

CITY COUNCIL MEETING
AUGUST 21, 1985

COMMUNICATIONS
(CITY CLERK)

NONPARTISAN
ELECTIONS -
ASSEMBLY
CONSTITUTIONAL AMENDMENT
(ACA 7)

Information was presented to the Council from City Manager Peterson regarding Assembly Constitutional Amendment (ACA 7) regarding nonpartisan elections. Council was informed that in order for the voters to have the chance to vote on this important issue in the June 1986 election, two actions must occur:

- 1) passage by the Assembly no later than August 30, 1985
- 2) confirmation by the Senate no later than January 8, 1986

Council, on motion of Council Member Olson, Reid second, supported the placing of ACA 7 (Nonpartisan Elections) on the June 1986 ballot and directed the City Clerk to forward letters indicating this action to representatives in the State Legislature.

cc18

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL

DATE

NO.

FROM: THE CITY MANAGER'S OFFICE

AUGUST 9, 1985

SUBJECT:

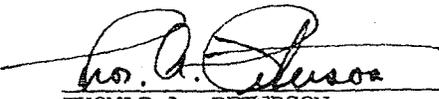
NONPARTISAN ELECTIONS - ASSEMBLY CONSTITUTIONAL AMENDMENT (ACA) 7

Attached is a copy of the League president's message in the August issue of Western City magazine. This matter was discussed by a panel at the League's annual Mayors and Councilmembers Legislative Conference in May in Sacramento, attended by Councilmembers Olson and Reid and me. The message needs no elaboration. In order for the voters to have the chance to vote on this important issue in the June 1986 election, two actions must occur:

- . passage by the Assembly no later than August 30, 1985
- . confirmation by the Senate no later than January 8, 1986.

Also attached is a copy of that section of the latest League's Legislative Bulletin which addresses this issue.

It is recommended that the City Council take action at its regular meeting of August 21, 1985 in support of the placing of ACA 7 on the June 1986 ballot, and that this support be conveyed to our representatives in the State Legislature.


THOMAS A. PETERSON
CITY MANAGER

TAP:vc

attachments

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Is Partisan Electioneering Appropriate in Nonpartisan Elections? Let the People Decide.

Last December's decision by the California Supreme Court in the case of *Unger v. Superior Court of the City and County of San Francisco* has opened the door for political parties to endorse and otherwise support candidates in judicial and local nonpartisan elections.

Long considered to be prohibited by law, such partisan electioneering in otherwise nonpartisan elections would fundamentally change the way judges and local office holders are chosen and how they approach their responsibilities.

The *Unger* case challenged one party's campaign against confirmation of three justices of the Supreme Court in the 1982 General Election. Those three justices correctly stepped aside and were replaced by retired district court judges. Once reconstituted, the Court ruled against *Unger*, finding no provision in either the Elections Code or the California Constitution which specifically prohibits electioneering by the parties in nonpartisan elections.

That leaves it up to the Legislature to act. And, during the 1985-86 session, the lawmakers are considering a Constitutional Amendment — ACA 7 — which would restore the spirit of nonpartisanship to nonpartisan elections by adding the following to the California Constitution: "No political party or party central committee may endorse, support, or oppose a candidate for nonpartisan office."

But, the Amendment faces a bleak future in the increasingly partisan Legislature, unless city officials and the voters speak up.

Without the Amendment, elections for nonpartisan offices would remain "nonpartisan" in only two respects: the parties would not be permitted to nominate candidates and no party affiliation would appear on the ballot. In every other way "nonpartisan" elections clearly would be partisan: the parties could endorse and oppose candidates, raise funds, devise strategies to elect or defeat candidates, and infuse money into campaigns. Such elections would be "nonpartisan" in name only.

Probably the most alarming scenario made possible by this gap in the law is the spectre of a politically aligned judiciary. Who would trust the fairness of a trial, which may limit one's freedom or prosperity, to a judiciary whose members owe their allegiance — not to the people or to justice — but to the political parties which helped them get elected?

On the local level, I'm concerned that the intrusion of party politics will . . .

— lead to what has been dubbed the "private primary", where a party's candidates are chosen, not by the voters, but by a handful of people, acting in private, who comprise the party's central committee, people whose names are rarely recognizable by the people,

— create an environment for less open and less responsive government at the local level, and

— create divided loyalties among those who are elected to serve their neighbors — not their party bosses.

I can vouch for the fact that it often is necessary to put aside narrow self-interest for the good of the community and that it is possible for honorable people to do so. But, it is wiser when a political system removes the temptation to act selfishly in the interest of ensuring good government.

The concept of nonpartisan judicial and local elections has worked well in California for many decades. But, that record may be threatened unless the people have a chance to vote on ACA 7.

To appear on the June 1986 ballot, ACA 7 must be passed by the Assembly no later than August 30 and confirmed by the Senate no later than January 8. That makes it essential for Californians to act now to ensure their voices can be heard next June.

A change of this magnitude should not take place simply because our Senators and Assembly Members fail to act. By passing ACA 7, the Legislature can ensure that a change as significant as this is to the people of California will be decided by the people.

Whether the voters agree that the nonpartisan spirit of nonpartisan elections should be preserved is immaterial.

The question is: Given the partisan nature of politics in the Legislature, will the people get a chance to decide?

— Bill Carroll

4. SUPPORT

Nonpartisan Elections. ACA 7 (Mountjoy). ACA 7 still lacks the votes necessary for passage in the Assembly Elections and Reapportionment Committee. This proposed Constitutional Amendment reverses a

California Supreme Court decision which held that neither the California Constitution nor statutes prohibit political parties or their central committees from supporting, endorsing, or opposing candidates for nonpartisan office (i.e., judges, school board members, city council members and county supervisors).

In an effort to build public support for placing this important issue before the voters of California, the League recently distributed a press kit to newspapers statewide asking for their editorial support. City officials are urged to immediately contact their respective newspapers encouraging editorial support to ensure that these important, local offices remain nonpartisan. If the Constitutional Amendment is to be on the ballot in June of 1986 action on this measure must occur in the Assembly Elections Committee August 19 then be immediately acted upon in the Senate when the Legislature returns in January. This is an issue where a council resolution from every city will be necessary if members of the Assembly Elections and Reapportionment Committee will act to put this important issue before the people. City councils are urged to immediately contact their respective Assembly Members and members of the Assembly Elections and Reapportionment Committee before August 21. Committee members are: Klehs, Chair; Mountjoy, Vice Chair; Chacon, Costa, Davis, Elder, Filante, La Follette, and, Peace. (Referred to previously in Bulletins #7-1985, #15-1985.)
