enact as follows:"

The first power reserved to the people shall be known as the initiative. Upon the presentation to the secretary of state of a petition certified as herein provided to have been signed by qualified electors, equal in number to eight per cent of all the votes cast for all candidates for governor at the last preceding general election, at which a governor was elected, proposing a law or amendment to the constitution, set forth in full in said petition, the secretary of state shall submit the said proposed law or amendment to the constitution to the electors at the next succeeding general election occurring subsequent to ninety days after the presentation aforesaid of said petition, or at any special election called by the governor in his discretion prior to such general election; provided, that no law creating a bonded indebtedness shall be enacted under this provision without the assent of two-thirds of the qualified electors voting thereon. All such initiative petitions shall have printed across the top thereof in twelve point black-face type the following: "Initiative measure to be submitted directly to the electors."

Upon the presentation to the secretary of state at any time not less than ten days before the commencement of any regular session of the legislature, of a petition certified as herein provided to have been signed by qualified electors of the state equal in number to five per cent of all the votes cast for all candidates for governor at the last preceding general election, at which a governor was elected, proposing a law set forth in full in said petition, the secretary of state shall transmit the same to the legislature as soon as it convenes and organizes. The law proposed by such petition shall be either enacted or rejected without change or amendment by the legislature, within forty days from the time it is received by the legislature. If any law proposed by such petition shall be enacted by

the legislature it shall be subject to referendum, as hereinafter provided. If any law so petitioned for be rejected, or if no action is taken upon it by the legislature within said forty days, the secretary of state shall submit it to the people for approval or rejection at the next ensuing general election. The legislature may reject any measure so proposed by initiative petition and propose a different one on the same subject by a yeas and may vote upon separate roll call, and in such event both measures shall be submitted by the secretary of state to the electors for approval or rejection at the next ensuing general election or at a prior special election called by the governor, in his discretion, for such purpose. All said initiative petitions last above described shall have printed in twelve point black-face type the following: "Initiative measure to be presented to the legislature."

The second power reserved to the people shall be known as the referendum. No act passed by the legislature shall go into effect until ninety days after the final adjournment of the session of the legislature which passed such act, except acts calling elections, acts providing for tax levies or appropriations for the usual current expenses of the state, and urgency measures necessary for the immediate preservation of the public peace, health or safety, passed by a two-thirds vote of all the members elected to each house. Whenever it is deemed necessary for the immediate preservation of the public peace, health or safety that a law shall go into immediate effect a statement of the facts constituting such necessity shall be set forth in one section of the act, which section shall be passed only upon a yeas and nay vote, upon a separate roll call thereon; provided, however, that measure creating or abolishing any office or changing the salary, term or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be construed to be an urgency measure. Any law so passed by the legislature and declared to be an urgency measure shall go into immediate effect.

Upon the presentation to the secretary of state within ninety days after the final adjournment of the legislature of a petition certified as herein provided, to have been signed by qualified electors equal in number to five per cent of all the votes cast for all candidates for governor at the last preceding general election at which a governor was elected, asking that any act or section or part of any act of the legislature, be submitted to the electors for their approval or rejection, the secretary of state shall submit to the electors for their approval or rejection, such act, or section or part of such act, at the next succeeding general election occurring at any time subsequent to thirty days after the filing of said petition or at any special election which may be called by the governor, in his discretion, prior to such regular election, and no such act or section or part of such act shall go into effect until and unless approved by a majority of the qualified electors voting thereon; but if a referendum petition is filed against any section or part of any act the remainder of such act shall not be delayed from going into effect.

Any act, law or amendment to the constitution submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon, at any election, shall take effect five days after the date of the official declaration of the vote by the secretary of state. No act, law or amendment to the constitution, initiated or adopted by the people, shall be subject to the veto power

the governor, and no act, law or amendment to the constitution, adopted by the people at the polls under the initiative provisions of this section, shall be amended or repealed except by a vote of the electors, unless otherwise provided in said initiative measure; but acts and laws adopted by the people under the referendum provisions of this section may be amended by the legislature at any subsequent session thereof. If any provision or provisions of two or more measures, approved by the electors at the same election, conflict, the provision or provisions of the measure receiving the highest affirmative vote shall prevail. Until otherwise provided by law, all measures submitted to a vote of the electors, under the provisions of this section, shall be printed, and together with arguments for and against each such measure by the proponents and opponents thereof, shall be mailed to each elector in the same manner as now provided by law as to amendments to the constitution, proposed by the legislature; and the persons to prepare and present such arguments shall, until otherwise provided by law, be selected by the presiding officer of the senate.

If for any reason any initiative or referendum measure, proposed by petition as herein provided, be not submitted at the election specified in this section, such failure shall not prevent its submission at a succeeding general election, and no law or amendment to the constitution, proposed by the legislature, shall be submitted at any election unless at the same election there shall be submitted all measures proposed by petition of the electors, if any be so proposed, as herein provided.

Any initiative or referendum petition may be presented in sections, but each section shall contain a full and correct copy of the title, and text of the proposed measure. Each signer shall add to his signature his place of residence, giving the street and number if such exist. His election precinct shall also appear on the paper after his name. The number of signatures attached to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the state shall be competent to solicit said signatures within the county or city and county of which he is an elector. Each section of the petition shall bear the name of the county or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating his own qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer oaths. Such petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors. Unless and until it be otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified electors.

Each section of the petition shall be filed with the clerk or registrar of voters of the county or city and county in which it was circulated, but all said sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the filing of such petition in his office the said clerk, or registrar of voters, shall determine from the records of registration what number of qualified electors have signed the same, and if necessary the board of supervisors shall allow said clerk or registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk or registrar, upon the completion of such examination, shall forthwith attach to said petition, except the signatures thereto appended, his certificate, properly dated, showing the result of said examination and shall forthwith transmit said

petition, together with his said certificate, to the secretary of state and also file a copy of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or registrar to the secretary of state, a supplemental petition identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or registrar of voters, as aforesaid. The clerk or registrar of voters shall within ten days after the filing of such supplemental petition make like examination thereof, as of the original petition, and upon the completion of such examination shall forthwith attach to said petition his certificate, properly dated, showing the result of said examination, and shall forthwith transmit a copy of said supplemental petition, except the signatures thereto appended, together with his certificate, to the secretary of state.

When the secretary of state shall have received from one or more county clerks or registrars of voters a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the county clerk or registrar of voters of every county or city and county in the state his certificate showing such fact. A petition shall be deemed to be filed with the secretary of state upon the date of the receipt by him of a certificate or certificates showing said petition to be signed by the requisite number of electors of the state. Any county clerk or registrar of voters shall, upon receipt of such copy, file the same for record in his office.

The duties herein imposed upon the clerk or registrar of voters shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

The initiative and referendum powers of the people are hereby further reserved to the electors of each county, city and county, city and town of the state, to be exercised under such procedure as may be provided by law. Until otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising the initiative and referendum powers herein reserved to such counties, cities and counties, cities and towns, but shall not require more than fifteen per cent of the electors thereof to propose any initiative measure nor more than ten per cent of the electors thereof to order the referendum. Nothing contained in this section shall be construed as affecting or limiting the present or future powers of cities or cities and counties having charters adopted under the provisions of section eight of article eleven of this constitution.

In the submission to the electors of any measure under this section, all officers shall be guided by the general laws of this state, except as is herein otherwise provided.

This section is self-executing, but legislation may be enacted to facilitate its operation and to protect petitions provided for herein from fraud and misrepresentation, but in no way limiting or restricting either the provisions of this section or the powers herein reserved.

Section one, article four, proposed to be amended, now reads as follows:

EXISTING PROVISIONS.

Section 1. The legislative power of this state shall be vested in a senate and assembly which shall be designated "The legislature of the State of California," but the people reserve to themselves the power to propose laws and amendments to the constitution, and to adopt or reject the same, at the polls independent of the legislature, and also reserve the power, at their own option, to so adopt or reject any act, or section or part of any act, passed by the legislature. The enacting clause of every law shall be "The people of the State of California do enact as follows:"

The first power reserved to the people shall be known as the initiative. Upon the presentation to the secretary of state of a petition certified as herein provided to have been signed by qualified electors, equal in number to eight per cent of all the votes cast for all candidates for governor at the last preceding general election,

at which a governor was elected, proposing a law or amendment to the constitution, set forth in full in said petition, the secretary of state shall submit the said proposed law or amendment to the constitution to the electors at the next succeeding general election occurring subsequent to ninety days after the presentation aforesaid of said petition, or at any special election called by the governor in his discretion prior to such general election. All such initiative petitions shall have printed across the top thereof in twelve point black-face type the following: "Initiative measure to be submitted directly to the electors."

Upon the presentation to the secretary of state, at any time not less than ten days before the commencement of any regular session of the legislature, of a petition certified as herein provided to have been signed by qualified electors of the state equal in number to five per cent of all the votes cast for all candidates for governor at the last preceding general election, at which a governor was elected, proposing a law set forth in full in said petition, the secretary of state shall transmit the same to the legislature as soon as it convenes and organizes. The law proposed by such petition shall be either enacted or rejected without change or amendment by the legislature, within forty days from the time it is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided. If any law so petitioned for be rejected, or if no action is taken upon it by the legislature, within said forty days, the secretary of state shall submit it to the people for approval or rejection at the next ensuing general election. The legislature may reject any measure so proposed by initiative petition and propose a different one on the same subject by a yea and nay vote upon separate roll call, and in such event both measures shall be submitted by the secretary of state to the electors for approval or rejection at the next ensuing general election or at a prior special election called by the governor, in his discretion, for such purpose. All said initiative petitions last above described shall have printed in twelve point black-face type the following: "Initiative measure to be presented to the legislature."

The second power reserved to the people shall be known as the referendum. No act passed by the legislature shall go into effect until ninety days after the final adjournment of the session of the legislature which passed such act, except acts calling elections, acts providing for tax levies or appropriations for the usual current expenses of the state, and urgency measures necessary for the immediate preservation of the public peace, health or safety, passed by a two-thirds vote of all the members elected to each house. Whenever it is deemed necessary for the immediate preservation of the public peace, health or safety that a law shall go into immediate effect, a statement of the facts constituting such necessity shall be set forth in one section of the act, which section shall be passed only upon a yea and nay vote, upon a separate roll call thereon; provided, however, that no measure creating or abolishing any office or changing the salary, term or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be construed to be an urgency measure. Any law so passed by the legislature and declared to be an urgency measure shall go into immediate effect.

Upon the presentation to the secretary of state within ninety days after the final adjournment of the legislature of a petition certified as herein provided, to have been signed by qualified electors equal in number to five per cent of all the votes cast for all candidates for governor at the last preceding general election at which a governor was elected, asking that any act or section or part of any act of the legislature be submitted to the electors for their approval or rejection, the secretary of state shall submit to the electors for their approval or rejection, such act or section or part of such act, at the next succeeding general election occurring at any time subsequent to thirty days after the filing

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of said petition or at any special election which may be called by the governor, in his discretion, prior to such regular election, and no such act or section or part of such act shall go into effect until and unless approved by a majority of the qualified electors voting thereon; but if a referendum petition is filed against any section or part of any act the remainder of such act shall not be delayed from going into effect.

Any act, law or amendment to the constitution submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon, at any election, shall take effect five days after the date of the official declaration of the vote by the secretary of state. No act, law or amendment to the constitution, initiated or adopted by the people, shall be subject to the veto power of the governor, and no act, law or amendment to the constitution, adopted by the people at the polls under the initiative provisions of this section, shall be amended or repealed except by a vote of the electors, unless otherwise provided in said initiative measure; but acts and laws adopted by the people under the referendum provisions of this section may be amended by the legislature at any subsequent session thereof. If any provision or provisions of two or more measures, approved by the electors at the same election, conflict, the provision or provisions of the measure receiving the highest affirmative vote shall prevail. Until otherwise provided by law, all measures submitted to a vote of the electors, under the provisions of this section, shall be printed, and together with arguments for and against each such measure by the proponents and opponents thereof, shall be mailed to each elector in the same manner as now provided by law as to amendments to the constitution, proposed by the legislature; and the persons to prepare and present such arguments shall, until otherwise provided by law, be selected by the presiding officer of the senate.

If for any reason any initiative or referendum measure, proposed by petition as herein provided, be not submitted at the election specified in this section, such failure shall not prevent its submission at a succeeding general election and no law or amendment to the constitution proposed by the legislature, shall be submitted, at any election unless at the same election there shall be submitted all measures proposed by petition of the electors, if any be so proposed, as herein provided.

Any initiative or referendum petition may be presented in sections, but each section shall contain a full and correct copy of the title and text of the proposed measure. Each signer shall add to his signature his place of residence, giving the street and number if such exist. His election precinct shall also appear on the paper after his name. The number of signatures attached to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the state shall be competent to solicit said signatures within the county or city and county of which he is an elector. Each section of the petition shall bear the name of the county or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating his own qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer oaths. Such petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors. Unless and until it be otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified electors.

Each section of the petition shall be filed with the clerk or registrar of voters of the county or city and county in which it was circulated, but all said sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the filing of such petition in his office the said clerk, or registrar of voters, shall determine from the records of registration what number of qualified electors have signed the same, and if necessary the board of supervisors shall allow said clerk or registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk or registrar, upon the completion of such examination, shall forthwith attach to said petition, except the signatures thereto appended, his certificate, properly dated, showing the result of said examination and shall forthwith transmit said petition, together with his said certificate, to the secretary of state and also file a copy of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or registrar to the secretary of state, a supplemental petition identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or registrar of voters, as aforesaid. The clerk or registrar of voters shall within ten days after the filing of such supplemental petition make like examination thereof, as of the original petition, and upon the completion of such examination shall forthwith attach to such petition his certificate, properly dated, showing the result of said examination, and shall forthwith transmit a copy of said supplemental petition, except the signatures thereto appended, together with his certificate, to the secretary of state.

When the secretary of state shall have received from one or more county clerks or registrars of voters a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the county clerk or registrar of voters of every county or city and county in the state his certificate showing such fact. A petition shall be deemed to be filed with the secretary of state upon the date of the receipt by him of a certificate or certificates showing said petition to be signed by the requisite number of electors of the state. Any county clerk or registrar of voters shall, upon receipt of such copy, file the same for record in his office. The duties herein imposed upon the clerk or registrar of voters shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

The initiative and referendum powers of the people are hereby further reserved to the electors of each county, city and county, city and

town of the state, to be exercised under such procedure as may be provided by law. Until otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising the initiative and referendum powers herein reserved to such counties, cities and counties, cities and towns, but shall not require more than fifteen per cent of the electors thereof to propose any initiative measure nor more than ten per cent of the electors thereof to order the referendum. Nothing contained in this section shall be construed as affecting or limiting the present or future powers of cities or counties having charters adopted under the provisions of section eight of article eleven of this constitution. In the submission to the electors of any measure under this section, all officers shall be guided by the general laws of this state, except as is herein otherwise provided. This section is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting either the provisions of this section or the powers herein reserved.

ARGUMENT IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 22.

Senate Constitutional Amendment No. 22 makes two slight changes in section one of article four of the constitution, as follows:

First—By this change a two-thirds vote is required to ratify a proposal to bond the state, when such proposal is submitted to the people by initiative petition. At present a majority vote suffices. The incurring of a bonded debt vitally and directly affects the financial policy of the state. Because of this fact, it was thought wise to make it a little more difficult to create such indebtedness when initiated by petition and without the careful consideration and weighing of the prospective revenues and expenses of the state government, which occur when such a proposal is submitted by the legislature.

Second—At present, there is some doubt as to the power of the legislature by appropriate legislation to safeguard initiative and referendum petitions from fraud and misrepresentation. This proposed amendment removes this doubt, and specifically invests the legislature with this power.

W. F. CHANDLER,

State Senator Twenty-sixth District.

W. J. CARR,

State Senator Thirty-sixth District.

CONDEMNATION FOR PUBLIC PURPOSES. Senate Constitutional

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Amendment 27 adding section 20 to article XI of constitution. Authorizes state, county or municipality to condemn neighboring property within its limits additional to that actually intended for proposed improvement; declares same taken for public use; defines estate therein and manner of dealing therewith to further such improvement; permits county or municipality to condemn lands within ten miles beyond its boundaries for certain public purposes, with consent of other county or municipality if such lands lie therein; requires terms of condemnation, lease or disposal of such additional property to be prescribed by law.

YES

NO

Senate Constitutional Amendment No. 27, a resolution proposing to the people of the State of California, an amendment to the constitution of the State of California, by adding a new section to article eleven thereof, to be designated as section twenty, of said article eleven, of the constitution of the State of California, relating to the taking of property for public use and additional property in excess thereof, and for the payment therefor.

Resolved by the senate, the assembly concurring, That the legislature of the State of

California, at its regular session, commencing on the fourth day of January, nineteen hundred fifteen, two-thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California, that a new section be added to article eleven of the constitution of the State of California, to be known and designated as section twenty of article eleven of the constitution of the State of California, and to read as follows:

PROPOSED AMENDMENT.

Section 20. The state, or any county, city and county, or incorporated city or town, tak-

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ing or appropriating property within the limits thereof for public use for any proposed public improvement, may also take and appropriate, under the powers of eminent domain, additional adjoining or neighboring property within the limits thereof, in excess of that actually to be devoted to or occupied by the proposed improvement, and such additional property so taken shall be deemed to be taken for public use. The estate in such additional property so taken shall be a fee simple estate, and such additional property may be sold, leased or otherwise disposed of, in whole or in part, under such terms and restrictions as may be appropriate to preserve or further the improvement made or proposed to be made. For the purpose of acquiring, constructing, enlarging or improving a public park, playground, boulevard, street, building or grounds therefor, any county, city and county, incorporated city or town may condemn lands outside of its boundaries and within the distance of ten miles therefrom; provided, that no lands within any other county, city and county, incorporated city or town shall be taken without its consent, to be given in any manner that may be provided by law. The conditions under which such additional property may be taken or appropriated, the manner and method of providing payment therefor and the terms and restrictions under which such property may be sold, leased or otherwise disposed of, shall be prescribed by general law.

ARGUMENTS IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 27.

This amendment is designed to give to the state or a county or a city the power to take for public use sufficient property for the future needs and growth of any public institution or public improvement, in addition to the property required for immediate use. Under the present constitution the amount of property that may be taken is limited strictly to the exact immediate requirements and no provision can be made for natural future development and growth. For instance, when property is condemned for a public park, state hospital, state normal school, civic center or other enterprise, only so much land as is required for immediate use can be taken. The result is that private speculators buy up all of the surrounding properties. Thereafter, if the institution or public improvement grows and requires more land, the public is compelled to pay an enormously increased price for additional land or go elsewhere on land distant from the original improvement, causing expensive inconvenience.

Inasmuch as the erection or construction of the original public improvement creates, in a large measure, the increased values in the adjoining properties, it is manifestly unfair that the public, when seeking to enlarge such improvement, should be compelled to pay an enormously increased price for the adjoining property.

It is the purpose of this amendment to save this additional cost and to permit the state, county or city to carry out far-sighted and comprehensive plans for future development and extension of its public institutions. The necessity for anticipating future needs is obviously apparent, especially in the cases of schools, hospitals, asylums, parks, playgrounds and civic centers.

H. STANLEY BENEDICT,
State Senator Thirty-fourth District.

Under the law as it stands today only such property can be taken by condemnation for public purposes as is required for present use, but not such as may be needed for future use. This amendment is designed to enable the state, county or city to plan and carry out public improvements on a comprehensive scale by taking property that may be needed for future use. The need may not exist at the time property is first obtained for public use, but future growth often requires additional land, and far-sightedness demands the planning of public improvements on broad enough a scale to permit of expansion in the future. Our state university, our prisons, our asylums and our civic centers all prove this.

By being unable to make a present acquisition of property for future use, the public later, when the property is actually needed, either has to pay a greatly enhanced and frequently unreasonable and exorbitant price, or make extensions to its institutions in remote and inconvenient places. The very increase in price that the public required to pay arises largely because of improvements that the public itself has already made.

The object of this amendment is both to save the public this additional cost and to prevent it from having its plans frustrated by its inability to obtain adjoining and surrounding property as expansion and future growth of its institutions take place.

HERBERT C. JONES,
State Senator Twenty-eighth District.

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| 9 | TAXATION. Senate Amendment 38. Amends constitution, article XIII, sections 1 and 9, repeals sections 10 and 14 thereof. Declares legislature shall provide by general law for taxation, classify subjects thereof, designate classes wholly or partly taxable for state, county, municipal and district revenues, same class being uniformly taxed within territory of taxing authority; may make tax in lieu of other taxes or licenses; tax commission to administer state taxation. Defines exemptions. | YES |
| | Declares completed assessments not affected by section. Continues in office present board of equalization members until January, 1919, and present duties thereof, and existing laws, until changed. | NO |

Senate Constitutional Amendment No. 38, a resolution to propose to the people of the State of California an amendment to the constitution by amending sections one and nine of article thirteen and by repealing sections ten and fourteen of said article, all relating to revenue and taxation.

The legislature of the State of California, at its forty-first session, commencing on the fourth day of January, nineteen hundred and fifteen, two-thirds of the members elected to both the senate and assembly, respectively, voting therefor, hereby proposes to the people of the

State of California the following amendments to the constitution of the State of California:

First—Section one of article thirteen of the constitution is hereby amended to read as follows:

PROPOSED AMENDMENT.

Section 1. All taxes shall be levied and collected under general laws, and shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax. The legislature shall define and classify the subjects of taxation, and prescribe the manner and methods of assessing, levying, equal

ing and collecting taxes, for state, county, city and county, municipal and district revenues. In the exercise of this power the legislature may designate certain classes of subjects as taxable in whole or in part for state revenue; and certain classes as taxable in whole or in part for county, city and county, municipal and district revenue; and may provide that any tax shall be in lieu of any or all other taxes or licenses, or both. The legislature shall provide for the administration of such laws by a state tax commission, subject to the limitations contained in sections twelve and thirteen of article eleven of this constitution.

The following shall not be subjects of taxation: A mortgage, deed of trust, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the moneys represented by such debt; property used for free public libraries or free museums; growing crops; property used exclusively for public schools; property owned by the United States, this state, or any county, city and county, municipal corporation or district in this state; improvements of any character constructed by any county, city and county or municipality; other property specified in this constitution as exempt from taxation; provided, that land and improvements thereon located outside of the county, city and county or municipality owning the same that were subject to taxation at the time of its acquisition by such county, city and county or municipality, shall be a subject of taxation. All lands or improvements thereon, belonging to any county, city and county, or municipal corporation, not exempt from taxation, shall be assessed within the county, city and county, or municipal corporation in which said lands or improvements are located, and said assessment shall be subject to review, equalization and adjustment by the state tax commission, after such duties have ceased to be exercised by the state board of equalization.

The legislature may provide, except in the case of credits secured by mortgage or deed of trust, for a deduction from credits of debts due bona fide residents of this state.

The adoption of this section shall not affect nor release any assessment or tax levy heretofore made nor the collection thereof, and all laws relating to the assessment, levy and collection of taxes in force at the time of adoption of this section shall remain in full force until changed by the legislature.

Second—Section nine of article thirteen of said constitution is hereby amended to read as follows:

PROPOSED AMENDMENT.

Section 9. The state board of equalization, as constituted at the time this amendment shall take effect, shall continue in existence, and the present members of said board shall continue in office, until the first Monday in January, 1919, at which time said terms of office shall expire and said board cease to exist. All powers and duties conferred upon said board either by law or by this constitution at or prior to the time of the adoption of this amendment shall continue until said first Monday in January, 1919, unless sooner changed by the legislature.

PROPOSED REPEAL.

Third—Section ten of article thirteen of the constitution is hereby repealed.

PROPOSED REPEAL.

Fourth—Section fourteen of article thirteen of the constitution is hereby repealed; provided, however, that the repeal of this section shall not affect or release any assessment or tax levy heretofore made under authority of said section and all laws heretofore enacted by the legislature to carry said section into effect and in force at the time of the adoption of this repeal shall remain in full force until changed by the legislature.

Section one, article thirteen, proposed to be amended, now reads as follows:

EXISTING PROVISIONS.

Section 1. *All property in the state except as otherwise in this constitution provided, not*

exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; provided, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; and further provided, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this state, or to any county, city and county, or municipal corporation within this state shall be exempt from taxation, except such lands and the improvements thereon located outside of the county, city and county, or municipal corporation owning the same as were subject to taxation at the time of the acquisition of the same by said county, city and county, or municipal corporation; provided, that no improvements of any character whatever constructed by any county, city and county or municipal corporation shall be subject to taxation. All lands or improvements thereon, belonging to any county, city and county, or municipal corporation, not exempt from taxation, shall be assessed by the assessor of the county, city and county, or municipal corporation in which said lands or improvements are located, and said assessment shall be subject to review, equalization and adjustment by the state board of equalization. The legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this state.

Section nine, article thirteen, proposed to be amended, now reads as follows:

EXISTING PROVISIONS.

Section 9. *A state board of equalization, consisting of one member from each congressional district in this state, as the same existed in eighteen hundred and seventy-nine, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand eight hundred and eighty-six, and at each gubernatorial election thereafter, whose term of office shall be for four years; whose duty it shall be to equalize the valuation of the taxable property in the several counties of the state for the purposes of taxation. The controller of state shall be ex officio a member of the board. The boards of supervisors of the several counties of the state shall constitute boards of equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; provided, such state and county boards of equalization are hereby authorized and empowered, under such rules of notice as the county boards may prescribe as to county assessments, and under such rules of notice as the state board may prescribe as to the action of the state board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll; provided, that no board of equalization shall raise any mortgage, deed of trust, contract or other obligation by which a debt is secured, money, or solvent credits, above its face value. The present state board of equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The legislature shall have power to redistrict the state into four districts, as nearly equal in population as practical, and to provide for the elections of members of said board of equalization.*

Section ten, article thirteen, proposed to be repealed, now reads as follows:

EXISTING PROVISIONS.

Section 10. *All property, except as otherwise in this constitution provided, shall be assessed in*

the county, city, city and county, town or township, or district in which it is situated, in the manner prescribed by law.

Section fourteen, article thirteen, proposed to be repealed, now reads as follows:

EXISTING PROVISIONS.

Section 14. Taxes levied, assessed and collected as hereinafter provided upon railroads, including street railways, whether operated in one or more counties; sleeping car, dining car, drawingroom car and palace car companies, refrigerator, oil, stock, fruit, and other car-loading and other car companies operating upon railroads in this state; companies doing express business on any railroad, steamboat, vessel or stage line in this state; telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for state purposes, and shall be levied, assessed and collected in the manner hereinafter provided. The word "companies" as used in this section shall include persons, partnerships, joint stock associations, companies, and corporations.

(a) All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawingroom car, and palace car companies, all refrigerator, oil, stock, fruit and other car-loading and other car companies, operating upon the railroads in this state; all companies doing express business on any railroad, steamboat, vessel or stage line in this state; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the state a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof used exclusively in the operation of their business in this state, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies, and each thereof within this state. When such companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this state.

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawingroom car, palace car companies, refrigerator, oil, stock, fruit, and other car-loading and other car companies, three per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one-half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property above enumerated of such companies except as otherwise in this section provided: provided, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any of the municipal authorities of this state.

(b) Every insurance company or association doing business in this state shall annually pay to the state a tax of one and one-half per cent upon the amount of the gross premiums received upon its business done in this state, less return premiums and reinsurance in companies or associations authorized to do business in this state: provided, that there shall be deducted from said one and one-half per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this state. This tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property of such

companies, except county and municipal taxes on real estate, and except as otherwise in this section provided; provided, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies in this state, doing business in such other state, country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, imposed upon insurance companies of such other state or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the legislature upon insurance companies of such other state or country doing business in this state.

(c) The shares of capital stock of all banks, organized under the laws of this state, or of the United States, or of any other state and located in this state, shall be assessed and taxed to the owners or holders thereof by the state board of equalization, in the manner to be prescribed by law, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the state, of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon such shares of stock and upon the property of such banks, except county and municipal taxes on real estate and except as otherwise in this section provided. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the state this tax and the same shall be paid to the state by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this state, or held by any bank located in this state which has no shares of capital stock, or employed in this state by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said board of equalization, in the manner to be provided by law and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business, together with all the reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property of the banks and bankers, mentioned in this paragraph, except county and municipal taxes on real estate and except as otherwise in this section provided. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said state board of equalization shall include assess to such banks all property and every item of value owned or held by them, which go

make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

The word "banks" as used in this subdivision shall include banking associations, savings and loan societies and trust companies, but shall not include building and loan associations.

(d) All franchises, other than those expressly provided for in this section, shall be assessed at their actual cash value, in the manner to be provided by law, and shall be taxed at the rate of one per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the state.

(e) Out of the revenues from the taxes provided for in this section, together with all other state revenues, there shall be first set apart the moneys to be applied by the state to the support of the public school system and the state university. In the event that the above named revenues are at any time deemed insufficient to meet the annual expenditures of the state, including the above named expenditures for educational purposes, there may be levied, in the manner to be provided by law, a tax, for state purposes, on all the property in the state including the classes of property enumerated in this section, sufficient to meet the deficiency. All property enumerated in subdivisions a, b, and d of this section shall be subject to taxation, in the manner provided by law, to pay the principal and interest of any bonded indebtedness created and outstanding by any city, county, county, town, township or district, before the adoption of this section. The taxes so paid for principal and interest on such bonded indebtedness shall be deducted from the total amount paid in taxes for state purposes.

(f) All the provisions of this section shall be self-executing, and the legislature shall pass all laws necessary to carry this section into effect, and shall provide for a valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the state board of equalization and any other officers in connection with the administration thereof. The rates of taxation fixed in this section shall remain in force until changed by the legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof. The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section and shall become due and payable on the first Monday in July thereafter. The gross receipts and gross premiums herein mentioned shall be computed for the year ending the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the first Monday in March. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section; and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the legislature. Until the year 1918 the state shall reimburse any and all counties which sustain loss of revenue by the withdrawal of railroad property from county taxation for the net loss in county revenue occasioned by the withdrawal of railroad property from county taxation. The legislature shall provide for reimbursement from the general funds of any county to districts therein where loss is occasioned in such districts by the withdrawal from local taxation of property taxed for state purposes only.

(g) No injunction shall ever issue in any suit, action or proceeding in any court against this state or against any officer thereof to prevent or enjoin the collection of any tax levied under the provisions of this section; but after payment action may be maintained to recover any tax illegally collected in such manner and at such time as may now or hereafter be provided by law.

ARGUMENT IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 38.

The most potent argument for the adoption of Senate Constitutional Amendment No. 38, is that the present tax system adopted by the people in 1910 is fixed, rigid and inelastic in its provisions, not responsive to changing economic

and business conditions, and therefore incapable of adjustment to meet the principles of equity. Rates of taxation upon property taxed exclusively for state revenue can be changed only by a two-thirds vote of each house of the legislature.

Investigation showed that corporations taxed directly by the state were in nearly every case taxed at a lower rate than the individual owners of real property and resulted in a substantial increase of these rates by the legislature at the session of 1913, and again at the session of 1915 further increases in corporation rates were made in the effort to remove these inequalities. Investigations disclosed gross inequalities in the operation of the system as between corporations embraced in the same classification. Injustice is also done to those localities where the property of large public utilities is withdrawn entirely from local taxation. All cities, as well as many counties, are affected by this. The provision for reimbursement to certain counties to compensate for loss of railway revenue has been found not only unjust but almost impossible of administration.

The existing franchise tax upon all corporations organized for profit other than those taxed only for state revenue is altogether unjust, the burden falling eventually on the stockholders of the 20,000 corporations affected.

The present system does not permit equalization between property taxed directly for state revenue upon gross receipts and that taxed locally for county or city support upon physical valuation. The practical impossibility of this is at once apparent, and is one of the strongest arguments for the creating of a state tax commission charged with the general administration of the revenue laws.

The proposed commission would succeed the present state board of equalization, which has existed as an elective body. This change is merely in line with the laws of other states—nearly two-thirds of the states of the Union provide for an appointive tax body.

The purpose of this amendment is to provide a method by which inequalities may be removed and rates readjusted to meet continually changing economic conditions. Moreover it is an enabling act only and does not of itself change any existing law, leaving to the legislature the exercise of that function. It does not disturb or change the method of local assessments, but would permit the legislature when injustice and inequality of taxation were shown, to remedy the same without the delay consequent upon the clumsy method of amending the constitution in each case to meet the particular need. It does not confer undue authority upon either the legislature or the state tax commission. Its provisions are broad, but so carefully guarded that no particular class would benefit therefrom to the disadvantage of any other class.

N. W. THOMPSON,

State Senator Thirty-fifth District.

A. E. CAMPBELL,

State Senator Seventeenth District.

ARGUMENT AGAINST SENATE CONSTITUTIONAL AMENDMENT NO. 38.

First—This amendment gives the legislature sole jurisdiction over taxation. It contains no restrictions except that the "taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax." Certain classes of property may be taxed for state purposes, but exempted from all other taxes.

This means continued pull by "big business" upon the legislature for favors in taxation.

Certain things might not be taxed at all, others taxed but slightly.

Second—Amendment is uncertain in meaning. It provides "the legislature shall define and classify the subjects of taxation * * * for state, county, city and county, municipal and district revenues."

It "may designate certain *classes of subjects* as taxable in whole or in part" for state, or county, or municipal purposes. In other words, it may provide that land and improvements thereon are taxable for state, county, or municipal purposes. For example:

The rate for municipal purposes is absolutely in the hands of the city authorities. There is no limitation upon their authority in this regard. The city authorities might tax land at \$1 on the \$100 valuation for municipal purposes, and improvements at one cent per \$100, thus satisfying requirement that tax "be uniform upon the same class of subjects." This uniformity would be secured if all improvements on land were assessed at one cent on the \$100 of valuation, and all land within the municipality assessed at \$1; that is, the rate on all improvements would be "uniform" and the rate on all lands would be "uniform." Viewed thus it might be a "single tax" measure, although far from objectionable upon this ground.

Another construction may confer upon the legislature the power to "prescribe the manner and methods of assessing, levying * * * taxes, for state, county, city and county, municipal and district" purposes. Does this mean that the legislature can prescribe that the rate in each municipality must be the same on all classes of property? In other words, that the tax rate for municipal purposes must be uniform upon improvements and upon lands alike? If this be true, the amendment bears exactly opposite construction from the first, and presents no advantage over the present system.

Either construction is fairly deducible. Even if "flexibility" be desirable, uncertainty is not. The administration of the law will be placed in the hands of a state tax commission. It will be impossible for this commission to hold sessions in various parts of the state to hear complaints, equalize taxes, and generally attend to all affairs now handled by the board of equalization and the supervisors.

Adoption of this amendment will probably result in elimination of county assessors, and the appointment of assessors under state tax commission. It appears to mean loss of local control in all assessment matters. Placing several hundred state assessors on the payroll would simply tend toward creating a gigantic state "machine."

The legislature has already provided a commission at large expense to report upon a revised system of taxation.

Why adopt an amendment before their report?

W. E. DUNCAN, Jr.,
State Senator Sixth District.

EXEMPTING PROPERTY FROM TAXATION. Assembly Constitutional Amendment 15 amending section 1 1/2 of article XIII of constitution.

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In addition to exemption of church property under present section, exempts from taxation all buildings and so much real property on which same are situated as may be required for convenient use and occupation of said buildings when same are used solely and exclusively for social purposes for the benefit of the organized religious body using said property for such purposes; provides that exemption shall not extend to building so used rented for religious purposes and rent received by owner therefor.

YES

NO

Assembly Constitutional Amendment No. 15, a resolution to propose to the people of the State of California, an amendment to the constitution of said state by amending section one and one-half of article thirteen thereof, relating to the exemption of churches from taxation.

The legislature of the State of California, at its regular session commencing on the fourth day of January, 1915, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes that section one and one-half, article thirteen of the constitution of the State of California be amended to read as follows:

PROPOSED AMENDMENT.

Section 1 1/2. All buildings, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings, when the same are used solely and exclusively for religious worship, and for social purposes for the benefit of the organized religious body using said property for such purposes, shall be free from taxation; provided, that no building so used which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation.

Section one and one-half, article thirteen, proposed to be amended, now reads as follows:

EXISTING PROVISIONS.

Section 1 1/2. All buildings, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings, when the same are used solely and exclusively for religious worship shall be free from taxation; provided, that no build-

ing so used which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation.

ARGUMENTS IN FAVOR OF ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 15.

The churches of California have been exempt from taxation since November, 1900, under an amendment adopted in that year which made it a condition of exemption that church buildings should be used "solely and exclusively for religious worship."

This term is an old one, dating back to the period when churches were open only on Sunday.

It is proposed to amend the constitution by adding the following words to section one and one-half of article thirteen: "and for social purposes for the benefit of the organized religious body using said property for such purposes."

By this proposed amendment the churches are seeking legal permission to carry on precisely the same social work that they are now doing by sufferance. It is not the aim in any sense to commercialize the church.

The present age is growing more liberal, more tolerant, and churches of all faiths snare in the change. Instead of closed doors through the week, many churches are studying great problems of helpfulness to mankind. Meetings are held there to advance civic improvement, benefits to schools, aid to hospitals, prison reforms and benevolent and patriotic enterprises. In no former time has it been so earnestly sought to make churches social centers. Whatever a

the largest, sanest and richest relations in home and community life should find place in the church, both in country and city. Yet none of these objects are authorized by the existing constitutional provisions which demand use that is "solely and exclusively for religious worship."

The churches of California ask for this amendment as a matter of simple justice to themselves and their respective communities. They ask relief from their present false position. Accepting tax exemption, they are not complying with the terms imposed by the constitution. Indeed, it is impossible for them to do so in performing what is called "social service."

Social service is vital and indispensable, and it is not right that these humanizing, uplifting offices of the church should longer be forbidden by the constitution.

JOSEPH A. ROMINGER,
Assemblyman Seventieth District.

This amendment was proposed for the purpose of clearing up the uncertainty which seems to exist in the public mind with regard to the present law exempting churches from taxation. It accepts the interpretation given by almost universal practice, which is the only interpretation practicable.

The social activities connected with church work are so intimately related therewith that it is not possible to draw a clear line of distinc-

tion between the use of the building for the social activities of the church and the use for worship only. An attempt to draw such a line would destroy entirely the benefit of the exemption and would tax the churches for performing precisely the work which the general public would be apt to consider the most important. For the rural church any other interpretation would be worthless. This is particularly so when we consider the modern viewpoint which emphasizes social service.

This amendment provides only that property used solely and exclusively for religious worship and for social purposes for the benefit of the organized religious bodies using such property shall be free from taxation. It does not permit the renting out of the property to other organizations, nor the use of the property for social purposes not connected with the work of the organization.

Considering the vast amount of charitable and philanthropic work done by the churches, and the efforts put forth by them for social betterment, which work, if it is not done by the churches, would have to be provided for in some way by the state, at the expense of the public, the exemption in question is very trifling.

This amendment passed both houses of the legislature with only three opposing votes, and it is hardly conceivable that there can be any serious objection to its adoption.

L. L. DENNETT,
Assemblyman Forty-sixth District.

COUNTY CHARTERS.

Assembly Constitutional Amendment 34 amending section 7½ of article XI of constitution. Present

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section unchanged except as follows: such charters may provide for election, appointment and tenure of all county officers, number of justices, constables and officers of inferior courts, qualifications of all such officers, if appointed, assignment to new officers of certain functions of certain officers, delegation to executive committee of supervisors of certain administrative functions, and creation of additional boards and offices. Determines tenure of elective officers in office on approval of charter. Validates charters and amendments adopted under present section.

YES

NO

Assembly Constitutional Amendment No. 34, a resolution to propose to the people of the State of California an amendment to section seven and one-half of article eleven of the constitution of the State of California, relating to charters of counties and amendments to such charters and to the surrender thereof.

The legislature of the State of California at its forty-first regular session commencing on the fourth day of January, 1915, two-thirds of all the members elected to each of the two houses of said legislature voting therefor, hereby proposes to the people of the State of California that section seven and one-half of article eleven of the constitution of the state be amended so as to read as follows:

PROPOSED AMENDMENT.

Section 7½. Any county may frame a charter for its own government consistent with and subject to the constitution (or, having framed such a charter, may frame a new one), and relating to matters authorized by provisions of this article of the constitution, by causing a board of fifteen freeholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county, at a general or special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three-fifths of all the members of the board of supervisors of such county, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said county, or in pursuance of a petition of

qualified electors of said county as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said county, computed upon the total number of votes cast therein for all candidates for governor at the last preceding general election at which a governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within twenty days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of electors of the county, whether said petition is signed by the requisite number of qualified electors. If required by said clerk, the board of supervisors shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid or the presentation of said peti-

tion to said board of supervisors; provided, that if a general election shall occur in said county not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid, or such presentation of said petition to said board of supervisors, said board of freeholders may be elected at such general election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the nomination, by petition of electors, of candidates for county offices, to be voted for at general elections. It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said board of supervisors, to prepare and propose a charter for said county, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the county clerk of said county and the other in the office of the county recorder thereof. Said board of supervisors shall thereupon cause said proposed charter to be published for at least ten times in a daily newspaper of general circulation, printed, published and circulated in said county; provided, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in a weekly newspaper, of general circulation, printed, published and circulated in such county; and provided, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county, and the first publication or the posting of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the county clerk. The board of supervisors shall cause copies of such charter to be printed in convenient pamphlet form, and shall, until the date fixed for the election upon such charter, advertise in one or more newspapers of general circulation, published in said county, a notice that such copies may be had upon application therefor. If there is no newspaper published within the county, then such notice shall be posted by the county clerk in three public places in said county and on or near the entrance to at least one public schoolhouse in each school district within the county. Said proposed charter shall be submitted by said board of supervisors to the qualified electors of said county at a special election held not less than thirty days nor more than sixty days after the completion of such publication, or after such posting; provided, that if a general election shall occur in said county not less than thirty days nor more than sixty days after the completion of such publication, or after such posting, then such proposed charter may be so submitted at such general election. If a majority of said qualified electors, voting thereon at such general or special election, shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be forthwith submitted to the legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede any existing charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter. A copy of such charter, certified and authenticated by the chairman and clerk of the board of supervisors under the seal of said board and attested by the county clerk of said county, setting forth the submission of such charter to the electors of said county, and its

ratification by them, shall, after the approval of such charter by the legislature, be made in duplicate, and filed, one in the office of the secretary of state and the other, after being recorded in the office of the recorder of said county, shall be filed in the office of the county clerk thereof, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals therefor submitted by the board of supervisors of the county to the qualified electors thereof at a general or special election held not less than thirty days nor more than sixty days after the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said county; provided, that in any county where no such daily newspaper is printed, published and circulated, such proposed amendments shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; provided, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed amendments shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county. The board of supervisors shall cause copies of such proposed amendments to be printed in convenient pamphlet form, and shall until the date fixed for the election upon such proposed amendments, advertise in one or more newspapers of general circulation published in said county, a notice that such copies may be had upon application therefor. If a majority of such qualified electors voting thereon, at such general or special election, shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by ten per centum of the qualified electors of any county, computed upon the total number of votes cast in said county for all candidates for governor at the last general election, at which a governor was elected, is filed in the office of the county clerk of said county, petitioning the board of supervisors thereof to submit any proposed amendment or amendments to the charter of such county, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the county clerk, and if signed by the requisite number of qualified electors of such county, shall be presented to the said board of supervisors, by the said county clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said board of supervisors, said board must submit the amendment or amendments set forth therein to the qualified electors of said county at a general or special election held not less than thirty days nor more than sixty days after the publication or posting of such proposed amendment or amendments in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the board of supervisors. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Every special election held under the provisions of this section, for the election of boards of freeholders or for the submission of proposed charters, or any amendment or amendments thereto, shall be called by the board of supervisors, by ordinance, which shall specify the purpose and time of such election and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance, prior to such election, shall be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper, printed, published and circulated in said county; provided, that if no such daily or weekly newspaper be printed or published in such county, then a copy of such ordinance shall be posted by the county clerk in three public places in such county and in or near the entrance to at least one public schoolhouse in each school district therein. In all other respects, every such election shall be held and conducted, the returns thereof canvassed and the result thereof declared by the board of supervisors in the same manner as provided by law for general elections. Whenever boards of freeholders shall be elected, or any such proposed charter, or amendment or amendments thereto, submitted, at a general election, the general laws applicable to the election of county officers and the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto.

It shall be competent, in all charters, framed under the authority given by this section to provide, in addition to any other provisions allowable by this constitution, and the same shall provide, for the following matters:

1. For boards of supervisors and for the constitution, regulation and government thereof, for the times at which and the terms for which the members of said board shall be elected, for the number of members, not less than three, that shall constitute such boards, for their compensation and for their election, either by the electors of the counties at large or by districts; provided, that in any event said board shall consist of one member for each district, who must be a qualified elector thereof; and

2. For sheriffs, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, surveyors, district attorneys, auditors, assessors and superintendents of schools and other county officers to fill county offices which have been or shall hereafter be created by this constitution or by general law for the election or appointment of said officers, or any of them, for the times at which and the terms for which, said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for their qualifications, and for the manner of their appointment; and

3. For the number of justices of the peace and constables for each township, or for the number of such judges and other officers of such inferior courts as may be provided by the constitution or general law, or for the fixing of the number of such justices of the peace, and constables, or judges and other officers of such inferior courts, by boards of supervisors for the election or appointment of said officers, for the times at which and terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and if appointed, for their qualifications and the manner of their appointment; and

4. For the powers and duties of boards of supervisors and all other county officers, for their removal and for the consolidation and segregation of county offices, and for the manner of filling all vacancies occurring therein; provided, that the provisions of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws; provided, however, that the powers and duties of the district attorney in civil matters, the powers and duties of the county clerk in matters of elections and the registration of voters, and the powers and duties of members of the board

of supervisors as ex officio road commissioners, may be respectively segregated and assigned to new offices created for that purpose; provided, further, however, that such charter may provide that boards of supervisors may delegate to an executive committee or executive board, composed of members selected from its own body, certain of their administrative powers and duties, including the filling of appointments; and

4. For the assumption and discharge by county officers of certain of the municipal functions of the cities and towns within the county, whenever, in the case of cities and towns incorporated under general laws, the discharge by county officers of such municipal functions is authorized by general law, or whenever, in the case of cities and towns organized under section eight of this article, the discharge by county officers of such municipal functions is authorized by provisions of the charters, or by amendments thereto, of such cities or towns.

5. For the fixing and regulation by boards of supervisors, by ordinance, of the appointment and number of assistants, deputies, clerks, attaches and other persons to be employed, from time to time, in the several offices of the county, and for the prescribing and regulating by such charter or boards of the powers, duties, qualifications and compensation of such persons, the times at which and terms for which they shall be appointed, and the manner of their appointment and removal; and

6. For the compensation of such fish and game wardens, probation and other officers as may be provided by general law, or for the fixing of such compensation by boards of supervisors.

All elective officers of counties, and of townships, of road districts and of highway construction divisions therein shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers.

All charters framed under the authority given by this section, in addition to the matters hereinabove specified, may provide as follows:

For boards and offices other than those required by the constitution and laws of the state, or for the creation of any or all of such offices by boards of supervisors, for the election or appointment of persons to fill such offices, for their qualifications, and if appointed, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For offices hereafter created by this constitution or by general law, for the election or appointment of persons to fill such offices, for their qualifications, and if appointed, for the manner of such appointment, for the times at which and terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For the formation, in such counties, of road districts for the care, maintenance, repair, inspection and supervision only of roads, highways and bridges; and for the formation, in such counties, of highway construction divisions for the construction only of roads, highways and bridges; for the inclusion in any such district or division, of the whole or any part of any incorporated city or town, upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town, or portion thereof, proposed to be so included, at an election held for that purpose; for the organization, government, powers and jurisdiction of such districts and divisions, and for raising revenue therein, for such purposes, by taxation, upon the assent of a majority of the qualified electors of such districts or divisions, voting at an election to be held for that purpose; for the incurring of indebtedness therefor by such counties, districts or divisions for such purposes respectively, by the issuance and sale, by the counties, of bonds of such counties, districts or divisions, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes

against the property of the counties, districts or divisions, as the case may be, for the payment of the principal and interest of such indebtedness at maturity; provided, that any such indebtedness shall not be incurred without the assent of two-thirds of the qualified electors of the county, district or division, as the case may be, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same, and the procedure for voting, issuing and selling such bonds shall, except in so far as the same shall be prescribed in such charters, conform to general laws for the authorizing and incurring by counties of bonded indebtedness, so far as applicable; provided, further, that provisions in such charters for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges for which aid from the state is granted, shall be subject to such regulations and conditions as may be imposed by the legislature.

Whenever any county has framed and adopted a charter, and the same shall have been approved by the legislature, as herein provided, the general laws adopted by the legislature in pursuance of this article, shall, as to such county, be superseded by said charter as to matters for which, under this section it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided, and except that any such charter shall not affect the tenure of office of the elective officers of the county, or of any district, township or division thereof, already in office or elected at the time such charter is adopted by vote of the electors of such county as herein provided, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law, but such charter may provide for the termination of the tenure of office of all officers elected after the adoption of such charter by the electors of such county and prior to the approval of such charter by the legislature.

The charter of any county, adopted under the authority of this section, may be surrendered and annulled with the assent of two-thirds of the qualified electors of such county, voting at a special election, held for that purpose, and to be ordered and called by the board of supervisors of the county upon receiving a written petition, signed and certified as hereinabove provided for the purposes of the adoption of charters, requesting said board to submit the question of the surrender and annulment of such charter to the qualified electors of such county, and, in the event of the surrender and annulment of any such charter, such county shall thereafter be governed under general laws in force for the government of counties. All provisions of any charter of any county heretofore adopted and amendments thereto, which are in accordance herewith, and all acts done in accordance with such charter provisions, are hereby confirmed and declared valid.

The provisions of this section shall not be applicable to any county that is consolidated with any city.

Section seven and one-half, article eleven, proposed to be amended, now reads as follows:

EXISTING PROVISIONS.

Section 7j. Any county may frame a charter for its own government consistent with and subject to the constitution (or, having framed such a charter, may frame a new one), and relating to matters authorized by provisions of the constitution, by causing a board of fifteen freeholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county, at a general or special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three-fifths of all the

members of the board of supervisors of such county, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said county, or in pursuance of a petition of qualified electors of said county as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said county, computed upon the total number of votes cast therein at all candidates for governor at the last preceding general election at which a governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within twenty days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of electors of the county, whether said petition is signed by the requisite number of qualified electors. If required by said clerk, the board of supervisors shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid or the presentation of said petition to said board of supervisors; provided, that if a general election shall occur in said county not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid, or such presentation of said petition to said board of supervisors, said board of freeholders may be elected at such general election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the nomination, by petition of electors, of candidates for county offices, to be voted for at general elections. It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said board of supervisors, to prepare and propose a charter for said county, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the county clerk of said county and the other in the office of the county recorder thereof. Said board of supervisors shall thereupon cause said proposed charter to be published for at least ten times in a daily newspaper of general circulation, printed, published and circulated in said county; provided, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; and provided, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county, and the first publication or the posting of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the county clerk. Said proposed charter shall be submitted by said board of supervisors to the qualified electors of said county at a special election held not less than thirty days nor more than sixty days after the completion of such publication, or after such posting; provided, that if a general election shall occur in said county not less than thirty days nor more than s:

days after the completion of such publication, or after such posting, then such proposed charter may be so submitted at such general election. If a majority of said qualified electors, voting thereon at such general or special election, shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be forthwith submitted to the legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede any existing charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter. A copy of such charter, certified and authenticated by the chairman and clerk of the board of supervisors under the seal of said board and attested by the county clerk of said county, setting forth the submission of such charter to the electors of said county, and its ratification by them, shall, after the approval of such charter by the legislature, be made in duplicate, and filed, one in the office of the secretary of state and the other, after being recorded in the office of the recorder of said county, shall be filed in the office of the county clerk thereof, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals therefor submitted by the board of supervisors of the county to the qualified electors thereof at a general or special election held not less than thirty days nor more than sixty days after the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said county; provided, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; provided, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county. If a majority of such qualified electors voting thereon, at such general or special election, shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by ten per centum of the qualified electors of any county, computed upon the total number of votes cast in said county for all candidates for governor at the last general election, at which a governor was elected, is filed in the office of the county clerk of said county, petitioning the board of supervisors thereof to submit any proposed amendment or amendments to the charter of such county, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the county clerk, and if signed by the requisite number of

qualified electors of such county, shall be presented to the said board of supervisors, by the said county clerk, as hereinafter provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said board of supervisors, said board must submit the amendment or amendments set forth therein to the qualified electors of said county at a general or special election held not less than thirty days nor more than sixty days after the publication or posting of such proposed amendment or amendments in the same manner as hereinafter provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the board of supervisors. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Every special election held under the provisions of this section, for the election of boards of freeholders or for the submission of proposed charters, or any amendment or amendments thereto, shall be called by the board of supervisors, by ordinance, which shall specify the purpose and time of such election and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance, prior to such election, shall be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper, printed, published and circulated in said county; provided, that if no such daily or weekly newspaper be printed or published in such county, then a copy of such ordinance shall be posted by the county clerk in three public places in such county and in or near the entrance to at least one public schoolhouse in each school district therein. In all other respects, every such election shall be held and conducted, the returns thereof canvassed and the result thereof declared by the board of supervisors in the same manner as provided by law for general elections. Whenever boards of freeholders shall be elected, or any such proposed charter, or amendment or amendments thereto, submitted, at a general election, the general laws applicable to the election of county officers and the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto.

It shall be competent, in all charters, framed under the authority given by this section to provide, in addition to any other provisions allowable by this constitution, and the same shall provide, for the following matters:

1. For boards of supervisors and for the constitution, regulation and government thereof, for the times at which and the terms for which the members of said board shall be elected, for the number of members, not less than three, that shall constitute such boards, for their compensation and for their election, either by the electors of the counties at large or by districts; provided, that in any event said board shall consist of one member for each district, who must be a qualified elector thereof; and

2. For sheriffs, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, surveyors, district attorneys, auditors, assessors and superintendents of schools, for the election or appointment of said officers, or any of them, for the times at which and the terms for which, said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for the manner of their appointment; and

3. For the number of justices of the peace and constables for each township, or for the number of such judges and other officers of such inferior courts as may be provided by the constitution or general law, for the election or appointment of said officers, for the times at which and the terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and if appointed, for the manner of their appointment; and

4. For the powers and duties of boards of supervisors and all other county officers, for their removal and for the consolidation and segregation of county offices, and for the manner of filling all vacancies occurring therein; provided, that the provisions of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws; and

4. For the assumption and discharge by county officers of certain of the municipal functions of the cities and towns within the county, whenever, in the case of cities and towns incorporated under general laws, the discharge by county officers of such municipal functions is authorized by general law, or whenever, in the case of cities and towns organized under section eight of this article, the discharge by county officers of such municipal functions is authorized by provisions of the charters, or by amendments thereto, of such cities or towns.

5. For the fixing and regulation by boards of supervisors, by ordinance, of the appointment and number of assistants, deputies, clerks, attaches and other persons to be employed, from time to time, in the several offices of the county, and for the prescribing and regulating by such boards of the powers, duties, qualifications and compensation of such persons, the times at which, and terms for which they shall be appointed, and the manner of their appointment and removal; and

6. For the compensation of such fish and game wardens, probation and other officers as may be provided by general law, or for the fixing of such compensation by boards of supervisors.

All elective officers of counties, and of townships, of road districts and of highway construction divisions therein shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers.

All charters framed under the authority given by this section, in addition to the matters herein above specified, may provide as follows:

For offices other than those required by the constitution and laws of the state, or for the creation of any or all of such offices by boards of supervisors, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For offices hereafter created by this constitution or by general law, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For the formation, in such counties, of road districts for the care, maintenance, repair, inspection and supervision only of roads, highways and bridges; and for the formation, in such counties, of highway construction divisions for the construction only of roads, highways and bridges; for the inclusion in any such district or division, of the whole or any part of any incorporated city or town, upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town, or portion thereof, proposed to be so included, at an election held for that purpose; for the organization, government, powers and jurisdiction of such districts and divisions, and for raising revenue therein, for such purposes, by taxation, upon the assent of a majority of the qualified electors of such districts or divisions, voting at an election to be held for that purpose; for the incurring of indebtedness therefor by such counties, districts or divisions for such purposes respectively, by the issuance and sale, by the counties, of bonds of such counties, districts or divisions, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the counties, districts or divisions, as the case may be, for the payment of the principal and interest of such indebted-

ness at maturity; provided, that any such indebtedness shall not be incurred without the assent of two-thirds of the qualified electors of the county, district or division, as the case may be, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness, as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same, and the procedure for voting, issuing and selling such bonds shall, except in so far as the same shall be prescribed in such charters, conform to general laws for the authorizing and incurring by counties of bonded indebtedness, so far as applicable; provided, further, that provisions in such charters for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges for which aid from the state is granted, shall be subject to such regulations and conditions as may be imposed by the legislature.

Whenever any county has framed and adopted a charter, and the same shall have been approved by the legislature, as herein provided, the general laws adopted by the legislature in pursuance of sections four and five of this article, shall, as to such county, be superseded by said charter as to matters for which, under this section it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided; and except that any such charter shall not affect the tenure of office of the elective officers of the county, or of any district, township or division thereof, in office at the time such charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law.

The charter of any county, adopted under the authority of this section, may be surrendered and annulled with the assent of two-thirds of the qualified electors of such county, voting at a special election, held for that purpose, and may be ordered and called by the board of supervisors of the county upon receiving a written petition, signed and certified as heretofore provided for the purposes of the adoption of charters, requesting said board to submit the question of the surrender and annulment of such charter to the qualified electors of such county, and, in the event of the surrender and annulment of any such charter, such county shall thereafter be governed under general laws in force for the government of counties.

The provisions of this section shall not be applicable to any county that is consolidated with any city.

ARGUMENT IN FAVOR OF ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 34.

The changes here proposed are eight, but highly important. Section seven and one-half of article eleven of the constitution, making provision for county charters, was adopted in 1911, and amended in 1914. Two counties have availed themselves of its authorization. The general principle of the section is so sound, and has been endorsed so recently by the people of the state, that no argument in its favor is necessary.

No change in the method of procedure for the adoption of county charters is made, outside of a provision providing for the free distribution of copies of the proposed charter to the electors of the county.

The amendment can affect only those counties now or hereafter operating under a charter, and is designed to give to the people of a county desiring to frame a charter greater powers of self-government in local affairs. Such provisions are not mandatory, however, but are optional with the people of each county in framing a charter.

This amendment makes it optional for the people of a county to avail themselves of the civil service system of appointment of all or any county employees, and the promotion and removal of such county employees based on merit as service, and is a great step forward in making for greater efficiency and economy, and the elimination of duplication of effort and waste in the administration of the county government.

In those counties where, by reason of local conditions, it is advisable to segregate the duties of certain county officers, the people of any county may provide in their charter, in furtherance of more efficient service, for the segregation of such duties and the assigning of such duties to new offices created for that purpose. But this provision is permissive only, and is not mandatory.

As the law now stands, the people of a county have the right to have its board of supervisors consist of as many members as they think local conditions make expedient. In those counties which desire, in their charter, to provide for a larger membership on the board of supervisors in order to meet local conditions, and to secure a

more representative, and a better deliberative and policy-forming body, it is advisable, in order to expedite business, to have a smaller committee composed of its own members, to perform the ministerial and routine functions of the board. The optional power to delegate such duties to a small committee of its own members is made possible by this amendment, and is a step toward the commission form of government.

The amendment permits the tenure of officers elected after the adoption of a charter, but before its approval by the legislature, to be affected, should such charter so provide.

Of course, as is usual in order to prevent useless litigation as to the validity of the provisions of county charters which have been heretofore adopted, a validating clause is inserted in this amendment, validating such provisions in such charters as are authorized by the constitution.

ELMER L. SISSON,
Assemblyman Fifth District.

HENRY W. WRIGHT,
Assemblyman Sixty-ninth District.

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MANNER IN WHICH PROPOSED CONSTITUTIONAL AMENDMENTS AND REFERENDUM MEASURES WILL BE DESIGNATED AND APPEAR ON THE BALLOT.

| | | | |
|-----------|--|-----|--|
| 1 | DIRECT PRIMARY LAW. Submitted to electors by referendum. Defines political parties; declares that office of United States senator, representative in congress, congressional party committeeman, delegate to national party convention and presidential elector shall be partisan, and all other offices non-partisan; regulates primary elections, nomination of candidates, form of ballot and voting at such elections, canvassing returns thereof, contests and fees; defines lawful campaign expenses and requires statement thereof; provides for election and organization of congressional party committees by political parties; provides penalties for violation of act, and repeals primary law of 1913. | YES | |
| | | NO | |
| 2 | FORM OF BALLOT LAW. Submitted to electors by referendum. Provides for the size, form and manner of printing of ballots to be used at general elections, including gubernatorial and presidential elections, for the determination of the order in which state, district and county offices shall appear thereon, for the preparation of ballot titles for measures submitted to the electors, and for the manner in which such titles, offices and names of candidates therefor, and instructions to voters shall be printed upon such ballots. | YES | |
| | | NO | |
| 3 | TERM OF SUPERIOR JUDGES. Senate Constitutional Amendment 2 adding section 6½ to article VI of constitution making term of office of superior judges twelve years except judges elected to fill unexpired terms. Declares them subject to recall, impeachment and removal provisions relating to judges. | YES | |
| | | NO | |
| 4 | TERM OF JUDGES FILLING VACANCIES. Senate Constitutional Amendment 11 adding section 10½ to article VI of constitution providing that when term of office of judge of supreme court, district court of appeal or superior court expires on first Monday in January following general election person appointed by governor to fill vacancy therein shall hold for remainder of unexpired term for which such judge was elected or appointed. | YES | |
| | | NO | |
| 5 | RURAL CREDITS. Senate Constitutional Amendment 17 amending section 31 of article IV of constitution. Present section unchanged but clause added authorizing legislature to provide land colonization system, establish rural credits system in aid of agriculture, authorize issuance of bonds secured by first mortgages on farms, declaring same exempt from taxation and acceptable as security for public deposits, provide for state participation in rural credits system by establishing trust fund, authorize trustees thereof to issue bonds, guaranteed by state, upon securities thereof, and deal generally in rural credit bonds. Authorizes legislature to effect purposes of section notwithstanding contrary constitutional provisions. | YES | |
| | | NO | |
| 6 | DEPOSIT OF PUBLIC MONEYS. Senate Constitutional Amendment 19 amending section 16½ of article XI of constitution. Provides that state, county or municipal moneys may be deposited in bank under such conditions as may be provided by law adopted by initiative or by two-thirds vote of each house of legislature approved by governor and subject to referendum; continues in force laws now governing deposit of such moneys until same are changed as in this section authorized. | YES | |
| | | NO | |
| 7 | INITIATIVE AND REFERENDUM. Senate Constitutional Amendment 22 amending section 1 of article IV of constitution. Present section unchanged except in following particulars: provides that no law creating a bonded indebtedness shall be enacted by initiative by electors without assent of two-thirds of qualified electors voting thereon; authorizes legislature to protect initiative and referendum petitions from fraud and misrepresentation. | YES | |
| | | NO | |
| 8 | CONDEMNATION FOR PUBLIC PURPOSES. Senate Constitutional Amendment 27 adding section 20 to article XI of constitution. Authorizes state, county or municipality to condemn neighboring property within its limits additional to that actually intended for proposed improvement; declares same taken for public use; defines estate therein and manner of dealing therewith to further such improvement; permits county or municipality to condemn lands within ten miles beyond its boundaries for certain public purposes, with consent of other county or municipality if such lands lie therein; requires terms of condemnation, lease or disposal of such additional property to be prescribed by law. | YES | |
| | | NO | |
| 9 | TAXATION. Senate Amendment 38. Amends constitution article XIII, sections 1 and 9, repeals sections 10 and 14 thereof. Declares legislature shall provide by general law for taxation, classify subjects thereof, designate classes wholly or partly taxable for state, county, municipal and district revenues, same class being uniformly taxed within territory of taxing authority; may make tax in lieu of other taxes or licenses; tax commission to administer state taxation. Defines exemptions. Declares completed assessments not affected by section. Continues in office present board of equalization members until January, 1919, and present duties thereof, and existing laws, until changed. | YES | |
| | | NO | |
| 10 | EXEMPTING PROPERTY FROM TAXATION. Assembly Constitutional Amendment 15 amending section 1½ of article XIII of constitution. In addition to exemption of church property under present section, exempts from taxation all buildings and so much real property on which same are situated as may be required for convenient use and occupation of said buildings when same are used solely and exclusively for social purposes for the benefit of the organized religious body using said property for such purposes; provides that exemption shall not extend to building so used rented for religious purposes and rent received by owner therefor. | YES | |
| | | NO | |
| 11 | COUNTY CHARTERS. Assembly Constitutional Amendment 34 amending section 7½ of article XI of constitution. Present section unchanged except as follows: such charters may provide for election, appointment and tenure of all county officers, number of justices, constables and officers of inferior courts, qualifications of all such officers, if appointed, assignment to new officers of certain functions of certain officers, delegation to executive committee of supervisors of certain administrative functions, and creation of additional boards and offices. Determines tenure of elective officers in office on approval of charter. Validates charters and amendments adopted under present section. | YES | |
| | | NO | |

CERTIFICATE OF SECRETARY OF STATE.

STATE OF CALIFORNIA. DEPARTMENT OF STATE.
SACRAMENTO, CALIFORNIA.

I, Frank C. Jordan, Secretary of State of the State of California, do hereby certify that the foregoing eleven measures will be submitted to the electors of the State of California at the special election to be held throughout the State on the twenty-sixth day of October, 1915.

Witness my hand and the great seal of State, at office in Sacramento, California, the fifteenth day of September, A. D. 1915.



Frank C. Jordan
Secretary of State.

DEPARTMENT OF STATE PRINTING
ROBERT L. TELFER, Superintendent
Sacramento, California